



Santa Cruz County  
Civil Grand Jury

Grand Jury <grandjury@scgrandjury.org>

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**RE: Santa Cruz City Council Response Packets for “A Failure to Communicate – Restoring Trust and Accountability in Santa Cruz City Government” and “Homelessness: Big Problem, Little Progress It's Time To Think Outside The Box.”**

1 message

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**Ralph Dimarucut** <rdimarucut@cityofsantacruz.com>  
To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>  
Cc: Suzanne Haberman <shaberman@cityofsantacruz.com>

Wed, Sep 23, 2020 at 3:26 PM

Hello,

Attached please find the Santa Cruz City Council Response Packets for “A Failure to Communicate – Restoring Trust and Accountability in Santa Cruz City Government” and “Homelessness: Big Problem, Little Progress It's Time To Think Outside The Box.”

Thank you,

Ralph Dimarucut

Principal Management Analyst  
City Managers Office

City of Santa Cruz

831.420.5017

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**2 attachments**



**A Failure to Communicate.pdf**  
292K



**Homelessness Big Problem, Little Progress - City Council of Santa Cruz .pdf**  
274K



# County of Santa Cruz

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Civil Grand Jury  
701 Ocean Street, Room 318-I  
Santa Cruz, Ca 95060  
(831) 454-2099

December 16, 2020

The Santa Cruz City Manager left a voicemail message on the above date confirming that the Santa Cruz City Council approved its response to the Council Chaos report on 9/23/2020.

The Grand Jury mislabeled the Managing Risks Report's packet of Findings and Recommendations assigned to the Santa Cruz City Council as a Requested Response. Their response is required under Penal Code §933(c).

The Correspondence Committee on behalf of

*Richard H. Goldberg*

Richard H. Goldberg, Foreperson  
2020–2021 Santa Cruz County Civil Grand Jury



**The 2019–2020 Santa Cruz County Civil Grand Jury  
Requests that the**

**City of Santa Cruz City Council**

**Respond to the Findings and Recommendations  
Specified in the Report Titled**

**A Failure to Communicate –  
Restoring Trust and Accountability  
in Santa Cruz City Government**

**by September 23, 2020**

**Findings**

**F2.** The City Council's conduct policy is insufficient to guide behavior and lacks enforcement provisions.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

At the time this report was issued the Santa Cruz City Council did not have a conduct policy in place therefore the Council agrees with the statement that the City Council's conduct policy at the time this report was issued was insufficient to guide behavior and lacks enforcement provisions because one did not exist.

However, on September 8, 2020 Council passed a Code of Conduct Policy that sufficiently guides behavior and includes enforcement provisions.

**F3.** The onboarding process for newly elected Santa Cruz City Councilmembers is not adequate or timely, leaving them unprepared to act as a team and inadequately oriented on multiple subject matters.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

Recommendations from the Rose Report Investigation have been implemented or are in the process of being implemented.

The City Manager's Office provided Councilmembers elected in March 2020 a complete orientation manual for transitioning into and being a Santa Cruz Councilmember. It contains essential reference materials, legal and ethical obligations, an overview of our City, City Council Meeting fundamentals, and our various types of committees. Included in the orientation manual is a check list and sign-off sheet to ensure newly elected officials have received onboarding briefs with each department and have received necessary training and copies of work place policies within 30 days of assuming office.

New Councilmembers are now required to attend Sexual Harassment training within the first sixty days. During this training, Councilmembers also receive information on the City's Respectful Workplace Policy. This training is required by California State law every two years thereafter. In addition, Councilmembers are required to attend Ethics training upon their election.

The Human Resources Department recently held an onboarding/orientation with the two newly elected councilmembers within the first 30 days of the election. During this orientation the Department Director reviewed the following major areas of Human Resources: Labor Relations, Recruitment, Training, and Benefits.

The City Manager's Office will continue to update and improve the onboarding process for newly elected Santa Cruz City Councilmembers to ensure that they are prepared to act as a team and are oriented on multiple subject matters and will provide a report to Council regarding these changes when appropriate.

**F5.** There are disagreements and a lack of transparency on how the City Council meeting agendas are set.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

It is natural and expected for disagreements to occur amongst a seven member council, nonetheless, the process for how City Council meeting agendas are set is specified on page 6 of the Council Policy Manual and is available for all Councilmembers and the public to view.

There are times when Councilmembers are not clear on how to track the progress of items they requested to be added to the agenda, leaving opportunities to improve the process on how meeting agendas are set.

