March 14, 2023

U.S. CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Honorable Beth McGowen
2023 Presiding Judge
Superior Court of California, County of Santa Clara
191 North First Street
San José, CA 95113

Re: Response to Recommendations to the 2022 Santa Clara County Civil Grand Jury Report, “If You Only Read the Ballot, You’re Being Duped”

Dear Judge McGowen:

Attached is the response of the Foothill-De Anza Community College District to the above-referenced Report of the 2022 Santa Clara County Civil Grand Jury. This “Response to Recommendations” is submitted pursuant to the requirements of California Penal Code Sections 933(c), 933.05(a) and 933.05(b).

Very truly yours,

Judy C. Miner, Ed.D.
Chancellor

Attachment
RESPONSE TO RECOMMENDATIONS OF
FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
– 2022 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT
"IF YOU ONLY READ THE BALLOT, YOU’RE BEING DUPED"

FINDINGS AND RECOMMENDATIONS

Finding 1: “The Civil Grand Jury finds that in the current environment, which is unregulated at
the local level, it is easy for the author of a ballot measure question to write the question in a way
that is confusing or misleading to voters.”

Response to Finding 1: The District disagrees with Finding 1. The content of ballot measures is
regulated by detailed requirements contained in the Education Code and the Elections Code. The
District works closely with competent bond counsel to prepare ballot language which satisfies all
applicable requirements, fairly summarizes the goals of the District within the 75-word limit, and is
not misleading to voters.

Recommendation 1b: “Governing entities within Santa Clara County should voluntarily submit
their ballot questions to the County Counsel for review prior to submission to the Registrar of
Voters, unless and until Recommendation 1d is implemented.”

WILL NOT BE IMPLEMENTED. The District disagrees that there is a need to submit ballot measures
to the Santa Clara Counsel for review prior to submission to the Registrar of Voters because the District
relied on competent bond counsel to draft and review ballot measure language for legal sufficiency.

Recommendation 1c: “Governing entities within Santa Clara County should, by March 31, 2023,
adopt their own resolution or ordinance to require submission of their ballot questions to the
County Counsel for review prior to submission to the Registrar of Voters, unless and until
Recommendations 1d and 1e are implemented.”

WILL NOT BE IMPLEMENTED. The District will continue to rely on the advice of competent bond
counsel to draft and review ballot measure language for legal sufficiency.

Recommendation 1e: “Governing entities within Santa Clara County should submit their ballot
questions for review by the Good Governance in Ballots Commission pursuant to
Recommendation 1d.”

WILL NOT BE IMPLEMENTED. The District does not agree with the need for a “Good Governance
in Ballots Commission” as described in the Grand Jury Report. Current law properly places
responsibility for the preparation of lawful ballot materials on the public entity seeking to place such
measure on the ballot. The District expects to continue to work with competent bond counsel to draft,
review and approve all such measures prior to District Governing Board approval and submission to
the voters.