



**REGULAR MEETING
Board of Directors**

Los Altos Community Center
Sequoia Room
97 Hillview Avenue
Los Altos, CA 94022

**OCTOBER 10, 2024
7:00 PM**

AMENDED AGENDA

Meeting Information:

- *Board meetings are open to the public at the location shown above.*
 - *Members of the public may use the information below to join the webinar:*
 - **Webinar ID: 835 1075 6481**
 - **Passcode: 519682**
 - *Meeting also livestreamed on YouTube: <https://www.youtube.com/@citiesassoc>*
 - *More information on public comment and accessibility is given at the end of the agenda.*
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WELCOME & CALL TO ORDER – (Fligor)

ROLL CALL (Sirkay)

ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Board on any matter not on the agenda. State law prohibits the Board from discussing and/or acting on nonagendized items.

AGENDA

1. Consent Agenda (Fligor)

- a. Approve Minutes from Board of Directors Meeting on September 12, 2024

2. President Update (Fligor)

- a. Presentation of Ballot and Nominating Committee Recommendations

3. County 988 Service Update: Discussion and Possible Action (30 min) (Fligor)

- a. Guest Speaker: Jay Donoghue, Santa Clara County Behavioral Health Prevention Services Division

4. Joint Powers Agency Formation Update: Discussion and Possible Action (10 min) (Quinn)

- a. Anti-Harrassment Policy

5. Cities Association Annual Holiday Party Update: Discussion and Possible Action (5 min) (Fligor)

6. Reports from Regional Appointed Representatives (20 min) (Fligor)

- a. Sergio Lopez, Vice Chair, Valley Transit Authority (VTA) Board of Directors
- b. Beverly Greene, Government Affairs Director for VTA

7. Santa Clara County City Managers Association Update (Engeland)

8. Executive Director Update (Sirkay)

9. Joys and Challenges (All)

ADJOURN (Fligor)

PUBLIC COMMENT

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to shali@citiesassociation.org
 - IMPORTANT: identify the Agenda Item number in the subject line of your email.
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 - When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair).
 - Phone participants:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

ACCESSIBILITY

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**REGULAR MEETING
Board of Directors**

Los Altos Community Center
Sequoia Room
97 Hillview Avenue
Los Altos, CA 94022

**SEPTEMBER 12, 2024
7:00 PM**

AGENDA IN BLACK/MINUTES IN RED

Meeting Information:

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Hon. Marilyn Librers will be in attendance via teleconference from 2228 Brega Court, Morgan Hill, CA 95037. This teleconference location is open to the public and any member of the public may address the Board of Directors members from the teleconference location.

WELCOME & CALL TO ORDER – (Fligor)

Meeting called to order at 7:15 PM

ROLL CALL (Sirkay)

Board Members Present (10):

Cupertino	Sheila Mohan
Los Altos	Neysa Fligor
Los Altos Hills	Stanley Mok
Los Gatos	Matthew Hudes
Milpitas	Carmen Montano
Monte Sereno	Javed Ellahie
Mountain View	Pat Showalter (arrived 7:22pm)
Palo Alto	Lydia Kou
Saratoga	Tina Walia
Sunnyvale	Larry Klein

Board Members Absent: (4)

Campbell	Anne Bybee
Morgan Hill	Mark Turner
San Jose	Rosemary Kamei
Santa Clara	Kathy Watanabe

Staff Present (1):

Shali Sirkay	Executive Director
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Members of the Public Present (11):

Nick Clay	Director of EMS Services, SCC
Jay Donoghue	Communications Mgr, SCC BHS
Steve Preminger	Director, Community & Civic Engagement for SCC
Gabe Engeland	City Manager, Los Altos
Jessica Fain	Dir of Planning, SF Bay Conservation & Dev't Commission
Larry Goldzband	Exec Dir, SF Bay Conservation & Dev't Commission
Jannie Quinn	CASCC Co-Legal Counsel, Renne Public Law Group
Ned Thomas	City Manager, Milpitas
Dawna Strauss	Global VP of Sales & BD, Inci Cyber
"jdiaz"	
James Williams	County Executive, SCC

ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

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AGENDA

1. Consent Agenda (5 min) (Fligor)

- a. Approve Minutes from Board of Directors Meeting on August 8, 2024
- b. Disband Bay Area Housing Finance Authority (BAHFA) Subcommittee

Motion to *approve consent agenda as presented by Walia*

Second by Klein

AYES: 9

NAYS: 0

ABSTENTIONS: 0

ABSENT: 1 (Showalter absent for vote)

Motion passes 9-0-0-1

2. President Update (5 min) (Fligor)

3. 911 Paramedic and Emergency Ambulance Services (Rural/Metro Ambulance) Update (35 min) (Fligor)

- a. Guest Speaker: James Williams, Santa Clara County Executive

4. Mental Health Update, Discussion and Possible Action (10 min) (Fligor)

- a. County 988 Service
 - i. Guest Speaker: Jay Donoghue, Santa Clara County Behavioral Health Prevention Services Division

- b. Resolution 2024-004: Recognizing September as National Suicide Prevention Month

Motion to *adopt Resolution 2024-004 "Recognizing September as National Suicide Prevention Month"* by Ellahie

Second by Mohan

AYES: 10

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

Motion passes 10-0-0-0

5. San Francisco Bay Conservation and Development Commission (BCDC) Regional Shoreline Adoption Plan: Discussion and Possible Action (10 min) (Fligor)

- a. Guest Speakers, including: Larry Goldzband, Executive Director, BCDC; Jessica Fain, Director of Planning, BCDC; Pat Showalter, CA State Senate Appointee to BCDC

6. Proposition 5 / Bay Area Housing Finance Authority (BAHFA) Bond Update (10 min) (Fligor and Abe-Koga)

7. Professional Services Agreement for Executive Director: Discussion and Possible Action (5 min) (Fligor)

- a. Consider and Approve an Agreement for Professional Services with Executive Director Vaishali Sirkay to cover services provided from July 1, 2024 through June 30, 2025, authorize the President to execute this agreement on behalf of the JPA, and authorize a budget amendment for the current fiscal year (as needed).

Motion to Approve the terms of an agreement with Executive Director Vaishali Sirkay to cover services provided from July 1, 2024 to June 30, 2025; approve a budget amendment, authorize the President to execute the agreement on behalf of the JPA with the following terms: (1) hourly rate of \$102.00; (2) maximum compensation amount of \$130,000.00/year; (3) remove the automatic renewal provision and (4) add the task of liaison to the City Manager's Association to the scope of services by Klein

Second by Walia

AYES: 10

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

Motion passes 10-0-0-0

8. Nominating Committee for 2025 Executive Committee: Discussion and Possible Action (5 min) (Fligor)

9. Cities Association Annual Holiday Party: Discussion and Possible Action (5 min) (Fligor)

10. Legislative Action Committee Update (10 min) (Walia)

11. Santa Clara County City Managers Association Update (5 min) (Engeland)

12. Executive Director Update (5 min) (Sirkay)

13. Joys and Challenges (5 min) (All)

ADJOURN (Fligor)

Meeting adjourned at 9:20 PM

Respectfully submitted on October 10, 2024,

Vaishali Sirkay

Vaishali Sirkay

Executive Director

Cities Association of Santa Clara County

DRAFT

PUBLIC COMMENT

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Agenda Item No: 4a

Meeting Date: October 10, 2024

Cities Association of Santa Clara County Joint Powers Agency Agenda Report

To: BOARD OF DIRECTORS

Prepared by: Andrew Shen, Co-General Counsel

SUBJECT: Cities Association Anti-Harassment Policy

RECOMMENDATION:

1. Consider and Approve the Proposed Resolution 2024-005 Adopting an Anti-Harassment Policy for the Cities Association

BACKGROUND

Consistent with State law and best practices, the Cities Association has long planned to adopt an appropriate Anti-Harassment Policy for the organization. When the nascent Cities Association visited city councils to seek their support for the formation of the Cities Association JPA, the Cities Association's representatives acknowledged the need for more clarity around its anti-harassment policies and practices. The proposed Anti-Harassment Policy is an important step towards addressing that concern.

