

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS OPPOSING THE GOVERNOR'S REALIGNMENT PLAN TO SHIFT SUPERVISION OF ADULT INMATES FROM STATE PRISONS TO THE ELMWOOD CORRECTIONAL FACILITY**

**WHEREAS**, the State Legislature has approved the Governor's Corrections Realignment Statute AB 109 (Chapter 15, Statutes of 2011) in an effort to address certain court orders dealing with State prison overcrowding; and

**WHEREAS**, this realignment legislation will lead to the statewide diversion of certain low-level sentenced felons and parole violators (non-violent, non-serious, non-high risk sex offenders) to county jails instead of state prisons; and

**WHEREAS**, officials from Santa Clara County have informed the City that pursuant to this realignment legislation, 30 to 50 inmates each month that would have normally been transferred from the Elmwood Correctional Facility to state prisons will now be retained in the local county jail, starting in October 2011; and

**WHEREAS**, such realignment of the responsibility for the incarceration of inmates from State prisons to the Elmwood Correction Facility will increase Elmwood's total inmate population by 300 to 500 inmates by the end of 2012; and

**WHEREAS**, the allocation of additional criminal offenders to the Elmwood Correctional Facility appears to be inadequately funded by the State and will threaten the safety and wellbeing of the Milpitas community, due to the enlargement of the total jail inmate population and the negative impacts of increased traffic, utility service demands and noise impacts caused by such inmate increases.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council formally opposes the Governor's inmate realignment legislation and the planned shift of the incarceration of certain adult criminal offenders from state prisons to the Elmwood Correctional Facility.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney