



## **HANDBOOK FOR CITY ADVISORY BODIES**

Prepared by the City Clerk's Department



## **Table of Contents**

<b>Welcome and Orientation</b> .....	5
<b>Advisory Bodies by Departments</b> .....	6
<b>City of Santa Cruz Organization Chart</b> .....	7
<b>Purpose for Advisory Bodies</b> .....	8
<b>Applications</b> .....	8
<b>Eligibility Requirements/Qualifications</b> .....	8
<b>Term of Office</b> .....	9
<b>Authorizing Documents</b> .....	9
<b>Bylaws</b> .....	9
<b>Membership Roster</b> .....	10
<b>Meetings</b> .....	10
Meeting Times .....	10
Chair and Vice Chair Election .....	10
Agenda Preparation and Posting .....	10
Preparation for Meetings .....	12
Decorum in Meetings .....	13
Proceedings .....	13
Requirements .....	14
Enforcement .....	15
Announcements .....	15
Continued Meetings (if necessary) .....	15
Attendance .....	15
Role and Responsibilities of the Chair or Presiding Officer .....	16
Procedural Rules for Motions and Debates .....	17
Chair or Presiding Officer .....	17
Advisory Body Members .....	17
Point of Order .....	17
Regular Motion .....	17
Motion to Amend/Substitute Motion .....	18
Friendly Amendment .....	18
Request/Motion to Divide the Question .....	18
Motion to Limit Consideration .....	19
Motion to Call the Question .....	19
Motion to Reconsider .....	19
Motion to Rescind .....	19
Motion to Suspend the Rules .....	20
Multiple Motions .....	20

**Table of Contents (continued)**

[Motion to Table](#) .....20

[Motion to Adjourn](#) .....21

[Motion to Fix the Time to Adjourn](#) .....21

[Motion to Recess](#).....21

[Preparing Motions](#) .....22

[Addressing the Advisory Body after a Motion is Made](#).....23

[Advisory Body Action](#) .....23

[Disqualifications](#) .....23

[Voting](#) .....24

[Tie Vote](#) .....24

[Successive Tie Votes](#) .....25

[Addressing the Advisory Body from the Floor](#).....25

[Securing Permission to Speak](#) .....25

[Individuals](#) .....25

[Spokesperson for Group Presentations](#) .....26

[Oral Communications](#) .....26

[Speaker Timer at Lectern](#) .....27

[Public Hearings](#) .....27

**[Minutes](#)**.....27

[Method of Keeping Minutes](#) .....27

[Remarks of Members Entered in Minutes](#).....28

[Synopsis of Debate Entered in Minutes](#).....28

[Delivery of Minutes](#) .....28

[Approval of Minutes](#) .....28

[Correction of Minutes](#) .....28

**[Advisory Body Role and Relationships](#)**.....29

[Work Program](#) .....29

[City Council–Advisory Body Relationship](#) .....29

[Staff–Advisory Body Relationship](#).....30

**[Staff Responsibilities](#)** .....30

[City Clerk](#).....31

[City Attorney](#) .....31

**Table of Contents cont'd**

**The Brown Act** .....32

Meeting Types .....32

Regular Meetings.....32

E-mail Communications between Advisory Body Members .....33

Adjournment or Continuance .....33

Subcommittees .....33

Standing Committees.....33

Ad-Hoc Committees.....34

Conflict of Interest .....34

Recusing Yourself.....34

Communications with the Public Outside of Meetings .....34

**Advisory Body Jurisdiction** .....35

**Policies** .....38

Council Policy 5.1 .....38

Council Policy 5.4 .....40

Council Policy 5.11 .....41

Council Policy 5.12 .....43

Council Policy 5.15 .....44

Council Policy 5.19 .....45

Administrative Procedure Order II-1B.....47

**Advisory Body History** .....57

## **WELCOME AND ORIENTATION**

Welcome and thank you for your interest to serve as a member of a City of Santa Cruz advisory body. Advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit amongst citizens, City staff and departments, and the City Council.

The City of Santa Cruz has a varying number of advisory bodies, each with distinct responsibilities. As a new advisory body member, you should familiarize yourself with the documents governing your particular body: these may include City ordinances, City Council resolutions, advisory body bylaws, relevant element(s) of the General Plan, and other documents, all available from your staff liaison. Review of these documents will help you get a sense of what your responsibilities are and what they are not.

This Handbook is designed to serve as a reference for the basic protocols that apply generally to all City advisory bodies. As a new member you may want to meet with the Chair of your advisory body to get a better sense of your role and the business of the body, as well as with the staff liaison assigned to the body. Along with familiarizing yourself with your advisory body's foundational documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the advisory body's work program to familiarize yourself with current goals.

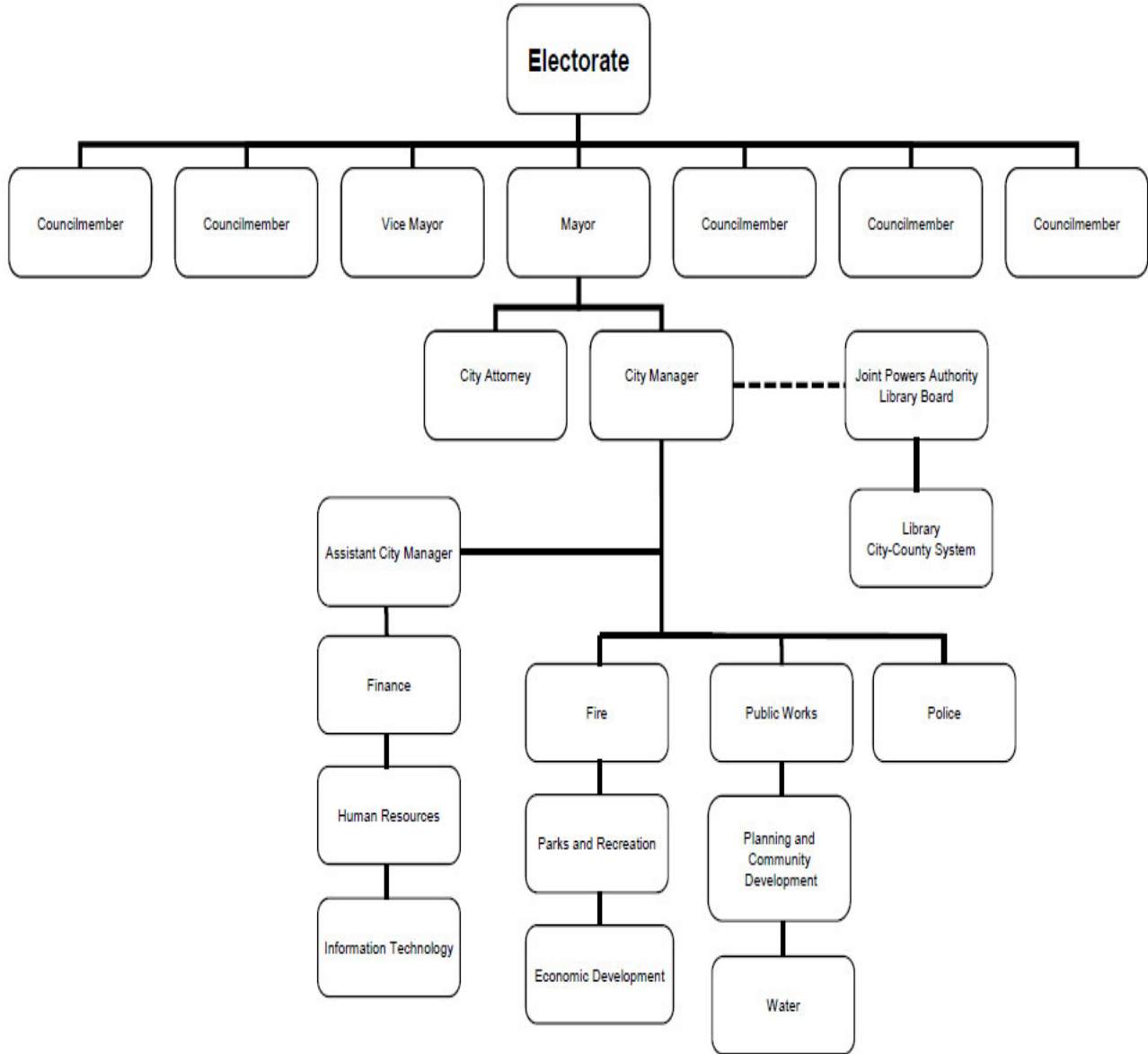
Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by all around you—by the City Council, by City department staff, and by your community. The vitality and strength of our community is found in the willingness of people like you to serve.

For more information, please visit [www.cityofsantacruz.com/advisorybodies](http://www.cityofsantacruz.com/advisorybodies).

## ADVISORY BODIES BY DEPARTMENTS

ADVISORY BODY	DEPARTMENT
Commission for the Prevention of Violence Against Women (CPVAW)  Children’s Fund Oversight Committee	City Manager
Arts Commission	Economic Development and Housing
Parks and Recreation Commission  Sister Cities Committee	Parks and Recreation
Equal Employment Opportunity Committee (EEOC)	Human Resources
Board of Building and Fire Appeals  Historic Preservation Commission  Planning Commission	Planning
Downtown Commission  Transportation and Public Works Commission	Public Works
Water Commission	Water

# CITY OF SANTA CRUZ ORGANIZATION CHART



## **PURPOSE FOR ADVISORY BODIES**

Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council. Certain advisory bodies have the authority to make final decisions; these decisions may be appealed to the City Council.

Boards and commissions are established by ordinance, while committees and task forces are usually established by a motion or resolution to address particular projects or specific areas of concern. Task forces generally are given a defined period of time to accomplish their tasks.

