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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, DANA J. BOENTE, in his official
22 capacity as Acting 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. 5:17-cv-00574-WHO

**DECLARATION OF SANTA CLARA
COUNTY CHIEF OPERATING OFFICER
MIGUEL MÁRQUEZ**

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, Miguel Márquez, hereby declare as follows:

2 1. I am the Chief Operating Officer for the County of Santa Clara (the “County”). I
3 make this declaration in support of the County’s motion for preliminary injunction based on my
4 personal knowledge. If called upon to do so, I could and would testify competently to the
5 contents of this declaration.

6 2. I have been the Chief Operating Officer for the County since August 2016. In this
7 capacity, I supervise and oversee the County’s operations, including among many other things,
8 the development and implementation of County departments’ budgets. From 2012-2016, I served
9 as an Associate Justice on California’s Sixth District Court of Appeal. Before my appointment to
10 the Court of Appeal, from 2009-2012, I served as County Counsel and the Acting County
11 Counsel of the County. In this capacity, I advised the County Board of Supervisors and
12 executives on a broad range of legal issues, including issues involving finance, local governance,
13 and local policy issues, including cooperation with Immigration and Customs Enforcement.
14 Before my employment at the County, I represented several other public entities in connection
15 with matters involving governance and finance, among other things.

16 3. In all, I have been in high-level roles at the County and other public entities for
17 nearly twenty years. I am extremely familiar with the County’s policies, structure, operations,
18 and budgeting processes, and have been involved in the preparation of dozens of public entity
19 budgets. I am currently integrally involved in the County’s budget process.

20 4. I am familiar with Executive Order 13768 of January 25, 2017, entitled
21 “Enhancing Public Safety in the Interior of the United States” (the “Order”). That Order
22 threatens to withhold federal funds from “sanctuary jurisdictions.” The potential loss of federal
23 funding if the County is deemed to be a sanctuary jurisdiction has placed the County’s budget
24 process and its plans for providing services in an untenable position. This is due to the
25 tremendous uncertainty relating to the amount of resources that may or may not be available to
26 provide critical services—now and in the future—to County residents.

27 5. The County provides basic safety-net services to the most vulnerable residents in
28 our community. It also serves the public more generally in areas such as emergency planning and

1 public health services.

2 6. The County was established in 1850 as one of the first counties in California.
3 Today, approximately 1.9 million people reside in the County, and rely on it to provide essential
4 services, such as law enforcement, health care, care for the County's youth and elderly, and other
5 social services. Many of the County's programs serve the County's neediest residents, including
6 abused and neglected children, indigent and uninsured individuals requiring health care,
7 individuals who are mentally ill or substance dependent, and those who are physically or mentally
8 disabled.

9 7. The County oversees most public health and public safety functions in Santa Clara
10 County, including emergency planning and services, disease control and prevention, and criminal
11 justice administration. The County also operates roads, airports, parks, libraries, election
12 systems, and many other critical functions

13 8. The County's budgeted expenditures for the 2015-2016 fiscal year were
14 approximately \$5.6 billion. The County's actual revenues for the same fiscal year, however, were
15 approximately \$4.8 billion.¹ Federal funds not commingled with other funding sources
16 comprised approximately \$1 billion (21%) of this revenue. An *additional* approximately \$680
17 million (14%) was comprised of revenues that included a significant federal funding component.
18 This additional amount was dependent upon the receipt of federal funds through a matching
19 requirement or other mechanism. Much of this additional funding was passed through the State
20 of California.

21 9. The County receives federal funding through several types of arrangements, but
22 the most common arrangements are fee-for-service and reimbursement-based. In these
23 arrangements, the County first spends funds or provides a service using County resources, then is
24 reimbursed fully or partially with federal funds. Many of these arrangements are pass-through
25 arrangements, in which the payment is made by another governmental agency (in many cases, the

26 ¹ The County's actual revenue received is a more useful measure than budgeted expenditures. A
27 budget reflects anticipated revenues and expenditures for an upcoming fiscal year, which may or
28 may not materialize. By contrast, actual revenues have been received and verified through an
independent audit.

1 State of California) from federal funds that are earned by the County. Much of the federal
2 funding received by the County's Health and Hospital system, for example, was earned in fee-for-
3 service payments. These funds were paid by the State of California's Medicaid program to
4 reimburse the County for the services it previously provided to eligible residents. For each type
5 of funding, the County faces the possibility that, even after reimbursements or other payments are
6 received, those federal funds may later be clawed back through retroactive ineligibility
7 determinations.

8 10. Only a small portion of the federal revenue the County receives is related to law
9 enforcement. Most of the revenues received from the federal government are used to provide
10 health care and social services to County residents.

11 11. As a result of the Order, the County faces the immediate possibility that a
12 minimum of roughly \$1.7 billion of its anticipated annual revenues will be abruptly—and perhaps
13 retroactively—clawed back or withheld. While the County has some contingency reserves, they
14 are not remotely adequate to cover such a funding shortfall. As a result, and because the County
15 is continuing to operate federally funded programs on a daily basis, the County needs to know
16 whether to (1) continue incurring hundreds of millions of dollars in costs that may never be
17 reimbursed by the federal government, (2) discontinue basic safety-net services delivered to its
18 most vulnerable residents, or (3) in an attempt to avoid either of these outcomes, be effectively
19 conscripted into using local law enforcement and other resources to assist the federal government
20 in its immigration enforcement efforts.

21 12. In developing the County's annual budget, the County Executive is required to
22 present a balanced recommended budget for approval by the County's Board of Supervisors.
23 Development of the recommended budget involves careful analysis and weighing a multitude of
24 factors, including anticipated revenues, specific service needs for diverse subsets of County
25 residents, salary and benefit costs for the County's approximately 19,000 employees, and an array
26 of local priorities. The County's adopted budget represents the outcome of this weighing of
27 resources and priorities, and represents the County's determination of what services can and
28 should be provided, given the limited resources at the County's disposal. The services the County

1 provides and the resources it has available are inextricably linked.

2 13. In November of each year, the County Executive's Office of Budget and Analysis
3 (OBA) begins to forecast its estimate of the subsequent fiscal year's anticipated revenues. Then,
4 before March 1 of the ensuing year, each County department must provide a budget submittal to
5 OBA in which the department requests a level of funding necessary to provide services during the
6 upcoming fiscal year. During March and April, OBA balances anticipated revenues with
7 proposed departmental budgets to prepare the County Executive's recommended balanced budget
8 for consideration by the Board of Supervisors during May and June. By June 30, the Board of
9 Supervisors approves a balanced budget for the next fiscal year, as set forth in the County Budget
10 Act, Cal. Gov't Code § 29064(a).

11 14. This process has already been completed for the current fiscal year. The County's
12 current operations and services are being provided pursuant to the balanced budget that was
13 adopted last year using this process. As with any other budget, that budget reflects the County's
14 judgment of how best to fulfill its obligations and priorities with limited resources. Central to this
15 judgment was the expectation that the County would receive the federal funds to which it is
16 entitled under its agreements with a number of federal and state agencies. Disrupting this
17 expectation would throw the County's budget—and therefore its operations—into complete
18 disarray.

19 15. The County is *currently* spending hundreds of millions of dollars on services for
20 which it is otherwise entitled to receive federal reimbursement. If the Order is fully implemented,
21 those funds will be withheld. The County is actively considering how to manage this risk. The
22 County Executive, for example, recently discussed with the County's Board of Supervisors, in a
23 public meeting, the enormous financial risks faced by the County, including the Hobson's choice
24 described above due to the uncertainty regarding current and ongoing federal funding.

25 16. As the County Executive pointed out, a majority of budget cuts would impact the
26 County's Health and Hospital system. The Santa Clara Valley Medical Center (VMC), which is
27 the only safety-net healthcare provider in Santa Clara County, relies heavily on federal funds and
28 federally dependent funds. In the 2015-2016 fiscal year, VMC received federal revenues and

1 federally dependent revenues of approximately \$1 billion. For the same fiscal year, VMC's total
2 expenditures were approximately \$1.4 billion. The County cannot absorb a \$1 billion annual
3 funding gap at VMC. Thus, if federal funds were withheld, the County would be unable to
4 provide thousands of the County's indigent residents with the healthcare services they are
5 otherwise entitled to receive absent extremely deep cuts in other areas.

6 17. Similarly, the County's Social Services Agency (SSA), which provides services
7 that include child protective services, child welfare, and support to elderly and disabled children
8 and adults, receives more than \$300 million a year in federal revenues. For comparison, SSA's
9 expenditures for the same fiscal year were approximately \$777 million. Thus, if federal funding
10 were withheld, the County would need to decide which of SSA's critical functions it could
11 continue to fund and at what level, and which functions could no longer be funded.

12 18. As another example, the County's Public Health Department, which provides
13 disease control and pandemic response services throughout the County—and functions as the
14 public health agency for each of the cities within Santa Clara County—had, in fiscal year 2015-
15 2016, federal revenues of approximately \$39 million. Its expenditures for the same fiscal year
16 were approximately \$97 million. The County would have to significantly reduce or cut these
17 critical services in the absence of federal funding.

18 19. The Order forces a current, daily choice about these departments' ongoing
19 operations. But it also fundamentally disrupts the County's budgeting process for the upcoming
20 fiscal year. The County Executive is in the process of developing a proposed budget for fiscal
21 year 2017-2018 for submission to the Board of Supervisors. Without certainty in the near term,
22 the County Executive will be forced to make one of the three choices outlined in paragraph 11 of
23 this declaration with respect to his recommended budget to the Board of Supervisors—cementing
24 one of three untenable choices in the budget for the upcoming fiscal year.

25 20. Even if the Order is not fully implemented, and is used to target only those funds
26 that would qualify as "grants" under a narrow definition that does not include entitlement
27 programs, a significant portion of the County's resources are at risk. For example, the County
28 conducts a "Single Audit" compiling major federal awards that are subject to annual audit

1 requirements. While this document significantly understates the magnitude of County federal
2 awards because it only includes those that are subject to an annual financial audit requirement, it
3 nonetheless reflects that the County received more than \$338 million in federal grant awards in
4 fiscal year 2014-2015. A true and correct copy of the Federal Compliance Section of the
5 County's Single Audit Report for the Fiscal Year Ended June 30, 2015 is attached hereto as
6 Exhibit A.

7 21. Compliance with the full scope of the federal government's immigration-related
8 laws, requests, and priorities could also result in significant liability and cost exposure to the
9 County. This could include exposure to liability for Fourth Amendment and other constitutional
10 violations (as several federal courts have held), as well as significant fiscal and administrative
11 costs. The federal government has made clear to the County that it does not provide indemnity
12 for such liability or costs. And, of course, the County has an independent duty not to violate the
13 constitutional rights of its residents, whether or not at the behest of another governmental entity.

14 22. In 2010, the County had significant correspondence with the Department of
15 Homeland Security (DHS) relating to DHS's Immigration and Customs Enforcement's (ICE)
16 Secure Communities program. While serving as County Counsel, I was the primary author of
17 most of the correspondence sent on behalf of the County.

18 23. In 2010, the County was considering the implications of the Secure Communities
19 program. This program called for local law enforcement agencies to share information with ICE
20 regarding the detention and release of individuals held in local jails. It also called for the
21 County to comply with ICE detainer requests.² During this time, the County became aware that
22 compliance with detainer requests could expose the County to significant potential costs and
23 liabilities.

24 24. I addressed these issues in my August 16, 2010 letter to DHS, attached hereto as
25 Exhibit B. In particular, I inquired whether "ICE [will] reimburse localities for the cost of

26
27 ² This program was replaced by the Priority Enforcement Program (PEP) on November 2014.
28 The Order orders termination of PEP in favor of reinstatement of the Secure Communities
program. Order, § 10.

