Exhibit 28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*, Plaintiffs, v. DONALD J. TRUMP, *in his official capacity as President of the United States, et al.*, Defendants.	20 Civ. 5770 (JMF) **DECLARATION OF MONTEREY COUNTY SUPERVISOR CHRIS LOPEZ**

Pursuant to 28 U.S.C. § 1746(2), I, CHRIS LOPEZ, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.

2. I am a member of the Board of Supervisors of the County of Monterey, California, the elected decision-making body of the County. I represent District 3, located in Southern and Central Monterey County. District 3 is predominantly rural, agricultural, and is the largest Supervisorial District in terms of geographic area.

3. I grew up in the same District that I now serve. Currently, I serve as the Chair for the Monterey County Board of Supervisors and sit on several California Brown Act legislative bodies, including the 2020 Census Steering Committee and Behavioral Health Commission, among others.

4. Our Central Coast California region encompasses a diverse mix of coastal and inland areas best known for agricultural production and tourist destinations. Accordingly, our largest employment industries are in agriculture and hospitality. District 3 of Monterey County is home to a diverse population made up of over 80% of Hispanic and Latino residents. Across Monterey County, nearly 21% of the total residents are noncitizens, including lawful permanent residents, refugees granted asylum, immigrants granted temporary relief under the Deferred Action

for Childhood Arrivals ("DACA") program, and other groups. According to the Census estimate of 2018, Monterey County is home to 437,907 people, with 30.4% of the residents being foreign born. Indeed, according to the Public Policy Institute of California, Monterey County has the highest percentage of non-citizens of any California County. Based on my experience in residing and working in District 3 my entire life, I estimate that nearly half the residents are undocumented or members of mixed status household families.

5. The County's dynamic immigrant population is deeply integrated, both socially and economically; one in four children in the County is an immigrant. Overall, approximately 247,792 County residents live in a noncitizen or mixed citizen household per 2017 U.S. Census Bureau figures.

6. Monterey County is one of the nation's top agricultural producers. Agriculture is the County's largest economic and employment sector, generating $8.1 billion annually and providing 76,054 jobs. In District 3, the Agricultural Sector is the leading employer. While most crops across the United States are machine-harvested, many of the crops grown in Monterey County must be picked, sorted, and/or packed by hand, so the County is dependent on a large and skilled labor force.

7. The County's "Hard to Count" communities are well documented by the U.S. Census Bureau, with an estimated 35% of the population living in Hard to Count neighborhoods compromised of populations historically missed in the census at disproportionately high rates. These populations include the majority of the residents of my District: people of color, young children, and immigrants.

8. According to the Public Policy Institute of California, Monterey County's overall poverty rate is approximately 17.4%. In District 3, a predominantly Hispanic community, 22% of the 67,399 people live in poverty. According to the U.S. Census Bureau, nearly one in four households in our District lives in overcrowded conditions. Our immigrant population includes a high percentage of farm workers, both migrant and permanent. Farmworkers commonly face a variety of challenges, including difficulty accessing affordable housing, inconsistent seasonal income, and low wages relative to the cost of living. The farmworker population in Monterey County, and in particular District 3, is plagued by overcrowded living conditions. A 2018 Farmworker Housing Study revealed that 54% of farmworker dwellings had joint or "extra"

tenants and that less than half lived only with family. This longstanding problem has come into focus recently because such living conditions greatly increase the risk of contracting COVID-19.

9. Monterey County depends on critical funding from the Federal and State government to implement and administer health, welfare, public safety, infrastructure improvement, and transportation programs. The total Federal and State aid for fiscal years 2017-2018 is estimated at 33% of total financing. Social Services and Health programs administered by the County Health Department rely heavily upon this aid.

10. With my personal experience of growing up in South Monterey County and ultimately serving the County as an elected official, a role in which I oversee critical government functions as a member of the Board of Supervisors, I strongly believe that the recent executive decision to exclude undocumented immigrants from the 2020 Census apportionment will have serious negative effects on the representation, health, safety, and well-being of Monterey County residents.

11. Based on my experience overseeing the near $4 billion dollar annual County budget, critical federally funded programs with funding allocations based on Census data would suffer substantial cuts affecting a variety of social safety programs, including, school behavioral health counseling programs, lunch programs, Limited English Proficiency education, Children's Health Insurance Program, Women, Infants and Children program, public health research and interventions, transportation, roads and other critical infrastructure, as well as affordable housing programs.

12. For example, California state law recognizes that local governments play a vital role in developing affordable housing. The state of California mandates that all cities, towns and counties plan for the housing needs of its residents regardless of income. This mandate is called Housing Element and Regional Housing Needs Allocation, which is driven by Census data. The California Department of Housing and Community Development utilizes Census data to determine the total number of new affordable homes that need to be built in each local jurisdiction. Without accurate Census data, I believe that the availability of affordable housing may be significantly and negatively impacted in Monterey County.

13. District 3 is home to over two-thirds of the total geographical area of the County of Monterey. Its size and rural inland location makes public transportation, and public infrastructure projects a critical part of our residents' ability to go to work, access healthcare services, and access

education for their children. Our local government depends on high quality census data to obtain funding to develop and build new schools, improve roads, highway safety, and adequately plan public transportation routes and accessibility

14. Without accurate Census data, calculating appropriate class sizes in schools would be difficult, inhibiting children's access to a quality education. For example, age information from the Census is vital to allowing Monterey to make appropriate decisions regarding school funding and services. In the recent shutdown of local schools in response to the COVID-19 pandemic, Wi-Fi services were allocated based on Census data, in order to make online learning possible for children without internet access.

15. Inaccurate Census reporting would also interfere with Monterey County's children accessing critical behavioral health services at local schools, a service provided by our County Health Department. In our District, King City Elementary School is the leading location for children to access Behavioral Health counseling services for children suffering from psychological trauma. This program is dependent on funding made available by federal allocations, which are based on accurate Census counts. Given that our District has a high population of undocumented immigrants, deterring residents from responding to the census could result in an undercount that would put programs like this at risk. For some of the children accessing these services, school is the only safe location for them to obtain this care. Without it, children would be deprived of critical mental health services, worsening their mental health outcomes and potentially adversely impacting them for the rest of their lives.

16. As District 3 Supervisor, I have first-hand knowledge of the fear that exists in my community in responding to the 2020 Census. I am gravely concerned that the recent action by the Trump Administration will "chill," or deter, participation in the 2020 Census by my constituents, impacting the quality of the data that is ultimately reported. I have personally discussed with my constituents the fear they face in participating in the Census. In addition, my office and staff have received calls regarding this issue.

17. District 3, like other parts of Monterey County, is home to a hardworking and exceptionally skilled farmworker workforce, who hand-pick fresh strawberries, lettuce, tomatoes, artichokes, kale, and brussels sprouts, and broccoli for national consumption. Many of these workers are recruited to come in from Mexico, while others have resided in the region over many generations. The decision to exclude some of these hardworking residents from the 2020

apportionment count would send the message that their representation deserves to be diluted and that their lives are somehow worth less. And the pernicious effects of this redistricting would affect everyone in the region, citizen or noncitizen, documented or undocumented.

18. Given the nature of the Monterey County population, including the significant presence of farmworker, undocumented, and immigrant families and individuals, I expect that substantial efforts and resources will be required to ameliorate the chilling effects on participation in the 2020 Census caused by the Administration's recently announced plans. The County will have to dedicate significant resources to ensure participation without fear, and to help the County obtain the funding necessary to prevent its residents from going hungry, homeless, or without access to healthcare.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 3rd day of August, 2020

CHRIS LOPEZ
Monterey County Supervisor