## **APPLICATIONS**

Any citizen interested in serving on an advisory body is invited to complete an [application form \(https://www.cityofsantacruz.com/government/advisory-bodies\)](https://www.cityofsantacruz.com/government/advisory-bodies) and submit it to the City Clerk's Office. When a vacancy occurs, it is publicized, and applications of persons interested in serving on the particular body are accepted. The applications are forwarded to the City Council for action. For boards with seven members, appointments will be done directly by each member of the Council. All others will be at-large appointments. Applications remain on file for two years.

Appointed members may be eligible for a \$75.00 stipend. See Council Policy 5.19 for more information.

Importantly, as part of the application process, applicants are asked to voluntarily provide demographics data. Collection of this information is to track progress towards increasing diversity and representation on City commissions/committees. For more information on the City's demographics, you may access the City Like Me: Santa Cruz report in the document box at <https://bit.ly/SCHIAPWeb>.

## **ELIGIBILITY REQUIREMENTS/QUALIFICATIONS**

Unless otherwise specified, applicants are required to be residents and/or qualified electors of the City of Santa Cruz. Upon appointment, all new members are sworn in by the City Clerk's Division. For certain boards, commissions, and committees, members are required to file FPPC Statements of Economic Interests (Form 700) with the City Clerk.



## **TERM OF OFFICE**

Unless otherwise specified, the term of office for members of boards, commissions, and committees is four years. The term of office for members of task forces is generally for the life of the task force. Members of permanent advisory bodies shall not serve more than two consecutive four-year terms. According to City Council Policy 5.1, members who have served six years or less at the time their terms expire are eligible for reappointment. After a member's second consecutive term expires, there must be at least a two-year break before that member may be appointed to the same advisory body.

The term of office of each board or commission member shall be four years, expiring on January 31<sup>st</sup>; provided, however, that if a replacement has not been appointed and qualified as of the January 31<sup>st</sup> expiration date, the board or commission member shall continue to serve until a successor has been appointed and qualified..."

According to City Council Policy 5.1, a member of a board, commission, or committee may not serve simultaneously on more than one board, commission, or committee. However, a member of a task force or committee with a sunset date of less than thirteen (13) months in the future may also serve on another board, commission, committee, or task force.

Other City Council policies which pertain to City advisory bodies appear in Sections 5.0 and 6.0 of the City Council Policy Manual, which is available in each City department, and on the City's website at [www.cityofsantacruz.com/councilpolicies](http://www.cityofsantacruz.com/councilpolicies).

## **AUTHORIZING DOCUMENTS**

The City Council approves the formation, composition, and responsibilities of all advisory bodies. Some advisory bodies, such as the Planning Commission, have responsibilities under State law. All advisory bodies operate under Council auspices and are responsible to the Council for compliance with the City Charter, City Council Policies, the Municipal Code, and the Brown Act (refer to page 35, Advisory Body Jurisdiction).

## **BYLAWS**

Each advisory body's operations, procedures, and duties are established in adopted bylaws. Bylaws are reviewed by the City Attorney and approved by the City Council. Copies are saved on the main webpage of each commission.

## MEMBERSHIP ROSTER

A complete listing of all City of Santa Cruz advisory bodies, along with the meeting days, times, locations, and the City departments responsible for staffing, is available in the City Clerk's Division. Membership rosters are available in the City Clerk's Division, and *are public record*. Please notify the advisory body staff liaison promptly of any changes in your address or other contact information. General membership information can be found online at <https://www.cityofsantacruz.com/government/city-of-santa-cruz-advisory-body-members>.

## MEETINGS

City advisory bodies meet on a regular basis, usually monthly or bi-monthly. Meetings are open to the public. The calling of a special meeting, or the cancellation of any regular meeting, must be coordinated between the Chair and the staff liaison, and shall be subject to legal notice under the Brown Act. Advisory body members must also be notified in advance of the canceling or scheduling of any meetings.

No business is transacted without a quorum. A member who is unable to attend a meeting is responsible for notifying the Chair or the staff liaison at the earliest possible time.

### **Meeting Times**

City advisory bodies meet on a regular basis, usually monthly or bi-monthly. Meetings are open to the public. The calling of a special meeting, or the cancellation of any regular meeting, must be coordinated between the Chair and the staff liaison, and shall be subject to legal notice under the Brown Act. Advisory body members must also be notified in advance of the canceling or scheduling of any meetings.

### **Chair and Vice Chair Election**

Each advisory body elects a Chair and a Vice Chair annually, at a date specified in the bylaws.

### **Agenda Preparation and Posting**

Agendas for advisory body meetings shall be prepared by City staff in consultation with the Chair, following the standard agenda format similar to format of the City Council, though it may vary by Commission. The *Title* and *Recommendation* of each item on the agenda shall be descriptive and understandable to the public.

## MEETINGS (continued)

### **Agenda Preparation and Posting (continued)**

Within the Health in all Policies section of agenda reports, staff shall meaningfully address the three pillars of HiAP: health and well-being, equity and sustainability in their analysis/discussion of the agenda item. For more information about HiAP and agenda report requirements, Commissioners and staff are strongly encouraged to watch the City's thirty-minute HiAP training video and review the HiAP Agenda Report Guidance, both available by contacting the staff liaison.

You may also contact staff lead for this HiAP Initiative Tiffany Wise-West ([twise-west@santacruzca.gov](mailto:twise-west@santacruzca.gov)) for further guidance or answers to any questions you may have.

The posted agenda also shall indicate when opportunity is provided for members of the public to address the advisory body on items not listed on the agenda (Oral Communications).

If an advisory body member or City staff intends to bring up an item for discussion or action, the item must be included on the agenda. Members of advisory bodies may request that the Chair or the staff liaison place any item within the purview of the advisory body on a future agenda ([refer to City Council Policy 5.15](#)).

Discussion or action on items that are not included in the posted agenda may only occur in very limited circumstances. To discuss or act on an item *not* included in the posted agenda, an advisory body must:

- Determine that “the need to take action” arose after the agenda was posted, and that the action is required prior to the next meeting.
- Approve the determination by a vote of at least two-thirds of the members of the body or by a unanimous vote if less than two-thirds of the members are present.
- Move, second, and vote on the item once the determination is approved.
- Include that action in the meeting's minutes along with a brief explanation of the circumstances stating the need for action and the reason the need arose after posting the agenda.
- In general, if members or staff knew of the need to act before posting the agenda and if the item was not included for reasons of scheduling convenience or oversight, members may not determine that the need arose after the agenda was posted.

## **MEETINGS (continued)**

### **Agenda Preparation and Posting (continued)**

Information items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the informational item be placed on a future agenda for action.

The agenda shall be posted at least 72-hours prior to any meeting in a place visible to the public.

Staff shall maintain a record of the agenda posting.

### **Preparation for Meetings**

- Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.
- Understand what action you are being called on to take regarding each particular agenda item.
- If you have questions regarding the agenda or agenda report, contact the Chair or your staff liaison before the meeting to clarify questions or request further information.
- Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise City staff.
- Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.
- Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.

## **MEETINGS (continued)**

### **Preparation for Meetings (continued)**

- If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.
- Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise City staff.
- Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.
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- If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.

### **Decorum in Meetings**

#### ***Proceedings***

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate amount of time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the presiding officer run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
- Learn to trust your own good judgment on decisions.
- Remember that people may be unfamiliar with your procedures. Avoid technical terms or verbal shorthand.

## **MEETINGS (continued)**

### **Decorum in Meetings (continued)**

#### ***Proceedings (continued)***

- Listen to audience concerns. Don't engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged.
- Your response is appropriately saved for after the public testimony is closed.
- Close the public testimony before you begin serious deliberation on an issue.
- A motion shall only be made after public testimony is heard.
- Sometimes questions can most effectively focus discussion and direct decision-making.
- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
- Remember that your advisory body exists to take actions. It is not simply a discussion group or debating society.
- Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings. Extending the meeting beyond an appointed hour may be subjected to a vote when that hour nears.

#### ***Requirements***

- While the advisory body is in session, all persons shall preserve order and decorum. Any person disrupting the advisory body meeting shall be barred by the Chair or presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the advisory body.
- Every member of the public and every advisory body member desiring to speak shall address the Chair or presiding officer, and upon recognition by the Chair or presiding officer, should confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate.
  - We may disagree, but we will be respectful of one another;
  - All comments will be directed to the issue at hand;
  - Personal attacks should be avoided.
- No persons other than advisory body members and necessary City staff are permitted on the dais.
- No audio/visual recording devices may be left unattended at the speaker's lectern or elsewhere in the Council Chambers. Devices shall be turned off or inaudible.

## **MEETINGS (continued)**

### **Decorum in Meetings (continued)**

#### ***Enforcement***

If in attendance at the meeting, the chief of police (or representative) shall act as ex-officio sergeant-at-arms of the advisory body. The police chief shall carry out all orders and instructions of the Chair or presiding officer for the purpose of maintaining order and decorum inside and outside of the Council Chambers. If an immediate response is needed, staff shall call 9-1-1.

Persons who disrupt an advisory body meeting while in session are subject to arrest and prosecution. Upon instructions of the Chair or presiding officer it should be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language, or language tending to bring the advisory body or any advisory body member into contempt, or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the Chair or presiding officer or otherwise disrupts the proceedings of the advisory body meeting.

#### **Announcements**

The Chair, presiding officer, or an advisory body member may make announcements of general interest to other advisory body members or members of the public. These announcements may include, but not be limited to, meeting schedule information, meetings of general community interest, or other general information. No written material will be presented, no recommendations will be made, and no actions will be taken, although the advisory body may direct staff to report back with regard to an item that is the subject for future discussion at a regular or special meeting.

