

A Failure to Communicate

Restoring Trust and Accountability in Santa Cruz City Government

Summary

Trust in government depends in part on the respectful behavior of elected officials and the Santa Cruz City staff (City staff) who carry out their service to the public. Recent events and publicity raise serious questions as to whether the Santa Cruz City Council (City Council) and City staff are following the City's Human Resources (HR) policies. These policies are intended to govern their behavior, but they are not being followed—thus the City Council and City staff impair their ability to carry out their oaths of office, and compromise the public trust. Our report examines how dysfunction, mistrust, and lack of progress occurred when City leadership failed to follow its own policies and procedures. Our investigation uncovered issues relating to City policies, HR processes, and decision making. Much of the City of Santa Cruz's dysfunction originated from a conflict of political ideologies about how local government should function. The failures related to policies and opposing ideologies resulted in a hostile work environment, and overall working relationships that needed to be repaired.

Background

Following the November 2018 elections, the Santa Cruz City Council (City Council) began 2019 with a progressive majority.^{[01] [02] [03] [04]} Notably, three members of the seven member City Council were renters, not homeowners.^[05] Some supporters of the newly elected Santa Cruz City Councilmembers (Councilmembers) expressed hope that the Santa Cruz City Leadership (City Leadership) might put a higher priority on the needs and challenges that renters face, such as a lack of housing, high rent, and homelessness. However, as time went on the City Council meetings became contentious, chaotic, and very long. Three months after the election, Santa Cruz City Staff (City Staff) and Councilmembers lodged formal complaints alleging that two Councilmembers' behaviors and social media posts violated the Santa Cruz City's Respectful Workplace Conduct Policy (RWCP).^{[06] [07] [08] [09]} The discontent seemed to spill over to public behavior as well, most notably the disruptive, (some would say intimidating), crowds at City Council meetings. Impacts on the City Council included negative media attention, calls for censure, and a campaign to recall two of the Councilmembers.

Several investigations occurred, each with its own price tag, to identify the issues interfering with the City Council and the City's ability to perform its business in an effective and timely manner. Despite these investigations, costing approximately \$78,000 (see [Appendix C](#)), and suggested remedies, the City Council's conflicts continued, negatively affecting City staff, City businesses, the public, and the Councilmembers.

Scope and Methodology

The Grand Jury examined the City Leadership and aspects of the City's government administration to identify how the specifics of the Respectful Workplace Conduct Policy (RWCP) are followed and enforced, as well as how the City of Santa Cruz (City) and the City Council holds its members accountable.^{[10] [11] [12]} The methodology included review of two civil grand jury complaints, fifteen interviews including all Santa Cruz City Councilmembers who served prior to the recall, as well as current and former employees of several City departments. We also interviewed Santa Cruz County (SCCO) employees and members of the SCCO Board of Supervisors. In addition, the Grand Jury studied other City policies and procedures and did multiple document reviews, including the feasibility to convene a rental housing task force study,^[13] a workplace conduct investigative report,^[14] as well as employee and public satisfaction surveys. We also researched reports from other grand juries investigating similar issues for guidance on recommended policies and best practices. The investigation also included attending and viewing City Council meetings, and a review of the timeline of events, shown in Figure 1.

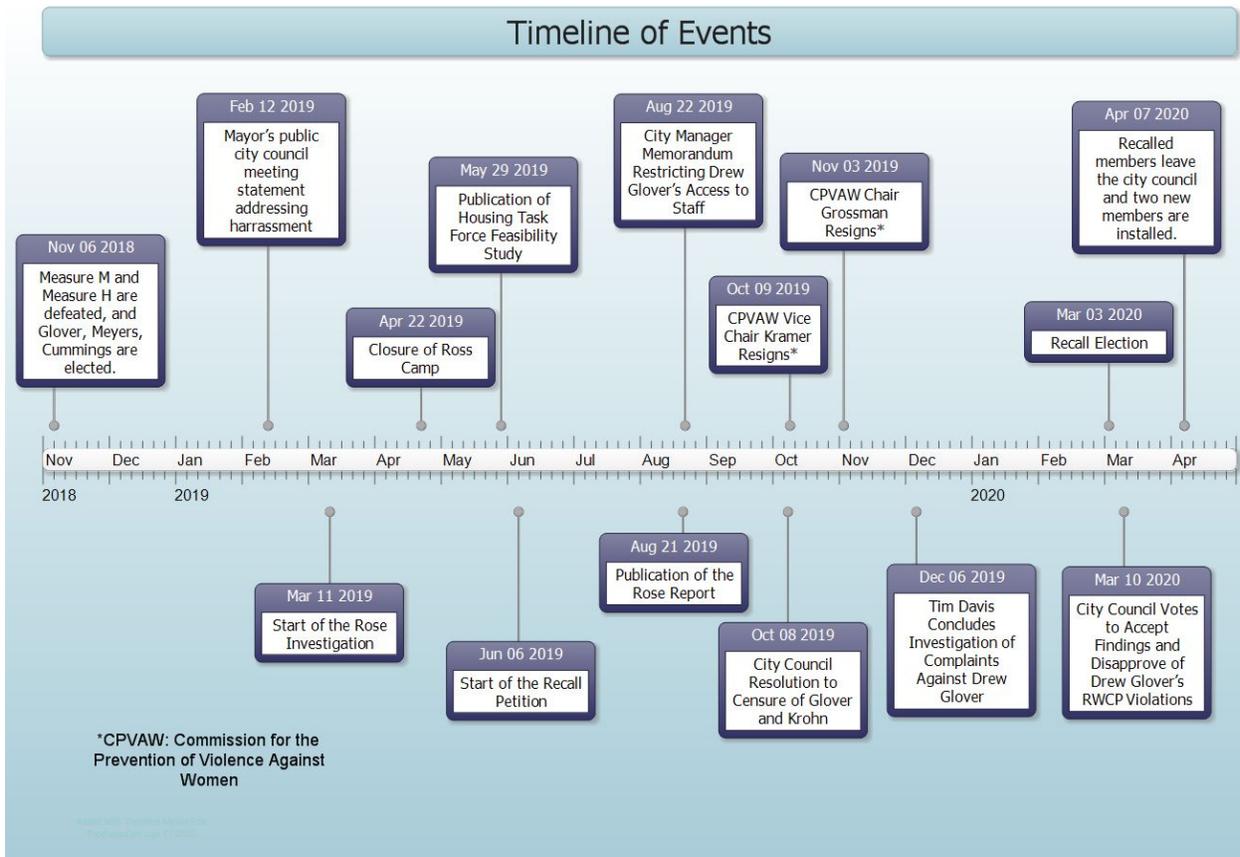


Figure 1. **Timeline of Events**^{[15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30]}

Investigation

Given the events that the Grand Jury and the public observed, we sought to address the possible underlying causes for the dysfunction, and offer suggestions for improvement. The investigation followed five main topics:

1. Does the structure of the government provide a strong foundation to plan and deliver to the public?
2. Through policies and processes, does government leadership have good rules of the road for interacting with each other and the community?
3. Does the City have a good strategic planning process? Do the strategic and implementation plans align for the benefit of the community? Are training and development adequate?
4. Are the plans and policies executed well? Is execution of plans accompanied by good behavior?
5. Does the City leadership have an organizational culture of shared trust and accountability, allowing it to function effectively?

Structure as a Foundation

Does the structure of the government provide a strong foundation to plan and deliver to the public?

Introduction to Santa Cruz City Government

In the Council-Manager form of government, the City Council is elected by the public at large and serves as the legislative body. The Council is responsible for making laws, setting broad policies for the City Manager and City staff, overseeing appointed officials, and determining the city's budget. The City operates under this Council-Manager form of government as a matter of law defined by the City's Charter, which is a legal written document used to establish a city's power, functions, and essential procedures.^[31] The Santa Cruz City Charter defines the City's functions and procedures, the roles and responsibilities of the City Manager; and lays out the how City Council is elected, the terms, and their numbers.

The City Council

The Santa Cruz City Council is composed of seven Councilmembers, one of whom is selected by the City Council to serve as mayor. The Mayor is a "first among equals" leader of the City Council, the symbolic leader of the City for all ceremonial purposes, and is typically the presiding officer at City Council meetings.

Councilmembers are elected to four-year terms during general municipal elections which take place in November of even-numbered years.^[32] Elections are staggered at two year intervals, with four Councilmembers elected during one election, and three Councilmembers at the next. Councilmembers are eligible to run for a maximum of two consecutive terms, but may run again after a 2 year hiatus.

The Mayor and Vice-Mayor are determined by the Council; each year the Council chooses one of its members to be Mayor and another as its Vice-Mayor. The Council Policy for electing a Mayor and Vice-Mayor does not define a process for selecting them, but does mandate a timeline. The timeline requires that the Mayor and Vice-Mayor be chosen at the second meeting in November in non-election years, and at the first meeting after vote certification in election years. By convention the Vice-Mayor becomes Mayor, and the highest vote getter from the last election becomes Vice-Mayor.