1 detaining individuals ... beyond their scheduled release times [and whether] ICE [will] indemnify
2 localities for any liability incurred because of that detention[.]” (Exhibit B at p. 3.) In its
3 response, a true and correct copy of which is attached hereto as Exhibit C, DHS unequivocally
4 indicated that, pursuant to its Regulations, ICE would not be responsible for incarceration costs
5 except at its option and pursuant to a written agreement. (Exhibit C at p. 3.) It also indicated that
6 it would “not indemnify localities for any liability incurred.” (*Id.*)

7 25. In light of my correspondence with DHS, the County Board of Supervisors
8 instructed me, in my capacity as County Counsel, to take all necessary action to allow the County
9 to opt out of participation in the Secure Communities program. I informed ICE of the County's
10 intention to do so in correspondence dated October 13, 2010, a true and correct copy of which is
11 attached hereto as Exhibit D.

12 26. To “limit County resources spent on the enforcement of civil immigration law,”
13 the County Board of Supervisors, on October 18, 2011, adopted Board Policy 3.54 on Civil
14 Detainer Requests, a true and correct copy of which is attached hereto as Exhibit E. Board Policy
15 3.54 permits compliance with ICE civil detainer requests only under certain limited circumstances
16 involving serious or violent felonies, and only if ICE agrees to reimburse the County for the full
17 costs associated with compliance. I sent a copy of Board Policy 3.54 to ICE. A true and correct
18 copy of the October 21, 2011 letter to ICE is attached hereto as Exhibit F.

19 27. The County Board of Supervisors also adopted a Resolution affirming the
20 separation between County services and the enforcement of federal civil immigration law. The
21 Resolution prohibits County employees, including law enforcement officers, from initiating an
22 inquiry or enforcement action based solely on an individual’s actual or suspected immigration
23 status, national origin, race/ethnicity, or English-speaking ability. It also prohibits the use of
24 County funds or resources to investigate, question, apprehend, or arrest an individual solely
25 because of an actual or suspected violation of immigration law, or to transmit to ICE, for
26 purposes of federal immigration enforcement, information collected by the County in the course
27 of providing social services. A true and correct copy of that Resolution is attached hereto as
28 Exhibit G.

EXHIBIT A



Certified
Public
Accountants

Sacramento

Walnut Creek

San Francisco

Oakland

Los Angeles

Century City

Newport Beach

San Diego

**Independent Auditor's Report on Internal Control Over Financial Reporting and on
Compliance and Other Matters Based on an Audit of Financial Statements
Performed in Accordance With *Government Auditing Standards***

The Board of Supervisors
County of Santa Clara
San José, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Santa Clara, California (County), as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the County's basic financial statements, and have issued our report thereon dated December 31, 2015, except for our report on the schedule of expenditures of federal awards, as to which the date is March 30, 2016.

Our report includes a reference to other auditors who audited the financial statements of the FIRST 5 Santa Clara County; the Santa Clara County Health Authority; the County Sanitation District 2 – 3 of Santa Clara County; the Santa Clara County Vector Control District; and the Santa Clara County Central Fire Protection District, the South Santa Clara County Fire District, and the Los Altos Hills County Fire District (collectively, "Fire Districts"), as described in our report on the County's basic financial statements. This report does not include the results of the other auditors' testing of internal control over financial reporting or compliance and other matters that are reported on separately by those auditors. The financial statements of the Santa Clara County Tobacco Securitization Corporation and the South Santa Clara County Fire District were not audited in accordance with *Government Auditing Standards*.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the County's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control. Accordingly, we do not express an opinion on the effectiveness of the County's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weakness. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the County's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Macias Gini & O'Connell LLP". The signature is written in a cursive, slightly slanted style.

Walnut Creek, California
December 31, 2015



Certified
Public
Accountants

Sacramento

Walnut Creek

San Francisco

Oakland

Los Angeles

Century City

Newport Beach

San Diego

Independent Auditor's Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance

The Board of Supervisors
County of Santa Clara
San José, California

Report on Compliance for Each Major Federal Program

We have audited the County of Santa Clara's, California (County) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the County's major federal programs for the year ended June 30, 2015. The County's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

The County's basic financial statements include the operations of the Housing Authority of the County of Santa Clara (Housing Authority), which expended \$227,584,824 in federal awards, which is not included in the schedule of expenditures of federal awards, during the year ended June 30, 2015. Our audit, described below, did not include the operations of the Housing Authority because we were engaged to perform an audit in accordance with OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* (OMB Circular A-133), and report on the results separately to the Housing Authority.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the County's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the County's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the County's compliance.

Basis for Qualified Opinion on the Temporary Assistance for Needy Families Program (CFDA No. 93.558)

As described in the accompanying schedule of findings and questioned costs, the County did not comply with requirements regarding the Temporary Assistance for Needy Families Program (CFDA No. 93.558) as described in finding number 2015-001 for Special Tests & Provisions – Child Support Non-Cooperation. Compliance with such requirements is necessary, in our opinion, for the County to comply with the requirements applicable to that program.

Qualified Opinion on the Temporary Assistance for Needy Families Program (CFDA No. 93.558)

In our opinion, except for the noncompliance described in the Basis for Qualified Opinion paragraph, the County complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on the Temporary Assistance for Needy Families Program (CFDA No. 93.558) for the year ended June 30, 2015.

Unmodified Opinion on Each of the Other Major Federal Programs

In our opinion, the County complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its other major federal programs identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs for the year ended June 30, 2015.

Other Matters

The results of our auditing procedures disclosed other instances of noncompliance, which are required to be reported in accordance with the OMB Circular A-133 and which are described in the accompanying schedule of findings and questioned costs as items 2015-002 and 2015-003. Our opinion on each major federal program is not modified with respect to these matters.

The County's response to the noncompliance finding identified in our audit is described in the accompanying corrective action plan. The County's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Report on Internal Control Over Compliance

Management of the County is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the County's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the County's internal control over compliance.

Our consideration of internal control over compliance was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control over compliance that we consider to be material weaknesses and significant deficiencies.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 2015-001 to be a material weakness.

A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. We consider the deficiencies in internal control over compliance described in the accompanying schedule of findings and questioned costs as items 2015-002 and 2015-003 to be significant deficiencies.

The County's response to the internal control over compliance findings identified in our audit are described in the accompanying corrective action plan. The County's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
March 30, 2016

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COUNTY OF SANTA CLARA
Schedule of Expenditures of Federal Awards
For the Fiscal Year Ended June 30, 2015

Federal Grantor/Pass-Through Entity/Grant Name	Federal CFDA No.	Pass-Through Entity Number	Expenditures
U.S. Department of Agriculture			
<u>Passed Through State Department of Social Services</u>			
State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	10.561	None	\$ 30,616,628
<u>Passed Through State Department of Public Health</u>			
Special Supplemental Nutrition Program for Women, Infants, and Children	10.557	11-10454	\$ 908,825
Special Supplemental Nutrition Program for Women, Infants, and Children	10.557	14-10242	3,580,692
Subtotal Special Supplemental Nutrition Program for Women, Infants, and Children			4,489,517
State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	10.561	None	426,407
State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	10.561	13-20507	546,040
State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	10.561	13-20507	1,230,458
Subtotal State Administrative Matching Grants for the Supplemental Nutrition Assistance Program			2,202,905
Subtotal Passed Through State Department of Public Health			6,692,422
<u>Passed Through State Department of Education</u>			
Child Nutrition Cluster:			
School Breakfast Program	10.553	43-10439-6066435-01	102,398
National School Lunch Program	10.555	43-10439-6066435-01	155,518
Subtotal of Child Nutrition Cluster			257,916
Total U.S. Department of Agriculture			37,566,966
U.S. Department of Housing and Urban Development			
<u>Direct Programs</u>			
Community Development Block Grants/Entitlement Grants	14.218	--	2,179,076
Supportive Housing Program	14.235	--	961,111
Home Investment Partnerships Program	14.239	--	902,241
Total U.S. Department of Housing and Urban Development			4,042,428
U.S. Department of Interior			
<u>Direct Programs</u>			
Central Valley Project Improvement Act, Title XXXIV	15.512	--	235,593
Central Valley Project Improvement (CVPI) Anadromous Fish Restoration Program (AFRP)	15.648	--	179,564
Subtotal Direct Programs			415,157
Total U.S. Department of Interior			415,157
U.S. Department of Justice			
<u>Direct Programs</u>			
State Criminal Alien Assistance Program	16.606	--	537,974
Public Safety Partnership and Community Policing Grants	16.710	--	36,876
Edward Byrne Memorial Justice Assistance Grant Program	16.738	--	13,950
DNA Backlog Reduction Program	16.741	--	211,655
Subtotal Direct Programs			800,455
<u>Passed Through Board of State and Community Correction</u>			
Juvenile Accountability Block Grants	16.523	CSA #176-11	67,087
Edward Byrne Memorial Justice Assistance Grant Program	16.738	BSCC 630-13	82,408
Edward Byrne Memorial Justice Assistance Grant Program	16.738	BSCC 673-13	4,964
Subtotal Edward Byrne Memorial Justice Assistance Grant Program			87,372
Subtotal Passed Through Board of State and Community Correction			154,459
<u>Passed Through City of San José</u>			
Missing Children's Assistance	16.543	None	5,950
Edward Byrne Memorial Justice Assistance Grant Program	16.738	2011-DJ-BX-2315	12,392
Edward Byrne Memorial Justice Assistance Grant Program	16.738	2013-DJ-BX-0642	29,686
Subtotal Edward Byrne Memorial Justice Assistance Grant Program			42,078
Subtotal Passed Through City of San José			48,028

See accompanying notes to the Schedule of Expenditures of Federal Awards.

COUNTY OF SANTA CLARA
Schedule of Expenditures of Federal Awards (Continued)
For the Fiscal Year Ended June 30, 2015