#### **Continued Meetings (if necessary)**

If an advisory body meeting is continued to consider unfinished business, a notice of continuance will be posted within 24 hours. Oral Communications will be heard once, not in each session of the continued meeting. Members of the public will be allowed to comment on continued agenda items at one session, but not a second time at a continued session.

#### **Attendance**

For advisory bodies to function effectively and accomplish their goals, all members must be active participants. This means all members must be present at all meetings. Any member who is absent more than the number of excused or unexcused absences

## **MEETINGS (continued)**

### **Attendance (continued)**

allowed by the applicable bylaws and City Council Policy 5.4 (refer to page 40) shall forfeit advisory body membership.

### **Role and Responsibilities of the Chair or Presiding Officer**

The Chair (or in the Chair's absence, the Vice Chair) shall be the presiding officer of the advisory body. In the absence of the presiding officer and the Vice Chair, the advisory body clerk/facilitating liaison shall call the advisory body meeting to order, whereupon a temporary presiding officer shall be elected by the members of the advisory body who are present. Upon the arrival of the presiding officer or the Vice Chair, the temporary presiding officer shall relinquish as presiding officer upon the conclusion of the item of business then pending before the advisory body.

The presiding officer shall preserve strict order and decorum at all meetings of the advisory body, announce the advisory body's decisions on all subjects, decide all questions of order in accordance with the procedural rules for motions and debate, and announce the advisory body's vote on all actions or direct the clerk or staff liaison to do so. If there is an appeal to a decision of the presiding officer, the advisory body as a whole shall decide the question by majority vote. Any advisory body member, with the exception of the Chair or presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another member, the advisory body shall vote on the appeal. If the appeal motion is not seconded, the Chair or presiding officer's decision shall stand. The Chair or presiding officer's name shall be called last on any question in voting.

- Ensure that the public understands the nature of the issues being discussed (for example, reason for discussion, process to be followed, opportunities for public input, and timeline for decision). The Chair or presiding officer is responsible for ensuring the effectiveness of the group process.
- Keep discussions focused on the issue at hand. A good Chair or presiding officer balances moving the discussion forward with involving all of the advisory body members and allowing for adequate public participation.
- Solicit opinions from advisory body members. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, and the public from personal attacks.
- Provide structure for addressing complicated issues.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.



## **MEETINGS (continued)**

### **Procedural Rules for Motions and Debates**

#### ***Chair or Presiding Officer***

The Chair or (presiding officer) may debate and may second motions, but may not make a motion and is subject to the limitations of debate that are imposed on all members and, except for making motions, shall not be deprived of any of the rights and privileges of a member.

#### ***Advisory Body Members***

Every advisory body member desiring to speak shall address the presiding officer, and upon recognition, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate herein stated. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, or appeal of procedural ruling). In addressing the issue under consideration, an advisory body member shall be guided by the following principles:

- We may disagree, but we will be respectful of one another;
- All comments will be directed to the issue at hand;
- Personal attacks should be avoided.

#### ***Point of Order***

Any advisory body member, with the exception of the Chair or presiding officer, may call for a point of order to bring to the attention of the advisory body a violation of these rules, an omission, a mistake, or an error in procedure, and to secure a ruling from the Chair or presiding officer on the question raised. The point of order shall be raised immediately after the violation, omission, mistake or error in procedure has been committed. An advisory body member who wishes to call for a point of order may interrupt an advisory body member who has the floor at the time but shall not explain the basis for his or her point of order until subsequently recognized by the Chair or presiding officer. The Chair or presiding officer, in his or her discretion, may allow the advisory body member who was interrupted to conclude his or her remarks before ruling on the point of order. A point of order is not debatable; however, the Chair or presiding officer may consult City staff before ruling on the point of order.

#### ***Regular Motion***

Any advisory body member, with the exception of the Chair or presiding officer, may make a regular motion. A regular motion is debatable.

## **MEETINGS (continued)**

### **Procedural Rules for Motions and Debates (continued)**

#### ***Motion to Amend/Substitute Motion***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to amend a regular motion or a motion to substitute a new motion for a regular motion. A motion to amend and a substitute motion are both debatable. If the nature of the motion is in question, the Chair or presiding officer shall decide whether the motion is a motion to amend (which seeks to retain but modify a regular motion) or a substitute motion (which seeks to replace a regular motion with a new and different motion). If the motion to amend or substitute motion is seconded, the advisory body shall first vote on whether to accept the motion. If the advisory body votes to accept the motion, the advisory body shall then vote on the amended motion or substitute motion. If the advisory body votes not to accept the motion, the advisory body shall then vote on the original motion.

#### ***Friendly Amendment***

Any advisory body member including the Chair or presiding officer may ask the moving advisory body member to authorize a friendly amendment to a motion on the floor. If acceptable to both the moving advisory body member and seconding advisory body member, the motion shall thereafter proceed as amended. If not acceptable to the moving advisory body member or seconding advisory body member, the advisory body member who requested the friendly amendment may thereafter make a motion to amend. The Chair or presiding officer shall decide whether or not to allow debate or limit debate on a proposed friendly amendment.

#### ***Request/Motion to Divide the Question***

The Chair or presiding officer may, at his or her discretion, divide the motion into multiple questions after a motion has been made and seconded. Any advisory body member may request that the presiding officer divide the motion into multiple questions after a motion has been made and seconded. If, upon request, the presiding officer declines to divide the question, any advisory body member may make a motion to divide the question. The Chair or presiding officer shall decide whether or not to allow debate or limit debate on a motion to divide the question. When dividing the question, the Chair or presiding officer or the requesting or moving advisory body member shall clearly state each question to be the subject of a separate advisory body vote.

## **MEETINGS (continued)**

### **Procedural Rules for Motions and Debates (continued)**

#### ***Motion to Limit Consideration***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to limit consideration (public comment and/or advisory body debate) on an item to a specific period of time. The motion shall specify the period of time to which consideration shall be limited. The Chair or presiding officer shall decide whether or not to allow debate or limit debate on a motion to limit debate. The Chair or presiding officer, in the interest of accomplishing the advisory body's business in a reasonably timely manner, may assign time limits to agenda items prior to or during the advisory body's consideration of those agenda items.

#### ***Motion to Call the Question***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to call the question. If adopted, the motion requires that all discussion of the item under consideration be halted immediately without further discussion and that the item be immediately put to a vote of the advisory body. A motion to call the question is not debatable.

#### ***Motion to Reconsider***

A motion to reconsider any action taken by the advisory body may be made only on the same day that the action was taken. The motion may be made either immediately during the same session, or at a recessed or adjourned session on the same day. With the exception of the Chair or presiding officer, the motion may be made only by an advisory body member who previously voted in the majority on the item which is the subject of reconsideration. A motion to reconsider is debatable.

#### ***Motion to Rescind***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to rescind a prior advisory body action. An advisory body action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the advisory body. Action taken pursuant to a resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable.

Except in the case of an emergency or where the advisory body makes the necessary findings and adds the item to the agenda as a late item in accordance with Brown Act

## **MEETINGS (continued)**

### **Procedural Rules for Motions and Debates (continued)**

#### ***Motion to Rescind (continued)***

requirements, a request to rescind a prior action of the advisory body, not already agendaized for that meeting, will not be acted upon at the same meeting at which the request is presented but will be continued to the next meeting to permit notification of interested persons. Nothing in this rule shall be construed as limiting the authority of the advisory body from again considering at a future advisory body meeting an item it had considered and acted upon at a prior advisory body meeting and thereafter taking action upon that item at variance with the prior advisory body action or which supersedes the prior advisory body action.

#### ***Motion to Suspend the Rules***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to suspend the rules. The moving advisory body member shall identify the rule to be suspended if the motion is adopted and specify the action proposed to be taken during the rule's suspension. The motion shall require the affirmative vote of two-thirds of the advisory body members present for passage. A motion to suspend the rules is debatable.

#### ***Multiple Motions***

A maximum of three motions may be pending at any given time during an advisory body meeting. Subsequent motions shall be rejected by the Chair or presiding officer until less than three motions are pending. When two or three motions are pending, the last pending motion made shall be the first motion voted on by the advisory body. For example, if a regular motion and a motion to amend are simultaneously pending, the vote on the motion to amend shall be taken first and the vote on the regular motion shall be taken second.

By way of further example, if a regular motion is followed by a substitute motion which, in turn, is followed by a motion to table (refer to page 21, Motion to Table), the vote on the motion to table shall be taken first, followed by the vote on the substitute motion and then, if necessary, followed by the vote on the regular motion.

#### ***Motion to Table***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to table. If adopted, the motion requires that all discussion of the item under consideration at the time of the motion be halted immediately without further discussion.

## **MEETINGS (continued)**

### **Procedural Rules for Motions and Debates (continued)**

#### ***Motion to Table (continued)***

The motion may or may not include a specific time at which the advisory body will resume consideration of the item. However, a motion which does not include a specific resumption time shall not be construed as precluding the advisory body's ability to resume consideration of the item at any future meeting. Motion to table is not debatable.

#### ***Motion to Adjourn***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to adjourn. If adopted, the motion requires the advisory body to immediately cease its meeting and to adjourn to the next regularly scheduled or specially scheduled advisory body meeting. A motion to adjourn is not debatable.