**F6** Failures to amend City Council Policy 6.9 resulted in a lack of comprehensive guidelines to address interactions between City Council and City Staff.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

**F7.** Lack of a well-defined social media policy leads to confusion about the appropriate use of social media.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

The City of Santa Cruz currently has four existing policies governing appropriate conduct on social media: Council Policy 25.2 (Discrimination and Harassment Policy), Administrative Procedure Order II-1A (Discrimination/Harassment Policy Implementation and Complaint Procedure), Administrative Procedure Order Section II, 1B (Respectful Workplace Conduct) and Administrative Procedure Order Section I, 84 (Social Media Policy) that govern conduct on social media for employees, volunteers, Councilmembers, Commissioners, customers, contractors, and visitors.

Our social media policy also specifically defines content that is allowable through official social media channels.



**F8.** The public has lost confidence in the City Leadership's ability to function effectively.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

Based on the Gene Bregman & Associates public opinion poll, one can conclude that the results reported were representative of the public's approval of City Council's performance at that time.

**F10.** The designation of a City Council position as part-time, with insufficient compensation, may limit the candidate pool and negatively affect City Council performance.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

While insufficient compensation may be one factor that can limit the candidate pool and negatively affect City Council performance, there are several other factors that may limit the candidate pool and negatively affect City Council performance such as the environment and length of the council meetings.

**F11.** The City does not have an elected Mayor position which limits the ability of voters to assign accountability when City government is dysfunctional and ineffective.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

The ability of the Council to work together effectively, in this previous case, likely had nothing to do with the Council's structure and more likely had to do with the actions of individuals and the relationships between members of the Council. Ultimately, accountability happens through the election process, whether by recall or during regular elections.

**F13.** Lack of trust among City Councilmembers impedes constructive discourse and decision making.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

**F15.** Major conflicts and dysfunctions were recognized by City Staff, City Council, and the public in February 2019, but there was a failure to seek remediation for those conflicts until October 2019.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

After recognizing conflicts in February, City Staff and members of the City Council participated in a communication workshop shortly after to help address communication issues amongst councilmembers. As conflicts and dysfunctions continued to arise, an independent investigation was conducted to determine the validity of the issues being reported and to ensure an appropriate remediation response. After the investigation concluded remediation efforts began immediately.

At all times, when major conflicts and dysfunctions became evident, City Manager Martin Bernal held one-on-one conversations with involved individuals in an effort to immediately and directly address the issues.

Staff and Council recognize that there is room to clarify and strengthen this process.

**F16.** Without a current, detailed strategic plan, the City Staff and City Council goals and objectives are unclear.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

**F17.** Poor performance and antagonism at City Hall resulted in lost opportunities and could impair the City's ability to raise money.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

Although the Gene Bregman & Associates public opinion poll showed that the percentage of residents who reported that City leadership was doing an “excellent job” was at an all-time low, the results also showed that the community continued to care about the services and quality of life provided by continuing to support increasing taxes at the time the poll was conducted.

**F18.** The City Council's inability to control disruptive behavior during meetings increases meeting length and inhibits a representative cross-section of the public from participating.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

There are several other factors can lead to an increase in meeting length and can inhibit a representative cross-section of the public from participating.



## **Recommendations**

**R1.** The City Manager should examine the current onboarding process and devise ways to ensure a smooth and timely transition for incoming Councilmembers. Input should be sought from current and previous Councilmembers and staff by December 31, 2020. (F3)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

Recommendations from the Rose Report Investigation have been implemented or are in the process of being implemented.

The City Manager's Office provided Councilmembers elected in March 2020 a complete orientation manual for transitioning into and being a Santa Cruz Councilmember. It contains essential reference materials, legal and ethical obligations, an overview of our City, City Council Meeting fundamentals, and our various types of committees. Included in the orientation manual is a check list and sign-off sheet to ensure newly elected officials have received onboarding briefs with each department and have received necessary training and copies of work place policies within 30 days of assuming office.

The City Clerk now provides candidate orientation sessions and City Council Candidate Packets to prospective candidates to provide necessary information about the position and agency to help ensure that they understand the scope of work required by councilmembers

New Councilmembers are required to attend Sexual Harassment training within the first sixty days. During this training, Councilmembers also receive information on the City's Respectful Workplace Policy. This training is required by California State law every two years thereafter. In addition, Councilmembers are required to attend Ethics training upon their election.

The Human Resources Department recently held an onboarding/orientation with the two newly elected councilmembers within the first 30 days of the election. During this orientation the Department Director reviewed the following major areas of Human Resources: Labor Relations, Recruitment, Training, and Benefits.

The City Manager's office will continue to gather input from current Councilmembers as we prepare the on-boarding process for the next set of Councilmembers and a report on these changes will be provided to Council as they occur.

