

Mayor Foppoli Issue Frequently Asked Questions

Last Updated: 4/15/21

Q: Why is Mayor Foppoli still serving as Mayor after these alarming allegations?

A: Individual members of the Town Council, along with many other community members, have urged Mayor Foppoli to resign. He cannot simply be removed from office by the Town Council since he is directly elected by Windsor voters; the Town, however, believes strongly that the community would be best served by his immediate resignation.

Q: What are the Town's options for removing Mayor Foppoli from office?

A: Should Mayor Foppoli continue his refusal to resign, there are two options for removal from office. Windsor voters can initiate a recall process, which would be subject to a majority vote for or against recall. The Town Council may also remove a Mayor or Councilmember if they are convicted of a felony and unable to continue service. Mayor Foppoli's immediate resignation would be the fastest option to remove the distraction of his continued service as Mayor.

Q: Is the Town hesitating to remove Mayor Foppoli from office because of his longstanding community involvement and economic development efforts?

A: The Town is not hesitating in any manner, and it vehemently condemns the crimes alleged against Mayor Foppoli. His community activities and previous efforts focused on economic development are unrelated to these serious allegations, and we believe he is no longer able to effectively lead the Town of Windsor.

Q: Have any Town staff members been the subject of Mayor Foppoli's sexual misconduct allegations?

A: The Town is unaware at this time of any staff members who may have been potentially victimized by Mayor Foppoli. The Town will be conducting a formal inquiry to determine if anyone has been impacted by the alleged conduct of the Mayor. Additionally, the Town has arranged for counseling services for employees and encourages anyone who may have been subject to misconduct to contact Human Resources immediately so that we may investigate.

Q: Isn't there a conflict of interest when the Town's Police Department investigates its Mayor?

A: The investigation is being conducted by the Sonoma County Sheriff's Department; the Windsor Police Department has a contractual agreement with the Sheriff's Department for public safety services. If either department at any point identifies a potential conflict of interest, they will initiate a process to transfer the investigation to an external agency.

Q: Should the Sheriff transfer the investigation to another agency to avoid possible conflict of interest?

A: The Town recognizes the perception of conflict, given the contractual relationship between the Town and the Sheriff's Department for provision of public safety services. We have expressed our concern to the Sheriff, but the decision to transfer the investigation is his alone, and the Town does not have the ability to take action to initiate the process. The Sheriff informed the Town that he does not intend to transfer the investigation to another agency.

Q: What did the Town do after receipt of the email sent in 2017 by one of Mayor Foppoli's alleged victims?

A: In November of 2017, Councilmember Fudge received an email from an individual whose name has not been released by the Town to protect her identity, at her request. The email accuses then-Councilmember Foppoli of inappropriate behavior in 2013 at a guest house at his winery. Upon receipt, Councilmember Fudge took the appropriate actions of forwarding the email to the then-Town Manager and then-Town Attorney for review and guidance. She also contacted the individual who submitted the email letting her know that she appreciated her bringing this email forward, acknowledging how difficult it must have been and letting her know she was forwarding to the appropriate people within Town Hall. The author of the email also communicated to the Town that she did not want to pursue criminal action against Mayor Foppoli. Therefore, there was no Police investigation into the accusations.

Q: What did the Town do after receipt of the email sent in 2020 stating concerns about accusations of rape against Mayor Foppoli?

A: In February of 2020, the Town Manager received a public comment regarding an upcoming Town Council agenda item that included a statement that the Mayor has been accused of rape. The Town Manager promptly shared the email with Town Council and forwarded it to the Town Clerk for inclusion in the public record. The Town Manager also inquired with the Mayor about the accusations and the Mayor denied they were true. Follow up conversations with individual Councilmembers were held by the Town Manager and Town Attorney. The Town Manager presented the 2020 email to the Police Chief for review. The Police Department determined the incident did not rise to a level of a crime in order to open an investigation. The email and all related information were also shared with the Sheriff's Office Domestic Violence Sexual Assault Sergeant, who came to the same conclusion as the Police Chief.

Q: What are the Town's options regarding the accusations being made regarding a relationship between Mayor Foppoli and Councilmember Lemus?

