



Board of Directors Meeting Agenda

November 10, 2022 6:00 PM
Los Altos Community Center
97 Hillview Ave, Los Altos, CA 94022

More info on public comment and accessibility given at the end of the agenda

Board Members

President & Chair: Hon. Chappie Jones, San José

Campbell	Hon. Anne Bybee / Alternate: Hon. Susan Landry
Cupertino	Hon. Darcy Paul / Alternate: Hon. Liang Chao
Gilroy	Hon. Peter Leroe-Muñoz / Alternate: Hon. Marie Blankley
Los Altos	Hon. Neysa Fligor / Alternate: Hon. Anita Enander
Los Altos Hills	Hon. Stanley Mok / Alternate: Hon. Lisa Schmidt
Los Gatos	Hon. Rob Rennie / Alternate: Hon. Marico Sayoc
Milpitas	Hon. Carmen Montaña / Alternate: Hon. Evelyn Chua
Monte Sereno	Hon. Javed Ellahie / Alternate: Hon. Bryan Mekechuk
Morgan Hill	Hon. Rich Constantine / Alternate: Hon. Gino Borgioli
Mountain View	Hon. Margaret Abe-Koga / Alternate: Hon. Ellen Kamei
Palo Alto	Hon. Pat Burt / Alternate: Hon. Lydia Kou
San Jose	Hon. Chappie Jones / Alternate: Hon. Matt Mahan
Santa Clara	Hon. Kathy Watanabe / Alternate: Hon. Anthony Becker
Saratoga	Hon. Tina Walia / Alternate: Hon. Kookie Fitzsimmons
Sunnyvale	Hon. Larry Klein / Alternate: Hon. Omar Din
Ex-Officio	SCCCMA Representative – Zane Barnes, San José
Ex-Officio	Interim Executive Director – Shali Sirkay

Discussion & action may be taken on any of the items below.

WELCOME AND ROLL CALL (Jones)

1. Consent Agenda				
1a. Approval of minutes from the Board of Directors meeting on October 13, 2022 Attachment: Minutes				
1b. Receive financial management report for the period ending September 30, 2022 Attachment: Management Report				
1c. Approval of 2023 Calendar of Meetings Attachment: Draft Calendar				
1d. Adoption of a Resolution to Continue Meeting Virtually Using Zoom for a Period of 30 Days Attachment: Staff Report , Resolution				
2. JPA Update (Baum)				
3. Racial Justice Committee Update (Jones)				
<ul style="list-style-type: none"> • Update on law enforcement virtual reality training • Update on Santa Clara County Hate Prevention and Inclusion efforts • Consideration of Resolution Condemning Hate Crimes • Consideration of Resolution Denouncing Islamophobia Attachment: Draft Resolution Condemning Hate Crimes , (draft resolution denouncing Islamophobia to come)				
4. Planning Collaborative Update (Baird and Driskell Planning)				
5. Vote on Nominations for the CASCC 2023 Executive Committee				
The Nominating Committee (Hon. Darcy Paul, Cupertino; Hon. Stanley Mok, Los Altos Hills; Hon. Rich Constantine, Morgan Hill) recommends the following candidates:				
<table style="width: 100%; border: none;"> <tr> <td style="padding-right: 40px;">President</td> <td>Hon. Margaret Abe-Koga, Mountain View</td> </tr> <tr> <td>First Vice President</td> <td>Hon. Neysa Fligor, Los Altos</td> </tr> </table>	President	Hon. Margaret Abe-Koga, Mountain View	First Vice President	Hon. Neysa Fligor, Los Altos
President	Hon. Margaret Abe-Koga, Mountain View			
First Vice President	Hon. Neysa Fligor, Los Altos			

	Second Vice President	Hon. Rich Constantine, Morgan Hill
	Secretary/Treasurer	Hon. Larry Klein, Sunnyvale
	Member-at-Large	Hon. Tina Walia, Saratoga
6.	Interim Executive Director Contract	
	Approval of an Amendment to the Contract with Vaishali ("Shali") Sirkay to increase the not to exceed by \$35,000 and to extend the Agreement until March 31, 2022 Attachment: President's Report , Proposed Amendment	
7.	Legislative Action Committee Update (Fligor)	
8.	Santa Clara County City Managers Association Update (Barnes)	
9.	Executive Director Update (Sirkay)	
	32 nd Annual Holiday Party – 6:00pm Thursday, December 8, 2022 Link to register: bit.ly/CASCCholidayparty	
10.	Joys and Challenges (Board Members)	

PUBLIC COMMENT

ADJOURNMENT

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 audin@citiesassociation.org
 - Emails will be forwarded to the Board of Directors
 - **IMPORTANT:** identify the Agenda Item number in the subject line of your email. All emails received will be entered into the record for the meeting.

