



Law Offices of
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Board Certified Civil Trial Specialist

February 1, 2022

Via Email Only

City of Campbell
Attn: Mayor Paul Resnikoff
paulr@cityofcampbellca.gov

City of Gilroy
Attn: Mayor Marie Blankley
marie.blankley@cityofgilroy.org

City of Los Altos Hills
Attn: Mayor George Tyson
gtyson@losaltoshills.ca.gov

City of Milpitas
Attn: Mayor Rich Tran
rtran@ci.milpitas.ca.gov

City of Morgan Hill
Attn: Mayor Rich Constantine
rich.constantine@morganhill.ca.gov

City of Palo Alto
Attn: Mayor Pat Burt
pat.burt@cityofpaloalto.org

City of Santa Clara
Attn: Mayor Lisa Gillmor
lgillmor@santaclaraca.gov

City of Sunnyvale
Attn: Mayor Larry Klein
kleincouncil@sunnyvale.ca.gov

City of Cupertino
Attn: Mayor Darcy Paul
Dpaul@cupertino.org

City of Los Altos
Attn: Mayor Anita Enander
aenander@losaltosca.gov

City of Los Gatos
Attn: Mayor Rob Rennie
rennie@losgatosca.gov

City of Monte Sereno
Attn: Mayor Javed Ellahie
jellahie@cityofmontesereno.org

City of Mountain View
Attn: Mayor Lucas Ramirez
lucas.ramirez@mountainview.gov

City of San Jose
Attn: Mayor Sam Liccardo
mayoremail@sanjoseca.gov

City of Saratoga
Attn: Mayor Tina Walia
twalia@saratoga.ca.us

RE: Your Employee/Our Client:
Andrea ("Andi") Jordan

***Confidential Settlement Communication pursuant to
Evidence Code Section(s) 1152 & 1154***

Dear Santa Clara County City Officials:

Our firm represents Andrea ("Andi") Jordan (hereinafter "Ms. Jordan"), the Executive Director of the Cities Association of Santa Clara County (hereinafter "Cities Association") who is jointly employed by each of your respective cities. Please direct all communications regarding this matter to my attention at my Benicia, California address noted above. I can also be reached by email at jnunes@rmbllaw.com.

Our firm recently submitted a demand letter to the Cities Association on behalf of Ms. Jordan in which we alleged claims for harassment and discrimination based on sex/gender and marital status and retaliation for complaining about unlawful harassment in violation of the California Labor California Fair Employment and Housing Act ("FEHA"). A true and correct copy of the demand letter dated December 21, 2021 is enclosed for your reference.

As you know, Ms. Jordan reports to the Cities Association's Board of Directors, consisting of City Officials from each of your respective cities. These City Officials who are agents of your cities exercise significant control over Ms. Jordan's wages, hours and working conditions. For example, the Board of Directors set Ms. Jordan's rate of pay, determine Ms. Jordan's eligibility for benefits, including health insurance, conduct Ms. Jordan's performance reviews, provide Ms. Jordan with her work assignments, and direct all of Ms. Jordan's job duties. Based on the cities' right to exercise significant control over Ms. Jordan in connection with her job duties, each of your cities may be considered Ms. Jordan's "joint employers" and, therefore, may be held liable to Ms. Jordan for harassment, discrimination and other violations of the FEHA. *Mathieu v. Norrell Corp.* (2004) 115 Cal.App.4th 1174, 1183-1184.

Furthermore, we are confident that we will be able to establish liability against the individual cities in light of the Cities Association's failure and refusal to properly create a Joint Powers Authority ("JPA") despite Ms. Jordan's efforts.

Based on the foregoing, if your cities and/or the Cities Association do not make a meaningful effort to resolve this matter, Ms. Jordan will pursue a formal lawsuit in which each of the cities will be named as defendants. This will result in significant exposure and potential adverse publicity. Accordingly, I look forward to hearing from you to attempt to resolve this matter in the interests of all concerned.

PUBLIC RECORDS ACT REQUEST

In the meantime, this is to formally request a complete copy of any and all text messages and/or emails contained on any device maintained by any **current or former** member (including elected officials) or alternate of the Cities Association's Executive Board of Directors, Board of Directors, Legislative Action Committee, City Selection Committee, and/or Santa Clara Santa Cruz ("SCSC") Roundtable in any way related to Ms. Jordan. These documents are required to be produced pursuant to the California Public Records Act (California Government Code Section 6251, et seq.). Please provide an estimated date and time when the records will be made available, as required pursuant to California Government Code Section 6253(c).

Thank you for your consideration and prompt attention to these matters. Your immediate response is imperative.

Very truly yours,



JENNA R. AVILA

JRA:ja

Enclosure

cc: Vice Mayor (Campbell) Anne Bybee
City Manager (Campbell) Brian Loventhal
Vice Mayor (Cupertino) Liang Chao
City Manager (Cupertino) Jim Throup
Mayor Pro Tempore (Gilroy) Perter Leroe-Munoz
Vice Mayor (Los Altos) Sally Meadows
City Manager (Los Altos) Gabriel Engeland
Vice Mayor (Los Altos Hills) Linda Swan
Vice Mayor (Los Gatos) Maria Ristow
Town Manager (Los Gatos) Laurel Prevetti
Vice Mayor (Milpitas) Carmen Montano
City Manager (Milpitas) Steven McHarris
Mayor Pro Tempore (Monte Sereno) Bryan Mekechuk
City Manager (Monte Sereno) Steve Leonardis
Mayor Pro Tempore (Morgan Hill) John McKay
City Manager (Morgan Hill) Christina Turner
Vice Mayor (Mountain View) Alison Hicks
City Manager (Mountain View) Kimbra McCarthy
Vice Mayor (Palo Alto) Lydia Kou
City Manager (Palo Alto) Ed Shikada
Vice Mayor (San Jose) Charles ("Chappie") Jones
Interim City Manager (San Jose) Jennifer Maguire

Santa Clara County City Officials

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Vice Mayor (Santa Clara) Sudhanshu “Suds” Jain

City Manager (Santa Clara) Deanna Santana

Vice Mayor (Saratoga) Kookie Fitzsimmons

City Manager (Saratoga) James Lindsay

Vice Mayor (Sunnyvale) Alysa Cisneros

City Manager (Sunnyvale) Kent Steffens