

MEASURE A

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE A

California law permits the voters of the County of Santa Clara to amend the County Charter if a majority of the voters voting in an election approve the amendment.

Until 1988, the County Sheriff supervised jail facilities in Santa Clara County. In June 1988, County voters amended the Charter to add Section 509. That section established the Department of Correction to operate the County jails and to carry out other functions designated by the Board of Supervisors. The Chief Officer, now known as the Chief of Correction, runs the Department of Correction and reports directly to the Board of Supervisors. Section 509 also requires the Board of Supervisors to ensure that there is an adequate number of trained law enforcement personnel who are authorized to use firearms to guard and transport prisoners. Under California law, designated Department of Correction custodial officers may carry firearms for certain purposes at the County facilities as long as they are under the direction of the Sheriff.

As a result of the Charter and State law requirements, currently both the Department of Correction and the Sheriff play a role in supervising the jails. The County has two jails.

Measure A is a Charter amendment that would amend Section 509. The amendment would authorize the Board of Supervisors to assign responsibility over any or all jail operations to the Sheriff, the Department of Correction, or any other County department or agency. The Board of Supervisors could also assign joint responsibility over any jail operations to a combination of departments or agencies. The Board of Supervisors could make these changes only by an ordinance approved by a 4/5 vote of its members (i.e., at least four votes) to (1) reduce the cost of operating the jails, (2) ensure the presence of adequate law enforcement personnel, or (3) address changed circumstances.

A "yes" vote is a vote to amend Section 509 of the Charter of the County of Santa Clara to allow the Board of Supervisors to assign responsibility over the County jails.

A "no" vote is a vote not to amend Section 509 of the Charter of the County of Santa Clara.

Prepared by: /s/ Jon Givner
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On behalf of: /s/ Miguel Marquez
County Counsel

COMPLETE TEXT OF MEASURE A

To provide the Board of Supervisors with flexibility in operating the County jails to ensure continued cost-savings and improvement of efficiencies, shall section 509 of the Charter of the County of Santa Clara be amended to read as follows:

On June 7, 1988, County voters approved Measure A adding section 509 to the County Charter to reduce the cost of operating the County jails. Pursuant to this section, the Board of Supervisors established the Department of Correction and appointed a Chief Officer (now known as the Chief of Correction) to operate the county jails and to carry out such other functions as the Board determines. This section also required the Board to ensure that an adequate number of law enforcement personnel were authorized to carry firearms to guard and transport prisoners. The Board has met this requirement by having the Department of Correction operate the jail in conjunction and cooperation with the Sheriff.

To continue to reduce the cost of operating the jails, to ensure that an adequate number of law enforcement personnel are authorized to carry firearms to guard and transport prisoners, and/or to provide flexibility to address changed circumstances, the Board may, by ordinance supported by a 4/5ths vote of the Board, convey jurisdiction over any or all jail operations to the Sheriff, to the Department of Correction, to any other department or agency that may lawfully exercise such jurisdiction, or to any of these entities jointly as the Board may determine.

ARGUMENT IN FAVOR OF MEASURE A

In 1988, the County asked voters to adopt Charter section 509, which created a Department of Correction and Chief of Correction to operate the County jails, rather than the Sheriff. The purpose of the operational change was to save costs by using custodial instead of law enforcement officers to staff the jails. Since 1988, the law has changed and now custodial officers must be supervised by law enforcement personnel. This change required the presence of a certain number of law enforcement officers in the jails, whom had to be appointed and supervised by the Sheriff. To accomplish this goal, the County entered into an agreement with the Sheriff to provide the required supervision.

Due to the County's dire financial situation, in 2010 the County restructured the Office of the Sheriff and the Department of Correction, allowing them to operate the jails in conjunction and cooperation. This action resulted in streamlining jail functions and eliminating duplicative administrative functions. By taking this action, the County saved at least an annualized amount of \$7 million.

In this time of budget shortfalls, savings are crucial to the County's ability to provide safety-net services, including public safety, health and social services, when needed most. Based on unforeseeable and changing circumstances and potential changes in the law, the Board of Supervisors needs flexibility to restructure jail operations in the future to respond to fluctuations in the jail population while exploring the maximum cost-savings, including implementing a more economically prudent structure.

A YES vote on Measure A will reaffirm the recent restructuring, ensure compliance with the law, and clarify and broaden the Board of Supervisors' discretion in determining how to most efficiently operate the County jails and maximize cost-savings at this crucial time and in future.

We urge a YES vote on Measure A.

/s/ George Shirakawa
President, District 2, Santa Clara County Board of Supervisors

/s/ Ken Yeager
Vice President, District 4, Santa Clara County Board of Supervisors

/s/ Mike Wasserman
Supervisor, District 1, Santa Clara County Board of Supervisors

/s/ Dave Cortese
Supervisor, District 3, Santa Clara County Board of Supervisors

/s/ Liz Kniss
Supervisor, District 5, Santa Clara County Board of Supervisors

NO ARGUMENT AGAINST MEASURE A WAS SUBMITTED