2. Provide oral public comments in-person by raising your hand when the Chair announces time for public comment. The Chair will take public comment on each item, as well as at the end of the meeting. The public comment period at the end of the meeting is intended for comments on items not on the Board agenda.

ACCESSIBILITY

We strive for our meetings and materials to be accessible to all members of the public. Please contact our Board Clerk, Audin Leung, at audin@citiesassociation.org at least three business days prior to the meeting to request accommodations and allow us to best meet your accessibility needs.



Board of Directors Meeting Minutes

October 13, 2022 7:00 PM

Hybrid Meeting via Zoom and at the Los Altos Community Center
97 Hillview Ave, Los Altos, CA 94022

Meeting available on YouTube [\[LINK\]](#)

Board Members

President & Chair: Hon. Chappie Jones, San José

Campbell	Hon. Anne Bybee / Alternate: Hon. Susan Landry
Cupertino	Hon. Darcy Paul / Alternate: Hon. Liang Chao
Gilroy	Hon. Peter Leroe-Muñoz / Alternate: Hon. Marie Blankley
Los Altos	Hon. Neysa Fligor / Alternate: Hon. Anita Enander
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Saratoga	Hon. Tina Walia / Alternate: Hon. Kookie Fitzsimmons
Sunnyvale	Hon. Larry Klein / Alternate: Hon. Omar Din
Ex-Officio	SCCCMA Representative – Zane Barnes, San José
Ex-Officio	Acting Executive Director – Shali Sirkay

WELCOME AND ROLL CALL (Jones)

Members in attendance (12): Bybee, Leroe-Muñoz, Fligor, Mok, Montano, Ellahie, Abe-Koga, Burt, Jones, Watanabe, Walia, Klein, Chao (alternate, joined at 7:34pm)

Members absent (2): Rennie, Constantine

Others in attendance:

- Hon. Kitty Moore, Councilmember, Cupertino
- Hon. Hung Wei, Councilmember, Cupertino
- Zane Barnes, SCCMA Representative
- Steve Preminger, Santa Clara County Executive's Office
- Gary Baum, Legal Counsel
- Shali Sirkay, Interim Executive Director
- Audin Leung, Clerk

1. Consent Agenda
1a. Approval of August Board of Directors Meeting Minutes
1b. Receive financial management report for the period ending August 31, 2022
1c. Adoption of resolution to permit meetings of the Board of Directors and subsidiary bodies to meet over Zoom for an additional period of 30 days
1d. Appointment of Mayor Stanley Mok, Los Altos Hills; Mayor Darcy Paul, Cupertino; and Mayor Rich Constantine, Morgan Hill (Chair) to the Nominating Committee for 2023 Officers
1e. Ratification of Appointment of Vaishali ("Shali") Sirkay as Interim Executive Director
<p>Motion to approve consent agenda by Burt. Seconded by Montano. Motion adopted 12-0-0-3.</p> <p>AYES (12): Bybee, Leroe-Muñoz, Fligor, Mok, Montano, Ellahie, Abe-Koga, Burt, Jones, Watanabe, Walia, Klein NAYES (0)</p>

	ABSTENSIONS (0) ABSENCES (3): Paul, Rennie, Constantine
2.	MTC Update (Abe-Koga)
3.	Review and Comment upon the Joint Powers Agreement (JPA) Draft for CASCC (Baum)
	Discussion only – no formal action will be taken
4.	Legislative Action Committee Update (Fligor)
5.	Santa Clara County City Managers Association Update (Barnes)
6.	Executive Director Update (Sirkay)
7.	Joys and Challenges (Board Members)

PUBLIC COMMENT

No public comment was given.