Federal Grantor/Pass-Through Entity/Grant Name	Federal CFDA No.	Pass-Through Entity Number	Expenditures
U.S. Department of Justice (Continued)			
<u>Passed Through City of Sunnyvale</u>			
Equitable Sharing Program	16.922	CA0431600	\$ 17,549
<u>Passed Through California Governor's Office of Emergency Services</u>			
Crime Victim Assistance	16.575	UV13040430	\$ 36,480
Crime Victim Assistance	16.575	UV14050430	86,163
Crime Victim Assistance	16.575	VW14330430	409,128
Subtotal Crime Victim Assistance			531,771
Paul Coverdell Forensic Sciences Improvement Grant Program	16.742	CQ14100430	11,317
Subtotal Passed Through California Governor's Office of Emergency Services			543,088
Total U.S. Department of Justice			1,563,579
U.S. Department of Transportation			
<u>Passed Through California Department of Transportation</u>			
Highway Planning and Construction	20.205	BHLO 5937 (146)	25,620
Highway Planning and Construction	20.205	BHLO 5937 (147)	19,209
Highway Planning and Construction	20.205	BHLO 5937 (150)	17,288
Highway Planning and Construction	20.205	BHLO 5937 (174)	663,598
Highway Planning and Construction	20.205	BHLO 5937 (186)	30,216
Highway Planning and Construction	20.205	BHLO 5937 (193)	12,904
Highway Planning and Construction	20.205	BHLO 5937 (194)	9,362
Highway Planning and Construction	20.205	BHLO 5937 (195)	12,928
Highway Planning and Construction	20.205	BHLS 5937 (187)	5,763
Highway Planning and Construction	20.205	BPMP 5937 (155)	1,431
Highway Planning and Construction	20.205	BPMP 5937 (156)	22,113
Highway Planning and Construction	20.205	BPMP 5937 (158)	1,431
Highway Planning and Construction	20.205	BPMP 5937 (159)	1,361
Highway Planning and Construction	20.205	BPMP 5937 (160)	2,341
Highway Planning and Construction	20.205	BPMP 5937 (161)	1,361
Highway Planning and Construction	20.205	BRLO 5937 (106)	77,571
Highway Planning and Construction	20.205	BRLO 5937 (107)	66,660
Highway Planning and Construction	20.205	BRLO-5937 (109)	65,085
Highway Planning and Construction	20.205	BRLO 5937 (168)	9,428
Highway Planning and Construction	20.205	BRLO 5937 (176)	170,175
Highway Planning and Construction	20.205	BRLO 5937 (180)	6,940
Highway Planning and Construction	20.205	BRLO 5937 (182)	66,423
Highway Planning and Construction	20.205	BRLS 5937 (123)	87,176
Highway Planning and Construction	20.205	BRLS 5937 (124)	215,453
Highway Planning and Construction	20.205	BRLS 5937 (169)	4,251
Highway Planning and Construction	20.205	CML 5937 (191)	124,455
Highway Planning and Construction	20.205	CML 5937 (196)	469,019
Highway Planning and Construction	20.205	DEMO8L 5937 (137)	4,360,407
Highway Planning and Construction	20.205	HPLUL 5937 (163)	1,184,576
Highway Planning and Construction	20.205	HRRRL 5937 (188)	6,415
Highway Planning and Construction	20.205	HRRRL 5937 (189)	11,258
Highway Planning and Construction	20.205	HRRRL 5937 (190)	33,385
Highway Planning and Construction	20.205	HSIP 5937 (199)	1,877
Highway Planning and Construction	20.205	SR2SL 5937 (185)	56,256
Subtotal Highway Planning and Construction			7,843,736
<u>Passed Through State Office of Traffic Safety</u>			
Minimum Penalties for Repeat Offenders for Driving While Intoxicated	20.608	AL1419	59,590
Minimum Penalties for Repeat Offenders for Driving While Intoxicated	20.608	AL1553	115,599
Minimum Penalties for Repeat Offenders for Driving While Intoxicated	20.608	AL1547	115,264
Minimum Penalties for Repeat Offenders for Driving While Intoxicated	20.608	PS1409	15,279
Subtotal Minimum Penalties for Repeat Offenders for Driving While Intoxicated			305,732
Total U.S. Department of Transportation			8,149,468

See accompanying notes to the Schedule of Expenditures of Federal Awards.

COUNTY OF SANTA CLARA
 Schedule of Expenditures of Federal Awards (Continued)
 For the Fiscal Year Ended June 30, 2015

Federal Grantor/Pass-Through Entity/Grant Name	Federal CFDA No.	Pass-Through Entity Number	Expenditures
U.S. Department of Treasury			
<u>Passed Through City of Sunnyvale</u>			
Treasury Forfeiture Fund Program	21.000	CA0431600	\$ 75,045
Total U.S. Department of Treasury			75,045
U.S. Department of Health and Human Services			
<u>Direct Programs</u>			
Projects for Assistance in Transition from Homelessness (PATH)	93.150	--	253,131
Consolidated Health Centers (Community Health Centers, Migrant Health Centers, Health Care for the Homeless, and Public Housing Primary Care)	93.224	--	2,034,390
Partnerships to Improve Community Health (PICH)	93.331		316,872
Adoption Opportunities	93.652	--	25,975
HIV Emergency Relief Project Grants	93.914	--	2,514,444
Grants to Provide Outpatient Early Intervention Services with Respect to HIV Disease	93.918	--	811,907
Block Grants for Community Mental Health Services	93.958	--	708,471
Subtotal Direct Programs			6,665,190
<u>Passed Through California Department of Public Health</u>			
Public Health Emergency Preparedness	93.069	None	1,837,944
Project Grants and Cooperative Agreements for Tuberculosis Control Programs	93.116	None	580,884
Childhood Lead Poisoning Prevention Projects_State and Local Childhood Lead Poisoning Prevention and Surveillance of Blood Lead Levels in Children	93.197	CLPPP	65,230
Immunization Cooperative Agreements	93.268	13-20346	1,002,714
Refugee and Entrant Assistance _Discretionary Grants	93.576	13-43-90840-00	\$ 98,132
Refugee and Entrant Assistance _Discretionary Grants	93.576	14-43-90840-00	264,423
Subtotal Refugee and Entrant Assistance_Discretionary Grants			362,555
National Bioterrorism Hospital Preparedness Program	93.889	--	534,949
HIV Care Formula Grants	93.917	13-20074	716,044
HIV Prevention Activities_Health Department Based	93.940	13-20253-01A	429,857
Prevention and Public Health Fund (PPHF) Public Health Traineeships	93.964	201443 MCH	159,479
Prevention and Public Health Fund (PPHF) Public Health Traineeships	93.964	201443 AFLP	129,109
Prevention and Public Health Fund (PPHF) Public Health Traineeships	93.964	201443 BIH	85,279
Subtotal Prevention and Public Health Fund (PPHF) Public Health Traineeships			373,867
Maternal and Child Health Services Block Grant to the States	93.994	201143 MCH	1,485,477
Maternal and Child Health Services Block Grant to the States	93.994	201143 AFLP	73,384
Maternal and Child Health Services Block Grant to the States	93.994	201143 BIH	338,864
Subtotal Maternal and Child Health Services Block Grant to the States			1,897,725
Subtotal Passed Through State Department of Public Health			7,801,769
<u>Passed Through Sourcewise</u>			
Aging Cluster:			
Special Programs for the Aging_Title III, Part C_Nutrition Services	93.045	AP-1415-15	1,745,897
Nutrition Services Incentive Program	93.053	AP-1415-15	979,488
Subtotal Aging Cluster			2,725,385
<u>Passed Through California Department of Education</u>			
Child Care Mandatory and Matching Funds of the Child Care and Development Fund	93.596	CAPP-4062	1,636,987
<u>Passed Through California Department of Health Care Services</u>			
Substance Abuse and Mental Health Services_Projects of			
Regional and National Significance	93.243	None	546,256
Children's Health Insurance Program	93.767	None	717,237
Medical Assistance Program:			
Medical Assistance Program	93.778	Foster Care & HCPCFC	761,275
Medical Assistance Program	93.778	CHDP	640,876
Medical Assistance Program	93.778	CCS Admin	3,920,894
Medical Assistance Program	93.778	CCS PPC	42,052
Subtotal Medical Assistance Program			5,365,097
Block Grants for Prevention and Treatment of Substance Abuse	93.959	None	10,872,242
Subtotal Passed Through California Department of Health Care Services			17,500,832

See accompanying notes to the Schedule of Expenditures of Federal Awards.

COUNTY OF SANTA CLARA
 Schedule of Expenditures of Federal Awards (Continued)
 For the Fiscal Year Ended June 30, 2015

Federal Grantor/Pass-Through Entity/Grant Name	Federal CFDA No.	Pass-Through Entity Number	Expenditures
U.S. Department of Health and Human Services (Continued)			
<u>Passed Through California Department of Child Support Services</u>			
Child Support Enforcement	93.563	IV-356	\$ 22,761,471
<u>Passed Through Foundation for California Community College</u>			
Health Care Innovation Awards (HCIA)	93.610	TC-007-14	132,370
<u>Passed Through California Department of Social Services</u>			
Guardianship Assistance	93.090	None	581,839
State Planning and Establishment Grants for the Affordable Care Act (ACA)'s Exchanges	93.525	None	847,629
Promoting Safe and Stable Families	93.556	None	1,072,162
Temporary Assistance for Needy Families	93.558	None	74,351,036
Refugee and Entrant Assistance_State Administered Programs	93.566	None	\$ 340,144
Refugee and Entrant Assistance_State Administered Programs	93.566	RESS 1307	136,689
Refugee and Entrant Assistance_State Administered Programs	93.566	RESS 1407	96,906
Subtotal Refugee and Entrant Assistance_State Administered Programs			573,739
Refugee and Entrant Assistance_Discretionary Grants	93.576	TART1306	1,885
Refugee and Entrant Assistance_Discretionary Grants	93.576	TARL1307	4,512
Refugee and Entrant Assistance_Discretionary Grants	93.576	TART 1406	7,222
Refugee and Entrant Assistance_Discretionary Grants	93.576	TARL 1407	11,539
Subtotal Refugee and Entrant Assistance_Discretionary Grants			25,158
Refugee and Entrant Assistance_Targeted Assistance Grants	93.584	TAFO1306	144,712
Refugee and Entrant Assistance_Targeted Assistance Grants	93.584	TAFO1407	114,887
Subtotal Refugee and Entrant Assistance_Targeted Assistance Grants			259,599
Community-Based Child Abuse Prevention Grants	93.590	None	20,561
Stephanie Tubbs Jones Child Welfare Services Program	93.645	None	1,368,062
Child Welfare Research Training or Demonstration	93.648	None	525,739
Foster Care_Title IV-E	93.658	None	41,026,925
Adoption Assistance	93.659	None	13,923,831
Social Services Block Grant	93.667	None	9,236,592
Chafee Foster Care Independence Program	93.674	None	427,669
Children's Health Insurance Program	93.767	None	6,719
Medical Assistance Program	93.778	None	77,667,285
Subtotal Passed Through State Department of Social Services			221,914,545
Total U.S. Department of Health and Human Services			281,138,549
U.S. Department of Homeland Security			
<u>Passed Through California Governor's Office of Emergency Services</u>			
Emergency Management Performance Grants	97.042	2013-0047-0085-00000	218,306
Emergency Management Performance Grants	97.042	2014-0070-0085-00000	512,298
Subtotal Emergency Management Performance Grants			730,604
Homeland Security Grant Program	97.067	2012-SS-00123-085-00000	210,160
Homeland Security Grant Program	97.067	2013-0010-085-00000	1,689,412
Homeland Security Grant Program	97.067	2014-00093-085-00000	935,874
Subtotal Homeland Security Grant Program			2,835,446
Subtotal Passed Through California Governor's Office of Emergency Services			3,566,050
<u>Passed Through City and County of San Francisco</u>			
Homeland Security Grant Program	97.067	2013-00110	2,239,787
Homeland Security Grant Program	97.067	2014-00093	72,548
Subtotal Passed Through City and County of San Francisco			2,312,335
Total U.S. Department of Homeland Security			5,878,385
Total Expenditures of Federal Awards			\$ 338,829,577

See accompanying notes to the Schedule of Expenditures of Federal Awards.

COUNTY OF SANTA CLARANotes to the Schedule of Expenditures of Federal Awards
For the Fiscal Year Ended June 30, 2015**Note 1 – General**

The accompanying Schedule of Expenditures of Federal Awards (SEFA) includes the federal grant activities of the County of Santa Clara, California (County) under programs of the federal government, for the fiscal year ended June 30, 2015, except for the Housing Authority of the County of Santa Clara (Housing Authority) (see Note 4). The County's reporting entity is defined in Note 1 to the County's basic financial statements. The information in the SEFA is presented in accordance with the requirements of the Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* (OMB Circular A-133). Because the SEFA presents only a selected portion of the operations of the County, it is not intended to and does not present the financial position, changes in net position and cash flows of the County.

Note 2 – Basis of Accounting

The accompanying SEFA is presented using the modified accrual basis of accounting for grants accounted for in the governmental fund types and the accrual basis of accounting for grants accounted for in the proprietary fund types, as described in Note 1 to the County's basic financial statements.

Note 3 – Relationship to the Financial Statements

Expenditures of federal awards are reported in the County's basic financial statements as expenditures in the General Fund and nonmajor special revenue funds, and as expenses for noncapital expenditures and as additions to capital assets for capital related expenditures in the enterprise funds. Federal award expenditures agree or can be reconciled with the amounts reported in the County's basic financial statements.