SUMMARY OF PROPOSED ANTI-HARASSMENT POLICY

The proposed Anti-Harassment Policy is modeled upon Los Gatos' similar Anti-Harassment Policy. The Cities Association Joint Powers Agreement, in Article 7, provides that the Cities Association's powers shall be exercised in the same manner as Los Gatos in its exercise of similar powers. Therefore, the Cities Association refers to Los Gatos policies as appropriate, with necessary modifications to accommodate the Cities Association's structure and operations. Most prominently, the Cities Association does not have any employees; its Executive Director and co-General Counsel are independent contractors. Otherwise, the Cities Association consists of its "officers" – i.e., the members of its Board of Directors.

The proposed Anti-Harassment Policy prohibits the Cities Association's officers and contractors from engaging in any harassment based on: actual or perceived race, religious creed, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression,

national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status.

The policy would require any Cities Association contractor or officer who receives a complaint to report the complaint to the Executive Director, co-General Counsel or the President of the Board of Directors. The policy would also prohibit any retaliation against any person who made such a complaint.

In the event of a complaint, the Executive Director, General Counsel, and the President of the Board of Directors would oversee any investigation and review the investigation's conclusions. Either the Executive Director or the President of the Board of Directors may elevate the conclusions of an investigation to the Executive Committee or the full Board of Directors.

Violations may result in removal from the Cities Association's Board of Directors or termination of a contractor's professional services agreement. Only the Board of Directors may approve or direct such consequences for any violation.

The proposed Anti-Harassment Policy would be distributed to Cities Association's officers and contractors at the beginning of each calendar year.

FISCAL IMPACT

None.

OPTIONS:

1. Approve the Proposed Resolution Adopting an Anti-Harassment Policy.
2. Review the Proposed Anti-Harassment Policy, provide its feedback and request that it return to a future Board of Directors meeting for further consideration.
3. Direct Co-General Counsel to take other steps, following the Board's discussion.

ATTACHMENTS:

1. Proposed Anti-Harassment Policy
2. Proposed Resolution Adopting an Anti-Harassment Policy for the Cities Association
3. Town of Los Gatos Anti-Harassment Policy

ANTI-HARASSMENT POLICY

I. PURPOSE

The Cities Association of Santa Clara County (“Cities Association”) is committed to providing a work environment free from discrimination and harassment, including discrimination and harassment based on a protected category, and an environment free from retaliation for participating in any protected activity covered by this policy.

This Anti-Harassment Policy (“Policy”) defines harassment and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any Cities Association contractor, officer or any person providing services pursuant to a contract with the Cities Association.

At present, the Cities Association does not have any employees; instead, it is operated by contractors and officers. The Cities Association engages both its Executive Director and General Counsel as independent contractors.

For purposes of this Policy, the following definitions apply:

“General Counsel” shall refer to each Co-General Counsel advising the Cities Association.

“Officer” shall mean any member of the Cities Association’s Board of Directors.

II. POLICY

The Cities Association maintains a strict policy prohibiting harassment of its contractors, officers, and vendors. Harassment can be verbal, physical, and/or visual. Any type of harassment violates this Policy and will not be tolerated.

The Cities Association will not retaliate against any individual for reporting a complaint or participating in any workplace investigation or complaint process and will not tolerate or permit retaliation. The Cities Association prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

As used in this Policy, retaliation is defined as any adverse employment action taken against an officer, contractor, or vendor because the person opposed discriminatory practices or harassment, filed a complaint with, or otherwise participated in an investigation, proceeding, or hearing conducted by the U.S. Equal Employment and Opportunity Commission (“EEOC”) or California Civil Rights Department (“CRD”).