#### ***Motion to Fix the Time to Adjourn***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to fix the time to adjourn. The moving advisory body member shall specifically state the hour at which the advisory body meeting shall immediately cease if the motion is adopted. If adopted, the motion requires the advisory body to immediately cease its meeting at the appointed hour and to adjourn to the next regularly scheduled or specially scheduled advisory body meeting. The Chair or presiding officer shall decide whether or not to allow debate or limit debate on a motion to fix the time to adjourn. Nothing in this rule shall be construed as prohibiting the advisory body from adjourning its meeting prior to the hour specified in the motion should the advisory body complete its business prior to the appointed hour.

#### ***Motion to Recess***

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion to recess. The moving advisory body member shall specifically state the length of time of the recess if the motion is adopted. If adopted, the motion requires the advisory body to immediately recess its meeting for the specified period of time. A motion to recess is not debatable. Nothing in this rule shall be construed as prohibiting the Chair or presiding officer from recessing an advisory body meeting from time to time as deemed appropriate by the Chair or presiding officer.

## MEETINGS (continued)

### Procedural Rules for Motions and Debates (continued)

#### *Preparing Motions*

When a member wishes to propose an action on an item on the agenda, the member makes a motion. A motion goes through the following steps:

- The member asks to be recognized by the Chair or presiding officer.
- After being recognized, the member makes the motion: “*I move that we...*” Another member seconds the motion: “*I second the motion.*”
- The Chair/presiding officer shall ask for discussion on the motion.
- The debate may be closed at the end of discussion or by a motion to call the question.
- If no one else asks for permission to speak, the Chair or presiding officer or the maker of the motion shall restate the motion. The Chair or presiding officer then calls on the commission clerk to take a roll call vote
- After the vote, the Chair or presiding officer announces the decision: “*The motion carries unanimously,*” “*The motion carries four to three (list individual members),*” or “*The motion has failed*” (list individual members’ votes).

Some common motions include:

- *I move to continue the item until* (date specific, or date uncertain).
- End Discussion: A motion to table an item is not subject to debate and must be voted on immediately.
- *I call for the question...*
- *I move to limit or extend debate to...*
- *I move to refer this to staff or (committee) for further study.*
- *I move to amend by...* If the amendment is accepted by the maker and seconder of the main motion, then it’s considered a “friendly amendment” and no separate vote is required. If it is not accepted, then a separate vote to amend the main motion is required. The amendment must be voted on before the main motion.
- *I move to adopt staff’s recommendation to...*
- *I move to deny staff’s recommendation to...*
- *I move to adopt the recommendation with the following modifications: ...*

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair or presiding officer states the motion, the member making the motion may rephrase or withdraw it. Only motions that are voted on will appear in the minutes. **Note:** When making a motion, make the motion and then add further commentary. This will help the commission clerk with the minutes.

## **MEETINGS (continued)**

### **Procedural Rules for Motions and Debates (continued)**

#### ***Preparing Motions (continued)***

Members may wish to write out difficult motions. If a motion gets too complicated, call a recess and have staff assist with the wording.

It is best to avoid including more than one proposal in the same motion. This is especially important when advisory body members are likely to disagree. Any member may ask the Chair or presiding officer to divide a motion. If others do not object, the Chair or presiding officer may proceed to treat each proposal as a separate motion.

#### ***Addressing the Advisory Body after a Motion is Made***

After a motion is made by the advisory body, no person shall address the advisory body except upon the request of a member of the Advisory Body through the Chair or presiding officer.

#### **Advisory Body Action**

Any vote of the advisory body may be by voice vote. A roll call vote will be taken if any member of the advisory body requests it, either prior or subsequent to any vote.

Other matters or subjects requiring action by the advisory body must be sponsored by a member of the advisory body, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded and until the motion has been restated by the Chair or presiding officer, advisory body clerk, or staff liaison. After the vote has been called, there will be no further discussion or debate, except that members of the advisory body may be permitted by the Chair or presiding officer to explain their votes.

#### **Disqualifications**

Section 607 of the City Charter states that “All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.”

The Political Reform Act of 1974, Section 87100 states that “no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”

## **MEETINGS (continued)**

### **Disqualifications (continued)**

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public...”

The City Attorney is available to help advisory body members decide if they should declare disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the City Attorney will provide guidance in determining whether an advisory body member should disqualify him/herself from acting on the item. In these instances advisory body members should use the phrase, “...to avoid the appearance of impropriety.”

### **Voting**

Any advisory body member, with the exception of the Chair or presiding officer, may make a motion. Any advisory body member including the Chair or presiding officer may second a motion. Any motion which is not seconded by an advisory body member shall die for lack of a second. With the exception of a motion to suspend the rules, which requires a two-thirds affirmative vote for passage, any motion shall pass if a majority of present advisory body members vote in favor of the motion. Any motion shall fail if a majority of present advisory body members vote in opposition to the motion. A resolution shall require four affirmative advisory body votes for adoption.

The standard bylaws Article XI – Voting - Section 1. Statements of Disqualification reads “Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.”

### ***Tie Vote***

If a tie vote should occur on any matter before the advisory body, the tie vote shall be resolved as follows:

- ***Disqualification***

A tie vote resulting from a disqualification of one or more advisory body members, with no advisory body members absent and no vacancies on the advisory body shall constitute a defeat of the motion.



## **MEETINGS (continued)**

### **Voting (continued)**

#### ***Tie Vote (continued)***

- *Absence*

A tie vote during the absence of one or more advisory body member, or when there is a vacancy on the advisory body shall cause the item to be automatically continued (typically to the next meeting); except that as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

#### ***Successive Tie Votes***

A tie vote at the next regularly scheduled advisory body meeting on a matter which has been continued as a result of a tie vote constitutes a defeat of the motion.

### **Addressing the Advisory Body from the Floor**

#### ***Securing Permission to Speak***

Any persons desiring to address the advisory body shall follow the procedures specified in the agenda and shall first secure permission from the Chair or presiding officer. Remarks should be directed to the matter being considered.

#### ***Individuals***

Persons addressing the advisory body should, but are not required to, give their name in an audible tone of voice for the record and sign their name on the sign-up sheet provided for that purpose. Unless further time is granted by the Chair or presiding officer, the time limit shall be as stated in the agenda and/or as directed by the Chair or presiding officer. All remarks shall be addressed to the advisory body as a whole and not to any individual member. Without the permission of the Chair or presiding officer only advisory body members and the person addressing the advisory body shall be permitted to enter into any discussion.

Each advisory body member may recognize a member or members of the public for additional time or move additional time for public discussion. The Chair or presiding officer may at his/her discretion increase or decrease public comment time for more than or less than 3 minutes.

## **MEETINGS (continued)**

### **Addressing the Advisory Body from the Floor (continued)**

#### ***Spokesperson for Group Presentations***

Organized groups that wish to make a presentation longer than the time allowed for in the agenda must contact the advisory body clerk, staff liaison, or the Chair prior to the meeting.

An individual who wishes additional time to speak on an agenda item on behalf of an organization or group (group speaker) must contact the Chair prior to the meeting to request the additional time. In return, the group speaker should encourage other group members to avoid extensive repeat comments. Additional time to speak will not be granted if a group speaker is making a request while the advisory body meeting is in session.

#### ***Oral Communications***

Community members may address the advisory body about any matter not on the agenda during Oral Communications. The Chair or presiding officer determines when Oral Communications will commence. **Speakers will be invited up to the lectern by the Chair or presiding officer and are asked to keep comments to three minutes or less**, and encouraged to state name and community of residence. Up to 30 minutes will be allocated for Oral Communications. The Chair or presiding officer may shorten individual comment to less than three minutes in order to hear from all individuals who wish to offer comments during the thirty-minute Oral Communications period. Note that in the absence of an emergency, California law prohibits the advisory body from discussing or taking immediate action on comments offered in Oral Communications.

- Priority will be given to individuals who did not speak at the previous advisory body meeting's Oral Communications.
- Individuals may not speak more than once during Oral Communications.
- All speakers must address the entire advisory body and will not be permitted to engage in dialogue.
- The advisory body may not take action on Oral Communications, but may direct that the issue discussed be agendaized for a future meeting.

*Speakers are encouraged and requested, but not required, to sign their name on the sign-up sheet placed near the speaker's stand so that their names may be accurately recorded in the minutes of the meeting.*

## **MEETINGS (continued)**

### **Addressing the Advisory Body from the Floor (continued)**

#### ***Oral Communications (continued)***

Time limits may be increased or decreased at the Chair or presiding officer's discretion, subject to the approval of the advisory body.

Generally, matters presented as Oral Communications which require further investigation or information shall be referred to staff, and if the advisory body determines that action is required, the item may be placed on a future agenda.

#### ***Speaker Timer at Lectern***

Speakers must be aware of the public speaker timer at the lectern. Speakers will be given a specific amount of time to address the advisory body. The timer will show green for speaking, yellow at a 30- second wrap-up, and red when time has ended.

#### ***Public Hearings***

Interested persons or their authorized representatives may address the advisory body in regard to public hearing matters under consideration.

Time limits may be increased or decreased at the Chair or presiding officer's discretion, subject to the approval of the advisory body.

## **MINUTES**

### **Method of Keeping Minutes**

The minutes of the advisory body shall be kept by the clerk or staff liaison and shall be recorded in a file kept for that purpose, with a record of each particular type of business transacted by the advisory body set off in paragraphs with subheadings. The clerk or staff liaison shall be required to make a record only of such business as was actually passed by a vote of the advisory body and shall not be required to make a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the advisory body, if provided.

## **MINUTES (continued)**

### **Remarks of Members Entered in Minutes**

An advisory body member may request, through the Chair or presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the advisory body entered in the minutes. If the advisory body consents, such statements shall be entered in the minutes.

### **Synopsis of Debate Entered in Minutes**

The clerk or staff liaison may be directed by the Chair or presiding officer, with the consent of the advisory body, to enter in the minutes a synopsis of the discussion on any question coming regularly before the advisory body.