The City Manager

The City Manager is an at-will employee, who is selected by the City Council to oversee the administrative operations of the City. With guidance from the Finance Director, the City Manager presents the annual budget to the City Council for discussion and adjustments. The City Manager is also responsible for overseeing the budget once it is adopted, and all the day to day functions of the City including most personnel decisions. In addition, the City Manager is considered the chief policy advisor^[33] to the Council and has a professional obligation to provide them with unbiased advice on local operations, to offer an objective assessment of the long-term consequences of decisions, and to

make sound policy recommendations. The City Manager seeks the advice and expertise of City staff, department heads, and the City Attorney in the pursuit of providing sound, objective, and achievable policy goals.

With the exception of the City Attorney, who is chosen by and reports directly to the City Council, the City Manager oversees and approves all personnel decisions including hiring department heads. Some additional responsibilities of the City Manager include projects and City Council assignments, which do not fall within the jurisdiction of any other City department. This includes managing special committees such as the Commission for the Prevention of Violence Against Women (CPVAW).^[34] Figure 2 provides an organization chart of the City of Santa Cruz.

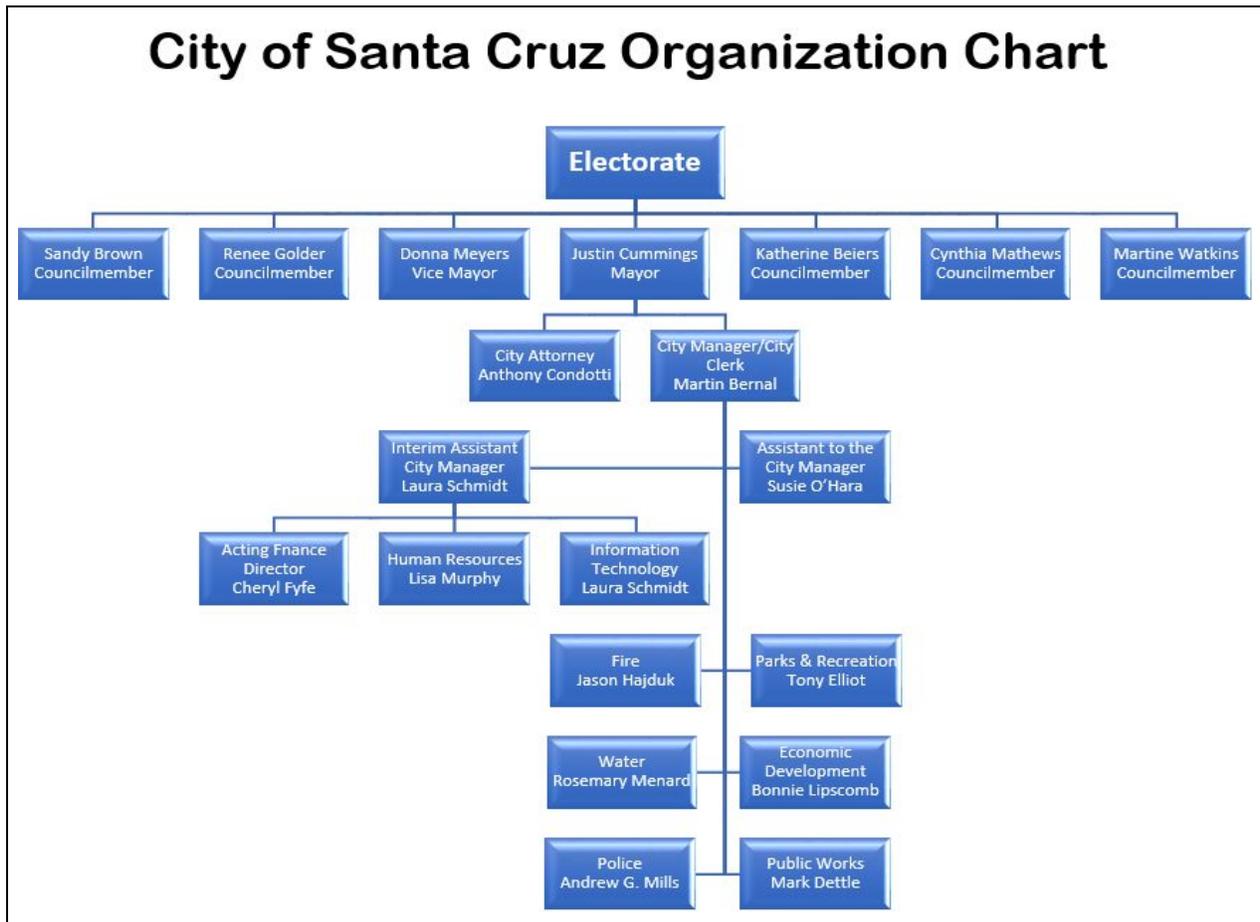


Figure 2. City of Santa Cruz Organization Chart^[35]

Council-Manager vs. Mayor-Council

In a Council-Manager form of government the mayor is usually not elected, but appointed from within the City Council for a one-year term.^[36] In this scenario the mayor is referred to as a “weak mayor.” This is not meant to imply that he or she is an ineffective leader, but it is a testament to the lack of administrative power that is held by the mayor; administrative powers lie with the city manager. In addition, the “weak mayor” does not possess veto power and can be blocked by the City Council.

In the Mayor-Council form of government the mayor is elected by the voters. The mayor holds the administrative powers and conducts the day to day operations of the city, and the council maintains the legislative powers. The “strong mayor” possesses veto power. The Mayor-Council jurisdiction may have a city manager or a city administrator, but he or she is hired by and works at the direction of the mayor and does not maintain the same administrative authorities and responsibilities as those of a city manager in the council-manager form of governance.

Examples from Other Cities in California

Which is the best form of governance: Council-Manager or Mayor-Council? That is a debate that has taken place in cities across California dating back decades. In 1993 politicians began asking voters to make that choice and for 83% of California voters the choice was the “Strong-Mayor” form of city governance.^[37]

When cities decide to make the transition to the Mayor-Council form of city government it is not a quick fix or a one size fits all solution. Each city has its own process for getting there, writes their own rules, and defines the new role of the mayor in their city charter.

Cities, such as San Diego and Oakland, eased their way into a permanent change to their governance by beginning with temporary ballot measures. In 2004, voters in the City of San Diego approved Proposition D^[38] which, in part, allowed its transition to a five-year temporary mayor-council form of government and on January 1, 2006 the experiment began. In June of 2010 the San Diego voters approved a permanent change to the San Diego City Charter and the City moved to a Mayor-Council form of government. Voters also strengthened the San Diego City Mayor’s position by approving the addition of a council seat and increasing the number of council votes needed to override a Mayoral veto from a simple majority to a $\frac{2}{3}$ majority.

The City of Oakland voted to permanently change its city government to a “Strong-Mayor” form of governance in November 2014.^[39]

Many California cities have struggled with the debate between the Mayor-Council and Council-Manager models of government. The cities that ultimately decided to make the change from “weak mayor” to “strong mayor” do so in order to mitigate challenges that included: a lack of confidence in leadership, a lack of trust, accusations of wrongdoing, and executive inefficiencies. Figure 3. compares attributes of the Council-Manager versus Mayor-Council models of government.

<p style="text-align: center;">Council-Manager “Weak-Mayor”</p>	<p style="text-align: center;">Mayor-Council “Strong-Mayor”</p>
<ul style="list-style-type: none"> ● Politics are removed from city business ● City managers are appointed rather than elected and do not need to be residents of the city, which leads to a larger candidate pool ● Emphasis is placed on the legislative body and policy making ● City manager can be removed from their position at any time 	<ul style="list-style-type: none"> ● Political leadership and accountability are established ● Mayor is given veto power and can override unpopular Council decisions ● It is a familiar form of government that most Americans understand ● Separation of powers between the executive and legislative branches ● Provides checks and balances ● The Council can refuse to confirm the Mayor’s appointments ● The Mayor can appoint a city administrator to assist in the daily operations of the city

Figure 3. **Models of Government**^[40]

Charter Amendment Committee

In 2018, the Santa Cruz City Council formed The Charter Amendment Committee (CAC)^[41] to address several governance issues, including whether the City should change to district elections and a directly elected mayor. The CAC met twice to establish the committee and its bylaws, and last met on November 28, 2018. Shortly after newly elected Councilmembers took their seats in 2019,^[42] the committee’s work halted as the City Council debated growing the CAC and adding new committee members that would be chosen by the new council. The issue reached the City Council’s agenda on January 8, 2019, but it was tabled and never returned for further discussion. The CAC’s one-year term expired without any recommendations being brought forward.