Note 4 – Housing Authority (Discretely Presented Component Unit) Federal Expenditures

The Housing Authority federal expenditures are excluded from the SEFA because the Housing Authority's federal expenditures are separately audited by other auditors. Expenditures for the programs of the Housing Authority listed below are taken from the separately issued single audit report. The programs of the Housing Authority are as follows:

Federal Grantor/ Pass-through Grantor/ Program Title	CFDA Number	Grant/ Contract Number	Expenditures
U.S. Department of Housing and Urban Development			
<i>Direct Programs</i>			
Continuum of Care	14.267	n/a	\$ 3,025,571
Lower Income Housing Assistance Program			
Section 8 Moderate Rehabilitation	14.856	n/a	1,112,373
Housing Voucher Cluster:			
Section 8 Housing Choice Vouchers	14.871	n/a	6,417,203
Mainstream Vouchers	14.879	n/a	597,251
Family Unification Program (FUP)	14.880	n/a	1,427,190
Total Housing Voucher Cluster			<u>8,441,644</u>
Family Self Sufficiency	14.896	n/a	201,125
Moving To Work Demonstration Program	14.881	n/a	<u>214,762,263</u>
Total Direct Programs			<u>227,542,976</u>
<i>Pass-through from City of Sunnyvale, CA</i>			
Home Investment Partnership Program	14.239	1011-828750	32,000
<i>Pass-through from County of Santa Clara, CA</i>			
Continuum of Care	14.267	n/a	9,848
Total Pass-Through Programs			<u>41,848</u>
Total Expenditures of Federal Awards			<u>\$227,584,824</u>

COUNTY OF SANTA CLARA

Notes to the Schedule of Expenditures of Federal Awards (Continued)
For the Fiscal Year Ended June 30, 2015

Note 5 – Amounts Provided to Subrecipients

Of the federal expenditures presented in the SEFA, the County provided federal awards to subrecipients as follows:

Program Title	CFDA Number	Amount Provided to Subrecipients
State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	10.561	\$ 485,110
Special Supplemental Nutrition Program for Women, Infants, and Children	10.557	64,522
Community Development Block Grants/Entitlement Grants	14.218	1,786,572
Supportive Housing Program	14.235	949,804
Home Investment Partnerships Program	14.239	856,756
Crime Victim Assistance	16.575	531,771
Edward Byrne Memorial Justice Assistance Grant Program	16.738	87,372
Special Programs for the Aging_ Title III, Part C_ Nutrition Services	93.045	1,745,897
Nutrition Services Incentive Program	93.053	979,488
Project Grants and Cooperative Agreements for Tuberculosis Control Programs	93.116	12,250
Projects for Assistance in Transition from Homelessness (PATH)	93.150	239,665
Substance Abuse and Mental Health Services_ Projects of Regional and National Significance	93.243	324,727
Partnerships to Improve Community Health	93.331	29,425
Refugee and Entrant Assistance_ State Administered Programs	93.566	116,637
Refugee and Entrant Assistance_ Discretionary Grants	93.576	25,158
Refugee and Entrant Assistance_ Targeted Assistance Grants	93.584	127,309
Community-Based Child Abuse Prevention Program	93.590	20,561
Chafee Foster Care Independence Program	93.674	329,936
National Bioterrorism Hospital Preparedness Program	93.889	276,025
HIV Emergency Relief Project Grants	93.914	1,162,631
HIV Care Formula Grants	93.917	613,749
HIV Prevention Activities_ Health Department Based	93.940	123,556
Block Grants for Community Mental Health Services	93.958	35,910
Block Grants for Prevention and Treatment of Substance Abuse	93.959	3,740,607
Prevention and Public Health Fund (PPHF) Public Health Traineeships	93.964	129,109
Maternal and Child Health Services Block Grant to the States	93.994	58,473
Emergency Management Performance Grants	97.042	259,352
Homeland Security Grant Program	97.067	375,994

COUNTY OF SANTA CLARA

Notes to the Schedule of Expenditures of Federal Awards (Continued)
For the Fiscal Year Ended June 30, 2015

Note 6 – California Department of Aging (CDA) Grants

The terms and conditions of agency contracts with CDA require agencies to display State-funded expenditures discretely along with the related federal expenditures. The following schedule is presented to comply with these requirements.

Federal Grantor/ Pass-through Grantor/ Program Title	CFDA Number	Grant/ Contract Number	Expenditures	
			State	Federal
U.S. Department of Health and Human Services				
<i>Pass through the Sourcewise</i>				
Special Programs for the Aging_ Title III, Part C				
Nutrition Services	93.045	AP-1415-15	\$ 308,689	\$ 1,745,897
Nutrition Services Incentive Program	93.053	AP-1415-15	-	979,488

Note 7 – Program and Cluster Program Totals

The following table summarizes clusters funded by various sources or grants whose totals are not shown on the SEFA. The following table summarizes these programs:

Program Title	CFDA Number	Expenditures
<i>State Administrative Matching Grants for the Supplemental Nutrition Assistance Program</i>		
Passed Through California Department of Social Services	10.561	\$ 30,616,628
Passed Through California Department of Public Health	10.561	2,202,905
Total State Administrative Matching Grants for the Supplemental Nutrition Assistance Program		<u>\$ 32,819,533</u>
<i>Edward Byrne Memorial Justice Assistance Grant Program</i>		
Direct	16.738	\$ 13,950
Passed Through Board of State and Community Correction	16.738	87,372
Passed Through City of San José	16.738	42,078
Total Edward Byrne Memorial Justice Assistance Grant Program		<u>\$ 143,400</u>
<i>Refugee and Entrant Assistance Discretionary Grants</i>		
Passed Through California Department of Public Health	93.576	\$ 362,555
Passed Through California Department of Social Services	93.576	25,158
Total Refugee and Entrant Assistance Discretionary Grants		<u>\$ 387,713</u>
<i>Children's Health Insurance Program</i>		
Passed Through California Department of Health Care Services	93.767	\$ 717,237
Passed Through California Department of Social Services	93.767	6,719
Total Children's Health Insurance Program		<u>\$ 723,956</u>
<i>Medical Assistance Program</i>		
Passed Through California Department of Health Care Services	93.778	\$ 5,365,097
Passed Through California Department of Social Services	93.778	77,667,285
Total Medical Assistance Program		<u>\$ 83,032,382</u>
<i>Homeland Security Grant Program</i>		
Passed Through the California Emergency Management Agency	97.067	\$ 2,835,446
Passed Through City and County of San Francisco	97.067	2,312,335
Total Homeland Security Grant Program		<u>\$ 5,147,781</u>

COUNTY OF SANTA CLARA

Notes to the Schedule of Expenditures of Federal Awards (Continued)
For the Fiscal Year Ended June 30, 2015**Note 8 - Schedules of the California Emergency Management Agency (Cal EMA) and
California Victim Compensation and Government Claims Board****California Emergency Management Agency grant expenditures:**

The following represents Federal grant expenditures for Department of Justice grants passed through the California Governor's Office of Emergency Services for the fiscal year ended June 30, 2015:

Program Title and Expenditure Category	Grant Award Number/Period	Award Amount	Actual Non-match	Actual Match	Actual Total	CFDA No. of Actual Non-match Amount
Underserved Victims Advocacy & Outreach Program	UV13040430					
Personnel Expenses	10/1/13-9/30/14		\$ -	\$ 7,812	\$ 7,812	
Operating Expenses			36,480	-	36,480	
Total		\$ 125,000	\$ 36,480	\$ 7,812	\$ 44,292	16.575
Underserved Victims Advocacy & Outreach Program	UV14050430					
Personnel Services	10/1/14-9/30/15		\$ -	\$ 23,438	\$ 23,438	
Operating Expenses			86,163	-	86,163	
Total		\$ 125,000	\$ 86,163	\$ 23,438	\$ 109,601	16.575
Victim Witness Assistance - Cal EMA	VW14330430					
Operating Expenses	7/1/14-6/30/15		\$ 409,128	\$ -	\$ 409,128	
Total		\$ 823,576	\$ 409,128	\$ -	\$ 409,128	16.575
Paul Coverdell Forensic Sciences Improvement Grant Program	CQ14100430					
Operating Expenses	10/1/14-12/31/15		\$ 11,317	\$ -	\$ 11,317	
Total		\$ 31,211	\$ 11,317	\$ -	\$ 11,317	16.742
Emergency Management Performance Grants	2013-0047-0085-00000					
Personnel Expenses	7/1/13-8/31/14		\$ 15,880	\$ -	\$ 15,880	
Operating Expenses			150,051	-	150,051	
Equipment			52,375	-	52,375	
Total		\$ 499,977	\$ 218,306	\$ -	\$ 218,306	97.042
Emergency Management Performance Grants	2014-0070-085-00000					
Personnel Expenses	7/1/14-6/30/15		\$ 26,252	\$ -	\$ 26,252	
Operating Expenses			312,590	-	312,590	
Equipment			173,456	-	173,456	
Total		\$ 514,636	\$ 512,298	\$ -	\$ 512,298	97.042
Homeland Security Grant Program	2012-SS-00123-085-00000					
Operating Expenses	10/12/12-8/15/14		30,815	-	30,815	
Equipment			179,345	-	179,345	
Total		\$ 1,414,699	\$ 210,160	\$ -	\$ 210,160	97.067
Homeland Security Grant Program	2013-0010-085-00000					
Personnel Services	9/1/13-5/31/15		\$ 401,531	\$ -	\$ 401,531	
Operating Expenses			325,462	-	325,462	
Equipment			962,419	-	962,419	
Total		\$ 1,760,533	\$ 1,689,412	\$ -	\$ 1,689,412	97.067
Homeland Security Grant Program	2014-00093-085-00000					
Personnel Services	9/1/14-5/31/16		\$ 179,285	\$ -	\$ 179,285	
Operating Expenses			244,760	-	244,760	
Equipment			511,829	-	511,829	
Total		\$ 1,964,055	\$ 935,874	\$ -	\$ 935,874	97.067

COUNTY OF SANTA CLARA

Notes to the Schedule of Expenditures of Federal Awards (Continued)
For the Fiscal Year Ended June 30, 2015

**Note 8 - Schedules of the California Emergency Management Agency (Cal EMA) and
California Victim Compensation and Government Claims Board (Continued)**

California Victim Compensation and Government Claims Board grant expenditures:

The following represents the California Victim Compensation and Government Claims Board non-Federal grant expenditures for the fiscal year ended June 30, 2015. This information is included in the County's single audit report at the request of the California Victim Compensation and Government Claims Board.

<u>Program Title and Expenditure Category</u>	<u>Grant Award Number/Period</u>	<u>Award Amount</u>	<u>Actual Non-match</u>	<u>Actual Match</u>	<u>Actual Total</u>
Victim Witness Assistance - BOC	VCGC2060				
Personnel Services	7/1/12-6/30/15		\$ 789,927	\$ -	\$ 789,927
Operating Expenses			143,309	-	143,309
Total		\$ 3,212,326	\$ 933,236	\$ -	\$ 933,236
Victim Witness Restitution for Crime Victims	VCGC3083				
Personnel Services	7/1/13-6/30/16		\$ 275,565	\$ -	\$ 275,565
Total		\$ 879,435	\$ 275,565	\$ -	\$ 275,565

COUNTY OF SANTA CLARA
 Schedule of Findings and Questioned Costs
 For the Fiscal Year Ended June 30, 2015

Section I – Summary of Auditor’s Results

Financial Statements:

Type of auditor’s report issued:	Unmodified
Internal control over financial reporting:	
Material weakness(es) identified?	No
Significant deficiency(cies) identified?	None Reported
Noncompliance material to financial statements noted?	No

Federal Awards:

Internal control over major programs:	
• Material weakness(es) identified?	Yes
• Significant deficiency(ies) identified?	Yes
Type of auditor’s report issued on compliance for major programs:	Unmodified for all major programs, except for CFDA No. 93.558, which was qualified.
Any audit findings disclosed that are required to be reported in accordance with Section 510(a) of OMB Circular A-133?	Yes

Identification of major programs:

CFDA No. 10.557	Special Supplemental Nutrition Program for Women, Infants, and Children
CFDA No. 93.558	Temporary Assistance for Needy Families
CFDA No. 93.667	Social Services Block Grant
CFDA No. 93.778	Medical Assistance Program
CFDA No. 93.959	Block Grants for Prevention and Treatment of Substance Abuse
CFDA No. 97.067	Homeland Security Grant Program

Dollar threshold used to distinguish between Type A and Type B programs:	\$3,000,000
Auditee qualified as low-risk auditee?	No

Section II – Financial Statement Findings

None Reported.