**R3.** The City should establish a Transparency Task Force to create a process for establishing an open and transparent agenda setting process and to take on the task of re-establishing trust across City Hall, City Council, and the residents of the City by December 31, 2020. (F5, F17)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

The current agenda setting process is specified on page 6 of the Council Policy Manual. In addition, due to priorities related to several issues rising from current global pandemic and impacts from the current wildfires, establishing a Transparency Task Force to create a process for establishing an open and transparent agenda setting process and to take on the task of re-establishing trust across City Hall, City Council, and the residents by December 31, 2020 is currently not feasible.

However, a discussion on the topic of transparency should continue to be explored.

**R4.** City Council should appoint a coach to observe meetings and provide feedback and performance improvement opportunities by December 31, 2020. (F1, F3, F8, F13, F15, F17)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

Given the financial, logistical and several other challenges being addressed by the Council at this time resulting from the current pandemic and wildfires, implementing this recommendation is not feasible at this time. In addition, the current composition of the Council has improved the dynamics of the meetings and such support is currently not needed.

**R5.** City Council, with support from the Equal Employment Opportunity Committee and Human Resources, should write and approve a Code of Conduct that includes a specific definition of egregious behavior and their commitment to Respectful Workplace Conduct Policy enforcement by December 31, 2020. (F1, F2, F3, F6, F7, F13, F15, F17)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

On September 8, 2020 the Santa Cruz City Council established a Code of Conduct. A copy of the policy attached.

**R6.** The City should establish and incorporate into the City Council handbook a well-defined social media policy that takes into consideration the need to preserve information pursuant to the Public Records Act. The policy should be applicable to all City Staff, Councilmembers, Commissioners, contractors, volunteers, and interns by December 31, 2020. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

The City currently has an Administrative Procedure Order governing social media that requires employees and associated organizations to comply with all Federal, state, and local laws and regulations, which include the Public Records Act.

**R8.** City Council should work with the City Manager and Human Resources to develop a formal policy for interns and volunteers who will be working on behalf of Councilmembers by December 31, 2020. (F12)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

The City currently has a formal policy for interns and volunteers. The program is administered by City Serve which is an independent organization that functions within the Human Resources Department.

**R9.** Councilmembers should define a schedule for regular one-on-one meetings to build trust and enable understanding of positions and resolution of disagreements by December 31, 2020. (F3, F5, F6, F8, F13, F15, F17)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

A Code of Conduct was passed by Council on September 8, 2020 to help address future issues. In addition, Councilmembers will be encouraged to meet with colleagues on a one-on-one basis to build trust during their onboarding process.

**R10.** The City Council and City Manager should follow the City’s defined process for creating and updating the Five-Year Strategic Plan by December 31, 2020.  
(F16)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

At the June 9, 2020 Council meeting Council approved a shift to the City’s strategic plan work from a broad-based 1-3 year horizon to an approximate 18 month COVID-19 based interim recovery plan focused and heavily influenced by County and State efforts to shepherd the City’s recovery from the COVID-19 pandemic.



**R11.** The City Council should reestablish the Charter Amendment Committee, which will bring forward recommendations in the areas of City Council compensation, composition, and workload. The committee should have sufficient authority to hire independent consultants to complete their work by December 31, 2020. (F8, F10, F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

Given the financial, logistical and several other challenges being addressed by the Council at this time resulting from the current pandemic and wildfires, implementing this recommendation is not feasible at this time.

**R12.** The City Council should explore creative strategies for curbing public disruption during meetings so that the City Council can conduct business in an efficient manner, and the City Council, City staff, and members of the public feel heard, but do not feel bullied, harassed, or intimidated by December 31, 2020. (F18)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

The City currently has protocols in place to curb public disruption during meetings. Mayor Cummings, the City Clerk and City Manager’s office will continue to explore creative strategies and clear and consistent procedures for curbing public disruption during meetings. In addition, meetings now being held in a virtual environment, have provided additional tools for the mayor and clerk to address disruptions in a more effective manner.

**R13.** The City Council should reestablish a working group to update Council Policy 6.9 to more clearly define interactions between the City Council and City staff when making requests and should do so by December 31, 2020. (F6)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe  
(not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

The City has a policy that is working for the current members of the City Council. Should Council in the future decide to revisit this policy it should be considered along with other priority items during the strategic planning process.

**R15.** The City Manager and City Council should independently make public acknowledgments of the difficulties and dysfunctions that have plagued the City for the last 18 months, and make commitments which are consistent with the implementation of the Grand Jury's recommendations by December 31, 2020. (F1-19)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

Public acknowledgments have already been made by the City Manager and City Council numerous times. Many of the recommendations have been implemented.