The Grand Jury believes the City Council should reestablish the CAC and should task them with developing job descriptions for Councilmembers, the Mayor, and the Vice-Mayor. In addition, the City Council should ask the CAC to develop recommendations for items listed in the original Charter Amendment Committee Bylaws.^[43]

The CAC Bylaw's Purpose Statement included a review of the following areas:

- **Directly Elected Mayor**
 - *Term lengths*
 - *Proceed or not to proceed*
- **District Elections**
 - *Proceed or not to proceed*
- **Compensation**
 - *Size of the Council*
 - *Full-time vs. part-time*
 - *Proceed or not to proceed*
- **Other**
 - *Ranked Choice Voting*
 - *7 direct and 6 at-large members*
 - *Encouraging participation as an Elected Official*
 - *Council support within the City Manager's Office*
 - *Polling the community*
 - *Council/Mayor Term Limits*

Council Pay, Job Description, Role of Mayor

The job of a Santa Cruz City Councilmember is considered a part-time position and receives a small stipend instead of payment for time worked. This is different from its County counterpart, the Board of Supervisors position, which is a full-time job with a full-time salary, making a secondary source of income less necessary.^[44] While there is no formal documentation containing job description for the duties of Councilmembers or work hours,^[45] the majority reported that they were told to expect approximately 20 hours per week to be dedicated to City Council duties, but that in reality, they spend 30+ hours a week on City Council work. This is not surprising as many City Council meetings in 2019 ran over 12 hours in length.

Due to insufficient compensation, many Councilmembers either need to have another job or source of income so they can afford to live in the city in which they serve. As a result, we found that the majority of Councilmembers are working 70-80 hours a week in total, between their City Council position and other job(s). This pressure has made it difficult for Councilmembers to spend the time they feel is necessary to perform their jobs^[46] It is also important to consider that not everyone can dedicate 30+ hours a week of their time. **This combination of hours spent working, insufficient compensation, and high cost of living eliminates the opportunity to serve on the City Council for many, marginalizing those who might otherwise be good candidates.**

The City of Santa Cruz 2020 Salary Compensation Plans^[47] indicate that non-Mayoral Councilmembers currently receive a salary of \$1,710 per month or \$20,524 per year. The Mayor receives a salary of \$3,420 per month or \$41,040 per year. Councilmembers are eligible for some benefits, like CALPERS pensions, and health care plans, but due

to low pay and the short-term nature of the position, the cost or value of these benefits is not substantial.^[48]

Per the City Charter, questions related to Councilmember and Mayoral compensation may be submitted to the voters during any municipal election. Section 603 of the City Charter also disallows any salary ordinance which “provides for automatic future increases in salary.”^[49] Also, salary increases are limited to 5% in any year.

Santa Cruz City Council compensation was last considered at a City Council meeting on January 28, 2014.^[50] Background information for that meeting indicated that the Salary Compensation Plans did not accurately reflect the current pay of Councilmembers. Figure 4 shows a 22.5% voluntary pay cut for Councilmembers in response to the 2008 recession:^[51]

City of Santa Cruz Mayor and Councilmember Salary Adjustment Calculation Pursuant to City Charter Section 603		
	Councilmember Monthly Salary	Mayor Monthly Salary
Effective January 2008	\$1,551.33	\$3,102.66
CURRENT SALARY: Effective February 2009 (2008 Salary less 10% reduction)	\$1,396.20	\$2,792.39
Published Salary (Municipal Code; Effective January 2010)	\$1,710.35	\$3,420.68
Proposed Options		
Option 1: Update to 2014	\$2,078.94	\$4,157.86
Option 2: Update to 2014 Less 10% Reduction	\$1,871.05	\$3,742.07
Option 3: No Rate Change; Release Suspension on 2010 Salary Implementation	\$1,710.35	\$3,420.68

Figure 4. Councilmember Salary Adjustment Calculation^[52]

At the January 28, 2014 City Council meeting, the City Council voted to postpone the issue of City Council compensation until after labor negotiations of all City Staff had been completed. The City Council did not think it was fair to ask for an increase until issues of staff increases had been resolved.^[53]

After the notorious misdeeds of the Bell City Council,^[54] the California State Controller (CSC) began publishing on the CSC website mayoral and councilmember salaries for 481 California cities. The Los Angeles Times took this information and constructed a database that added salary guidance based on California Government Code (GOV) section 36516.^[55] That statute sets parameters for mayoral and councilmember

compensation. According to the Los Angeles Times database,^[56] the City of Santa Cruz Mayoral and Councilmember compensation is about 30% over the statute-based guidance.^[57] However, the statute-based guidance relies on a 1984 population-based compensation schedule with a 5% annual increase. It does not take into account factors like expected work hours, comparable private sector compensation, or the disproportionate increases in the cost of living that many California cities like Santa Cruz continue to experience.^[58] ^[59] In Santa Cruz County, housing values rose by an average of 6.9% per year since 1984, far outpacing the 5% prescribed in the statute-based compensation schedule.^[60] It is also important to note that California Government Code section 36516 is only binding for cities that do not have a city charter.^[61]

The 2014-2015 San Diego County Grand Jury did a comprehensive analysis of deficiencies in the City of San Diego's compensation policy.^[62] In its report, the San Diego County Grand Jury recommended that the City of San Diego amend its charter so that Mayoral and Councilmember salaries would in the future be based on external benchmarks.^[63] This recommendation was intended to make Mayoral and Councilmember compensation comparable to private sector positions with similar responsibilities.

As of the writing of this report, we have been unable to determine if the City of Santa Cruz's 2020 Salary Compensation Plans accurately reflects Mayoral and Councilmember compensation, or if there still exists the voluntary pay reduction as in previous years.

Policy: Rules of the Road

Through policies and processes, does government leadership have good rules of the road for interacting with each other and the community?

Brown Act and Social Media

The Brown Act (California Government Code section 54950 et seq.)^[64] guarantees the public the right to attend and participate in meetings of legislative bodies. The Brown Act defines a meeting as:

...any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.
(Cal. Gov't Code section 54952.2 (a))

Many California cities have addressed the Brown Act as it applies to social media, and have created policies to guard against violations. This policy from the City of West Hollywood provides a good example:

3.7. City social media sites shall be managed consistent with the Brown Act. Members of the City Council, Commissions and/or Boards shall not

respond to, 'like', 'share', retweet or otherwise participate in any published postings, or use the site or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.^[65]

Social Media Policy

The Santa Cruz City Council, lacking a social media policy and also a conduct policy with well defined consequences, was left grappling with how to hold a Councilmember accountable when an outside investigator substantiated a claim of harassment involving the use of social media. This was not the first time the Council struggled with holding its members accountable.^{[66] [67] [68]}

When the Grand Jury asked interviewees if there was a social media policy for City Staff or City Council we received a variety of responses such as "I don't know," "there isn't one," and "look at the City's RWCP or the Councilmembers Handbook."^{[69] [70]} City staff and Councilmembers may have been unclear on whether there was an actual social media policy, but they were all keenly aware that if there was a policy, City staff and City Council were not treated equally with respect to enforcement. Witnesses testified that City staff can be terminated for social media-based violations of the RWCP, but consequences for Councilmembers for similar conduct was not clear.

When the Grand Jury reviewed the suggested documents, we found that the RWCP mentions, but makes no special provisions for social media conduct. We concur with the many California cities that have decided to adopt detailed, well-defined, stand-alone social media policies.

With a majority of Americans using online platforms such as Facebook and Twitter,^[71] and a substantiated allegation of workplace harassment that involved the use of social media,^[72] the Grand Jury believes City Leadership should establish a well-defined social media policy which includes provisions for violations by both City staff and City Council. Lack of a detailed policy leaves a void where City staff, Councilmembers, contractors, Commissioners, volunteers, and interns do not have clear boundaries, and could misrepresent the City's core values. The Grand Jury recognizes the delicate balance between First Amendment rights and harmful speech. Social media is a new frontier in free speech, and the City's RWCP must include provisions for modes of violation that are unique to social media. A comprehensive social media policy must also classify the sponsorship of content, the purpose of communications, and whether the social media platform is allowed to be used as a public forum.

Resources for Social Media Use

The League of California Cities (LCC)^[73] provides an in-depth examination of social media use in government agencies.^[74] LCC has looked at Facebook, Twitter, and blogging, and protecting employees from harassment. Several California cities have enacted detailed social media policies.^{[75] [76] [77]} In addition, LCC has explored the Brown Act and the Public Records Act (PRA) as they pertain to social media use by city staff, elected officials, and appointees.

The PRA (Cal. Gov. Code § 6250 et seq.)^[78] requires the retention, production, and public disclosure of government records unless exempted by law for privacy considerations.^[79] The definition of public records includes: “every conceivable kind of record that is involved in the governmental process” and pertains to any “new form of record-keeping instrument as it is developed.” This includes social media records. Exemptions include strictly personal information unrelated to “the conduct of the public’s business” and law enforcement investigations.^{[80] [81] [82]}

Intern Policy

The Grand Jury learned through testimony, documents, and online research that the City lacks a policy to govern the work and behavior of Councilmembers’ interns. City leadership confirmed that there is no City policy and pointed to the CitySERVE Program^[83] and the policies and procedures they use for the City’s volunteers. There is also no policy to address interns in the Council Handbook.^[84] The Grand Jury also heard testimony from Councilmembers and City staff that interns were free to come and go and to make requests of City staff as they pleased, which Councilmembers are prohibited from doing (Council Policy 6.9). Because Councilmembers are present at City Hall part-time the supervision and needs of the interns often falls on an already busy City staff. We also heard testimony that some interns contributed to the chaos and “caustic” work environment at City Hall with one City staffer accusing interns of harassment.^{[85] [86]} It was reported to the Grand Jury that one Councilmember had up to 20 interns at any given time.

