

1 OFFICE OF THE COUNTY COUNSEL
2 COUNTY OF SANTA CLARA
3 JAMES R. WILLIAMS - # 271253
4 County Counsel
5 james.williams@cco.sccgov.org
6 GRETA S. HANSEN - # 251471
7 DANIELLE L. GOLDSTEIN - # 257486
8 KAVITA NARAYAN - # 264191
9 JAVIER SERRANO - # 252266
10 JULIA B. SPIEGEL - # 292469
11 ADRIANA L. BENEDICT - # 306936
12 70 West Hedding Street
13 East Wing, Ninth Floor
14 San Jose, CA 95110-1770
15 Telephone: 408 299-5900
16 Facsimile: 408 292-7240

KEKER & VAN NEST LLP
JOHN W. KEKER - # 49092
jkeker@kvn.com
ROBERT A. VAN NEST - # 84065
rvannest@kvn.com
DANIEL PURCELL - # 191424
dpurcell@kvn.com
CODY S. HARRIS - # 255302
charris@kvn.com
NICHOLAS S. GOLDBERG - # 273614
ngoldberg@kvn.com
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
Facsimile: 415 397 7188

Attorneys For Plaintiff COUNTY OF SANTA CLARA

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 COUNTY OF SANTA CLARA,
15 Plaintiff,
16 v.

17 DONALD J. TRUMP, President of the
18 United States of America, JOHN F. KELLY,
19 in his official capacity as Secretary of the
20 United States Department of Homeland
21 Security, JEFFERSON B. SESSIONS, in his
22 official capacity as Attorney General of the
23 United States, JOHN MICHAEL "MICK"
MULVANEY, in his official capacity as
Director of the Office of Management and
Budget, and DOES 1-50,
Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF ROBERT
MENICOCCI, DIRECTOR OF SANTA
CLARA COUNTY SOCIAL SERVICES
AGENCY**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Judge: Hon. William H. Orrick

Date Filed: February 3, 2017

Trial Date: Not yet set

1 I, ROBERT MENICOCCI, declare as follows:

2 1. I am a resident of the State of California. I have personal knowledge of the facts
3 set forth in this declaration. If called as a witness, I could and would testify competently to the
4 matters set forth herein.

5 2. I am employed as the Director of the County of Santa Clara's ("County") Social
6 Services Agency. I have held the Social Services Agency Director position from 2015 to the
7 present. I am responsible for overseeing more than 2,800 Social Services Agency employees who
8 provide a wide array of social services throughout the entire County, including all 15 cities within
9 the County and the County's unincorporated areas. One of the largest agencies in County
10 government, the Social Services Agency represents approximately 12% of the entire County
11 budget.

12 3. Prior to becoming the Social Services Agency Director, I served in financial
13 management capacities at two California counties, Lake County and Santa Barbara County. I was
14 also employed for two years as a Deputy Commissioner for Management and Budget for the
15 Commonwealth of Massachusetts's Department of Mental Health. I also served for six years as
16 the Chief Financial Officer and Vice President of AP Associates, a consulting firm in
17 Massachusetts that specialized in public consultation on a variety of federal, state, and local rules,
18 regulations, policies, and procedures to enable its public-agency clients to have maximum access
19 to financial resources.

20 4. The mission of the County's Social Services Agency is to provide resources and
21 opportunities in order to enhance the quality of life in our community by protecting and
22 delivering necessary services to individuals and families.

23 5. In the most recently completed fiscal year, from July 1, 2015 through June 30,
24 2016, the Social Services Agency's total expenditures were approximately \$775 million. During
25 the same fiscal year, the Social Services Agency received approximately \$311 million of revenue
26 from federal funds. The Social Service Agency also received approximately \$371 million in
27 revenue from state funds during Fiscal Year 2015-2016. Although Fiscal Year 2016-2017 is still
28 in progress, I expect the Social Service Agency's expenditures for this year to be consistent with.

1 and likely somewhat larger than, the previous year. Before the Executive Order at issue in this
2 case, the Agency's budgeted federal revenue also was expected to be slightly higher in the current
3 fiscal year than the last fiscal year.

4 6. All of the Social Services Agency's federal funds pass through the State of
5 California to the County, and more than 99% of these are reimbursement-based.