COUNTY OF SANTA CLARA
 Schedule of Findings and Questioned Costs (Continued)
 For the Fiscal Year Ended June 30, 2015

Section III – Federal Award Findings and Questioned Costs

Finding 2015-001

Special Tests & Provisions – Child Support Non-Cooperation

Awarding Agency:	United States Department of Health and Human Services
Passed Through:	State of California Department of Social Services
Program Name:	Temporary Assistance for Needy Families
CFDA Number:	93.558
Award Number:	Not Available
Award Year:	July 1, 2014 through June 30, 2015
Classification of Finding:	Material Weakness in Internal Control over Compliance Material Noncompliance

Criteria

A grantee is responsible for documenting special tests and provisions determinations. Under the Temporary Assistance for Needy Families (TANF) special tests and provisions requirements, the Notice of Action forms are used to ensure compliance with the special tests and provisions – child support non-cooperation and as such these forms should be properly maintained. Under TANF guidelines, participants who are sanctioned should perform the following:

If the IV-D agency determines that an individual is not cooperating, and the individual does not qualify for a good cause or other exception established by the State agency responsible for making good cause determinations...the IV-A agency must then take appropriate action by: deducting from the assistance that would otherwise be provided to the family of the individual an amount equal to not less than 25 percent of the amount of such assistance; or denying the family any assistance under the program (45 CFR section 264.30).

Condition/Context

During our testing of nine participant files out of a population of 31 individuals who did not cooperate with the State in establishing paternity, or in establishing, modifying or enforcing a support order with respect to a child of the individual for the fiscal year, we noted that Notice of Action forms for five participant files were not maintained in the client records. As such the reduction in benefit payment was not communicated to the participant at least 10 days prior to the sanction.

Questioned Costs

Not applicable. The missing Notice of Action forms did not result in an overpayment of federal funds.

Cause and/or Effect

Inadequate documentation may result in incorrect benefit reductions, thus improper benefit amounts may be issued.

Recommendation

We recommend that the County continue to evaluate the effectiveness of its current internal control policies over proper record keeping of all required correspondence, including Notice of Action forms, to benefit recipients. In addition, we recommend the County continue to strengthen its internal control procedures over the benefit sanction process to ensure that sanctions are properly and timely communicated to beneficiaries and only imposed when valid.

COUNTY OF SANTA CLARA
 Schedule of Findings and Questioned Costs (Continued)
 For the Fiscal Year Ended June 30, 2015

Section III – Federal Award Findings and Questioned Costs (Continued)

Finding 2015-002

Special Tests & Provisions – Penalty for Refusal to Work

Awarding Agency:	United States Department of Health and Human Services
Passed Through:	State of California Department of Social Services
Program Name:	Temporary Assistance for Needy Families
CFDA Number:	93.558
Award Number:	Not Available
Award Year:	July 1, 2014 through June 30, 2015
Classification of Finding:	Significant Deficiency in Internal Control over Compliance Incident of Noncompliance

Criteria

A grantee is responsible for documenting special tests and provisions determinations. Under the Temporary Assistance for Needy Families (TANF) special tests and provisions requirements, the Notice of Action forms are used to ensure compliance with the special tests and provisions – penalty for refusal to work and as such these forms should be properly maintained. Under TANF guidelines, participants who are sanctioned should perform the following:

If the State agency determines that an individual refuses to work, subject to any good cause or other exemptions established by the State, the State agency must reduce or terminate the assistance payable to the family. The HHS may penalize the State by an amount not less than one percent and not more than five percent of the SFAG for violation of this provision (42 USC 609 (a)(14); 45 CFR sections 261.14, 261.16, and 261.54).

Condition/Context

During our testing of 40 participant files out of a population of 1,095 individuals who are not exempt under State rules or do not meet State good cause criteria, we noted that the County did not properly reduce the participants' benefits on a timely basis. Per review of the case history, the sanction should be effective starting July 1, 2014, but the actual reduction started in October 1, 2014.

Questioned Costs

\$384. The participants' benefits were required to be reduced by \$128 per month from July 2014 through September 2014.

Cause and/or Effect

The family had an existing sanction related to other requirements placed for another individual at that time. This created some confusion about setting up another sanction under the same family ID in the CalWIN system. Therefore, this sanction was not correctly established. The monthly benefit was overpaid from July 2014 through September 2014.

Recommendation

We recommend that the County provide training to the users of the system on a regular basis and make all resources available to the staff to ensure all users of the system understand how to use all system functions related their areas of responsibility. The County should also consider designating a number of users as "super users", who thoroughly understands the CalWIN system and will become the "go-to" people for any questions from other users.

COUNTY OF SANTA CLARA
 Schedule of Findings and Questioned Costs (Continued)
 For the Fiscal Year Ended June 30, 2015

Section III – Federal Award Findings and Questioned Costs (Continued)

Finding 2015-003

Cash Management

Awarding Agency:	United States Department of Homeland Security
Passed Through:	California Emergency Management Agency
Program Name:	Homeland Security Grant Program
CFDA Number:	97.067
Award Number:	2012-SS-0123
Award Year:	October 1, 2012 through August 31, 2014
Classification of Finding:	Significant Deficiency in Internal Control over Compliance Incident of Noncompliance

Criteria

The U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations* (OMB Circular A-133) states that when entities are funded on a reimbursement basis, program costs must be paid for by entity funds before reimbursement is requested from the federal government. The fiscal year 2012 Homeland Security Grant Program (SHSGP) is a reimbursement basis program.

Condition/Context

During our review of the reimbursement claims submitted to the grantor, we noted that one of the reimbursement claims included a transaction in which the payment to the vendor has not been made at the time the reimbursement claim was submitted. The payment was made to its vendor on February 12, 2015, after the reimbursement claim was submitted in August 20, 2014.

Questioned Costs

Not applicable. The payment was made for an allowable activity of the program. Therefore, the federal expenditure is not considered a questioned cost.

Cause and/or Effect

The invoice was received in June 2014, however, the payment to the vendor was not made until February 2015. The noncompliance was caused by an oversight between the disbursement process and the preparation of reimbursement claims by the County's Office of Emergency Services.

Recommendation

We recommend the County evaluate the reporting preparation process to increase communication between the County's finance department and the County's Office of Emergency Services that handles the grants activities.

COUNTY OF SANTA CLARA

Status of Prior Year's Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2015

Reference Number: **Financial Statement Finding 2014-001 – Significant Deficiency**
Internal Controls Over the Financial Reporting Process

Audit Finding: As part of our audit, we assessed whether the County's internal controls have been effective over financial reporting. During our audit, we identified the following significant adjustments to the County's financial statements, which resulted in a significant deficiency in its internal controls:

- Reclassification of the Santa Clara Valley Health & Hospital System Enterprise Fund's (SCVHHSEF) cash and investments in the amount of \$181.4 million from a restricted asset to an unrestricted asset.
- Reversal of SCVHHSEF's payable to other County funds and the corresponding unrestricted cash and investments in the amount of \$66.9 million.
- Reclassification of SCVHHSEF's unearned cash received from the State in the amount of \$57.3 million from and offset to an asset to a due to other governmental agencies liability.

Recommendation: The Department should continue to evaluate the experience of professionals assigned to key roles in the preparation of the annual financial reports and ensure that there is a robust supervision and review process.

Status Corrective action plan has been implemented.

Reference Number: **Federal Award Finding 2014-002 –**
Allowable Costs/Cost Principles

Program Identification: U.S. Department of Health and Human Services
Passed Through State of California Department of Health Services
CFDA No. 93.778 – Medical Assistance Program

Audit Finding: During our testing of 40 payroll disbursements for the County's Medical Assistance Program during the period of July 1, 2013 to June 30, 2014, we identified 2 disbursements where the underlying timesheet of the employee did not contain an approval signature by the employee's supervisor validating review and approval of the hours charged to the program.

Recommendation: We recommend that the County strengthen internal controls over the payroll process to ensure that all employee timesheets have undergone supervisory review and approval prior to payroll distribution.

Status: Corrective action plan has been implemented.

COUNTY OF SANTA CLARA

Status of Prior Year's Findings and Questioned Costs (Continued)
For the Fiscal Year Ended June 30, 2015

Reference Number: **Federal Award Finding 2014-003 – Reporting**

Program Identification: U.S. Department of Health and Human Services
Passed Through State of California Department of Alcohol and Drugs
CFDA No. 93.959 – Block Grants for Prevention and Treatment of Substance Abuse

Audit Finding: During our testing of 2 quarterly reports out of a population of the 4 QFFMRs submitted for the fiscal year ended June 30, 2014, we noted that the QFFMRs were prepared and submitted by a Senior Health Care Financial Analyst in the General Accounting and Reimbursement Department without secondary review of accuracy.

Recommendation: We recommend the County evaluate the reporting process and redistribute responsibilities as appropriate.

Status: Corrective action plan has been implemented.

Reference Number: **Federal Award Finding 2014-004 – Special Tests & Provisions – Child Support Non-Cooperation**

Program Identification: U.S. Department of Health and Human Services
Passed Through State of California Department of Social Services
CFDA No. 93.558 – Temporary Assistance for Needy Families

Audit Finding: During our testing of 9 files out of a population of 44 individuals who did not cooperate with the State in establishing paternity, or in establishing, modifying or enforcing a support order with respect to a child of the individual for the fiscal year, we noted that 6 participant files did not have a Notice of Action form maintained with the client records. As such the reduced benefit payment was not communicated to the participant at least 10 days prior to the sanction.

Recommendation: We recommend that the County continue to evaluate the effectiveness of its current internal control policies over proper record keeping of all correspondence, including Notice of Action forms, to benefit recipients. In addition, we recommend the County continue to strengthen its internal control procedures over the benefit sanction process to ensure that sanctions are properly and timely communicated to beneficiaries and only imposed when valid.

Status: Not corrected. See current year finding 2015-001.

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COUNTY OF SANTA CLARA
Corrective Action Plan
For the Fiscal Year Ended June 30, 2015

The following findings were reported to the County's Schedule of Findings and Questioned Costs for the Year Ended June 30, 2015. The County's Corrective Action Plan for these findings is as follows:

Comment #2015-001 – (Material Weakness in Internal Control over Compliance and Material Noncompliance) – Special Tests and Provisions – Child Support Non-Cooperation (CFDA# 93.558)

The Social Service Agency agrees that all five of the participant files noted did not have copies of the Notice of Action to decrease benefits for Child Support Non-Cooperation. We have taken the following corrective actions:

- 1) Effective 2/1/16, individual caseloads were created and assigned to continuing eligibility workers in an effort to facilitate seamless communication between various departments and agencies. Eligibility Workers are now responsible for the maintenance, ongoing eligibility determinations, and penalty applications of a specific assigned caseload.
- 2) Supplements were issued on these cases as there is no verification on file to indicate a legal and timely 10-day Notice of Action (NOA) was sent to the clients.
 - a) On the active cases, a NOA has been sent informing them of the penalty being applied in the future month.
 - b) On the closed cases, the penalty has been recorded and will be implemented if and when the client reapplies for CalWORKs.
- 3) Expansion of child-support non-cooperation listing.
 - a) Existing report on child support penalty and sanctions has been expanded to include cases where child support penalty/sanction was imposed and if NOA was issued.
 - b) This report is a reoccurring cumulative monthly report which is assigned to workers by caseload.
- 4) Updated business process to include a case rejection process when the prior worker fails to issue a NOA after imposing a child support penalty/sanction.
 - a) Cases that have been reassigned to a new worker will be returned to the previous worker, within a designated timeframe, if it is discovered that the previous worker failed to issue a NOA to the client regarding the implementation of a child support sanction/penalty.