A: The allegations by both individuals have been referred by the Town to the Windsor Police Department and Sonoma County Sheriff's Department for investigation. It is important to note that Mayor Foppoli and Ms. Lemus are entitled by law to confidentiality regarding many aspects of the investigation. The Town's responsibility is to encourage all potential victims to report the possible crimes to the Police Department or the Sheriff's Department.

Q: Are Councilmembers held to the same standard as Town staff regarding their rules of conduct?

A: Town Councilmembers are not Town employees and not subject to the same internal policies as Town Staff. However, Town Councilmembers are expected to always comport themselves professionally as representatives of the Town, especially given the high visibility of their public service and the trust that residents place in their leadership. Allegations of sexual misconduct clearly undermine that trust, and the Town has a responsibility to take all necessary steps to continue providing a high level of public service.

Q. Did the Town conduct harassment training of Town employees and Town Council as required by State law?

A. The Town staff and Town Council routinely receive sexual harassment training in accordance with State laws. The purpose of these trainings is to prevent sexual harassment behavior by educating and informing what constitutes sexual harassment behavior and empowering and encouraging the reporting of such behavior and other appropriate responses.

Note that Town Councilmembers are not employees of the Town thus the responsibility for staying current with training requirements falls on each individual Councilmember. Town staff does notify Councilmembers of training opportunities when they become available and asks that Councilmembers provide certificates of completion for tracking purposes.

Requirement and status of Town staff training: In accordance with Assembly Bill 1825, the Town has provided harassment prevention training on a biennial basis to all managerial and supervisory staff. The last AB1825 training was offered in 2020. With the adoption of Senate Bill 1343, the Town also provides non-supervisory staff harassment prevention training throughout the year. In compliance with these laws, the Town estimates that 96 percent of our staff have received harassment prevention training in the last two years.

Requirement and status of Town Council training: AB 1661 requires local agency officials to receive at least two hours of sexual harassment prevention training within the first six months of taking office and every two years thereafter while remaining in the covered position. Attached is a table summarizing the status of compliance. Currently, Vice Mayor Salmon and Councilmembers Fudge and Lemus are in compliance with AB

**AB 1661 HARASSMENT PREVENTION TRAINING LOG
2021**

Town Council	Position	Name	Date Sworn in	Date of Notification	Date Certificate Issued	Misc. Notes/ Expiration Date
Town Council	At-large Mayor	Foppoli, Dominic	12/02/20	02/18/2021 04/13/2021		
	Councilmember	Fudge, Debora	12/02/20		2/25/2020	2/25/2022
	Councilmember	Lemus, Esther	12/05/18		2/27/2020	2/27/2022
	Vice Mayor	Salmon, Sam	12/05/18		02/27/2020	02/27/2022

1661 training requirements. Because Mayor Foppoli was recently elected to a new Council seat (elected At-Large Mayor), he has six months from the date he was sworn in to complete the required training. Previous to his election to the elected At-Large Mayor seat the Town had no record that Mayor Foppoli was in compliance with training requirements.

Q: If the Mayor resigns or is removed from office, who will take over Town leadership?

A: If the Mayor is removed or resigns from office the Town Council will discuss the issue of leadership continuity. The Council's deliberations will be conducted with the goal of continuing to serve the public effectively despite the ongoing issue.

Q: Since there is already an existing vacancy on the Town Council, how will a resignation or removal from office affect the Town's ability to conduct public business?

A: While any attempt to speculate about the makeup of the Town Council in the wake of possible future developments would be premature, the Council and staff are committed to working in partnership to make good decisions on behalf of Windsor residents. This is a challenging period for the Town, but Council and staff working together will ensure continued strong local governance.

Resources for Survivors of Sexual Assault

If you are a survivor of sexual assault or know someone who has been a victim of sexual assault, please contact:

Verity: 707-545-7272 (www.ourverity.org)

Family Justice Center of Sonoma County: 707-565-8255 (<https://www.fjcsc.org/>)

National Sexual Assault Hotline: 800-656-4673 or www.rainn.org