ADJOURNMENT

Respectfully submitted,

Audin Leung
Clerk of the Board

Management Report

Cities Association of Santa Clara County
For the period ended September 30, 2022



Prepared by
Bestbooks4u Bookkeeping excellence

Prepared on
October 21, 2022

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Profit and Loss

July - September, 2022

	Total	
	Jul - Sep, 2022	Jul - Sep, 2021 (PY)
INCOME		
4000 INCOME		
4010 Membership Dues	170,288.00	149,957.07
4080 Grant Income	123,062.00	
Total 4000 INCOME	293,350.00	149,957.07
4999 Uncategorized Income	34,044.00	
Total Income	327,394.00	149,957.07
GROSS PROFIT	327,394.00	149,957.07
EXPENSES		
6000 GENERAL OFFICE		
6120 Bank Service Charges	9.00	9.00
6162 Hospitality		849.83
6180 Insurance		450.51
6610 Postage and Delivery		1.05
6615 Office/General Administrative Expenses	341.00	321.00
6620 Software Licenses	973.78	1,281.78
Total 6000 GENERAL OFFICE	1,323.78	2,913.17
Office		
6880 Telephone	90.90	90.90
Total Office	90.90	90.90
OFFICE PERSONNEL_CONSULTANTS		
6152 Consultants	11,492.50	
6153 Contractors		13,135.00
6300 Legal & Professional Fees		
6310 Accounting Services	1,487.50	1,265.00
6320 Attorney Services	6,614.50	17,487.50
6350 Roundtable consultant and technical services		69,295.25
Total 6300 Legal & Professional Fees	8,102.00	88,047.75
6565 Payroll Service Fees	261.00	285.00
6568 Workers Compensation		159.45
6575 Payroll Wages/Salary	19,312.50	30,468.72
6580 Payroll Taxes	1,531.00	2,330.87
Total OFFICE PERSONNEL_CONSULTANTS	40,699.00	134,426.79
Total Expenses	42,113.68	137,430.86
NET OPERATING INCOME	285,280.32	12,526.21
OTHER INCOME		
7030 Other Income	13,000.00	
Total Other Income	13,000.00	0.00
NET OTHER INCOME	13,000.00	0.00
NET INCOME	\$298,280.32	\$12,526.21

Balance Sheet

As of September 30, 2022

	Total
ASSETS	
Current Assets	
Bank Accounts	
1001 Checking - Union Bank	229,524.55
Total Bank Accounts	229,524.55
Accounts Receivable	
1200 Accounts Receivable	123,062.00
Total Accounts Receivable	123,062.00
Other Current Assets	
1300 LAIF Funds	24,740.66
1395 Accrued Interest	-53.62
Total Other Current Assets	24,687.04
Total Current Assets	377,273.59
Fixed Assets	
1500 Machinery and Equipment	2,203.41
1700 Accumulated Depreciation	-1,926.59
Total Fixed Assets	276.82
TOTAL ASSETS	\$377,550.41
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 Accounts Payable	117,046.75
Total Accounts Payable	117,046.75
Credit Cards	
2200 First National Bank of Omaha	343.23
FNBO_2nd	234.00
Total Credit Cards	577.23
Total Current Liabilities	117,623.98
Total Liabilities	117,623.98
Equity	
1110 Unrestricted Fund Balance	-73,321.81
3000 Opening Bal Equity	-34.00
3010 Reserves	0.00
3013 Reserve for New Equip.	1.92
3014 Reserve for Operations	35,000.00
Total 3010 Reserves	35,001.92
Net Income	298,280.32
Total Equity	259,926.43
TOTAL LIABILITIES AND EQUITY	\$377,550.41

Profit and Loss by Class

July - September, 2022

	CASCC	TOTAL
INCOME		
4000 INCOME		0.00
4010 Membership Dues	170,288.00	170,288.00
4080 Grant Income	123,062.00	123,062.00
Total 4000 INCOME	293,350.00	293,350.00
4999 Uncategorized Income	34,044.00	34,044.00
Total Income	327,394.00	327,394.00
GROSS PROFIT	327,394.00	327,394.00
EXPENSES		
6000 GENERAL OFFICE		0.00
6120 Bank Service Charges	9.00	9.00
6615 Office/General Administrative Expenses	341.00	341.00
6620 Software Licenses	973.78	973.78
Total 6000 GENERAL OFFICE	1,323.78	1,323.78
Office		0.00
6880 Telephone	90.90	90.90
Total Office	90.90	90.90
OFFICE PERSONNEL_CONSULTANTS		0.00
6152 Consultants	11,492.50	11,492.50
6300 Legal & Professional Fees		0.00
6310 Accounting Services	1,487.50	1,487.50
6320 Attorney Services	6,614.50	6,614.50
Total 6300 Legal & Professional Fees	8,102.00	8,102.00
6565 Payroll Service Fees	261.00	261.00
6575 Payroll Wages/Salary	19,312.50	19,312.50
6580 Payroll Taxes	1,531.00	1,531.00
Total OFFICE PERSONNEL_CONSULTANTS	40,699.00	40,699.00
Total Expenses	42,113.68	42,113.68
NET OPERATING INCOME	285,280.32	285,280.32
OTHER INCOME		
7030 Other Income	13,000.00	13,000.00
Total Other Income	13,000.00	13,000.00
NET OTHER INCOME	13,000.00	13,000.00
NET INCOME	\$298,280.32	\$298,280.32

