

# County of Santa Clara

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(ENDORSED)  
**FILED**  
SEP 11 2018

Megan Doyle  
Clerk of the Board

September 4, 2018

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY \_\_\_\_\_ DEPUTY

**Janice Jones**

The Honorable Patricia M. Lucas  
Presiding Judge  
Santa Clara County Superior Court  
191 North First Street  
San Jose, CA 95113

RE: Grand Jury Report: Superintendent Turnover at the Santa Clara County Office of Education: Time to Elect the Superintendent.

Dear Judge Lucas:

At the August 28, 2018 meeting of the County of Santa Clara Board of Supervisors (Item No. 59), the Board adopted the response from County Administration to the Final Grand Jury Report entitled Superintendent Turnover at the Santa Clara County Office of Education: Time to Elect the Superintendent.

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed copy of the response to the Final Grand Jury Report. This response constitutes the response of the Board of Supervisors, consistent with provisions of California Penal Section 933(c).

If there are any questions concerning this issue, please contact our office at (408) 299-5001 or by email at [boardoperations@cob.sccgov.org](mailto:boardoperations@cob.sccgov.org).

Sincerely,

Jessica Schmidt  
Deputy Clerk, Board of Supervisors  
County of Santa Clara

Enclosures

# County of Santa Clara


Office of the County Executive

County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-5105



DATE: July 30, 2018

TO: Miguel Márquez  
Chief Operating Officer

FROM: Steve Preminger   
Director, Office of Strategic and Intergovernmental Affairs

SUBJECT: June 2018 Santa Clara County Civil Grand Jury Report Regarding Superintendent Turnover at the Santa Clara County Office of Education

Adopted: 08/28/2018

On June 19, 2018, the Santa Clara County Civil Grand Jury released its final report entitled "Superintendent Turnover at the Santa Clara County Office of Education: Time to Elect the Superintendent."

The Grand Jury has requested a response from the County of Santa Clara to several of its findings and recommendations. This report reflects the County's response to those findings and recommendations, which are set forth below in two sections:

### Findings and Recommendations Regarding the Superintendent of Schools

- Finding 1f: Santa Clara County lacks any written provision of law designating the manner of selecting the County Superintendent of Schools, as addressed in California Constitution Article IX, Section 3.
- Finding 1g: Citizens are entitled to clarity as to the manner of selecting the County Superintendent of Schools through a written provision of law.
- Recommendation 1a: The County Superintendent of Schools should be an elected office.
- Recommendation 1b: The Santa Clara County Board of Supervisors should designate in a written provision of law the manner of selecting the County Superintendent of Schools by Dec. 31, 2018, or if they elect to do so by Charter, by the 2020 primary election ballot.

**County Response:** The County of Santa Clara agrees with Finding 1f, but disagrees with Finding 1g, and does not believe Recommendations 1a and 1b should be implemented.

With respect to Finding 1g and Recommendation 1b, there is no ambiguity with respect to the manner of selecting the County Superintendent. As the Grand Jury acknowledges, the voters of the County previously expressly decided to make the County Superintendent of Schools an appointed position. The Grand Jury also acknowledges that repealing former Section 503 of the County Charter in 1998 did not affect a substantive change to that decision. There is no requirement in the state Constitution that this prior decision by county voters be affirmatively codified in the Charter or in the County Ordinance Code. Therefore, there is no need for further action on this finding and its associated recommendation.

With respect to Recommendation 1a, the County disagrees that converting the Superintendent of Schools to an elected office would address the underlying issues and concerns identified by the Grand Jury. It is important for the Superintendent and Board to have a close, coordinated, and effective working relationship, which would be best fostered by having the County Board of Education continue to appoint the County Superintendent, as the voters of the county have previously decided.

#### Findings and Recommendations Related to the Board of Education

- Finding 2: Santa Clara County does not specify the Board of Education in its Charter or in any other manner as required by California Education Code, Section 1000.
- Recommendation 2: The Santa Clara County Board of Supervisors should provide for the manner of selection of the County Board of Education by Dec. 31, 2018, or, if they elect to do so by Charter, by the 2020 primary election ballot.

**County Response:** The County agrees with Finding 2 and believes Recommendation 2 should be implemented. The Board of Supervisors will codify the manner of selection of the Board of Education in the County Ordinance Code. Unlike the provisions of law regarding the County Superintendent, Education Code Section 1000 requires that the County codify the manner of selection of the County Board of Education. Administration and County Counsel will bring forward a proposed ordinance and associated recommendations for the Board of Supervisors' consideration before December 31, 2018.