6 7. The Social Services Agency serves County residents through three different
7 departments: (1) the Department of Aging and Adult Services; (2) the Department of
8 Employment and Benefit Services; and (3) the Department of Family and Children's Services.

9 8. The Department of Aging and Adult Services serves seniors, dependent adults, and
10 the disabled through the delivery of protective services, quality nutrition, and supportive in-home
11 services. In addition, the Department of Aging and Adult Services evaluates community needs,
12 develops programs and services, and advises on matters of policy that concern the welfare of
13 seniors and persons with disabilities. Department of Aging and Adult Services programs funded
14 with federal dollars include In-Home Supportive Services, the Senior Nutrition Program, and
15 Adult Protective Services.

16 9. In-Home Supportive Services is a federally, state-, and locally funded program
17 designed to provide assistance to eligible elderly, blind, and disabled County residents who,
18 without this care, would be unable to remain safely in their own homes. This program provides
19 services according to the recipient's ability to perform daily activities, and can include feeding,
20 bathing, dressing, housekeeping, laundry, shopping, meal preparation and clean up, respiration,
21 bowel and bladder care, moving in and out of bed, accompaniment to medical appointments,
22 paramedical services, and protective supervision. In Fiscal Year 2015-2016, the In-Home
23 Supportive Services program served an average of over 21,000 County residents each month. It
24 received over \$45 million in federal funds and over \$86 million in state funds that year.

25 10. The Senior Nutrition Program provides meals to seniors and promotes the role of
26 nutrition in preventive health and long-term care. All meals are planned to meet one-third of the
27 daily recommended dietary allowances for adults and are approved and monitored by a staff of
28 Registered Dietitians. In Fiscal Year 2015-2016, the Senior Nutrition Program served nearly

1 650,000 meals at 39 sites in addition to providing more than 680,000 home-delivered meals. The
2 Senior Nutrition Program received over \$2 million in federal funds in Fiscal Year 2015-2016.

3 11. The Department of Employment and Benefit Services provides low-income
4 County residents with access to programs that provide health insurance, employment services,
5 foster care benefits, food assistance, and support for basic living costs. In doing so, it promotes
6 the transition of public assistance recipients to employment and self-sufficiency. Federally-
7 funded programs for which the Department of Employment and Benefit Services provides
8 eligibility, enrollment, maintenance, and transitional services include Medi-Cal, CalWORKs,
9 CalFresh, and Refugee Cash Assistance.

10 12. Medi-Cal provides healthcare coverage to low-income families and individuals,
11 seniors, persons with disabilities, foster-care children, and pregnant women. During Fiscal Year
12 2015-2016, each month approximately 411,000 County residents received a broad spectrum of
13 medical services through Medi-Cal such as preventive and primary care, pre-natal care, mental
14 health services, long-term care, and both vision and dental coverage. Thirty-eight percent of the
15 County's Medi-Cal recipients were children. In Fiscal Year 2015-2016, the Social Services
16 Agency received over \$74 million in federal funds and over \$73 million in state funds for Medi-
17 Cal and other health-related administrative expenses.

18 13. The CalWORKs program helps eligible families become self-supporting through
19 temporary cash aid, child care, and assistance in finding and keeping a job. During Fiscal Year
20 2015-2016, over 19,000 County residents received CalWORKs benefits each month.
21 Approximately 80 percent of these beneficiaries were children. The Department of Employment
22 and Benefit Services provided employment training services to an average of 2,663 County
23 residents per month. In Fiscal Year 2015-2016, the Social Services Agency received over \$91
24 million in federal funds and over \$58 million in state funds for CalWORKs and other programs
25 related to Temporary Assistance for Needy Families.

26 14. CalFresh helps low-income County residents buy food by using a benefit card at a
27 grocery store or other authorized place. During Fiscal Year 2015-2016, CalFresh assistance was
28 provided to an average of 109,000 County residents each month. In Fiscal Year 2015-2016, the

1 Social Services Agency received over \$30 million in federal funds and over \$36 million in state
2 funds to administer CalFresh for County residents.

