

County of Santa Clara

Office of the County Executive

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Jeffrey V. Smith
County Executive

May 18, 2011

Councilmember Barry Chang
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014-3202

Re: Interactions with County of Santa Clara Employees

Dear Councilmember Chang:

I write to express my concern over your behavior at two public meetings involving the County of Santa Clara ("County"), which were recently brought to my attention. County staff reported that you behaved in a manner that they perceived to be personally intimidating and threatening, and I have been told that at least one of these meetings was attended by more than 50 residents of Cupertino. These meetings are referenced in further detail below.

I implore you to conduct yourself appropriately in your interactions with County employees, even when such interactions are taken in your private capacity. If you persist in behavior that is personally intimidating and threatening to County employees, the County will be compelled to take appropriate measures to protect them including, if necessary, seeking a court order restraining you from further contact with County employees. In addition, because you chose to identify yourself as a member of the Cupertino City Council at each of these meetings, I fear that your behavior may reflect poorly on the City of Cupertino and its residents, despite disclaimers that you were speaking in your private capacity.

The first meeting at which your behavior raised concerns occurred on January 13, 2011 and was conducted by the Policy and Legislation Committee of the State Mining and Geology Board. At that meeting, you accused the County and a County Senior Planner of lying to you and Cupertino residents regarding an upcoming hearing before the Board of Supervisors about the Permanente Quarry, and you alleged that the County had not exercised its enforcement responsibilities at the Permanente Quarry. The staff member reported that your tone and demeanor became hostile and threatening during his conversation with you after this meeting, when he attempted to address your concerns.

The second meeting, which occurred on March 30, 2011, was conducted by the County Planning Office regarding the Permanente Quarry Comprehensive Reclamation Plan Environmental Impact Report. County staff reported that, after they rejected your demand to make a PowerPoint presentation to the audience, you became confrontational and disruptive, and they advised you that they were prepared to call the Sheriff's Office to maintain order. During the meeting, you again accused County staff of lying to



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the public, and you told a County staff member that you would "come after him" if he failed to post your PowerPoint presentation to the County's website. Following this meeting, you confronted another County staff member, stood extremely close to him, shook your finger in his face, and told him that you would "come after him" if he ever threatened to call the Sheriff's Office on him.

You are entitled to your opinions regarding the County and are, of course, free to express them appropriately. Threats and personal intimidation, however, have no place in the public discourse, and the County will not tolerate such behavior at its public meetings or when directed at its employees. I trust that your future interactions with County staff will be conducted with the civility and respect that the public has come to expect of its elected officials

Sincerely,



Jeffrey V. Smith
County Executive

C: Gilbert Wong, Mayor, City of Cupertino
Mark Santoro, Vice Mayor, City of Cupertino
Kris Wang, Councilmember, City of Cupertino
Orrin Mahoney, Councilmember, City of Cupertino
President Cortese and Members of the Santa Clara County Board of Supervisors
Sylvia Gallegos, Deputy County Executive, County of Santa Clara
Jody Hall Esser, Director of Planning and Development, County of Santa Clara
Michael Lopez, Planning Manager, County of Santa Clara