For Cities Association officers, violation of this Policy may result in removal from the Board of Directors in accordance with the Joint Powers Agreement, Article 21. For Cities Association

contractors, violation may result in termination of the contractor's professional services agreement(s).

A. DEFINITION OF HARASSMENT

Harassment is defined as disrespectful or unprofessional conduct, including but not limited to disrespectful or unprofessional conduct based on any protected category, such as: sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices, political affiliation, disability (mental and physical, including HIV or AIDS), medical condition (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation, height, weight, and any other status protected by local, state, or federal law.

Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, making physical contact in an unwelcome manner).

As used in this Policy, sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

1. Quid Pro Quo Sexual Harassment ("this for that")
 - Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's contractual relationship or employment.
 - Submission to or rejection of the conduct by an officer or contractor is used as the basis for a contracting or employment decision affecting the individual.

2. Hostile Work Environment Sexual Harassment

Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an individual's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples include:

- Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, text and social media messages, voicemails or gifts.
- Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
- Leering, obscene or vulgar gestures or making sexual gestures.
- Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
- Impeding or blocking movement, unwelcome touching or assaulting others.
- Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
- Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, nor even specifically directed at the victim.

The prohibition against sexual harassment includes a prohibition against sexual harassment, gender harassment, harassment based on pregnancy, childbirth or related medical conditions, and harassment based on gender identity or expression.

Harassment includes, but is not limited to the following types of misconduct:

Verbal:

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status. This may include, but is not limited to the following: inappropriate comments regarding an individual's body,

physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; and unwelcome flirting or propositions, demands for sexual favors, verbal abuse, threats or intimidation, or patronizing or ridiculing statements that convey derogatory attitudes about a particular gender, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation.

Physical:

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

Visual or Written:

The display or circulation of offensive or derogatory visual or written material related to sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental:

A work environment that is permeated with sexually-oriented talk or innuendo, insults or abuse related to sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements or from an unwarranted focus on an individual's sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. An environment may also be hostile if unwelcome behavior focusing on an individual's sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation,

genetic information or military status is directed specifically at an individual or if the individual merely witnesses the unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct; the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

Romantic or sexual relationships between officers and contractors are strongly discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

B. PROHIBITED CONDUCT AND BEHAVIOR

No Cities Association contractor or officer may condition any contracting opportunity or material benefit on acquiescence to any of the behavior defined above.

No Cities Association contractor or officer may create a hostile or offensive work environment for or retaliate against any contractor, officer or any person providing services pursuant to a contract with the Cities Association, who has opposed a practice prohibited by this Policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

No Cities Association contractor or officer shall assist any individual in doing any act which constitutes harassment against any contractor, officer or any person providing services pursuant to a contract with the Cities Association.

No Cities Association contractor or officer shall tamper with or destroy evidence relevant to an investigation of alleged harassment.

No Cities Association contractor or officer shall approve, manage or have any other involvement in any contractual relationship involving that contractor or officer's relative.

C. OBLIGATIONS OF THE CITIES ASSOCIATION

A copy of this Policy shall be provided to all Cities Association contractors and officers and be posted on the Cities Association's website.

The General Counsel will make available upon request information from the California Civil Rights Department and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

A copy of this Policy shall be provided to all new Cities Association contractors and officers, upon their engagement or appointment.

Any Cities Association contractor or officer who receives a complaint of alleged discrimination must report the complaint to the Executive Director, General Counsel or President of the Board of Directors.

On an annual basis, all Cities Association contractors and officers shall receive a copy of this Policy. Either the Executive Director or General Counsel shall distribute a copy of this Policy to the Board of Directors no later than its January meeting.

D. OBLIGATIONS OF CITIES ASSOCIATION CONTRACTORS AND OFFICERS

Cities Association contractors and officers shall report any conduct believed to fit the definition of harassment, and which they believe they are the victim of, to the Executive Director, General Counsel or President of the Board of Directors. This includes conduct of third parties, such as prospective or current consultants or vendors or harassing conduct toward such consultants or vendors.