3 15. The Department of Family and Children's Services provides child welfare services
4 to protect, prevent, and remedy abuse and neglect of children while advancing child and family
5 safety and well-being. It promotes diversion, prevention, and in-home services to prevent the
6 removal of children from their homes and to support less restrictive placement options for
7 children that have been removed from their homes. In doing so, the department partners with
8 diverse community organizations to ensure that any child or youth who is at risk or has suffered
9 abuse or neglect is safe, cared for and grows up in a stable, loving family, on a path to reaching
10 their unique potential.

11 16. Child welfare services include emergency response services, family maintenance
12 services, family reunification services, and permanent placement services for children or youth at
13 risk of abuse and neglect, children in out-of-home placements, and adopted children. During each
14 month of Fiscal Year 2015-2016, the Department of Family and Children's Services received an
15 average of 1,202 child abuse and neglect referrals. Each month, family maintenance services
16 were provided to an average of 722 children living in their homes, and services to assist with
17 independent living were provided to an average of 225 youth transitioning from out-of-home
18 care. There were an average of 1,243 children in out-of-home placements each month. In
19 addition, during Fiscal Year 2015-2016, approximately 3,000 families of adopted children with
20 special needs received assistance through the Adoption Assistance Program. In Fiscal Year 2015-
21 2016, the Social Services Agency received over \$63 million in federal funds and over \$105
22 million in state funds for child welfare services.

23 17. The elimination of federal funding to the County would be devastating for the
24 Social Services Agency. It would result in a drastic and across-the board reduction of services
25 and staff positions in the Department of Aging and Adult Services, the Department of
26 Employment and Benefit Services, and the Department of Family and Children's Services. The
27 Social Services Agency's direct services primarily benefit low-income individuals, children,
28

1 seniors, and people with disabilities. Many if not most of the Social Service Agency's clients
2 lack financial or other means to otherwise obtain the services they need.

3 18. To put this into stark terms, the loss of In-Home Supportive Services funding
4 would require more than 20,000 frail and elderly County residents to be placed in convalescent
5 homes or require family members to forego gainful employment in order to care for them at
6 home, assuming they have family members who are willing and able to do so.

7 19. The loss of the Senior Nutrition Program funding would deny thousands of seniors
8 in the County reliable access to healthy and nutritious food.

9 20. The loss of funding for Medi-Cal enrollment and benefits administration could
10 cause more than 400,000 low-income County residents to lose health coverage and would
11 drastically decrease revenue to the County's safety-net Health and Hospital System.

12 21. The loss of funding for CalFresh benefits administration would cause more than
13 100,000 County residents to go hungry each year.

14 22. The loss of CalWORKs funding would deprive more than 19,000 County residents
15 striving to become self-sufficient with the assistance needed to achieve that goal.

16 23. The loss of Adoption Assistance Program funding would reduce access to therapy
17 and other necessary services for approximately 3,000 disabled children with complicated medical
18 conditions.

19 24. The loss of funding for child welfare services, including foster care, would subject
20 thousands of the County's most vulnerable children to abuse and neglect.

21 25. The impact of any significant loss in federal funding would almost certainly force
22 the Social Services Agency to narrow its focus, cutting back its portfolio of services to the
23 minimum that the Social Services Agency is mandated by state law to provide, including child
24 welfare services, adult protective services, public guardian and public administrator services, and
25 cash assistance for the County's neediest residents. Ultimately, because the Social Services
26 Agency provides many of the core services to combat poverty and insecurity at the local level, a
27 loss of its federal funding to the Social Services Agency would result in poorer educational and
28

1 economic outcomes for children, decreased quality of life and life expectancy for seniors, and
2 tremendous uncertainty for families who are striving to become productive members of society.

3 26. Moreover, the loss of federal funding would be felt far beyond the County
4 residents who directly rely on the Social Services Agency's safety-net services. More than half of
5 the Social Services Agency's 2,800+ coded positions are funded at least in part by federal dollars.
6 An additional approximately 23,000 individuals working under contract with the Social Services
7 Agency providing food, counseling, domestic violence intervention, child abuse prevention, day
8 care, senior services, legal services, emergency shelter, health care, immigration counseling, job
9 training, education, and social adjustment programs were fully or partially supported by federal
10 dollars in Fiscal Year 2015-2016.

11
12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct and that this declaration was executed on February 17, 2017 in San
14 Jose, California.

15
16 
17 _____
18 ROBERT MENICOCCI
19
20
21
22
23
24
25
26
27
28