### **Delivery of Minutes**

As soon as possible after each advisory body meeting, the clerk or staff liaison shall cause a copy of the minutes to be forwarded to each advisory body member, typically delivered with the agenda packet for the next regularly scheduled advisory body meeting.

### **Approval of Minutes**

The minutes of the preceding advisory body meeting may be approved without reading, provided that the clerk or staff liaison has previously furnished each member of the advisory body with a copy of the minutes and that a majority of the advisory body has not requested such a reading.

### **Correction of Minutes**

When an advisory body member wishes to correct the minutes, he/she shall contact the clerk or staff liaison in advance of the meeting with the correction. The clerk or staff liaison will then verify the correction by listening to the recording of the advisory body meeting. Upon verification of an error in the minutes, the clerk or staff liaison will provide the corrections to the advisory body in advance of the meeting. If time constraints prevent this procedure, the advisory body shall continue the approval of the minutes to the next meeting, and direct the clerk or staff liaison to verify the error.

## **ADVISORY BODY ROLE AND RELATIONSHIPS**

### **Work Program**

A work program is an advisory body's plan and statement of goals for the year, prepared in cooperation with staff. It identifies important problems, challenges, and opportunities, offers a jointly developed plan to address these over the course of the year, and furthers a sense of shared purpose and responsibility among advisory body members. An adopted and published work program will:

- Establish viable short-range objectives that further the long-range goals of the advisory body.
- Provide group direction, and keep the advisory body on course.
- Provide a basis for measuring accomplishment.
- Assist in the allocation of time, energy, and resources.
- Promote continuity of action, and help keep the big picture focused.

For example, a work program may include community outreach activity, a plan for addressing critical community issues, an education component, or any other tasks the advisory body identifies as key work challenges for the upcoming year.

### **City Council–Advisory Body Relationship**

The primary purpose of all advisory bodies is to provide judicious advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony, building community consensus for proposals or projects, facilitating study of critical issues, guiding the implementation of new or regulating established programs, and assessing the alternatives regarding issues of community concern, and ultimately forwarding recommendations to the City Council for consideration. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making.

Throughout this process, the form and formality of the relationship between advisory body members and councilmembers will vary. Some advisory body members will have regular contact with individual councilmembers, while others may serve solely in the group context. This relationship will depend on your advisory body as much as on you and the Council. For example, there are times when the Chair or presiding officer may address the City Council formally on behalf of the advisory body, and other times when an advisory body member may meet with a councilmember individually. At all times it is important to aim for clarity and mutual respect for the different responsibilities and roles.

## **ADVISORY BODY ROLE AND RELATIONSHIPS (continued)**

### **Staff–Advisory Body Relationship**

The relationship of the advisory body and staff is an active, continuous, and nuanced one. Both advisory body and staff are motivated by the shared goal of furthering the City’s best interests. Yet while the goal is shared, there are times when the approach and responsibility toward implementing the goal are significantly different. Some things that one body can do, the other cannot. Sometimes staff may wish to accomplish a specific goal, but due to the constraints of their employment, they may not readily be able to advance their ideas. Likewise, the advisory body recognizes obligations to fulfill larger objectives that staff, in their demanding workloads, may sometimes overlook. Because the distinctions in responsibility are not always explicit, cultivating a balanced understanding of your role is essential. The interaction need never be adversarial, but rather can promote respect for different perspectives, and appreciation for each other’s strengths.

In order to recognize the range of roles and responsibilities, some of the issues to clarify are:

- What are the reporting relationships? Does the staff liaison report directly to the advisory body, or to the department supervisor, or to both?
- How is direction given? Can a study be directed to the staff from an advisory body or must it be given through an administrator or elected body?
- How are staff proposals and recommendations handled? The staff must strive to provide the advisory body with its best professional judgment, and this should be continuously encouraged.
- How are disputes between advisory body members and staff handled? Proper lines of communication should be established beforehand to deal with problems.

## **STAFF RESPONSIBILITIES**

Important staff responsibilities include:

- Being informed about the latest developments in their field.
- Providing background and expressing views to the advisory body on important issues.
- Providing administrative support, including agenda prep and minute taking.
- Maintaining a professional position on all topics.
- Assisting the advisory body to stay on track and focused.  
Interpreting City Council, City department, and relevant state, federal, and international actions and policies.

## **STAFF RESPONSIBILITIES (continued)**

- Making sure the intent of the advisory body is not lost after a decision.
- Developing a rapport with the Chair and advisory body members.
- Alerting advisory body members of possible detrimental actions.

In the event that the recommendation of staff and the recommendation of the advisory body differ regarding a given issue, both recommendations should be presented to the City Council. Staff and the advisory body will decide together how to handle presentation of the alternatives to the City Council. The format may vary. For example, both staff and the advisory body can each present a report. Or, staff can present both alternatives, with the advisory body Chair or chosen member delegate present to answer Council questions. When there is a significant minority opinion, it can also be brought to the attention of the City Council, either as a separate report, or as testimony from an advisory body member.

Additionally, the agenda report shall include a section called analysis, which may include partially or wholly, the pros, cons, and foreseeable consequences of the recommendation(s), if any. In the event that staff and the advisory body disagree, an analysis of both recommendations shall be included. Every effort should be made by staff to include the *approved* advisory body minutes of the relevant meeting(s) as part of the City Council agenda report.

### **City Clerk**

The City Clerk oversees and manages the advisory bodies. The City Clerk's Division accepts and maintains applications, processes appointments, updates membership rosters, bylaws, informational booklets, and yearly attendance records. The City Clerk is also a resource with respect to the Brown Act, agenda processing, and meeting procedural questions. The City Clerk is the filing officer for FPPC Statements of Economic Interests (Form 700), and any other required filings as identified by the City Council and by the State.

### **City Attorney**

The City Attorney is a resource for understanding compliance with the Brown Act, for agenda legality issues, meeting process questions, bylaws review, and conflict of interest determinations.

## THE BROWN ACT

City of Santa Cruz advisory bodies are subject to State law governing open meetings and records. The California law governing open meetings is found in the California Code, Government Code Sections 54950-54962. It is popularly referred to as the “Brown Act.” The general intent is that advisory bodies act openly and that their records be open to the public.

Exemptions may exist and each body should orient new members on what, if any, exemptions exist for their meetings and records.

Further information concerning the Brown Act and its application to City advisory bodies may be found in [City Council Policy 5.11](#). The full text of the Brown Act can be found on the Internet at: [Codes Display Text](#). <https://Leginfo.legislature.ca.gov>.

### **Meeting Types**

The Brown Act recognizes two types of meetings: regular and special. Regular meetings are held at the time and place specified in the bylaws or are meetings which have been “adjourned to” and are referred to as adjourned regular meetings. Special meetings may be held at a different time or place to discuss issues that cannot be accommodated on regular meeting agendas but must still comply with noticing requirements. Advisory body staff is responsible for identifying the type of meeting and posting all notices, including the agenda, notice of adjournment, and cancellation of meetings.

### ***Regular Meetings***

The Brown Act requires each legislative body to set the time for regular meetings by ordinance, resolution, bylaws, or whatever specifies the conduct of that body’s business. Traditionally, this has been the bylaws of the advisory bodies. The City Council approves all changes in bylaws, including the change of scheduled meeting dates, places, and times.

Under City Council policy, meetings are generally held at the City Hall complex or at other City facilities. Meetings may be held outside City facilities when City space is not available. Neighborhood meetings will be held outside City facilities.

The Brown Act generally requires boards and commissions to conduct public meetings. A “meeting” is considered to take place any time that a quorum of the advisory body gathers to discuss that body’s business; the Brown Act prohibits a quorum from meeting privately. To this end, the Brown Act specifically prohibits “any use of direct communication, personal intermediaries or technological devices...employed by a majority of the members of the legislative body to develop a



## **THE BROWN ACT (continued)**

### **Meeting Types (continued)**

#### ***Regular Meetings (continued)***

collective concurrence as to action to be taken on an item by the members of the legislative body.” Hence the prohibition extends not only to personal contacts of the advisory body members among themselves outside the public meeting context but also prohibits “serial” meetings whereby information is ultimately exchanged among a quorum of advisory body members whether or not simultaneously in one another’s presence.

#### **E-mail Communications between Advisory Body Members**

Because e-mail communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory body members, e-mail communications between advisory body members relative to advisory body business should be avoided to reduce the likelihood of a Brown Act violation. While three members of a seven-member board, for example, may appropriately communicate with one another by way of e-mail, the “forwarding” of such an e-mail message on to a fourth member would result in a Brown Act violation.

#### **Adjournment or Continuance**

A legislative body may adjourn or continue any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the adjournment or continuance notice. A copy of the adjournment or continuance notice shall be conspicuously posted on or near the door where the meeting was held within twenty-four (24) hours after the time of adjournment or continuance. If the matter is continued to a time less than twenty-four (24) hours after the adjournment, a copy of the continuance notice shall be posted immediately following the meeting that was continued.

#### **Subcommittees**

##### ***Standing Committees***

[City Council Policy 5.12](#) (page 43) defines a standing subcommittee as a body that shall exist for more than six months and is formed with less than a quorum of an advisory body with a specific charge. Council must approve the establishment of a standing committee, and standing committees must meet the requirements of the Brown Act, including noticing and posting of agendas.

## **THE BROWN ACT (continued)**

### **Subcommittees (continued)**

#### ***Ad-Hoc Committees***

Most boards, commissions, committees, and task forces can create ad-hoc committees consisting of less than a quorum of their members to deal with specific issues. Such ad-hoc committees are not required to comply with the noticing and open meeting requirements of the Brown Act if they exist for less than six months. This is often referred to as the “less-than-a-quorum exception.”