Well-defined policies should exist for those working for the City regardless of their compensation. An intern is defined as an individual who works for reduced pay or academic credits while receiving on-the-job training and experience.^[87] The Department of Fair Employment and Housing Student Intern Policy^[88] is well-defined. Sections of the policy include City intern roles, responsibilities, rights, supervision, orientation and training. Adopting such a policy would help in setting reasonable expectations for City interns and City Leadership.

Agenda Policy

During interviews several Councilmembers described the agenda-setting process for City Council meetings as an unfair process lacking in communication and transparency, and which one Councilmember claimed often prevented them from getting their items on the agenda. However, those involved in the agenda setting process spoke about unrealistic expectations, including: packed agendas with no room for additions and City Council meetings that were 12 hours long and went on late into the night.^{[89] [90]}

Most interviewees agreed that there should be a better process for conducting meetings that allows for shorter meetings and allowed more of the Councilmembers’ items to get before the City Council. One interviewee stated that City Council meetings do not “allow me to be the best version of myself.”

Respectful Workplace Conduct Policies for City Staff and City Council

The City's Respectful Workplace Conduct Policy (RWCP)^[91] confirms the commitment of the City to "establish behavioral and workplace standards to support a culture of collaboration, inclusion, and productivity." This policy in turn has been adopted by the City Council and documented in its policy manual as the Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy "to maintain and promote a working environment free from abusive conduct, discrimination, harassment, and retaliation."^[92]

The RWCP contains language that defines respectful workplace scope, procedures, enforcement, and accountability:

- A single act shall not constitute abusive conduct, unless especially severe and egregious.
- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of this policy.
- Discrimination, harassment and retaliation prevention (including prevention of abusive conduct), and cultural diversity awareness training, is mandatory for all City employees and City Councilmembers.

However, there is no mechanism for enforcement of the policy pertaining to the City Councilmembers. In addition, the phrase "severe and egregious" is undefined.

While this policy is important and useful to deter unwarranted behavior and investigate and resolve complaints, it falls short in defining a broader code of conduct for the Santa Cruz City Council. The City of San Jose and Yolo County have adopted clearly defined Code of Conduct policies, which govern behavior and decision making.^[93] ^[94] As recommended in the Rose Report,^[95] the Santa Cruz City Council convened a subcommittee (Council of Ethics subcommittee) in August 2019 that was tasked with developing a code of conduct policy.^[96] The City Council subcommittee on Ethics has met several times. Although the subcommittee planned to have a first draft available by April 2020, to date, no proposals have been brought forward to the City Council for review.^[97]

Strategic Plan, Operations Plan, and Measures of Success

Does the City have a good strategic planning process? Do the strategic and implementation plans align for the benefit of the community? Are training and development adequate?

Strategic Plan for City of Santa Cruz

An important aspect of a well-run organization is to establish a strategic plan. The 2011 Strategic Planning Blog, "Why You Need a Plan: 5 Good Reasons,"^[98] states that a plan enables the organization to clearly do the following:

- get everyone on the same page
- establish direction and associated priorities

- lay a path for good decision making
- drive alignment with all the parties needed to accomplish the strategy
- communicate the same message to everyone

The Strategic Plan affects all aspects of City operation and budget. It needs to be a fluid document that changes to reflect the current situation. The City of Santa Cruz established its first strategic plan^[99] in 2011 to provide a vision of key goals and initiatives with various revisions. The 2015 version^[100] became a detailed Strategic Plan for the City with seven goals. In 2017, the City Council established a Two-Year Work Plan^[101] that narrowed the plan to three strategic goals focused on key City Council initiatives and core City services that were of greatest concern and impact based on community input. This work plan expired in June 2019 and has not yet been addressed by the City Leadership.

Although the Two-Year Work Plan specifies that it will be updated every 2 years, minimal activity has begun to meet that requirement. At the January 14, 2020 City Council meeting, an Overview of a Strategic Planning Process^[102] by Optimal Solutions Consulting was on the agenda. It provided another option on how to develop a plan. However, that option did not include ways to measure success or provide data for fruitful modifications to the plan on a regular basis.

A scan of documents from the City Leadership yields the following observations:

- the most recent work plan as documented^[103] expired as of June 2019; no revision has been published
- the most recent strategic plan as documented^[104] was last updated September 2015
- individual department budgets, plans, accomplishments for 2019 and goals for 2020 were documented in the respective budget documents^[105]
- with few minor exceptions, there are no quantified accomplishments or goals cited
- the plan for preparing the Strategic Plan^[106] shows the following pending actions:
 - a draft written in April-May 2020,
 - review by the steering committee and other stakeholders in May-June 2020, and
 - presentation to the City Council for review, feedback, and approval in June 2020.

Measures of Success

During interviews with City department heads and City staff, it was noted that managers and executives do not have quantified goals. It is common practice to define goals as 'SMART':^[107]

- Specific
- Measurable
- Assignable

- Realistic
- Time-Related

These criteria facilitate definition, measurement, analysis, improvement, and governance of department progress and individual employee achievement and development.

Onboarding: How to Train and Align

According to the City of Santa Cruz website^[108] all new employees, including Councilmembers, are required to take training in Harassment Prevention and Cultural Diversity. Councilmembers are given a handbook to familiarize themselves with rules of procedure for conduct of City Council business, agendas, decorum in council meetings, duties of the presiding officer, etc. There is also orientation for new Councilmembers provided by the City Manager and key department heads,^[109] as well as training provided by the League of Cities in Sacramento, and introductions to various County agencies and their department heads.^[110]

Throughout the Grand Jury's investigation, witnesses repeatedly stated that the onboarding process was insufficient, even chaotic. Several Councilmembers reported that they did not receive basic orientation materials until the February following their November election, and that they were not introduced to the various City department heads and City staff as they were told would happen. Some stated that newly elected Councilmembers were thrown into the deep end with such a steep learning curve that it was difficult to know what questions to ask. Many new Councilmembers stated that they were ill-prepared, unsure of how to communicate with City staff, unclear about what was expected of them and what they should expect of others. Councilmembers identified several problem areas where more comprehensive training was needed, including a better understanding of the role of City staff and City Manager, Robert's Rules of Order (pertaining to the proper procedures for conducting City Council meetings), and meeting facilitation. However, the two topics that most Councilmembers agreed needed more robust training were the agenda setting process and the Brown Act. Some Councilmembers disagreed with others' low opinions of the onboarding process, saying that although there may be room for improvement, the information is out there and ultimately it is the responsibility of each Councilmember to educate themselves.^[111]

So who is ultimately responsible for onboarding, and what are the consequences when it is inadequate? If, for example, a Councilmember does not understand the agenda setting process, it might cause them to question if agenda items are intentionally being left off the agenda in an attempt to sabotage policies they would like to bring before the council. The City should want a thorough and consistent training process that eases the transition between the outgoing and the incoming newly elected Councilmembers. A better training process will lead to overall improved efficiency across City departments. It is important for each new Councilmember to take responsibility to utilize all resources available to him or her so they can be best prepared to do the job. Having a structured, consistent, and timely onboarding process becomes most important when newly elected members hold differing political views not just on policies, but in their understanding of

the very purpose of the City Council. That is when it is most important to establish what is agreed upon and what is not.

Preparation, Execution, and Behavior

Are the plans and policies executed well? Is execution of plans accompanied by good behavior?

City Council and Staff Interactions

Councilmembers' requests for staff resources have also given rise to conflicts. City Council Policy 6.9 (1998)^[112] states that any requests of City Staff made by individual Councilmembers that are expected to use more than 8 hours of staff time for a single request require full council approval. The policy also states that Councilmember requests should be made directly to the City Manager, Assistant City Manager, or Department Heads.

Councilmembers are alleged to have violated this policy. These actions in part prompted the City Manager's August 22, 2019 memo limiting a Councilmember's access to City Staff.^{[113] [114] [115]}

A working group consisting of the Mayor, Vice Mayor, and Assistant City Manager began meeting in June 2019 to expand and refine City Council Policy 6.9 and the associated process for Councilmembers' requests of staff.^[116] The proposed updated request policy defined the following categories:^[117]

- Emergency or Urgent Requests
- Quick Information
- Research, Resolution, Report
- Project / More Complex Research, Resolution, Report

Associated with each category is: staff time required, prioritization, first contacts, and council support and approval criteria.

The City Council unanimously approved the updated Council Policy 6.9 during the January 14, 2020 meeting, but then during the February 11, 2020 meeting, the Council reversed its earlier decision, which left the policy unchanged from the original.^[118]

Dysfunction, Mistrust, and Inadequate Policies

Grand Jury interviews of City Council and City staff revealed a widespread culture of mistrust, lack of accountability and poor communication among those whose success depends on cooperation, good faith, and acceptance of responsibility.