Monthly Reports:Monthly Summary VENDOR Expenses

September 2022

	Total
Adobe	33.98
Bestbooks4U	977.50
Canva	12.95
Intuit	115.00
Joanne Benjamin	1,312.50
Law Office of Gary M Baum	99.00
Microsoft	37.50
Peninsula Storage Center	127.00
Union Bank	3.00
Verizon	30.30
Zoom.us	113.50
TOTAL	\$2,862.23

Statement of Cash Flows

July - September, 2022

	Total
OPERATING ACTIVITIES	
Net Income	298,280.32
Adjustments to reconcile Net Income to Net Cash provided by operations:	
1200 Accounts Receivable	-123,062.00
2000 Accounts Payable	-608.00
2200 First National Bank of Omaha	-10.17
FNBO_2nd	-150.59
Total Adjustments to reconcile Net Income to Net Cash provided by operations:	-123,830.76
Net cash provided by operating activities	174,449.56
NET CASH INCREASE FOR PERIOD	174,449.56
Cash at beginning of period	55,074.99
CASH AT END OF PERIOD	\$229,524.55

A/R Aging Summary

As of September 30, 2022

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
Association of Bay Area Governments				123,062.00		123,062.00
TOTAL	\$0.00	\$0.00	\$0.00	\$123,062.00	\$0.00	\$123,062.00

Cities Association of Santa Clara County

1001 Checking - Union Bank, Period Ending 09/30/2022

RECONCILIATION REPORT

Reconciled on: 10/21/2022

Reconciled by: Adele Gruber

Any changes made to transactions after this date aren't included in this report.

Summary

USD

Statement beginning balance.....	231,954.05
Checks and payments cleared (6).....	-2,429.50
Deposits and other credits cleared (0).....	0.00
Statement ending balance.....	<u>229,524.55</u>

Register balance as of 09/30/2022.....	229,524.55
Cleared transactions after 09/30/2022.....	0.00
Uncleared transactions after 09/30/2022.....	111,512.94
Register balance as of 10/21/2022.....	341,037.49

Details

Checks and payments cleared (6)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
09/02/2022	Expense		Law Office of Gary M Baum	-99.00
09/07/2022	Journal	Gusto		-1,312.50
09/07/2022	Expense		Bestbooks4U	-277.50
09/22/2022	Credit Card Payment			-37.50
09/30/2022	Expense		Bestbooks4U	-700.00
09/30/2022	Expense		Union Bank	-3.00
Total				-2,429.50

Additional Information

Uncleared checks and payments after 09/30/2022

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
10/04/2022	Expense		Law Office of Gary M Baum	-75.00
10/12/2022	Journal	Gusto		-477.69
10/12/2022	Journal	Gusto		-97.37
10/13/2022	Expense		Law Office of Gary M Baum	-5,260.50
10/13/2022	Expense		Law Office of Gary M Baum	-5,638.50
Total				-11,549.06

Uncleared deposits and other credits after 09/30/2022

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
10/11/2022	Receive Payment		Association of Bay Area Gove...	123,062.00
Total				123,062.00



2023 Calendar of Meetings

Executive Board	Board of Directors	Legislative Action Committee	City Selection Committee
January 6	January 12	January 12	January 12
February 3	February 9	February 9	
March 3	March 9	March 9	
April 7	April 13	April 13	April 13
May 5	May 11	May 11	
June 2	June 8	June 8	
July – no meeting	July – no meeting	July – no meeting	
August 4	August 10	August 10	
September 1	September 7	September 7	
October 6	October 12	October 12	
November 3	November 9	November 9	
December 1	December 7 Holiday Party	December – no meeting	

*The **Executive Board** typically meets on the first Friday of the month at 3:00pm*

*The **Board of Directors** typically meets on the second Thursday of the month at 7:00pm*