The following actions are pending implementation for the respective timeframes identified:

- 1) Service Request to modify CalWIN data system.
 - a) Systems vendor has confirmed functionality error regarding NOAs not generating on cases when there is an existing unrelated sanction.
 - b) The CalWIN Project anticipates a resolution for this known error by April 2016.
- 2) Mandatory in-class training will be conducted for all CalWORKs Eligibility Workers by late July 2016. The training will encompass the following aspects:
 - a) Difference between a child support penalty and child support sanction.
 - b) Timeframe in which actions must be taken,
 - c) Process to notify a client,
 - d) How to enter information correctly into CalWIN,

Review of the process to ensure that the correct NOA is being mailed, and the Communication process between DCSS and EWs.

COUNTY OF SANTA CLARA
Corrective Action Plan (Continued)
For the Fiscal Year Ended June 30, 2015

Comment #2015-002 – (Significant Deficiency in Internal Control over Compliance and Noncompliance) – Special Tests and Provisions – Penalty for Refusal to Work (CFDA# 93.558)

The Social Service Agency agrees that, for the one case referenced, an overpayment was not calculated for the period July, August and September 2014 as a result of Welfare-to-Work (WTW) sanction not implemented timely. The agency will take the following corrective actions:

- 1) An overpayment of \$128 per month will be calculated for the period of July 1, 2014 through September 30, 2014 and an overpayment claim of \$384 will be established. A Notice of Action will be mailed to the client to inform her of the claim/overpayment. The overpayment will be recorded and forwarded to collections for recovery.
- 2) As part of the communication between the EC/EC Supervisor and EW/EW Supervisor, the CWES Supervisor notifies the EW and EWS by sending an email on the day the sanction is authorized. Additional instructions will be provided to staff by June 15, 2016 reminding them to confirm that sanctions are implemented in a timely manner and that overpayments must be calculated, and claims established when the sanction is not imposed timely.

Instructions will include a process for EW/EC experiencing automated systems issues, such as addressing prior sanctions resulting in duplicate sanctions that prevent implementing a current sanction, to immediately contact specialized support staff, including CalWIN Help Desk, to address the issues timely and accurately.

Comment #2015-003 – (Significant Deficiency in Internal Control over Compliance and Noncompliance) – Cash Management (CFDA# 97.067)

The County's Office of Emergency Services (OES) recognizes and agrees with this finding. The cash management error was due in part to OES being understaffed, i.e. there was no permanent accounting staff, or trained grant staff, at the time of the FY 2012 SHSGP grant closeout.

Since 2014, current staff has been trained in the preparation of grant reimbursement requests. We implemented this training immediately upon hiring. We have also implemented new reimbursement/cash request procedures wherein all grant invoices are cross-checked against an SAP financial report of grant expenditures. This procedure prohibits the inclusion of vendor/sub-recipient invoices that have not yet been paid by our office during the reimbursement request process. It also ensures that all grant expenditures have been included in our reimbursement requests.

The Grant Manager has also implemented the practice of meeting quarterly with accounting staff to review grant expenditures. This practice is to ensure that sub-recipient invoices are submitted well before the grant performance period end date, and to avoid having to expend funding in a last minute fashion, where the potential for delayed reimbursement of vendors/sub-recipients is increased.

In addition to the measures above, OES will implement the following additional corrective action: Effective immediately, a secondary review for accuracy and completeness of all reimbursement requests will be performed before final submission to the State.

EXHIBIT B

OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA

70 West Hedding Street, 9th Floor
San Jose, California 95110-1770
(408) 299-5900 / (408) 292-7240 (FAX)



Miguel Márquez
COUNTY COUNSEL

Winifred Botha
Orry P. Korb
Lori E. Pegg
ASSISTANT COUNTY COUNSEL

August 16, 2010

VIA FEDEX OVERNIGHT DELIVERY

David Venturella, Executive Director
Office of Secure Communities
U.S. Department of Homeland Security
500 12th Street SW
Washington, D.C. 20024

Dear Mr. Venturella:

I am writing to request clarification regarding the "Secure Communities" program. The Santa Clara County Board of Supervisors has asked me to provide them with an explanation of the way Secure Communities operates at the local level and the extent of the County's obligation to comply. I have found that much of the available information concerning this program is confusing and contradictory. I therefore request written clarification on the following questions.

1. Is there a mechanism by which localities may "opt out?"

The Secure Communities Standard Operating Procedures appear to describe Secure Communities as a program that is voluntary for counties. The cover page, for example, states that the Standard Operating Procedures are "[d]istributed for adoption by participating county and local law enforcement agencies[.]"¹ Yet nothing in the Standard Operating Procedures explains how counties elect to become "participating count[ies]," what the mechanism for "adoption" is, or whether they can opt out instead if they so choose.

Additionally, in the cover letter accompanying the 2009 Memorandum of Agreement between Immigration and Customs Enforcement ("ICE") and the California Department of Justice, you stated that "[d]eployment at the county and local level requires a signed Statement of Intent (SOI) by participating agencies that oversee booking locations to ensure those agencies understand and adhere to the principles set forth in the MOA and a set of Standard Operating

¹ Immigration and Customs Enforcement, *Secure Communities (SC) Standard Operating Procedures (SOP)* (2009), available at http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf (hereinafter "Standard Operating Procedures").

Letter to D. Venturella
Re: Secure Communities
August 16, 2010
Page 2 of 4

Procedures.”² I have been unable to find any further information about these Statements of Intent. No department in Santa Clara County has signed or been asked to sign one; nor, to my knowledge, has any other California municipality.

Recent statements your office has made to the press suggest that you do not view county participation as voluntary, and that once ICE has signed an MOA with the relevant state department of justice, a county’s only recourse if it wishes not to participate in the program is to seek an exemption from the state. Is that correct? Do you view the State of California as having the ability, under the 2009 MOA your office signed with the California Department of Justice, to exempt certain counties from the program? Have you allowed other localities or law enforcement agencies, either inside or outside California, to opt out or modify their participation in the program?

I understand that ICE is offering counties one limited form of “opt out”: Counties may request not to receive “match messages” showing when an individual’s fingerprints have been matched with those in ICE’s IDENT database. My understanding is that these messages do not require or authorize counties to take any action with respect to the arrested individual. Assuming my understanding is correct, what is the purpose of receiving or not receiving these messages?

2. Once Secure Communities is deployed in a locality, is the locality required to comply with detainers, and will you provide reimbursement and indemnification?

The Standard Operating Procedures state that “[w]hen ICE determines an alien has been charged or convicted of a Level 1 offense that could result in removal, or when an alien who is already subject to removal is charged with a Level 1 offense, ICE will file an Immigration Detainer (Form I-247) at the time of booking with the local LEA that has custody of the alien.”³ ICE has not made clear, however, whether localities are *required* or merely *requested* to comply with such detainers. The Standard Operating Procedures use a mixture of mandatory and voluntary language.⁴ And the language of ICE’s Form I-247 states that “[f]ederal regulations (8 C.F.R. § 287.7) *require* you to detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays)” if ICE so requests.⁵ Is it ICE’s position that localities are legally required to hold individuals pursuant to Form I-247, or are detainers merely requests with which a county could legally decline to comply?

² Letter from David Venturella, U.S. Department of Homeland Security, to Linda Denly, Bureau of Criminal Identification and Information, California Department of Justice (Jan. 23, 2009), *available at* http://www.ice.gov/doclib/foia/secure_communities-moa/r_california_4-10-09.pdf.

³ Standard Operating Procedures at 5.

⁴ *Id.* at 6 (“*Requested* Local LEA Cooperative Actions . . . ICE *requests* that the LEAs: 2.2.1 Abide by Immigration Detainer conditions: The local LEA *will abide* by the conditions stated in the Immigration Detainer, Form I-247.”) (emphases added).

⁵ *Id.* at 11 (Form I-247, “Immigration Detainer—Notice of Action,” attached as Appendix C) (emphasis added).

Letter to D. Venturella
Re: Secure Communities
August 16, 2010
Page 3 of 4

It is also unclear who bears the costs related to detaining individuals at ICE's request. The federal regulation regarding detainers states that "[n]o detainer . . . shall incur any fiscal obligation on the part of the Department [of Homeland Security], until actual assumption of custody by the Department, except as provided in paragraph (d) of this section."⁶ I see nothing in paragraph (d) clarifying what financial reimbursement the Department provides to local agencies, although the paragraph itself deals with the kind of temporary detention at issue in the Secure Communities program.⁷ As you know, local governments are faced with increasing financial difficulties, and holding individuals pursuant to immigration detainers incurs costs and creates the risk of liability. Will ICE reimburse localities for the cost of detaining individuals pursuant to Form I-247 beyond their scheduled release times? Additionally, will ICE indemnify localities for any liability incurred because of that detention?

3. Once Secure Communities is deployed in a locality, is the locality required to comply with other "local LEA cooperative actions"?

As with detainers, the Standard Operating Procedures use a mixture of mandatory and voluntary language to describe other forms of local LEA cooperation.⁸ Is it ICE's position that localities where Secure Communities is deployed are legally required to a) inform ICE if a subject is to be transferred or released thirty days in advance of any release or transfer; b) allow ICE agents and officers access to detainees to conduct interviews and serve documents; and/or c) assist ICE in acquiring information about detainees? If so, what is the legal basis for such requirements?

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⁶ 8 C.F.R. § 287.7(e).

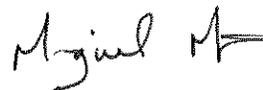
⁷ *Id.* § 287.7(d) (providing for "[t]emporary detention at Department request").

⁸ Standard Operating Procedures at 6 ("*Requested Local LEA Cooperative Actions . . . ICE requests that the LEAs: . . . 2.2.3 Inform ICE if subject is transferred or released: The local LEA will notify ICE when an alien's release or transfer to another location is imminent. . . . 2.2.4 Allow access to detainees: The local LEA will allow ICE Agents and Officers access to detainees 2.2.5 Assist ICE in acquiring information about detainees: The local LEA will locate and identify the booking and/or detention information on any alien against whom ICE has lodged a detainer.*") (emphases added).

Letter to D. Venturella
Re: Secure Communities
August 16, 2010
Page 4 of 4

Your clarification on the above questions would be appreciated. Please do not hesitate to contact me at the address above. I look forward to hearing from you.

Very truly yours,



MIGUEL MÁRQUEZ
County Counsel

- c: Marc Rapp, Deputy Director of Secure Communities, U.S. Department of Homeland Security *(via email)*
Hon. Zoe Lofgren, Chair, U.S. House of Representatives Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law *(via email)*
Honorable Board of Supervisors, County of Santa Clara
Jeffrey V. Smith, County Executive, County of Santa Clara
Laurie Smith, Sheriff, County of Santa Clara
Edward Flores, Chief of Correction, County of Santa Clara

EXHIBIT C

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

Mr. Miguel Márquez
County Counsel
County of Santa Clara
70 West Hedding Street, Ninth Floor
San Jose, CA 95110-1770

Dear Mr. Márquez:

Thank you for your August 16, 2010, letter regarding U.S. Immigration and Customs Enforcement's (ICE) Secure Communities initiative. I appreciate the opportunity to discuss ICE's immigration enforcement policies with you and to respond to your questions.