(See [Appendix B.](#))

From community members, County officials, and City Leadership, this Grand Jury heard a consistent message about a lack of trust that ran in all directions,^[119] with most of the fingers pointing in the direction of City Leadership. It was clear during our interviews how this level of distrust has contributed and will continue to contribute to ineffective governance if it is not resolved. We heard about the divided loyalties and watched battle

lines being drawn in print, on television, on social media, and during City Council meetings as those tasked with doing the City's business and representing the voters clashed with each other and with constituents on the issues that divided them. Some of the more contentious issues centered around tenant's rights, politics, "just cause evictions" and homelessness, specifically the Ross Camp. Contrary to Brown Act provisions, Councilmembers attempted to raise some of these issues, which were not agendized, during City Council meetings. The Mayor was subjected to hostility when she appropriately refused to allow discussion of non-agendized items.^{[120] [121]}

City Leadership attempted to resolve some of these deep government and community divisions by seeking outside help. In April 2019 the *Sacramento State College of Continuing Education Consensus and Collaboration Program* (CCP),^[122] a neutral third party, was commissioned to assess the feasibility of convening a Santa Cruz City rental housing task force. The task force was to be composed of stakeholders, and directed by the Santa Cruz City Council. The CCP report gave a detailed analysis of Measure M.^[123] This measure, if it had been approved in 2018, would have amended the City's Charter to enact rent control and "just cause eviction" regulations on residential rentals in the City of Santa Cruz. Some Councilmembers and many of their supporters and allies cite this measure as being the root cause of the rocky start to the newly seated Council in November 2018, and also at the heart of the March 2020 recall of two Councilmembers.^{[124] [125] [126] [127] [128]}

The CCP report speaks to the "us versus them", "each side" mentality of the Council and stakeholders, and how housing issues have a polarizing effect. Grand Jury interviewees corroborated the CCP report's findings. We heard that there is a desire to accomplish change and to do things differently, but there is insufficient common ground between the "two sides" to achieve solutions that are mutually acceptable. The CCP report goes on to state that:

There is a profound need being expressed for a different way to do things, and a pragmatic awareness that under current political conditions, there is an aspect of "mutually assured destruction" (MAD). Each "side" claims a political mandate from the last election and also acknowledges that said mandate is tenuous. Neither "side" seems confident that they can prevail if they push an agenda that is uniquely serving their interests. Almost all the participants know that there are countervailing political forces with which they can match each other 'blow for blow.'^[129]

In addition, participants in the CCP inquiry stated that City Councilmembers' behavior, characterized as "theatrical," "dysfunctional," "childish," "disrespectful," and "embarrassing" constituted a major barrier to successful outcomes.

These participants stated that they are not optimistic that the City Council would accept collaborative outcomes from a task force, nor are they confident that Councilmembers, on all ideological sides, will not try to influence the work of a task force through public and/or private means.^[130]

Ultimately, despite a desire on “both sides” to create solutions to fix the housing issues facing the City, the CCP report concluded that convening a task force was not feasible at that time, and if one was convened it was unlikely to be successful due to the level of dysfunction in the City.^[131]

Allegations of Harassment and Social Media Conduct

The CCP report concluded that stakeholders were concerned that Councilmembers might use “public and/or private means” to exert undue influence making stakeholders hesitant to engage on housing issues.^[132] The Grand Jury heard testimony and reviewed documents that substantiated those concerns.^[133]

Throughout 2019 until the writing of this report there have been allegations of a concerted effort by members of the Council, their supporters, and their allies, to inappropriately influence public opinion and behavior.

The issues of improper influence included housing and homelessness policy, the recall, and RWCP investigations. These perceived influences have created discomfort for some of the City Staff, commissioners, and Councilmembers. Grand Jury interviews, public testimony, workplace complaints, and investigative reports document complaints of “harassment,” which played out across multiple public forums. We heard testimony about a former member of the City’s leadership being spat on and called names while leaving work and a City staffer who made allegations of harassment by a Councilmember’s interns.

Multiple witnesses testified to memos and information related to investigations being leaked to the media, and names and testimony being shared publicly when they were assured that they would not be. At least two witnesses stated that their trust had been violated by City Leadership and investigators.^[134]

After reading¹³⁵ and receiving testimony about targeted harassing behaviors directed at City staff at City Council meetings, we watched City Council meetings online and attended City Council meetings in person.

We read letters to editors,^[136] opinion pieces,^[137] blogs,^[138] and Facebook postings that were written by current and former City Councilmembers,^[139] ^[140] County Supervisors,^[141] City Commissioners,^[142] community political activists,^[143] ^[144] and residents of the City.^[145] This assessment was done to help us understand what was happening across online platforms related to the public allegations of online harassment and allegations made during witness testimony to the Grand Jury.^[146]

While some of the allegations of misconduct and harassment have been substantiated through City-initiated investigations, others were investigated but not substantiated, and witnesses stated some were not investigated at all.^[147] ^[148]

Investigating allegations of workplace harassment was not the purpose of this Grand Jury’s investigation. Therefore the Grand Jury will not make any determinations on claims of harassment. However, we understand how City Staff might feel harassed and intimidated by elected officials, given the perceived disparity in stature and visibility.^[149]

There have been documented HR complaints, Grand Jury testimony, and even allegations from the Council dais^[150] of social media and online attacks and harassment of City Staff and Councilmembers.^[151] In November 2019 the City received complaints from three members of the CPVAW Commission alleging a violation of the RWCP by a Councilmember.^[152] ^[153] The CPVAW Commissioners' complaints were in response to a Facebook post by the Councilmember on an official Councilmember Facebook page.^[154] In this posting the Councilmember accused the CPVAW Commissioners of "peer pressure," "coercion," and using CPVAW in a manner that was "partisan" and "unethical."^[155] The Councilmember also made other allegations that were later determined to be untrue.^[156] In response to the CPVAW complaint the City hired Tim Davis, an attorney from Burke, William, and Sorensen LLP, to investigate the complaint. On March 10, 2020, the City Council released the conclusions of Mr. Davis' investigation,^[157] which substantiated the complaint that the Councilmember had violated the City's Respectful Workplace Conduct Policy (RWCP) APO, Section II-#B.

The City's HR Notice of Investigation Determination report agreed with Mr. Davis' finding that the Councilmember's posting was "severe and egregious conduct that was intended or would be perceived by a reasonable person to be derogatory, insulting, slanderous, or malicious rumor-spreading and undermining" of the CPVAW Commissioners' work.^[158] The City's HR Notice of Investigation Determination report also agreed with Mr Davis' report finding that the post was retaliatory in nature. While it may appear, in the absence of a stand alone social media policy, that the City was able to substantiate allegations of harassment made via social media, it took a lengthy outside investigation that cost the City \$8,824 to make that determination.^[159] ^[160]

Although the Councilmember was found to have violated the City's RWCP, the CPVAW Commissioners were informed "elected officials are held accountable for their actions by their fellow colleagues on the Council and ultimately the community", and that Councilmembers are not subject to the "traditional forms of discipline" as City Staff when they are found to have violated the same policy.^[161]

Employee Engagement Survey

The City of Santa Cruz released a preliminary report on the 2019 Employee Engagement Survey.^[162] This survey was conducted between October 28th and December 31st, 2019 using Survey Monkey technology.^[163] The intent of this third annual survey was to check the pulse of the City employees in their work environment. It uses the same questions each year and is created by the City based on the six themes used for employee engagement. As we examined this preliminary report, it became evident that it generated more questions than answers about the employees and their work environment. Here are some of the problems we found in this preliminary report:

- **Clarity on employee participation** is in question. The Equal Employment Opportunity Committee (EEOC) indicated that only **80** City employees participated in the 2019 survey. However the results state that **236** City employees participated. The report also does not indicate the total potential City

employee participation which is needed to understand the validity of the data. From the City's personnel profile data, that total is approximately 875 employees.^[164]

- **Purpose of the Survey** is not clearly defined and the questions are misleading. Due in part to the organization of the report, the questions do not always fit the theme as defined.
- **Demographics** are confusing. It is not clear whether they cover everyone, or only those who completed the survey.
- **Engagement** definition is not clear. Charts provided in the report cover multiple years (2017 through 2019) but provide no reference point on validity of the comparison.
- **Validity of the Survey** is in question. Survey Monkey provides a sample size calculation^[165] to help understand if response levels are adequate to validate the survey. Using this tool with a potential response population of 875 and a standard confidence level of 95% with a margin of error at 5%, a valid response for the City of Santa Cruz would require **268** completed surveys.

With these deficiencies it is difficult to accept this survey as an accurate assessment of the City employees and their work environment. More effort would need to be applied to a survey function to provide the data points for evaluating City employee engagement and provide a more targeted survey to accurately reflect City employee issues.

Several Grand Jury interviewees commented that the low participation rates were reflective of low morale among City staff.