*The **Legislative Action Committee** meets as needed, typically on the second Thursday of the month at 6:00pm*



Agenda Item No: 1d

Meeting Date: November 10, 2022

Cities Association of Santa Clara County Agenda Report

To: BOARD OF DIRECTORS

Prepared by: Gary M. Baum, General Counsel

TOPIC: STEPS NECESSARY FOR CONTINUED MEETINGS OF THE BOARD OF DIRECTORS AND ALL SUBSIDIARY BODIES VIA ZOOM

SUBJECT: ADOPTION OF A RESOLUTION TO PERMIT MEETINGS OF THE BOARD OF DIRECTORS AND SUBSIDIARY BODIES TO MEET OVER ZOOM FOR AN ADDITIONAL PERIOD OF 30 DAYS

RECOMMENDATION:

Approve the attached resolution permitting the Board of Directors and all subsidiary bodies to continue to hold their meetings via Zoom with full public access, electronically, for a period of 30 days.

BACKGROUND:

The Board of Directors previously approved continuing to hold future meetings via Zoom after the Governor's Executive Order expired. This resolution satisfies the legal requirements necessary to continue to hold meetings of the Board of Directors, Executive Board and all subsidiary bodies utilizing Zoom. The Board of Directors will be required to pass a similar resolution every thirty days after original passage or at its next subsequent meeting, whichever is later, in order comply with statutory requirements.

As the Covid-19 situation nationally and internationally as well as State and County regulations have continued to change the Resolution has been revised to reflect current Covid-19 circumstances and State and local restrictions. The Board has directed the Interim Executive Director to examine hybrid meetings and CASCC has begun to hold hybrid meetings in the Community Room of the City of Los Altos. This resolution will continue to be necessary unless and until the Board of Directors and the Executive Board choose to meet exclusively in person. A "hybrid" meeting will still require the passage of this resolution.

LEGAL ANALYSIS:

AB361 modified Government Code Section 54953 by adding provisions that allow local governmental entities to not comply with certain provisions of the telephonic meeting requirements if there was a declared emergency or an order or recommendation for social distancing.

Specifically, AB 361 **removes** the following requirements:

- The requirement to post an agenda at a private home, business, hotel or wherever the Board Member is located has been lifted.
- The requirement that individual Board Members home, work or current location address be listed on the agenda has been removed.

ADOPTION OF A RESOLUTION TO PERMIT MEETINGS OF THE EXECUTIVE BOARD, BOARD OF DIRECTORS AND SUBSIDIARY BODIES TO MEET OVER ZOOM FOR AN ADDITIONAL PERIOD OF 30 DAYS

November 10, 2022

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- The requirement that the location of the Board Member be ADA accessible has been removed. Of course, there are existing laws that require a public building to be ADA accessible.
- A majority of a quorum is no longer required to be within our jurisdiction, which would be Santa Clara County.

AB 361 **added** the following requirements:

- The meeting must allow a call-in option **or** an internet-based option for public participation. SVRIA will meet this requirement.
- Should either the call-in option or internet-based option stop working, the Board can take no further action until the access to the public is restored.
- Starting 30 days after the first meeting held under this new approach the Board must pass findings every 30 days, or at a subsequent meeting that an emergency continues to exist or there are requirement or recommendations for social distancing.
- Staff must list the access and method for public participation on the agenda.

Two of the former requirements from 54953 continue:

- All votes taken must be roll call votes. (54953(b)(2))
- The agenda must also be posted at the usual location. (54953(b)(3))

This Resolution will end once the Governor's Emergency Declaration for Covid-19 is concluded, which is expected on February 28, 2023. Also, the provisions of AB 2449 will need to be considered after January 1, 2023 if CASCC is meeting only in person.

FISCAL IMPACT:

There will be a small amount of additional work and possible minor costs incurred by staff to continue to utilize Zoom and attempt to maintain its reliability during public meetings.

OPTIONS:

The Board of Directors has the following options to consider on this matter:

1. Staff's recommended action to approve the resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action, which would result in the requirement for in person meetings.

RECOMMENDED ACTION:

ADOPTION OF A RESOLUTION TO PERMIT MEETINGS OF THE EXECUTIVE BOARD, BOARD OF DIRECTORS AND SUBSIDIARY BODIES TO MEET OVER ZOOM FOR AN ADDITIONAL PERIOD OF 30 DAYS

November 10, 2022

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Approve the resolution to continue holding meetings over Zoom.