Cities Association contractors and officers shall report to the Executive Director, General Counsel or President of the Board of Directors any instances of harassment which they have directly observed (unless one of these persons is alleged to have engaged in that harassment). This obligation exists whether or not the alleged harassment is reported by the person who is the object of the harassment.

All Cities Association contractors and officers shall cooperate with any investigation of any alleged act of harassment conducted by the Cities Association or its agents. Complainants will be encouraged to provide specific written allegations to facilitate the investigation.

E. COMPLAINT AND INVESTIGATION PROCEDURES

Any Cities Association contractor, officer, or vendor providing services to the Cities Association who believes he/she/they has been harassed shall immediately report any evidence of harassment, or complaints regarding harassment made to them, to the General Counsel, Executive Director or President of the Board of Directors.

Under no circumstances shall a Cities Association contractor or officer who believes that he or she has been the victim of harassment be required to report that harassment to a Cities Association contractor or officer if that officer is the perpetrator of the alleged harassment.

Likewise, any Cities Association officer who receives a complaint regarding harassment shall immediately report it to the Executive Director, General Counsel, or President of the Board of

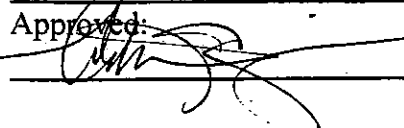
Directors. Once the Executive Director, General Counsel, or President of the Board of Directors has received the complaint, the following actions shall occur:

- (1) In consultation with the General Counsel, the Executive Director or President of the Board shall authorize an investigation or conduct the investigation of any incident of alleged harassment that is reported.
- (2) The investigation shall be conducted in a prompt and thorough manner and in a way which ensures, to the extent feasible, the privacy of the parties involved.
- (3) The person designated to investigate shall immediately report in writing the findings of fact to the General Counsel.
- (4) The General Counsel will review the information gathered in the investigation to determine whether the alleged conduct constitutes harassment. The General Counsel will consider all factual information, including the nature of the conduct and the context in which the alleged incidents occurred. The General Counsel will determine whether the Policy has been violated and communicate his/her conclusion to the complainant, and the Executive Director and the President of the Board of Directors. Either the Executive Director or the President of the Board of Directors may elevate the conclusions of an investigation to the Executive Committee or the full Board of Directors.
- (5) Any action shall be decided in accordance with this Policy, the Joint Powers Agreement, and the Cities Association's Bylaws. Violations may result in an officer's removal from the Cities Association's Board of Directors or termination of a contractor's professional services agreement. Only the full Board of Directors may approve or direct such consequences for any violation. If such action is taken the complainant may be notified that action has been taken.
- (6) The Cities Association will take reasonable steps to protect the complainant from further harassment and from any retaliation that results from communicating the complaint.

With respect to the above steps, if the alleged harasser is the Executive Director, General Counsel or President of the Board of Directors, that person shall have no involvement in any investigation or actions taken in response to that investigation. In that instance, the other persons identified above shall be responsible for any investigation.

All individuals are required to maintain confidentiality to the extent possible in communicating or investigating any claims of alleged harassment. In addition, all individuals with knowledge of a claim of alleged harassment or who are in any way involved in the investigation into such a claim are required to maintain the same level of confidentiality. The Cities Association will share information regarding an investigation of alleged harassment on a need-to-know basis only.

ADMINISTRATIVE MANUAL
TOWN OF LOS GATOS

Subject:	Page:	Section Number:
ANTI-HARASSMENT POLICY	1 of 6	II-E
Approved: 	Effective Date:	Revised Date:
	10/26/1987	10/27/2003

I. PURPOSE

The Town is committed to providing a work environment free of discriminatory harassment. This Policy defines harassment and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any Town employee, applicant or person providing services pursuant to a contract with the Town.