As an overview, Secure Communities is ICE's comprehensive strategy to improve and modernize the identification and removal of criminal aliens from the United States. As part of the strategy, ICE uses a federal biometric information sharing capability to more quickly and accurately identify aliens when they are booked into local law enforcement custody. ICE uses a risk-based approach that prioritizes immigration enforcement actions against criminal aliens based on the severity of their crimes, focusing first on criminal aliens convicted of serious crimes like murder, rape, drug trafficking, national security crimes, and other "aggravated felonies," as defined in § 101(a)(43) of the Immigration and Nationality Act (INA). Under this strategy, ICE maintains the authority to enforce immigration law. The activation of biometric information-sharing capability in new jurisdictions enables ICE to identify criminal aliens before they are released from law enforcement custody into our communities, which strengthens public safety. ICE works with state identification bureaus to develop deployment plans for activating the biometric information sharing capability in their jurisdictions. Your specific questions about Secure Communities are answered below.

1. Is there a mechanism by which localities can opt out?

As part of the Secure Communities activation process, ICE conducts outreach to local jurisdictions, which includes providing information about the biometric information sharing capability, explaining the benefits of this capability, explaining when the jurisdiction is scheduled for activation, and addressing any concerns the jurisdiction may have. If a jurisdiction does not wish to activate on the scheduled date in the Secure Communities deployment plan, it must formally notify its state identification bureau and ICE in writing by email, letter, or facsimile. Upon receipt of that information, ICE will request a meeting with federal partners, the jurisdiction, and the state to discuss any issues and come to a resolution, which may include adjusting the jurisdiction's activation date or removing the jurisdiction from the deployment plan.

a) Can you provide information on the Statement of Intent referenced in the cover letter accompanying the 2009 MOA?

ICE does not require local jurisdictions to sign Statements of Intent or any other document to participate in Secure Communities. The reference to the Statement of Intent in the cover letter to the MOA was an oversight. The MOA signed by the state of California makes no mention of a Statement of Intent, and ICE has advised the California Department of Justice that it will not be utilizing Statements of Intent.

b) Do you view the State of California as having the ability to exempt certain counties from the program under the 2009 MOA signed by ICE and the California Department of Justice?

ICE recognizes the California Department of Justice as the agency having the responsibility for the management and administration of the state's criminal data repositories, which includes development of and adherence to policies and procedures that govern their use and how information is shared with other state and federal agencies. Therefore, ICE defers to the California State Attorney General on how state, county, and local law enforcement agencies within the state of California will share biometric data under the MOA.

c) Have you allowed other localities of law enforcement agencies, either inside or outside California, to opt out or modify their participation in the program?

The Washington, D.C. Metropolitan Police Department is the only jurisdiction to date that has terminated its signed Memorandum of Agreement. As referenced by your letter, activated jurisdictions do not have to receive the "match responses" and Secure Communities, in coordination with the state identification bureaus and the FBI's Criminal Justice Information Services (CJIS) Division, has accommodated jurisdictions that requested not to receive that information.

d) What is the purpose of receiving the "match messages"? Do they require or authorize counties to take action with respect to arrested individuals?

The purpose of local law enforcement receiving a 'match message' is to provide any additional identity information about the subject, including aliases, from the DHS biometric database storing over 100 million records that may not have been available based only on a criminal history check. Additional identity information may further a law enforcement officer's open investigations and lead to improved officer safety. Receiving a 'match message' does **not** authorize or require any action by local law enforcement.

2. Once Secure Communities is deployed in a locality, is the locality required to comply with detainers, and will you provide reimbursement and identification?

- a) Is it ICE's position that localities are required to hold individuals pursuant to Form I-247 or are detainers merely requests with which a county could legally decline to comply?**

ICE views an immigration detainer as a request that a law enforcement agency maintain custody of an alien who may otherwise be released for up to 48 hours (excluding Saturdays, Sundays, and holidays). This provides ICE time to assume custody of the alien.

- b) Who bears the costs related to detaining individuals at ICE's request?**

Pursuant to 8 C.F.R. § 287.7(e), ICE is not responsible for incarceration costs of any individual against whom a detainer is lodged until "actual assumption of custody." The exception provided in section 287.7(e) stating that ICE shall not incur "fiscal obligation...except as provided in paragraph (d) of this section" only serves to authorize payment but does not require it. To the extent a payment is considered, it should only be made pursuant to a written agreement because, under INA § 103(a)(11), ICE pays detention costs when aliens are in its custody pursuant to "an agreement with a State or political subdivision of a State."

- c) Will ICE reimburse localities for the cost of detaining individuals pursuant to Form I-247 beyond their scheduled release times? Will ICE indemnify localities for any liability incurred because of that detention?**

ICE does not reimburse localities for detaining any individual until ICE has assumed actual custody of the individual. Further, ICE will not indemnify localities for any liability incurred because the Anti-Deficiency Act prohibits such indemnity agreements by federal agencies.

3. Is it ICE's position that localities where Secure Communities is deployed are legally required to:

- i. Inform ICE if a subject is to be transferred or released thirty days in advance of any release or transfer? If so, what is the legal basis for such a requirement?**

The notification to ICE of inmate transfer or release within thirty days is pursuant to ICE's request for that information. It is not a statutory requirement.

ii. Allow ICE agents and officers access to detainees to conduct interviews and serve documents? If so, what is the legal basis for such a requirement?

INA § 238, 8 U.S.C. 1228, provides for the availability of special removal proceedings at federal, state, and local correctional facilities for aliens convicted of certain criminal offenses. Such programs require ICE officers to conduct inmate interviews to determine alienage and any possibilities for relief or protection from removal. The statute does not require state or local jurisdictions to participate in such programs.

iii. Assist ICE in acquiring information about detainees? If so, what is the legal basis for such a requirement?

Assisting ICE in acquiring detainee information is not a legal requirement.

Thank you again for your letter. If you have any additional questions, please feel free to contact me at (202) 732-3900.

Sincerely yours,



David Venturella
Assistant Director

EXHIBIT D

**OFFICE OF THE COUNTY EXECUTIVE
COUNTY OF SANTA CLARA**

70 West Hedding Street, 11th Floor
San Jose, California 95110-1770
(408) 299-5105
(408) 293-5649 (FAX)

Jeffrey V. Smith
COUNTY EXECUTIVE



**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

70 West Hedding Street, 9th Floor
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Miguel Márquez
COUNTY COUNSEL

October 13, 2010

VIA U.S. MAIL

David Venturella, Executive Director
Office of Secure Communities
U.S. Department of Homeland Security
500 12th Street SW
Washington, DC 20024

Dear Mr. Venturella:

Thank you for responding to our inquiry on behalf of the County of Santa Clara ("the County") regarding the Secure Communities program. On September 28, 2010, by a unanimous vote, the County's Board of Supervisors directed us to take all necessary actions to allow the County to opt out of participation in the Secure Communities program.

Pursuant to the instructions in your letter, we are sending this letter to your office and to the California Department of Justice to provide you with formal notice that the County does not wish to participate in the Secure Communities program. The County respectfully requests that Immigration and Customs Enforcement, along with the California Department of Justice, deactivate the sharing of biometric information called for under the Secure Communities program ("IDENT/IAFIS Interoperability") with respect to Santa Clara County.

Because the County was activated as a Secure Communities jurisdiction on May 4, 2010, without being provided an opportunity to discuss our concerns about the program or to have them addressed, we ask that such de-activation take place immediately.

Re: Secure Communities

October 13, 2010

Page 2 of 2

If, as set forth in your letter, you would like to set up a meeting between federal partners, the State, and the County to discuss deployment of Secure Communities in the County, please contact the Office of the County Counsel at 408-299-5902 to schedule such a meeting. We look forward to hearing from you.

Very truly yours,



JEFFREY V. SMITH
County Executive

Very truly yours,



MIGUEL MÁRQUEZ
County Counsel

c: Edmund G. Brown, Jr.
Attorney General, State of California
Department of Justice
1300 I Street
Sacramento, CA 95814

Linda Denly
Bureau of Criminal Identification and Information
Division of California Justice Information Services
Department of Justice
4949 Broadway, Room G-116
Sacramento, CA 95820

Honorable Zoe Lofgren, Chair, U.S. House of Representatives Subcommittee on
Immigration, Citizenship, Refugees, Border Security, and International Law (*via email*)

Honorable Board of Supervisors, County of Santa Clara

EXHIBIT E

- a Certified Residential Specialist (CRS) designation from the Council of Residential Specialists, a Graduate Realtor Institute (GRI) designation from the National Association of Realtors, or a similar designation;
- (C) Real property appraisers with the designation of Member Appraisal Institute (MAI) or a similar designation evidencing experience with complex income property valuation;
 - (D) Personal property appraisers with an Accredited Senior Appraiser (ASA) designation from the American Society of Appraisers or a similar designation;
 - (E) Attorneys with experience with complex income and business property valuation; or
 - (F) Individuals having experience which is comparable to that set forth in subsections (A) through (E) above.

In addition, Board members may, but shall not be obligated to, ensure that each separate AAB panel has at least one real property appraiser with the designation of MAI from the Appraisal Institute, or similar designation evidencing experience with complex income property valuation, as well as one experienced Assessment Appeals Board member.

3.53.2 Appointment of Value Hearing Officers

It is the policy of the Board of Supervisors that when considering prospective value hearing officers, Board members may, but shall not be obligated to, give preference to candidates possessing the following background:

- (A) Residential real property appraisers with an SRA designation from the Appraisal Institute;
- (B) Residential real property appraisers licensed at the Certified Residential or Certified General level by the State of California Office of Real Estate Appraisers; or
- (C) Individuals having experience which is comparable to that set forth in subsections (A) and (B) above.

In addition, Board members may, but shall not be obligated to, give preference to candidates with prior experience as either a hearing officer or arbitrator.

3.54 CIVIL IMMIGRATION DETAINER REQUESTS (Adopted 10-18-11)

It is the policy of Santa Clara County (County) to honor civil detainer requests from the United States Immigration and Customs Enforcement (ICE) by holding adult inmates for an additional 24-hour period after they would otherwise be released in accordance with the following policy, so long as there is a prior written agreement with the federal govern-

ment by which all costs incurred by the County in complying with the ICE detainer shall be reimbursed:

- (A) Upon written request by an Immigration Customs and Enforcement (ICE) agent to detain a County inmate for suspected violations of federal civil immigration law, the County will exercise its discretion to honor the request if one or more of the following apply:
- (1) The individual is convicted of a serious or violent felony offense for which he or she is currently in custody.
 - (a) For purposes of the policy, a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code and a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code.
 - (2) The individual has been convicted of a serious or violent felony within 10 years of the request, or was released after having served a sentence for a serious or violent felony within 5 years of the request, whichever is later.
 - (a) If the individual has been convicted of a homicide crime, an immigration detainer request will be honored regardless of when the conviction occurred.
 - (b) This subsection also applies if the Santa Clara County Department of Corrections has been informed by a law enforcement agency, either directly or through a criminal justice database, that the individual has been convicted of a serious or violent offense which, if committed in this state, would have been punishable as a serious or violent felony.
- (B) In the case of individuals younger than 18 years of age, the County shall not apply a detainer hold.
- (C) Except as otherwise required by this policy or unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or be allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates.