ATTACHMENTS:

1. Attachment "1" Resolution to Continue to Permit Holding Meetings Utilizing Zoom due to the Public Emergency

Staff Report CASCC Adoption of Resolution to Permit Zoom meetings for Board of Directors and Subsidiary Bodies 10-20-22



RESOLUTION NO. 2022-0_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITIES ASSOCIATION OF SANTA CLARA COUNTY RECOGNIZING A STATE OF EMERGENCY AND THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCED PUBLIC MEETINGS OF THE EXECUTIVE BOARD, BOARD OF DIRECTORS AND SUBSIDIARY OR ADVISORY BODIES TO ALLOW THEM TO CONTINUE TO HOLD PUBLIC MEETINGS SOLELY BY TELECONFERENCE OR OTHERWISE ELECTRONICALLY PURSUANT TO AB 361

WHEREAS, all public meetings of the Cities Association of Santa Clara County (“CASCC”) Executive Board, Board of Directors and subsidiary bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch them conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, as a result of Executive Order N-29-20, the Executive Board, Board of Directors and subsidiary bodies held remote teleconferenced remote meetings for their meetings via Zoom, and for purposes of Brown Act teleconferenced meetings the term “legislative body” includes the Board of Directors, Executive Board and advisory bodies; and

WHEREAS, on August 2, 2021, in response to the Delta variant of COVID-19, the Santa Clara County Health Department ordered a mask mandate for indoor public settings; and

WHEREAS, since the issuance of Executive Order N-92-20, the Delta variant has emerged followed by the Omicron variant BA.1, followed by the Omicron BA.2 subvariant and the BA.3, BA.4 and BA.5 subvariants, causing a rising spike in COVID-19 cases throughout the state; and

WHEREAS, two new sublineages of BA.5 known as BQ.1 and BQ 1.1 have been discovered and Dr. Anthony Fauci recently stated that these sublineages have qualities or characteristics that could evade some of the interventions we have; and

WHEREAS, according to the LA County Public Health Director European Coronavirus cases have been spiking and that can be predictor for trending cases in the United States; and

WHEREAS, Governor Newsom has announced that the State of Emergency will be lifted effective February 28, 2023, but continues at the present time; and

WHEREAS, the Center for Disease Control has determined that Santa Clara County is now a “red county” signifying that there are now high levels of community transmission; and

WHEREAS, The CDC recommends that everyone wear a mask indoors when the high level of community transmission has been reached; and

WHEREAS, The Santa Clara County Health Department has collected wastewater sampling data showing an increase in SARS CoV-2 virus present in all wastewater treatment plants in the County; and

WHEREAS, THE County Public Health Director has recommended avoiding indoor crowds; and

WHEREAS, while hospitalizations and severe illnesses have decreased in the last month, new COVID-19 variants continue to emerge, including a recent variant with increased transmissibility that may potentially impact the County’s hospital capacity. Holding in-person meetings with all members of the legislative body, staff, and the public in attendance in a shared indoor meeting space could particularly impact persons who are at higher risk of severe illness; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions, including that the Executive Board and Board of Directors make specified findings; and

WHEREAS, on September 21, 2021, the Santa Clara County Health Officer issued the “Recommendation Regarding Continued Remote Public Meetings of Governmental Entities,” basing the recommendation on: 1) the continued threat of COVID-19 to the community, 2) the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and 3) the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission; and

WHEREAS, for the reasons set forth in the Santa Clara County Health Officer’s recommendation, CASCC is concerned about the health and safety of all individuals who attend open and public meetings of the Board of Directors and Working Committee; and

WHEREAS, the Board of Directors does hereby find that the existence of the March 4, 2020 Proclamation of a State Emergency, and the described conditions, including the spread of the Omicron variant, pose an imminent risk to health and safety of meeting attendees; and

WHEREAS, Government Code Section 54953(e)(3) requires that the Board of Directors review the need and make findings for continuing the teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and,

WHEREAS, for the reasons set forth herein, the Board of Directors does hereby find that the Executive Board, Board of Directors and advisory or subsidiary bodies (“subsidiary bodies”) shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the associated emergency conditions are ongoing and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency and this Resolution if approved, will be in effect for 30 days and will expire on November 7, 2022; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITIES ASSOCIATION OF SANTA CLARA COUNTY MAKES THE FOLLOWING FINDINGS IN COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e) AND OTHER APPLICABLE PROVISIONS OF THE BROWN ACT:

1. The Board of Directors hereby recognizes the Governor of the State of California’s March 4, 2020 Proclamation of a State of Emergency.
2. The Board of Directors finds that the state of emergency continues to impact the ability of the CASCC’s Executive Board, Board of Directors and subsidiary bodies, as well as staff and member of the public, to meet safely in person. State or local officials continue to recommend measures to promote social distancing. The County Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of Covid-19 transmission.
3. The Board of Directors authorizes and directs the Acting Executive Director, to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon adoption and shall be effective until the earlier of thirty (30) days from the date of adoption of this Resolution, or such time as the Board of Directors votes, by majority vote in accordance with Government Code section 54953(e)(3), whether to extend the time during which the District may continue

to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

Chappie Jones
Board President
Vice Mayor of the City of San Jose

Vaishali "Shali" Sirkay
Interim Executive Director

Motion to approve by:

Seconded by:

AYES:	
NOES:	
ABSTENTION:	
ABSENT:	

About the Cities Association of Santa Clara County:

The Cities Association of Santa Clara County is an association of the fifteen cities of the county and the elected representatives of more than 1.9 million Bay-Area residents. Since 1990, the city representatives have been gathering to discuss and find consensus and solutions for regional issues. The cities of our association are diverse and include cities of a few thousand people and a city of a million people.

Resolution CASCC Recognizing Local Emergency and Continuing AB 361 Procedures for Zoom Meetings 10-20-22



RESOLUTION NO. 2022-001

Resolution of The Cities Association of Santa Clara County Condemning Hate Crimes

Whereas, the State of California describes “hate crime” as various crimes against a person, group or property motivated by the victim’s real or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation, or because there is a perception the person has one or more of those characteristics; and

Whereas, hate crimes are dramatically increasing in the United States and in the Bay Area specifically, but many victims of hate crimes are reluctant to report these crimes for a variety of reasons including but not limited to fear of repercussion, frustration that the crime will not be investigated and feelings of isolation and danger in the targeted community; and

Whereas, racism and violence are the antithesis of the fundamental rights of Americans, and it is the responsibility of local, state and federal government to protect people and their property; and

Whereas, justice, tolerance, diversity, inclusivity and equity are values shared by the cities of Santa Clara County; and

Whereas, words alone condemning hate crimes are insufficient to competently and satisfactorily address the problem of hate crimes in the Bay Area.

Now Therefore, Be It Resolved that the Cities Association of Santa Clara County unequivocally condemns hate crimes and expressions of racism and hate against any and all groups, and encourages all cities to stand together to take actionable steps towards:

1. Conducting vigorous and timely investigation and prosecution of hate crimes;
2. Improving the reporting of hate crimes by encouraging victims of hate crimes to come forward;
3. Holding perpetrators of hate crimes accountable and bringing them to justice;
4. Creating greater awareness of all forms of hate speech, threats and violence in both governmental agencies and the community.



Agenda Item No: 6

Meeting Date: November 10, 2022

Cities Association of Santa Clara County Agenda Report

Board of Directors

Prepared by: Chappie Jones
President

SUBJECT: Approval of Amendment to Agreement with Vaishali “Shali” Sirkay to extend Agreement and to Increase the Not to Exceed Amount to Continue to Serve as Interim Executive Director

RECOMMENDATION:

1. Approve Amendment to Agreement with Vaishali “Shali” Sirkay to extend her Agreement with CASCC until March 31, 2023 and to increase the not to exceed from \$50,000 to \$85,000.

BACKGROUND & ANALYSIS:

The Board of Directors, in June of 2022, approved the appointment of Shali Sirkay as the Acting Executive Director for a period of six months. By way of background, President Jones appointed Vice President Abe Koga to chair an Ad-Hoc committee for recruitment for a new Acting Executive Director. The committee, consisting of Vice President Abe-Koga and former President Marico Sayoc identified Shali Sirkay as an ideal candidate and the Committee and President individually interviewed her and recommend her for the Acting Executive Director position for the next six months, July 2022 through December 2022. Shali Sirkay’s resume is attached as Attachment 1. On October 13, 2022 the Board appointed Shali Sirkay as Interim Executive Director of CASCC.