Lack of Trust Among Staff

The overwhelming message that the Grand Jury received throughout its investigation was there exists pervasive mistrust among City staff, City Council, and the public, which impairs the City's ability to function. What is the result of this distrust and unstable work environment? The Grand Jury heard from several of the interviewees that they were dissatisfied with their jobs. Employee's dissatisfaction with the work environment exacerbates other factors affecting employee attraction and retention.

Community Relations

City of Santa Cruz residents have been watching this disparity play out at City Hall and one could argue that they are sending signals that they are tired of the chaos. On March 3, 2020 voters went to the polls and voted to recall two Councilmembers^[166] who had been investigated and found to be in violation of the RWCP, but City residents sent an earlier signal that they were losing faith in City Leadership when they responded to the City's public survey discussed below.

Loss of Public Trust—Public Opinion Survey

The Public Opinion & Marketing Research firm of Gene Bregman & Associates has conducted thirteen public opinion polls of City of Santa Cruz residents over the last

twenty-one years. The City Manager received the results of the most recent poll in November 2019.^[167] Figure 5, which appeared in the poll, shows that the percentage of City residents who think that City Leadership is doing an excellent or good job is at its lowest point (37%), in the history of these polls. The percentage of residents who think the City Council is doing an excellent or good job is also at its lowest point (20%).

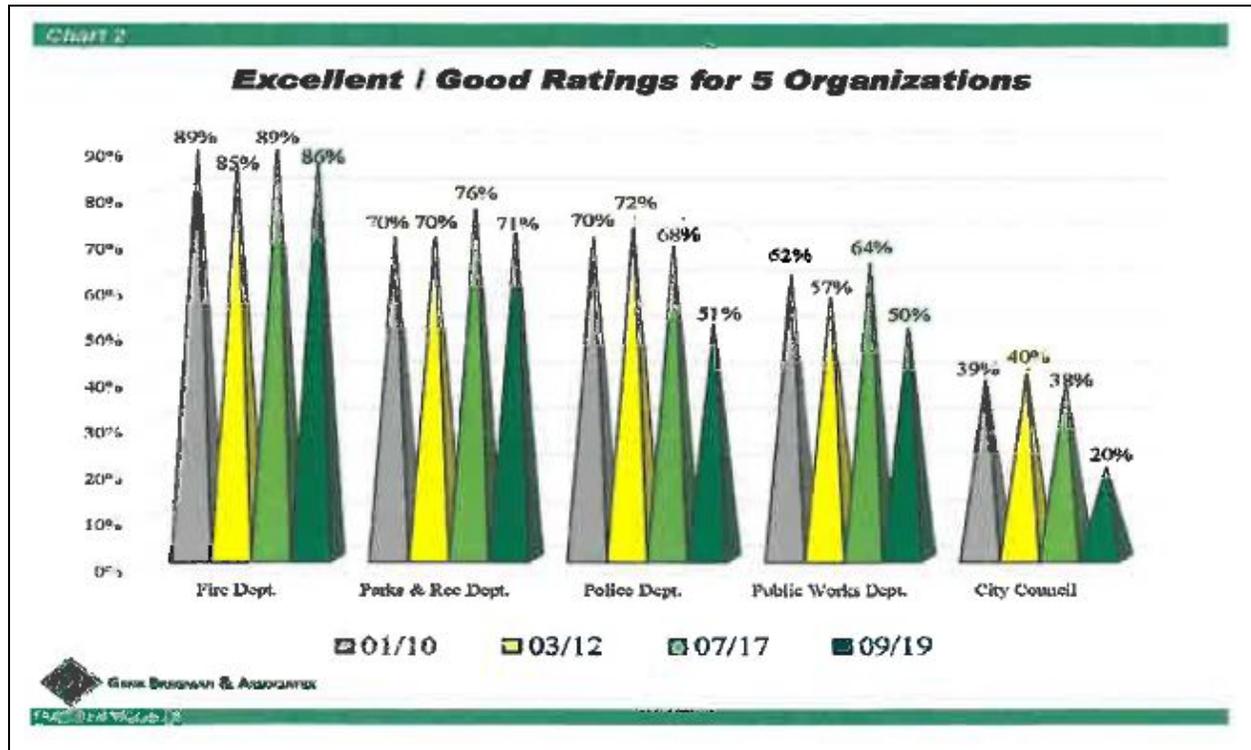


Figure 5. Survey Ratings by City Department (2010, 2012, 2017, 2019)^[168]

The low ratings of City Leadership may affect the City’s ability to raise money. In a discussion of the potential passage of a Transient Occupancy Tax (TOT) increase of either two or three percent, the survey author stated:

While opposition can sometimes be overcome, there are red flags that signal it would be more difficult at this time. First, are the declining job ratings being given to Santa Cruz City government, in general, as well as for the City Council and other City departments, in particular.^[169]

The top two reasons that respondents gave for opposing an increase in TOT were the following:^[170]

- A. “We cannot trust the City Council to keep its promise to use the money properly unless the tax measure specifically says how the money must be used”, and
- B. “We should not increase our taxes to pay for the excessive salaries and benefits of city bureaucrats”

Decorum in City Council Meetings

As the elected legislative body for the City of Santa Cruz, the City Council meets in a public setting on a regular basis to conduct City business. These City Council Meetings have defined schedules and agendas with a prescribed opportunity for public commentary.^[171] However, both Councilmembers and the public have demonstrated disruptive behavior. This results in the Council not being able to complete business efficiently nor for all members of the public to have their voices heard. The disruptive meetings are also a deterrent for members of the public who choose to avoid the intimidating crowds and the extra-long meetings.

The City Council Handbook contains a detailed description of expected meeting decorum. It includes an ex-officio sergeant-at-arms for the Council who will carry out all orders and instructions of the presiding officer to eject anyone who disrupts the meeting.^[172]

In addition, the California League of Cities recommends ways to conduct public meetings that conform to Brown Act requirements.^[173] Councilmembers should also remember that as elected officials it is their obligation to be as transparent as possible to better serve their constituents. The Grand Jury recommends that they refer to the “ABCs of Open Meeting Laws”^[174] and “Dealing with Difficult Situations at City Council Meetings”^[175] to ensure that both Councilmembers and the public behave in an orderly fashion during meetings.

That being said, wielding a heavy hand in attempting to maintain meeting decorum may yield unintended consequences, particularly when some members of the public view meeting disruption and civil disobedience as a free speech right and civic duty.^[176]

An example of what can go wrong occurred on March 12, 2002, when a member of the public gave a Nazi salute during a City Council Meeting.^{[177] [178]} The Mayor called for the individual to be ejected and he was subsequently arrested.

A decades long court battle ensued between the City of Santa Cruz and the member of the public.^[179] The case gained national notoriety,^[180] and was eventually resolved in 2012, with a jury decision in favor of the City.^[181] Even so, the City’s estimated legal fees were \$150,000.^[182]

Culture, Shared Trust and Accountability

Does the City Leadership have an organizational culture of shared trust and accountability, allowing it to function effectively?

Accountability and Authority

Who has the authority and who is accountable when things go well and when they do not? Is it the City Manager, who is not elected, but has the administrative power, oversees the budget and is responsible for all personnel decisions and day to day operations of the City? Is it the City Council, which lacks administrative authority and is prohibited from interfering in the work taking place at City Hall,^{[183] [184]} but is ultimately

the body that can remove the City Manager from his or her position with a majority vote? Who do the voters believe should have the authority to make the decisions for their city and ultimately for where their tax dollars should go? What happens when the voters, City Staff, Commissioners, Councilmembers, and community members are all pointing fingers at each other as they make accusations of dysfunction, harassment, and ineffective leadership?

Across the board, interviewees testified to the Grand Jury about a loss of confidence in City Leadership. Many interviewees stated that many of the City's current and ongoing issues could have been avoided with better management. We heard and read about conflict on the City Council and between City Leadership, and City Staff. Witness testimony educated us to a level of dysfunction and lack of trust that was so divisive that Councilmembers chose not to share work projects that could have increased functionality on the City Council and at City Hall. We were alarmed to learn of the tens of thousands of dollars spent by the City to investigate serious allegations of workplace misconduct (see [Appendix C](#)).

The Grand Jury concluded that the City Council should consider a transition to the Mayor-Council form of government and a Strong-Mayor leadership. This form of government establishes leadership, accountability, checks and balances, and is a form of government that most people are more familiar with. In the meantime, the City Leadership should assess what changes can be made to create a more transparent process that leads to a more effective, efficient, and responsive government. Restoring trust and faith within the walls of City Hall has the potential to help restore public trust in government.

Culture and Trust

Beyond observing and analyzing individual events and their impact, we considered the bigger picture of what underlies the chaos and dysfunction of the City Leadership. Our interviews and observations demonstrated a lack of trust and commitment to change, and reluctance to take personal responsibility. Instead, events and 'others', i.e. not each and every individual, were to blame for the dysfunction.

A data driven study published in the Harvard Business Review looked at the critical elements of establishing and changing a culture for the better.^[185] Four factors drove cultural values:

- leadership commitment
- consistent messaging and communications
- individuals taking responsibility
- peers holding each other accountable.