The “less-than-a-quorum exception” generally does not apply when two or more advisory bodies each appoint less than a quorum of their members to meet on a particular subject and develop a joint recommendation.

### **Conflict of Interest**

#### ***Recusing Yourself***

The City of Santa Cruz adopted a Conflict of Interest Code. The Code states that no person shall make or participate in a governmental decision which he or she knows or believes will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally. The City Attorney is available to help advisory body members decide if they should declare a disqualification on any issue and determine if it's a financial or if members should recuse themselves from a vote using the phrase, “...to avoid the appearance of impropriety.”

In addition, advisory body members may be required by the City's Conflict of Interest Code to declare personal financial information by filing a Statement of Economic Interests Form 700. Those advisory bodies whose members are required to do so are indicated by an asterisk after the advisory body title on the advisory body application. Upon appointment, the City Clerk Administrator shall provide the advisory body member with the information necessary for filing.

#### ***Communications with the Public Outside of Meetings***

Members of those advisory bodies which act in quasi-judicial capacity (i.e., review permit applications or hear appeals) may be prohibited from communicating about certain agenda items with members of the public outside of public meetings. Members of these advisory bodies should consult their respective advisory body bylaws or the City Attorney to ascertain whether such a prohibition exists.

## ADVISORY BODY JURISDICTION

The role of an advisory body member is different from that of a private citizen in that ideas expressed and decisions made must be supported by those documents which guide our City. An individual advisory body member is not simply present to voice a personal opinion, but is responsible to exercise discretion within the limitations of the General Plan and the other relevant guiding documents. In other words, the advisory body member offers a citizen's interpretation of the values, goals, and procedures defined by, and bases decisions on, these underlying principles and documents.

While all of the advisory bodies are responsible to further the goals of the Municipal Code and General Plan, other specific guidance for each body may be different:

- **Arts Commission:** Serves the City Council as policy advisors and proponents for a vibrant cultural environment in Santa Cruz, helps guide implementation of City Arts programs, oversees the Public Art Program pursuant to Chapter 12.80 of the City's Municipal Code, advocates for public art and cultural activities that enhance the identity and enjoyment of our city, and encourages community collaborations that help the City achieve its cultural goals as outlined in the General Plan.
- **Board of Building and Fire Appeals:** Interprets the current adopted editions of the Uniform Building Code, the Uniform Plumbing and Mechanical Codes, and the National Electric Code, with State modifications, that make up the California Building Codes, as modified to fit local conditions by the Santa Cruz City Council.
- **Commission for the Prevention of Violence Against Women:** As established by Ordinance 81-29, the Commission works, via a community-oriented model, to make ending violence against women the highest priority in the City of Santa Cruz; to ensure collaboration with other public and private agencies to support existing programs and support the development of new programs as needed; to facilitate meaningful citizen participation in the work of the Commission; to continue to work with law enforcement to develop strategies for the successful prosecution and conviction of the crimes of violence against women.
- **Downtown Commission:** As established by Ordinance No. 83-11, encourages the vitality of the downtown by working with the Downtown Parking District, the Business Improvement District, and the Downtown Management Corporation; by providing recommendations regarding the Parking Fund; and by referring to the Master Transportation Study, the Downtown Recovery Plan, the ROMA Report, the San Lorenzo River Urban Design Plan, the Downtown Parking Study 2000, the Downtown Santa Cruz Parking Consolidation Study, as well as those ordinances in the Santa Cruz Municipal Code that are relevant to downtown issues.

## ADVISORY BODY JURISDICTION (continued)

- **Equal Employment Opportunity Committee (EEOC):** Serves as a channel between City employees, the community, the City Manager, and the Equal Employment Opportunity Coordinator on Equal Opportunity Employment concerns and acts in an advisory capacity to the Council in all matters pertaining to Equal Opportunity Employment. The Committee prepares and presents to the Council an annual report. The Committee identifies concerns relating to equal employment opportunities, develops programs which further equal employment opportunities, and makes recommendations to the City Council and the City Manager about such equal employment opportunity concerns.
- **Historic Preservation Commission:** Implements the Cultural Resources Element of the General Plan; interprets and applies Chapter 24.08/Parts 10 and 11 (Historic Alteration and Historic Demolition Permits), Chapter 24.12/Part 5 (Historic Preservation), and Chapter 24.10/Part 22 (Historic Overlay District) of the Zoning Ordinance, as summarized on Table 24.04.130 of Title 24 of Municipal Code; reviews permits for compliance with the California Environmental Quality Act (CEQA) as relative to historic and cultural resources; applies the Secretary of Interior Standards for rehabilitation of historic buildings; refers to State Historic Preservation Office (SHPO) resources as needed; provides recommendations regarding proposed legislation that has impact on local historic resources, including specific area plans; oversees the updating of the Historic Building Survey.
- **Parks and Recreation Commission:** Implements the Parks and Recreation Element of the General Plan, including program recommendations for parks and recreation facilities including the Civic Auditorium, London Nelson Center, the Natural History Museum, the Teen Center, and the Wharf; coordinates review and management of the various park plans, including the Parks Master Plan, the DeLaveaga Park Master Plan, the DeLaveaga Golf Course Long Range Master Plan, Pogonip Final Master Plan, Moore Creek Corridor Access and Management Plan, and Neary Lagoon Management Plan; oversees the Street Tree and the Heritage Tree ordinances, and reviews the Parks and Recreation Department's annual budget.
- **Planning Commission:** Implements the goals of the General Plan; interprets and applies the Zoning Ordinance (Title 24 of the Municipal Code) and the Subdivision Ordinance (Title 23); reviews projects and plans for compliance with the General Plan, with the California Environmental Quality Act (CEQA), with the Local Coastal Program as incorporated in the General Plan, and with specific area plans, including Beach/South of Laurel Area Plan, Downtown Recovery Plan, Moore Creek Corridor Access and Management Plan, Neary Lagoon Management Plan, San Lorenzo River Plan, Seabright Area Plan, Lighthouse Field Plan, Western Drive Master Plan, Depot Site Master Plan, Mission Street Corridor Plan, West Cliff Drive Design

## ADVISORY BODY JURISDICTION (continued)

**Planning Commission (continued):** Guidelines, Citywide Creeks and Wetlands Management Plan (in process) and the Ocean Street Master Plan (in process); considers and recommends revisions to the General Plan and the Zoning Ordinance.

- **Sister Cities Committee:** Governed by their bylaws, approved by the City Council, and by the bylaws and other regulatory documents of Sister Cities International.
- **Transportation and Public Works Commission:** Reviews public works projects for compliance with the Santa Cruz Municipal Code, the federal Clean Water Act, the 1990 California Ocean Plan, the Central Coast Water Quality Control Plan, Division 26 of the Health and Safety Code (CA), and Title 40 Code of Federal Regulations, as well as those goals and regulations of local, State, and federal agencies pertaining to public works projects, including the State Water Resources Board, the California Integrated Waste Management Board, the California Department of Fish and Game, the California Department of Transportation, the Monterey Bay Unified Air Pollution Control District, the Monterey Bay National Marine Sanctuary, the U.S. Corps of Engineers, the National Marine Fisheries Service, the Federal Highway Administration, the U.S. Environmental Protection Agency, and the Public Utilities Commission, and reviews annual Schedule of Capital Improvement Plans; works to implement the Circulation Element of the General Plan; refers to the City of Santa Cruz Bicycle Transportation Plan, the Master Transportation Study, the Regional Transportation Plan (RTP), the Santa Cruz County 2000 Regional Transportation Improvement Program, and specific area and neighborhood plans as relevant to transportation and circulation issues; and addresses community needs and researches new approaches that would further the City's circulation, transportation, and parking goals.
- **Water Commission:** Established by Resolution No. NS-22 in 1948, and reestablished by Ordinance No. 87-10 in 1987, the Water Commission advises the Council in all matters pertaining to the Santa Cruz Water System and its maintenance and management. The Commission also makes studies of long range plans for securing sources of domestic water supply for the city and reports to the City Council its conclusions and recommendations for the improvement and extension of water systems, including sources, storage, transmission and distribution of water to consumers.

## POLICIES

### COUNCIL POLICY 5.1

#### POLICY TITLE TERMS OF OFFICE, APPOINTMENT, SIMULTANEOUS SERVICE:

- I. Boards, Commissions, Committees
- II. Task Forces — Term

#### POLICY STATEMENT:

##### I. BOARDS, COMMISSIONS, COMMITTEES (not applicable to task forces\*):

1. Members shall not serve simultaneously on more than one board, commission or committee. However, a member may be appointed to an additional advisory body as a representative of the board, commission or committee on which the member serves. A member of a task force or committee with a sunset clause of less than 13 months may also serve on an additional advisory committee. An alternate to any advisory body shall be considered as a full member and cannot simultaneously serve as a full member on any other board, commission or committee.
2. Members shall not serve more than two full consecutive terms on the same advisory body. Generally, the term of office for members of boards, commissions and committees is four years. Those members who have served six years or less at the time their terms expire are eligible for reappointment.
3. After a member's (second full consecutive) term expires, there must be at least a two-year break before that member can be appointed to the same advisory body, unless term limits are otherwise specified in the bylaws.
4. Eligible members of boards, commissions and committees shall be asked if they are interested in being reappointed.
5. Unless specifically exempted (or otherwise specified) by statute, charter, enabling ordinance or resolution, those eligible to serve on city advisory bodies shall be residents of the city, and must meet any requirements specific to the advisory body for which they are seeking appointment. In most cases, appointees are required to be registered voters who reside within the city.
6. Council reserves the right to set aside the conditions listed above when it determines that due to exceptional qualifications or unusual circumstances, the continued presence of any member of an advisory board, commission or committee is of direct and immediate importance to the public interest.