Shali has continued to do excellent work on behalf of CASCC during her first four months of service. Shali has agreed to serve an additional three months as Interim Executive Director. Her Agreement, attached as Attachment 2 will expire at the end of December, 2021 and she has averaged less than \$10,000 per month, the Agreement must be amended to extend its expiration date and to increase the not to exceed by \$35,000 so that the new total not to exceed will be \$85,000. Shali’s hourly rate will remain at \$100/hour. The Amendment is attached as Attachment 3.

FISCAL IMPACT:

The fiscal impact of this Amendment will be up to \$35,000 for the period from January 1, 2023 through March 31, 2023. The actual amount incurred may be less should Shali work less than 350 hours during this time. The current budget can accommodate the costs of this Amendment.

THE BOARD HAS THE FOLLOWING OPTIONS TO CONSIDER:

1. Approve the staff recommendation to approve the Amendment for Vaishali “Shali” Sirkay to continue to serve Interim Executive Director of the Cities Association of Santa Clara County (CASCC) through March 31, 2022.
2. Take no action, requiring that a new Executive Director be appointed no later than January 1, 2023.

Approval of Appointment of Vishali “Shali” Sirkay as Interim Executive Director

November 10, 2022

Page 2 of 2

ATTACHMENTS:

1. Resume of Vaishali “Shali” Sirkay
2. Consultant Agreement with Vaishali (“Shali”) Sirkay to Serve as Acting Executive Director
3. Amendment to Consultant Agreement with Vaishali (“Shali”) Sirkay to extend Agreement and Increase Not to Exceed Amount

**Amendment No. 1 between the Cities Association of Santa Clara County and
Vaishali (“Shali”) Sirkay to Serve as Interim Executive Director**

This Amendment No. 1 to the June 27, 2022 Agreement (“AGREEMENT”) is between Vaishali (“Shali”) Sirkay and the Cities Association of Santa Clara County. This Amendment No. 1 (“AMENDMENT”) is made and entered into this ___ day of November, 2022, by and between the CITIES ASSOCIATION OF SANTA CLARA COUNTY (“ASSOCIATION”), and Vaishali (“Shali”) Sirkay, an individual (“CONSULTANT”)

RECITALS:

WHEREAS, the AGREEMENT was entered into between the parties for the purposes the utilizing CONSULTANT’s services to serve as Acting Executive Director of ASSOCIATION and;

WHEREAS, on October 13, 2022, CONSULTANT was appointed by the Board of Directors as Interim Executive Director of ASSOCIATION; and

WHEREAS, the parties wish to amend the AGREEMENT to extend the time for performance and increase the not to exceed amount to compensate CONSULTANT for continued work as Acting Executive Director and make no other changes to the AGREEMENT.

NOW, THEREFORE, in consideration of the covenants, terms, conditions and provisions of this Amendment, the parties agree:

SECTION 1. Section 2 of the AGREEMENT is hereby deleted and replaced to read as follows:

The term of this AGREEMENT shall be from June 27, 2022, to March 31, 2023, subject to the provisions of Section 9 of this AGREEMENT.

SECTION 2. Section 3 of the AGREEMENT is hereby deleted and replaced to read as follows:

The compensation to be paid to CONSULTANT, including both payment for professional services and reimbursable expenses, if any, shall not exceed Eighty-Five Thousand Dollars (\$85,000.00). The rate and schedule of payment is set out in EXHIBIT B, entitled “COMPENSATION.” which is attached hereto and incorporated herein.

SECTION 3. Exhibit B of the AGREEMENT is hereby deleted and replaced to read as follows:

All services shall be compensated on an hourly basis at the rate of Dollars One Hundred Dollars (\$100.00) per hour. Reimbursable expenses shall be limited to those expense which are required for the ASSOCIATION’s ongoing operations.

The maximum amount of compensation to be paid to CONSULTANT under this AGREEMENT, including both payment for professional services and any expenses incurred shall not exceed Eighty-Five Thousand Dollars (\$85,000.00). Any hours worked for which payment would result in a total exceeding the maximum amount of compensation set forth herein shall be at no cost to AUTHORITY.

SECTION 4. Except as herein modified, all other provisions of the AGREEMENT, including any exhibits, shall remain in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year first above written, the parties have by their duly authorized representatives executed this Amendment.

VAISHALI "SHALI" SIRKAY

CITIES ASSOCIATION OF SANTA
CLARA COUNTY

Vaishali "Shali" Sirkay, an individual

Charles "Chappie Jones"
President

Approved as to Form

Gary M. Baum
CASCC General Counsel

Amendment No 1 CASCC Agreement with Shali Sirkay 10-19-22