During the March 10, 2020 City Council meeting, the Conflict Resolution Center (CRC) reported that one-on-one Councilmember coaching sessions had been completed. Councilmembers listened to and thanked the CRC. What was lacking were statements of individual responsibility, ownership of the problems, and commitment to change. Another observation to note about the CRC engagement is that the contract between

the City and the CRC contained no measures of performance or success.^[186] This compromised the ability of the City Council to hold the CRC accountable for results, and to hold themselves accountable for meaningful, measured progress toward the goal of conflict resolution.

The Grand Jury concluded that the City Council has not yet prioritized continued remediation of their conflicts. Its focus has been on finding ways to assign blame. In Council meetings, Councilmembers are not yet admitting their contributions to the dysfunction, nor are they committing to do better. Absent reprimand or censure, they should adopt the practice of coaching and supporting each other—not challenging and reprimanding each other—in order to hold each other to a higher standard of behavior.

A Model for Trust and Accountability

Patrick Lencioni, in his book *The Five Dysfunctions of a Team*,^[187] presents an excellent business model for understanding how conflict resolution ultimately leads to results. [Appendix A](#) contains the five dysfunctions pyramid. To summarize:

- The pursuit of individual goals and personal status erodes the focus on collective success.
- The need to avoid interpersonal discomfort prevents team members from holding one another accountable for their behaviors and performance.
- The lack of clarity or buy-in prevents team members from making decisions they will stick to.
- The desire to preserve artificial harmony stifles the occurrence of productive, ideological conflict.
- The fear of being vulnerable with team members prevents the building of trust within the team.

Unfortunately, all of these behaviors and symptoms have been observed during Council meetings and in interactions among City Leadership and City Staff over the past 18 months. Here are examples of incidents and behaviors which should be addressed and corrected in one-on-one or group meetings:

- Trust: At least one Councilmember used a staff of interns but did not share the hiring methods nor best practices with other Councilmembers due to lack of trust with the other Councilmembers.^[188]
- Trust: Lack of trust was specifically cited in the housing CCP report in early 2019.^[189]
- Conflict: The City Manager issued a memorandum which restricted one Councilmember's access to City Staff.^[190]
- Conflict: Complaints of harassment in violation of the RWCP were documented in the Rose report.^[191]
- Committed Decisions: The City Council displayed apathy during the March 20, 2020 readout of progress by the CRC.

- **Committed Decisions:** The Mayor delivered a message about alleged harassment and bullying to the Council at the February 12, 2019 Council meeting without goals, consequences, or commitment to act; and the CRC did not begin its work until October.^{[192] [193]}
- **Mutual Accountability:** From the Housing Task Force Feasibility report – “The current Council is engaged in actions and discourse that is unsatisfactory to almost all the interview participants.”^[194]
- **Collective Success:** From the Housing Task Force Feasibility report—“Under current circumstances and using the Council’s current goals as a target, it is very unlikely that a task force will be successful.”^[195]

In addition to the lack of trust demonstrated between Councilmembers, interviews revealed an overall lack of trust between Councilmembers and City Staff, and City Staff among themselves. City Staff reported feeling unsupported by City Leadership during times of intense conflict and stress, and others reported that they were intentionally undermined. Many reported that these tensions started early 2019, but were not dealt with and so were left to fester. City staff also testified that they did not trust HR to support them or maintain confidentiality.

Rebuilding Trust Transparently

Developing processes, including an agenda setting process, that are transparent even to the public, fostering a less “caustic” environment, and finding a path to shorter meetings would be a good place to start towards mending the rifts at City Hall. Transparency and friendly work environments not only build trust among colleagues, but could restore trust within the community and possibly encourage a larger cross-section of the community to attend meetings and promote collaborative problem solving between Santa Cruz City government and City residents.

The City of Santa Rosa has faced many of the same issues that the City of Santa Cruz has faced, including allegations of workplace harassment and a lack of trust in government.^[196] In 2014 the Mayor of Santa Rosa convened The Mayor's Open Government Task Force (Task Force)^[197] to look at issues of community engagement and how to rebuild trust in the community. The Task Force acknowledged that rebuilding trust and overcoming community frustration was a complex task and the solutions were not simple, stating: “...*the solutions to these issues will be solved through a comprehensive community engagement strategy that invites everyone to the table.*”^[198]

The Task Force made multiple recommendations and suggested a strategic plan for implementing them.^[199] Recommendations included:^[200]

- *Set a Council goal of open and transparent government*
- *Develop a culture focused on communication*
- *Build a strong civic infrastructure – educate people about how best to engage*
- *Establish Santa Rosa as a leader in civic engagement with the goal of increasing openness, transparency and accountability*

- *Close the communication loop—acknowledge the value of community input, wisdom, and participation*
- *Genuinely engage and partner with neighborhoods, volunteers, businesses, institutions, and other organizations which support our community*

Oftentimes, cities only reach out to their constituents when they need to get them onboard with a project or at election time. The City of Santa Cruz needs to do more than that—it needs to heal divisions and build trust. The Grand Jury believes the Santa Rosa Task Force recommendations listed above would be well applied to the City. The City of Santa Cruz would benefit from developing a task force similar to the Santa Rosa Mayor’s Open Government Task Force, to work on building community relationships and transparency in City government.

Conclusion

The period from November 2018 through the present day has been particularly tumultuous, divisive, and painful for the Santa Cruz City Leadership and City Staff, and the Community. The consensus among Grand Jury interviewees was trust and communications were broken on many levels. Few expressed confidence that a culture of trust and open communication could be re-established.

The Council-Manager form of city government requires and assumes a partnership between City Council and City Staff.^[201] It cannot function effectively if there is unresolved conflict among those parties.

It might be reasonable to conclude that the dysfunction was situational rather than systemic. The root causes of divisions in the City might have been the coincidence of an alleged progressive majority and attempts at tackling the complex and incendiary labyrinths of affordable housing and homelessness. But the Grand Jury heard testimony and found evidence to the contrary. We learned that divisions existed prior to November 2018, and that the recall, if it were to be successful, would do little to heal those divisions.

After the presentation of CRC findings to the City Council, Councilmembers expressed sadness over the conflicts that led to CRC involvement. But they did not fully acknowledge or take responsibility for their roles in the conflict, nor did they pledge to apply what they had learned to future conduct, or suggest that ongoing work and training in conflict resolution should be a high priority.^[202]

Currently, in part due to COVID-19 constraints of remote proceedings and dial-in public comment, City Council meetings are outwardly less contentious. But what lessons were learned from the last 18 months that could provide guidance to Council and City Staff, working as a team, to improve their performance in solving existing and future crises?

In a May 7, 2020 memorandum, the City Manager estimated that the City now faces huge budget deficits in the next 2 fiscal years.^[203] These deficits will lead to substantial pain and hardship for the City and its residents. Surveys, Grand Jury testimony, and public comment have all demonstrated a lack of confidence in City Leadership. Can Council and City Staff restore trust and accountability in the midst of these challenges?

When times are tough, it is tempting to conclude that there isn't time to work on organizational improvements, and that all resources should be focused on getting through the tough times. But impacts of dysfunction are amplified during such times. Weaknesses are revealed that may hinder optimal response.

This report suggests many improvements to City strategy, policies, and process. But as the legendary educator and business management guru Peter Drucker remarked, "Culture eats strategy for breakfast."^[204] In other words, policies and strategy are important but without a culture of trust, transparency, teamwork and effective communications, even the best strategy will not lead to organizational success.

Trust is a commodity that is lost quickly and regained slowly. For the City of Santa Cruz, now is time to begin restoring that trust.

The Grand Jury therefore respectfully submits the following findings and recommendations.

Findings

- F1.** City Leadership fails to consistently follow and enforce the City's Respectful Workplace Conduct Policy and have no effective or consistent definition of egregious behavior in that policy.
- F2.** The City Council's conduct policy is insufficient to guide behavior and lacks 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.
- F4.** City employees do not feel supported and protected by the City Manager and Human Resources.
- F5.** There are disagreements and a lack of transparency on how the City Council 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.
- F7.** Lack of a well-defined social media policy leads to confusion about the appropriate use of social media.
- F8.** The public has lost confidence in the City Leadership's ability to function effectively.
- F9.** The Assistant City Manager and City Manager do not manage to key performance indicators and measures of success.
- 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.
- 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.

- F12.** Lack of a formal intern policy for Councilmembers has caused confusion, disruption and a burden on City Staff.
- F13.** Lack of trust among City Councilmembers impedes constructive discourse and decision making.
- F14.** The Conflict Resolution Center (CRC) contract lacks performance criteria, making it difficult to determine whether conflict resolution was successful. The CRC engagement also failed to address conflicts between City Council and City Staff.
- 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.
- F16.** Without a current, detailed strategic plan, the City Staff and City Council goals and objectives are unclear.
- F17.** Poor performance and antagonism at City Hall resulted in lost opportunities and could impair the City's ability to raise money.
- 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.
- F19.** The employee engagement survey methodology is flawed, and may not accurately represent employee sentiment. The survey does not have the ability to present results per City department and thus the interpretation of results and recommendations is compromised.