II. POLICY

Discriminatory harassment violates this Policy and will not be tolerated. Discriminatory harassment of or by an applicant or employee or person providing services pursuant to a contract is harassment based on actual or perceived race, religious creed, sex, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. It is also improper to retaliate against any individual for making a complaint of harassment or for participating in a harassment investigation. Retaliation constitutes a violation of this Policy.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

Employees who violate this Policy are subject to discipline, up to and including termination.

A. DEFINITION OF DISCRIMINATORY HARASSMENT

Discriminatory harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, nor even specifically directed at the victim.

By definition, sexual harassment is not within the course and scope of an individual's employment with the Town.

The prohibition against sex harassment includes a prohibition against sexual harassment, gender harassment, and harassment based on pregnancy, childbirth or related medical conditions.

Discriminatory harassment includes, but is not limited to the following types of misconduct:

Verbal:

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to the following: Inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; and unwelcome flirting or propositions, demands for sexual favors, verbal abuse, threats or intimidation, or patronizing or ridiculing statements that convey derogatory attitudes about a particular gender, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation.

Physical:

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

Visual or Written:

The display or circulation of offensive or derogatory visual or written material related to sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental:

A work environment that is permeated with sexually-oriented talk or innuendo, insults or abuse related to sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements or from an unwarranted focus on an individual's sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. An environment may also be hostile if unwelcome behavior focusing on an individual's sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation is directed specifically at an individual or if the individual merely witnesses the unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

B. PROHIBITED CONDUCT AND BEHAVIOR

No one employed by the Town may condition continued employment in the Town or any employee benefit, including promotion or job assignment, on acquiescence to any of the behavior defined above.

No one employed by the Town may create a hostile or offensive work environment for or retaliate against any employee, applicant, or person providing services for the Town pursuant to a contract, that has opposed a practice prohibited by this Policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

No one employed by the Town shall assist any individual in doing any act which constitutes harassment against any employee, applicant or person providing services for the Town pursuant to a contract.

No Town employee shall tamper with or destroy evidence relevant to an investigation of alleged harassment.

No Town employee shall be appointed or promoted to a position in any department in which such employee's relative already holds a position when such employment would result in any of the following:

- a. A supervisor-subordinate relationship;
- b. The employees having job duties which require performance of shared duties on the same or related work assignment;
- c. Both employees having the same immediate supervisor.

A full description of the Town's Nepotism Policy is available in the Personnel Rules and Regulations.

C. OBLIGATIONS OF TOWN MANAGEMENT

A copy of this Policy shall be provided to all Town employees and be displayed in prominent locations throughout Town offices.

A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all Town employees upon request.

The Human Resources Director will make available upon request information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

A copy of this Policy shall appear in any publication which sets forth the comprehensive rules, regulations, procedures and standards of conduct for employees. This Policy shall be included in the Town's Administrative Policies. This Policy will also be provided to all new hires as part of the new employee orientation process.

Any supervisor or manager who receives a complaint of alleged discrimination must report the complaint to the Human Resources Director or, if the Human Resources Director is the alleged harasser, to the City Manager.

Town employees shall receive periodic training on this Policy.

D. OBLIGATIONS OF ALL EMPLOYEES

All employees shall report any conduct believed to fit the definition of harassment, and which they believe they are the victim of, to their immediate supervisor or to the Human Resources Director or his/her designee. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors.

All employees shall report to their immediate supervisor or the Human Resources Director or his/her designee any instances of harassment which they have directly observed. This employee obligation exists whether or not the alleged harassment is reported by the employee who is the object of the harassment.

In the event that the Human Resources Director is considered the perpetrator of the alleged harassment, employees shall report such allegedly harassing conduct to the Town Manager or his/her designee.

All employees shall cooperate with any investigation of any alleged act of harassment conducted by the Town or its agents. Complainants will be encouraged to provide specific written allegations to facilitate the investigation.