3.55 DEFENDING PROFESSIONALLY LICENSED EMPLOYEES IN ADMINISTRATIVE PROCEEDINGS (Adopted 10-25-11)

The County values its employees and desires to support them when they perform their duties within the scope of their employment in a good-faith manner and to the best of their

EXHIBIT F

OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA

70 West Hedding Street, 9th Floor
San Jose, California 95110-1770
(408) 299-5900
(408) 292-7240 (FAX)



Miguel Márquez
COUNTY COUNSEL

Winifred Botha
Orry P. Korb
Lori E. Pegg
ASSISTANT COUNTY COUNSEL

October 21, 2011

Tim Aitken
Field Office Director
Immigration and Customs Enforcement
630 Sansome Street
San Francisco, CA 94111

Re: County of Santa Clara Policy on I-247s

Dear Mr. Aitken:

I am writing to inform you of a new Civil Detainer Policy (3.54) that was adopted by the County of Santa Clara's Board of Supervisors on October 18, 2011. I have attached a copy of Policy 3.54 and the Board Resolution adopting the ordinance to this letter for your review.

I am providing this letter to officially inform you of the changes that the County has implemented pursuant to Policy 3.54. The policy and the changes outlined below will be applied both prospectively and to everyone currently in custody, including any individual for whom a civil detainer request has already been received.:

- 1) Unless and until there is a prior written agreement between the federal government and the County, whereby the federal government agrees to reimburse the County for all costs the County incurs as a result of honoring civil detainer requests, the County will no longer place immigration holds on individuals pursuant to an I-247 request for detainer. In effect, this means that the County will no longer notify ICE of individuals' date of release nor will we hold individuals for an additional 48-hours in order to provide ICE with the opportunity to assume custody.
- 2) If the federal government and the County reach a written agreement regarding reimbursement, the County will honor detainer requests for individuals who have been convicted of a serious or violent felony, and will agree to hold such individuals for an additional 24-hours from their date of release, subject to the limitations described in Sections 1(a) and 1(b) of the attached policy.
- 3) Under no circumstances will the County honor a detainer request received for an individual younger than 18 years of age.
- 4) Except as otherwise required by law or this policy, the County will not permit

Letter to Tim Aitken, Field Office Director, ICE
Re: Santa Clara County's Civil Detainer Policy
October 21, 2011
Page 2 of 2

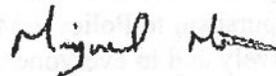
Immigration and Customs Enforcement (ICE) agents to access inmates in our custody unless the agent has a criminal warrant or a County official determines there is a legitimate law enforcement purpose for allowing such access that is not related to the enforcement of immigration laws.

- 5) County personnel will not expend time or resources responding to ICE inquiries or communicating with ICE personnel regarding individuals' incarceration status or release dates.

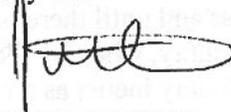
This policy was adopted to limit County resources spent on the enforcement of civil immigration law. We recognize that the County may at times have custody of an individual who has a federal criminal warrant, who ICE is investigating for a violation of criminal law, or who ICE believes is wanted for a serious crime committed outside of the United States. If ICE is requesting County cooperation in holding or investigating an individual for a violation of criminal law, please provide us with the basis for that request in writing. But in order to comply with Board Policy 3.54, we request that ICE communicate with the County regarding such individuals through a means other than an I-247 request.

Please direct any questions you have regarding this policy or its implementation to me or my deputy, Juniper Downs, who can be reached at (408) 299-5969.

Very truly yours,



MIGUEL MÁRQUEZ
County Counsel



JUNIPER DOWNS
Lead Deputy County Counsel

c: John Morton, Director of Immigration and Customs Enforcement

POLICY RESOLUTION NO. 2011-504

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CLARA ADDING BOARD POLICY 3.54 RELATING TO
CIVIL IMMIGRATION DETAINER REQUESTS**

WHEREAS, the Board of Supervisors wishes to give direction and set policy for such matters for which the responsibility of decisions is placed on it by virtue of State codes, County Charter or specific ordinances and resolutions or relates to its broad policy-making authority to matters regarding Santa Clara County; and

WHEREAS, the Board of Supervisors wishes to clearly state and compile policies and to provide for distribution of these policies to affected decision-makers; and

WHEREAS, the Policy Manual is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to give guidance to staff and future members of the Board of Supervisors;

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OCT 18 2011

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara, State of California, that the Board of Supervisors' Policy Manual is hereby amended by adoption of this resolution to add Section 3.54, Civil Immigration Detainer Requests, attached hereto as Exhibit "A" and incorporated herein, and the Clerk of the Board is directed to incorporate the policy into the manual so that it is available to all County staff.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on OCT 18, 2011, by the following vote:

AYES: CORTESE, ~~KNISS~~, SHIRAKAWA, WASSERMAN, YEAGER

NOES: WASSERMAN

ABSENT: KNISS

ABSTAIN: _____



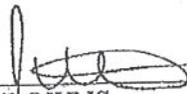
DAVE CORTESE, President
Board of Supervisors

ATTEST:



MARIA MARINOS
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



JUNIPER DOWNS
Lead Deputy County Counsel

Exhibit to this Resolution:

A -- Board Policy 3.54 for Civil Immigration Detainer Requests

446351

Exhibit A

3.54 Civil Immigration Detainer Requests

It is the policy of Santa Clara County (County) to honor civil detainer requests from the United States Immigration and Customs Enforcement (ICE) by holding adult inmates for an additional 24-hour period after they would otherwise be released in accordance with the following policy, so long as there is a prior written agreement with the federal government by which all costs incurred by the County in complying with the ICE detainer shall be reimbursed:

1. Upon written request by an Immigration Customs and Enforcement (ICE) agent to detain a County inmate for suspected violations of federal civil immigration law, the County will exercise its discretion to honor the request if one or more of the following apply:
 - a. The individual is convicted of a serious or violent felony offense for which he or she is currently in custody.
 - i. For purposes of the policy, a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code and a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code.
 - b. The individual has been convicted of a serious or violent felony within 10 years of the request, or was released after having served a sentence for a serious or violent felony within 5 years of the request, whichever is later.
 - i. If the individual has been convicted of a homicide crime, an immigration detainer request will be honored regardless of when the conviction occurred.
 - ii. This subsection also applies if the Santa Clara County Department of Corrections has been informed by a law enforcement agency, either directly or through a criminal justice database, that the individual has been convicted of a serious or violent offense which, if committed in this state, would have been punishable as a serious or violent felony.
2. In the case of individuals younger than 18 years of age, the County shall not apply a detainer hold.
3. Except as otherwise required by this policy or unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or be allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates.

EXHIBIT G

RESOLUTION NO. 2010-316

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADVANCING PUBLIC SAFETY AND AFFIRMING THE SEPARATION BETWEEN
COUNTY SERVICES AND THE ENFORCEMENT
OF FEDERAL CIVIL IMMIGRATION LAW**

WHEREAS, the County of Santa Clara is home to a diverse and vibrant community of people representing many races, ethnicities, and nationalities, including immigrants from all over the world; and

WHEREAS, approximately one-third of all County residents are foreign born, and approximately two-thirds live in families with at least one foreign-born member; and

WHEREAS, the Board of Supervisors recognizes that fostering a relationship of trust, respect, and open communication between County employees and County residents is essential to County departments' core mission of ensuring public safety and serving the needs of the entire community; and

WHEREAS, the Board of Supervisors wishes to encourage all residents of Santa Clara County to report crimes to County law enforcement officials and to use County services without fear of being arrested by or reported to U.S. Immigration and Customs Enforcement ("ICE"); and

WHEREAS, the Board of Supervisors believes that laws like Arizona's SB 1070 erode the relationship of trust between immigrant communities and local governments, subject individuals to racial profiling, discourage crime victims and witnesses from coming forward and cooperating with local law enforcement officials, and make people afraid to seek the services and medical assistance they and their children need, thereby undermining the health, safety, and well-being of citizens and non-citizens alike; and

WHEREAS, the enforcement of federal civil immigration law is the responsibility of the federal government and not of the County; and

WHEREAS, consistent with the U.S. Constitution's prohibition on the federal commandeering of local resources, the Board of Supervisors has long opposed measures that would deputize local officials and divert County resources to fulfill the federal government's role of enforcing civil immigration law; and

WHEREAS, the Board of Supervisors has consistently sought to protect the rights of all County residents to be free from discrimination, abuse, violence, and exploitation, as reflected by its enduring commitment to protecting victims of hate crimes, domestic violence, elder abuse, human trafficking, and immigration practitioner fraud in Santa Clara County; and

WHEREAS, in this time of economic difficulties, the Board of Supervisors remains committed to maximizing public safety, public health, and vital services on which the entire community depends, and recognizes that the best way to achieve these priorities is to foster an environment of inclusiveness and trust between the government and all County residents;

NOW, THEREFORE, BE IT RESOLVED that, as to all County departments and agencies subject to the Board of Supervisors' jurisdiction:

1. No County department, agency, officer, or employee shall initiate any inquiry or enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or inability to speak English.
2. No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual solely for an actual or suspected civil violation of federal immigration law.
3. No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal or state law or local public assistance eligibility criteria.
4. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.
5. The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of County residents, including but not limited to providing all required warnings concerning an individual's right to remain silent, the right not to sign documents he or she does not understand, and the right to speak with a lawyer.

BE IT FURTHER RESOLVED that:

6. Nothing in this resolution shall be construed to prohibit any County officer or employee from participating in task force activities with federal criminal law enforcement authorities.
7. Nothing in this resolution shall be construed to prohibit any County law enforcement officer from investigating violations of criminal law.
8. The County Counsel shall work with County departments and agencies to implement this resolution.

- 9. The Clerk of the Board shall make copies of this resolution available to the public in English, Spanish, Vietnamese, Chinese, and Tagalog.

PASSED AND ADOPTED by the Board of Supervisors, County of Santa Clara, State of California on JUN 22 2010 by the following vote:

AYES: ~~COSTESE, GAGE, KNISS, SHIRAKAWA, YEAGER~~

NOES: None

ABSENT: None

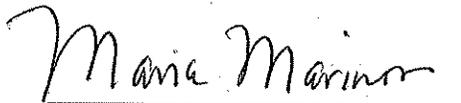
ABSTAIN: None



Ken Yeager, President
Board of Supervisors

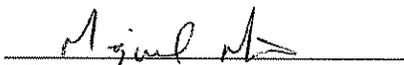
Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:



Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Miguel Márquez
Office of the County Counsel

Adopted

EXHIBIT H

County of Santa Clara

Office of the County Executive

County Government Center, East Wing
70 West Hedding Street, 11th Floor
San Jose, California 95110
(408) 299-5102
jeff.smith@ceo.sccgov.org



Jeffrey V. Smith, M.D., J.D.
County Executive

November 1, 2016

Edgardo Garcia, Chief of Police
City of San Jose Police Department
201 W. Mission Street
San Jose, CA 95110

RE: Justice Assistance Grant (JAG) Program for 2016

Dear Mr. Garcia:

This letter responds to your inquiry about whether the County of Santa Clara intends to accept funding from the 2016 Justice Assistance Grant (JAG) Program. We wish to inform you that the County is presently choosing to decline to accept 2016 JAG funding.

This letter should not be construed as reflective of the position of the County with respect to any other grant, past grants, or future grants, and is limited solely to the 2016 JAG Program.

If you have any questions or concerns, please contact Esther Peralez-Dieckmann at (408) 299-5142.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey V. Smith", is written over a faint, larger version of the same signature.

Jeffrey V. Smith, M.D., J.D.
County Executive

c: Miguel Márquez, Chief Operating Officer
James R. Williams, County Counsel
John P. Mills, Deputy County Executive
Esther Peralez-Dieckmann, Office of Women's Policy