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)
- R2.** The City Manager and Human Resources should review their complaint procedures, perform exit interviews, and perform targeted surveys to identify where and how they can support employees in a way that City Staff feel heard and supported by December 31, 2020. (F1, F2, F4, F19)
- 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)
- 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)

- 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)
- 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)
- R7.** The City Manager should define key performance indicators for the City which cascade to department heads and third-party contractors for monitoring and management of key performance metrics by December 31, 2020. (F7, F9, F14)
- 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)
- 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)
- 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)
- R11.** The City Council should re-establish 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)
- R12.** The City Council should explore creative strategies for curbing public disruption during meetings so that the Council can conduct business in an efficient manner, and Council, City Staff, and members of the public feel heard, but do not feel bullied, harassed or intimidated by December 31, 2020. (F18)
- R13.** The City Council should re-establish a working group to update the Council Policy 6.9, to more clearly define interactions between City Council and City Staff when making requests, and should do so by December 31, 2020. (F6)
- R14.** City Human Resources should establish an annual Employee Engagement and Satisfaction survey that meets standard recommended survey methods. The survey should provide effective statistical information while preserving anonymity. The results of the survey should be shared with the public by December 31, 2020. (F19)

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)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F2–F3, F5–F8, F10–F11, F13, F15–F18	R1, R3–R6, R8–R13, R15	90 Days September 23, 2020

Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Manager	F1, F3–F10, F12, F14–F17, F19	R1–R3, R5–R10, R14–R15	90 Days September 23, 2020
Santa Cruz City Human Resources Director	F1, F3–F4, F6–F7	R1–R2, R5–R6, R8, R14	90 Days September 23, 2020
Santa Cruz City EEO Committee	F1, F3–F4, F6–F7	R1–R2, R5–R6, R8, R14	90 Days September 23, 2020

Definitions

Administrative Powers: The power to administer or enforce a law. Administrative powers can be executive, legislative, or judicial in nature. Administrative power intends to carry the laws into effect, practical application of laws and execution of the principles prescribed by the lawmaker.

Administrative Procedure Order (APO): The City’s procedures for conducting day-to-day business, issued by the City Manager

At Will Employee: An employee where employment may be terminated at any time by either party without reason, explanation, or warning.

Brown Act: Guarantees the public the right to attend, participate and discuss in meetings of local legislative bodies. This Act solely applies to California City and county government agencies, boards, and councils. Brown Act protects the rights of citizens to participate in open meetings at local level and county level.

California Government Code (GOV): California Government Codes are 29 legal codes enacted by the California State Legislature. Together these codes make up the general statutory law of California.

Charter Amendment Committee (CAC): A Committee of 13 community members. The committee's purpose is to make recommendations to the City Council on whether the Council should explore potential changes to the City Charter.

Censure: A formal, and public, group condemnation of an individual, often a group member, whose actions run counter to the group's acceptable standards for individual behavior.

City: **City of Santa Cruz**

City Charter: A document, used by **Charter Cities**, that acts similarly to a constitution and which provides greater authority to the city adopting it than is provided by state law.

Commission for the Prevention of Violence Against Women (CPVAW): A Santa Cruz City Commission whose mission is to collaborate with local stakeholder partners and law enforcement to ensure best practices to respond to and prosecute violent crimes against women.

Confidence Level: The **confidence level** tells you how sure you can be. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer lies within the confidence interval. The 95% confidence level means you can be 95% certain; the 99% confidence level means you can be 99% certain. Most researchers use the 95% confidence level.

Conflict Resolution Center (CRC): Local non-profit organization that addresses conflict at all stages-from prevention to intervention in homes, neighborhoods, workplaces, and courts. Coming up with effective alternatives to litigation, hostility, and violence.

Council-Manager: City Council oversees the general administration, makes policy, sets budget, and appoints a professional city manager to carry out day-to-day administrative operations. Often the mayor is chosen from among the council on a rotating basis.

Councilmembers: Members of the Santa Cruz City Council.

Discontentment: A state of dissatisfaction; a person who is dissatisfied, typically with the prevailing social or political situation.

EEOC: The Equal Opportunity Committee serves as a communication channel between City employees, the community, the City Manager, and the Equal Employment Opportunity Coordinator on Equal Opportunity Employment concerns. It acts in an advisory capacity to the City Council in all matters pertaining to Equal Opportunity Employment.

Electorate: All the people in the area or country who are entitled to vote.

Governance: Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization.

Human Resources (HR): The department responsible for employee development, recruitment, and benefits, and employee relations.

Jurisdiction: The power to exercise authority over persons and things within a defined geographical territory or field of responsibility.

Just Cause Evictions: Just cause eviction ordinances protect tenants from arbitrary, discriminatory or retaliatory evictions, while ensuring that landlords can lawfully evict tenants as long as they have a good reason

League of California Cities (LCC): The League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities

Mutually assured destruction (MAD): is a military theory that was developed to deter the use of nuclear weapons. Neither side will attack the other with their nuclear weapons because both sides are guaranteed to be totally destroyed in the conflict.

Mayor-Council: Mayor is elected separately from the council, is often full-time and paid position, with significant administrative and budgetary authority. Depending on the municipal charter, the mayor could have weak or strong powers. Council maintains legislative power. A city manager may be appointed and maintain limited administrative authority

Onboarding: the action or process of integrating a new employee into an organization or familiarizing clients with an organization's services.

Opportunity cost: is the profit lost when one alternative is selected over another. The concept is useful simply as a reminder to examine all reasonable alternatives before making a decision

Public Records Act (PRA): ([Gov. Code § 6250 et seq.](#)) requires the retention, production, and public disclosure of government records unless exempted by law for privacy considerations.

Robert's Rules of Order: is a guide for conducting meetings and making decisions as a group and is widely known as parliamentary procedure. It was developed to ensure that meetings are fair, efficient, democratic and orderly.

Respectful Workplace Conduct Policy (RWCP): The City of Santa Cruz Administrative Procedure Orders APO II-1A, APO II-1B, and Council Policy 25.2. These policies and procedures are designed to establish behavioral and workplace standards to support a culture of collaboration, inclusion, and productivity.

Sacramento State College of Continuing Education Consensus and Collaboration Program (CCP):

Santa Cruz City Council (City Council): A City Council is a group of duly elected officials who serve as the legislative body of a city and are tasked with representing the interests of their constituents.

Santa Cruz City Councilmember (Councilmember): Elected officials serving on the City Council who are tasked with representing the interest of their constituents.

Santa Cruz City Hall (City Hall): Santa Cruz City Hall, the building where City Leadership, City Staff, and City Council conduct the City's business.

Santa Cruz City Leadership (City Leadership): Consists of City Manager, Department Heads, and City Council.

Santa Cruz City Manager: (City Manager):The City Manager is appointed by and reports directly to the City Council. The City Manager is responsible for the overall administration of the City and for seeing that City Council policies are carried out.

Santa Cruz City Staff (City Staff): Includes City employees (non-management).

Stakeholders: Any person or organization that has a legitimate interest in a specific project or policy decision.

Strong Mayor: Serves in the Mayor- Council form of government and is directly elected by the voters. The Strong- Mayor has administrative authorities and veto powers.

Transient Occupancy Tax (TOT): The City levies an **11%** Transient Occupancy Tax on any space where accommodations are offered for periods of thirty days or less. The tax is paid by the occupant and collected by the operator. The operator then remits the tax to the City.

Weak Mayor: a mayor in a mayor-council method of municipal government whose powers of policy-making and administration are by charter in large degree subordinate to the council

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Appendix A



Figure A1. **The five dysfunctions of a team.**^[205]

Appendix B

Key Attributes of Exceptional City Councils

The Institute for Local Government has developed a list of six key attributes of exceptional City Councils:^[206]

- ***Develop a sense of team-a partnership with the city manager to govern and manage the city;***
- ***Have clear roles and responsibilities that are understood and adhered to;***
- ***Honor the relationship with staff and each other;***
- ***Routinely conduct effective meetings;***
- ***Hold themselves and the city accountable; and***
- ***Have members who practice continuous personal learning and development.***

Appendix C Financial Cost of Dysfunction

Table C1. Direct Costs for 2019-2020

Direct Costs	
Item	Cost (\$)
Housing Task Force Feasibility Study	40,000
Rose Report	18,219
Tim Davis Report	8,824
CRC	11,325
Total:	78,368

Source: Compiled from multiple sources^{[207] [208] [209] [210] [211]}

Table C2. Estimates of Possible Indirect Costs for 2019-2020

Estimates of Indirect Costs	
Item	Cost (\$)
Increased City Attorney Fees	300,000
Increased City Council Services and Overhead	114,000
Ross Camp Cleanup	135,479
Recall Election	158,764
Total:	708,243

Source: Compiled from multiple sources^{[212] [213] [214] [215]}