## **POLICIES (continued)**

### TERMS OF OFFICE, APPOINTMENT, SIMULTANEOUS SERVICE COUNCIL POLICY 5.1

7. Council reserves the right to remove any member of a board, commission or committee at any time.

NOTE: See policy 5.2 regarding appointment of city employees.

#### II. TASK FORCES:

1. The term/duration of a task force will be two years unless otherwise specified by the Council.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998  
Revised – October 10, 2000  
Revised – October 14, 2003  
Revised by Resolution No. NS-30,168 on June 27, 2023

## POLICIES (continued)

### COUNCIL POLICY 5.4

POLICY TITLE        ATTENDANCE POLICY AND LEAVES OF ABSENCE FOR CITY  
ADVISORY BODIES

POLICY STATEMENT:

This policy pertains to all meetings of advisory bodies.

The Mayor, Councilmembers, and the chairperson of each permanent city advisory body shall receive annual attendance reports prepared in the City Clerk's Department. Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly.

Members who serve on advisory bodies which are scheduled to meet more than once monthly are allowed six absences per year.

Members who serve on advisory bodies which are scheduled to meet seven to twelve times per year are allowed three absences per year.

Members who serve on advisory bodies which meet six or less times per year are allowed one absence per year.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the City Clerk prior to reaching the limit, if possible. City Clerk will inform the Mayor of the excessive absences. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

#### Leaves of Absence for City Advisory Body Members

Except under the most unusual circumstances, extended leaves of absence for members of City advisory bodies will not be allowed. Exceptions to this rule may be granted only by City Council.

AUTHORIZATION:     Council Policy Manual Update of November 17, 1998  
Revised September 9, 2003  
Revised September 23, 2003  
Revised by Resolution No. NS-30,168 on June 27, 2023



## POLICIES (continued)

COUNCIL POLICY 5.11

POLICY TITLE: OPEN MEETING REGULATIONS (BROWN ACT) CITY ADVISORY BODIES

### POLICY STATEMENT:

This policy is established to comply with amendments to Government Code § 54950 et seq. (the Ralph M. Brown Act). The law requires local agencies to post an agenda prior to each meeting of the legislative body (and advisory bodies), requires local agencies to provide an opportunity for the public to address the legislative body, generally prohibits the legislative body from acting on items not appearing on the agenda, and authorizes bringing suit to void certain actions taken in violation of the Brown Act. This legislative bill applies to every local legislative body including all advisory bodies and standing subcommittees.

Stated below are procedures to be followed:

1. An agenda for each regular board, commission, committee, task force or standing subcommittee (see Policy 5.12) meeting and each adjourned regular meeting will be posted outside the on the bulletin board outside Council Chambers, in the enclosed bulletin board located on Church Street, and on the City's website at least 72 hours prior to the meeting. The agenda shall be accessible through a prominent, direct link posted on the City's primary website homepage. A record of the postings will be maintained by the department and it will include a declaration of the time and place of each posting. Notice of any special meeting of an advisory body will be posted at least 24 hours prior to the meeting; such notice will specify the business to be transacted. A record of posting will be maintained as noted above.
2. The agenda will bear a brief general description of each item of business to be transacted or discussed at the meeting. The description will be reasonably calculated to inform the public of the general nature of the subject matter of the item so that the public may seek further information on items of interest.
3. If an advisory body member or staff intends to bring up an item for discussion or action it is to be included on the posted agenda unless the item qualifies as an exception as outlined in a) and b) below. The existing definition of "action taken" which is found in Government Code § 54952.6 will be used in determining the effect of the regulations. In that Government Code Section "action taken" is defined as "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." Action may be taken on items not appearing on the posted agenda under the following circumstances:

## POLICIES (continued)

### POLICY 5.11 (continued)

- (a) The advisory body makes a determination that "the need to take action" arose after the agenda was posted. This determination requires the affirmative votes of at least two-thirds of the members or a unanimous vote if less than two-thirds of the members are present. If the advisory body is able to make such determination, a motion will be made, seconded, and voted upon and that action, along with a brief explanation of the circumstances, will be included in the minutes of that meeting. The brief explanation will state the need for action and the reason that the need arose after the agenda was posted. In general, if either the members or staff knew of the need for action before the agenda was posted and it was not included on the agenda for reasons of scheduling convenience or oversight, the members could not properly determine that the need arose after the agenda was posted.
- (b) The advisory body determines that an emergency situation exists. A motion would be made, seconded, and the vote taken and that action, along with a brief explanation of the emergency, would be included in the minutes of that meeting. This determination requires the affirmative vote of a majority of the members.

Council-appointed city advisory bodies shall provide an opportunity at some point during each meeting for public oral input on matters of public concern which are not listed on the posted agenda.

As to matters brought up by members of the public during oral communications (if any), any such publicly raised matter may be placed on a specific agenda as appropriate. It is the intent of this section of this policy to defer action on any item brought up by members of the public during oral communications while providing a procedure for responding to the public.

4. The advisory body will allow for public comment on agenda items. At the beginning of each agenda section, the audience will be given an opportunity to indicate the need to comment on any items on that section of the agenda. The advisory body may encourage brevity and set time limits on speakers and indicate such limits on the agenda.
5. The Brown Act authorizes the attendance of non-subcommittee members at subcommittee meetings provided that they attend only as observers.
6. Should an action of an advisory body be challenged on the basis of alleged Brown Act violation, the complaint must make a demand on the city to cure or correct the allegedly improper action. Any action to cure or correct must be filed within 30 days from the date of the action taken. The City Clerk is then responsible for expeditiously notifying the affected department and/or advisory body secretary and the city manager and City Attorney that such claim has been filed.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998  
Revised by Resolution No. NS-30,168 on June 27, 2023

## POLICIES (continued)

COUNCIL POLICY 5.12

POLICY TITLE: ADVISORY BODY STANDING SUBCOMMITTEES

POLICY STATEMENT:

The City Council recognizes that use of temporary and standing subcommittees is an appropriate way to focus and accomplish the work of advisory bodies.

For purposes of this policy, the term advisory body shall include boards and commissions, committees, and task forces established by the City Council.

### Standing Subcommittees

A standing subcommittee shall be defined as a body made up of less than a quorum of an advisory body with a specific charge that shall be in existence for more than six months.

Standing subcommittees must comply with the Brown Act.

Standing subcommittees will be staffed to ensure, at a minimum, compliance with the Ralph M. Brown Act.

Council approval must be obtained by an advisory body to establish a standing subcommittee within six months of its establishment.

Fiscal and workload impacts of staffing will be considered by advisory bodies when recommending creation of standing subcommittees and by Council when granting approval.

### Temporary Subcommittees

A temporary subcommittee shall be defined as a body made up of less than a quorum of an advisory body with a specific charge that shall be in existence for less than six months.

Temporary subcommittees are not bound by the Brown Act.

Staffing of temporary subcommittees is at the discretion of the department head.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

## **POLICIES (continued)**

COUNCIL POLICY 5.15

POLICY TITLE            RESPONSIBILITY AND AUTHORITY OF CHAIR TO PREPARE ADVISORY  
BODY AGENDA

### POLICY STATEMENT:

Each duly elected Chair of any City advisory body shall have the authority to place an item on the advisory body agenda, within the specific charge of the advisory body, as approved by Council. The Chair shall have the responsibility for providing a written report on that item. If there is no written material, the Chair shall have the responsibility for providing specific title and recommendation language for the agenda, so that any interested party will understand what is before the advisory body.

The Chair shall also have the authority and responsibility to work with staff to review all agendas to ensure suitable work flow by the advisory body. If an issue arises regarding the appropriateness of that item, it shall be referred to the Mayor who shall make the final determination.

AUTHORIZATION: Motion  
Revised November 13, 2001

## POLICIES (continued)

COUNCIL POLICY 5.19

POLICY TITLE: STIPEND FOR ADVISORY BODY MEMBERS

### POLICY STATEMENT:

This policy pertains to all meetings of the advisory bodies and is established to recognize the value of a representative government by reducing the barriers to public engagement by providing a stipend for which members may opt-in to receive a stipend upon adhering to the criteria and procedures stated herein. Receipt or waiver of stipend will not affect eligibility or selection for appointments.

This policy will go into effect as of January 1, 2025, or for the Planning Commission and Board of Building Appeals, once the respective ordinance allows, whichever is later. The stipend program will run on a fiscal year cycle, and only for which there is an appropriation, until the budget is expended.

### Section 1 – Eligibility Criteria

Stated below are the criteria to be met in order to be eligible for a stipend:

1. The members of each board, commission, and committee, as outlined in Council Policy Section 5, will be eligible to receive a \$75.00 stipend for each public meeting they attend pursuant to their duties, if they opt in to receive the stipend.
2. The stipend shall not be paid to City employees or employees of other public agencies who serve on City commissions, committees, and boards as part of their official duties.
3. This includes regular meetings and special meetings where:
  - a. the meeting must contain an actionable item, general business, and/or presentation of agenda materials of at least 1 (one) hour;
  - b. a quorum must be established;
  - c. meeting minutes must be taken;
  - d. no payment will be provided for cancelled meetings (no quorum) or those less than 60 (sixty) minutes
4. No member shall opt-in for simultaneous stipends.