E. COMPLAINT AND INVESTIGATION PROCEDURES

Any employee, job applicant, or person providing services to the City pursuant to a contract who believes he/she has been harassed shall immediately report any evidence of harassment, or complaints regarding harassment made to them, to one of the following:

- (1) Immediate supervisor
- (2) Any supervisor or manager within or outside the department
- (3) Human Resources Director or his/her designee

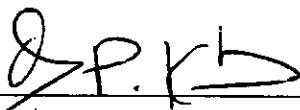
Under no circumstances shall a Town employee who believes that he or she has been the victim of harassment be required to first report that harassment to a supervisor or other authority figure if that person or authority figure is the perpetrator of the alleged harassment.

Any supervisor or manager who receives a complaint regarding harassment shall immediately report it to the Human Resources Director. Once the Human Resources Director has received the complaint, the following actions shall occur:

- (1) The Human Resources Director shall authorize the investigation or conduct the investigation of any incident of alleged harassment that is reported.
- (2) The investigation shall be conducted in a prompt and thorough manner and in a way which ensures, to the extent feasible, the privacy of the parties involved.
- (3) The person designated to investigate shall immediately report in writing the findings of fact to the Human Resources Director.
- (4) The Human Resources Director will review the information gathered in the investigation to determine whether the alleged conduct constitutes harassment. The Human Resources Director will give consideration to all factual information, including the nature of the conduct and the context in which the alleged incidents occurred. The Human Resources Director will determine whether the Policy has been violated and communicate his/her conclusion to the complainant, the alleged harasser, the alleged harasser's supervisor, and any management employees involved in the reporting process.
- (5) Disciplinary action shall be decided in accordance with Town policy and after consultation with the Human Resources Director. If disciplinary action is taken, the complainant may be notified that action has been taken but will not be informed of the level of discipline.
- (6) When necessary, the Human Resources Director and the complainant's supervisor will take reasonable steps to protect the complainant from further harassment and from any retaliation that results from communicating the complaint.

All individuals are required to maintain confidentiality to the extent possible in communicating or investigating any claims of alleged harassment. In addition, all individuals with knowledge of a claim of alleged harassment or who are in any way involved in the investigation into such a claim are required to maintain the same level of confidentiality. The Town will share information regarding an investigation of alleged harassment on a need-to-know basis only.

APPROVED AS TO FORM:



Town Attorney

**Acknowledgment of Receipt and Understanding
Town of Los Gatos
Administrative Policy: Anti-Harassment**

I hereby acknowledge that I have received, read and understand the
Town's Administrative Policy titled: Anti-Harassment.

Employee Name (Print)

Employee Signature

Date

RESOLUTION NO. 2024-005

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITIES ASSOCIATION
OF SANTA CLARA COUNTY JOINT POWERS AGENCY ADOPTING AN ANTI-
HARASSMENT POLICY**

WHEREAS, the Cities Association of Santa Clara County (“Cities Association”) is committed to providing an environment free of harassment, discrimination, retaliation, and disrespectful or unprofessional conduct; and

WHEREAS, the Cities Association recognizes that such harassment, discrimination, retaliation, and disrespectful or unprofessional conduct is prohibited when it targets any person based upon actual or perceived race, religious creed, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity or expression, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, genetic information or military status; and

WHEREAS, while the Cities Association is a joint powers authority organized under the Joint Exercise of Powers Act, Government Code Section 6500, et seq., the Cities Association does not have any employees and instead consists of a Board of Directors, and its constituent committees, and utilizes independent contractors to serve as the organization’s Executive Director and Co-General Counsel; and

WHEREAS, the proposed Anti-Harassment Policy incorporates this unique structure and provides requisite flexibility for the Cities Association’s officers and independent contractors; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITIES ASSOCIATION THAT:

1. The Board of Directors of the Cities Association hereby adopts the Anti-Harassment Policy attached as Appendix A, and the Anti-Harassment Policy shall become effective upon the date of its approval by the Board of Directors.

ADOPTED at a regular meeting of the Cities Association of Santa Clara County on October 10, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____
Vaishali Sirkay, Executive Director

APPROVED: _____
Neysa Fligor, President