### Section 2 – Opt-in or Waiver of Stipend

Stated below are procedures to be followed in order to opt-in to receive the stipend:

1. After a member has been appointed, a staff liaison will send the City of Santa Cruz Advisory Body Stipend Form for selection of stipend opt-in or waiver, and submittal of corresponding documents needed to process the stipend.
2. Members receiving a stipend must complete and submit the W-9 Form in order to be registered as a payee of City of Santa Cruz in the City's vendor system, and also a Vendor ACH form to receive electronic payments.
3. Payments will be disbursed on a quarterly basis, contingent upon scheduled meetings and attendance.
4. Travel, meeting and conference expenditures explained in Council Policy 5.13 are not included as part of the \$75.00 per public meeting stipend.

## **POLICIES (continued)**

### **POLICY 5.19 (continued)**

5. The City may issue an IRS Form 1099 for stipend payments totaling \$600 or more annually. Stipend payments may be taxable income. Please consult your tax professional for more information.

### **Section 3 – Payment of Stipend**

Stated below are procedures for the staff liaison to follow in order to pay out the stipend:

1. After a member has been appointed, a staff liaison will send the City of Santa Cruz Advisory Body Stipend Form for selection of stipend opt-in or waiver to the member, and track receipt of the completed Stipend Form, W-9, and Vendor ACH Form.
2. A staff liaison from each board, commission, and committee shall track attendance for payment of the stipend in accordance with Section 1.
3. Quarterly, the staff liaison shall complete a Claim Form with the attendance backup and submit in accordance with the current Accounts Payable process.
4. Staff Liaison shall keep all documentation organized and in accordance with the City's retention policies.

**AUTHORIZATION:** Adopted by Resolution No. NS-30,375 on August 27, 2024

## POLICIES (continued)

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1B (Revised October 2020)

II-1B

TO: Department Heads

SUBJECT: RESPECTFUL WORKPLACE CONDUCT

### PURPOSE

The City of Santa Cruz is committed to maintaining and promoting a respectful work environment. Council Policy 25.2 (*Discrimination and Harassment Policy*), Administrative Procedure Order II-1A (*Discrimination/Harassment Policy Implementation and Complaint Procedure*), and this Administrative Procedure Order establish behavioral and workplace standards to support a culture of collaboration, inclusion, and productivity.

### POLICY

It is the intent of the City of Santa Cruz that all employees, volunteers, Councilmembers, Commissioners, customers, contractors, and visitors to the City's worksites or places where City work is conducted enjoy a positive, respectful, and productive work environment free from behavior, actions, or language constituting a violation of this Respectful Workplace Conduct Policy. Such conduct may include, but is not limited to, the following as perceived by a reasonable person: repeated infliction of verbal, written, or social media abuse such as the use of derogatory remarks, epithets, or insults; physical conduct that is threatening, intimidating, bullying, or humiliating; or the sabotage or undermining of a person's work performance. Incorporated by reference in this policy is the amendment to §12950.1 of the California Government Code created by Assembly Bill 2053 (effective January 1, 2015) adding to the supervisory training requirement the subject matter "prevention of abusive conduct."

Employees found to have participated in actions constituting a violation of this policy shall be subject to disciplinary action up to and including termination. Volunteers found to have participated in actions constituting a violation of this policy may be subject to termination of their volunteer relationship with the City. If a complaint involves the conduct of a contractor, Human Resources will inform the contractor of the behavior and request prompt, appropriate action. The City reserves the right to prohibit a contractor's individual employee(s) from entering City-owned property/premises. Councilmembers and Commissioners found to have participated in actions constituting a violation of this policy shall be subject to the "Code of Ethics and Conduct for Elected and Appointed Officials" found in the City Council Policy Manual (<https://www.cityofsantacruz.com/government/city-council/council-policy-manual>). Customers and other visitors who engage in conduct in violation of this policy are subject to action on the part of the City intended to stop the conduct and protect others. Executives, managers, and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action when such conduct is observed or reported may be subject to disciplinary action up to and including termination.

## **POLICIES (continued)**

### Administrative Procedure Order Section II, #1B (Revised October 2020)

In implementing the policy, the rights of free speech and association shall be accommodated in a manner consistent with applicable Federal and State law and in a manner consistent with the intent of the policy.

All employees, volunteers, contractors, Councilmembers, and Commissioners shall receive a copy of this policy when they receive Council Policy 25.2 (*Discrimination and Harassment Policy*) and Administrative Procedure Order II-1A (*Discrimination/Harassment Policy Implementation and Complaint Procedure*) and City-sponsored or approved training.

#### **I. Definition**

**Disrespectful Conduct:** Any one or all of the following as perceived by a reasonable person:

- 1) Use of language that is intended to be, or perceived by a reasonable person to be, demeaning, berating, humiliating, threatening, bullying, offensive, insulting, slanderous, or malicious rumor-spreading;
- 2) Conduct that a reasonable person would find disruptive, abusive, threatening, intimidating, aggressive, or insubordinate; and/or
- 3) Acts to undermine or interfere with a person's work performance.

Disagreements, conflicts, and differences of opinion are valid so long as professionalism can be maintained. Healthy arguments can be conducive to positive outcomes. This policy does not seek to prohibit that behavior.

A single act shall not constitute disrespectful conduct unless especially severe and egregious.

#### **II. Responsibilities**

- a. **Employees, Volunteers, Councilmembers, Commissioners, Customers, Contractors, and Visitors:** All persons are required to behave respectfully and to refrain from disrespectful behaviors, and are expected to:
  - Recognize when they or others are being subjected to disrespectful conduct and not condone or ignore it;
  - Bring the situation to the attention of a supervisor or the next person in the chain of command, department director, or Human Resources Department, or where physical safety is concerned, contact emergency services (9-1-1);
  - Understand that someone's intent does not excuse otherwise disrespectful conduct and/or relieve them from being held accountable for their actions; and
  - Address, if possible, inappropriate behavior directly with the person engaging in such conduct in a professional and nonconfrontational manner.



## **POLICIES (continued)**

Administrative Procedure Order Section II, #1B (Revised October 2020)

- b. **Executives, Managers, and Supervisors:** Executives, managers, and supervisors are responsible for demonstrating respectful personal behavior towards all coworkers and visitors, as well as to set an example of respectful behavior as a model for City employees, volunteers, and visitors. In addition to this responsibility and the expectations listed above, executives, managers, and supervisors are expected to:
- Maintain a level of awareness with their staff sufficient to know if disrespectful behavior is occurring;
  - Maintain a level of open communication with their staff that encourages them to report instances of disrespectful behavior that have occurred;
  - Encourage the reporting of instances of disrespectful behavior by making this policy known to all employees;
  - Promptly address all observed disrespectful behavior;
  - Take reports and complaints of disrespectful behavior seriously, and, if deemed appropriate following consultation with their immediate supervisor, attempt to independently confirm whether or not the reported behavior occurred or is occurring, without divulging the identity of the reporting party; and
  - Promptly report complaints to a supervisor, the department director, or Human Resources Department.

### **III. Retaliation**

The City maintains a strict stance of no tolerance for retaliation against anyone for bringing a complaint or participating in an investigation. Under no circumstances will anyone be disciplined, demoted, or otherwise retaliated against for reporting, disclosing, or bringing a Respectful Workplace Conduct complaint to the attention of the City. Employees found to have participated in retaliatory action in contravention of this policy shall, therefore, be subject to disciplinary action up to and including termination. Councilmembers and Commissioners found to have participated in retaliatory action in contravention of this policy will be subject to the “Code of Ethics and Conduct for Elected and Appointed Officials.”

- a. Anyone who believes that they have been retaliated against because they filed a complaint, participated in an investigation, or reported observing a violation of the Respectful Workplace Conduct Policy should report this behavior to their supervisor, department director, or Human Resources Department.
- b. Complaints of retaliation will be investigated promptly.

### **PROCEDURE**

#### **I. Filing a Respectful Workplace Conduct Complaint**

Any person who observes or perceives that they have been subjected to conduct by another person believed to be a violation of this policy may initiate the complaint process by notifying their immediate supervisor, department director, or Human Resources Department.

- a. Complaints may be submitted to an employee’s immediate supervisor, any supervisor or manager within or outside the department, the department director, or Human Resources Department within thirty (30) days of the date that the alleged action

## **POLICIES (continued)**

### Administrative Procedure Order Section II, #1B (Revised October 2020)

occurred. Any City of Santa Cruz supervisor, manager, or department director who receives a complaint shall notify an appropriate supervisor/manager/director and Human Resources upon receipt of the complaint.

- b. If a complainant wishes to file the complaint in person and receive assistance, they may contact the Human Resources Department to schedule an appointment.
- c. Complaints should include the following information (it is recommended but not required to use the attached “Respectful Workplace Conduct Complaint Form” or the current Human Resources electronic reporting system):
  - The name, address, and telephone number of the complainant.
  - Contact information of any person who may have knowledge of the incident.
  - The specific disrespectful practice(s) or incident(s) that have occurred, including retaliation.
  - The names of any persons thought to be responsible for the disrespectful behavior.
  - The remedy the complainant is seeking as a result of the complaint.
  - The name, address, and telephone number of the complainant’s representative, if any.

## **II. Investigation**

After reviewing the information contained in the complaint, the staff member who received the complaint within the department of the complainant will, in consultation with their immediate supervisor, determine if the complaint can be resolved within the department or if there is sufficient complexity to warrant a formal investigation. If so determined, the department director will be consulted, and the Human Resources Department will coordinate and conduct (or delegate responsibility for coordinating and conducting) an investigation. The investigation will proceed within the following guidelines:

- a. Steps will be taken to ensure that employees, Councilmembers, Commissioners, and volunteers are protected from further violations.
- b. To the extent possible, it is the intention of the City to protect the confidentiality of any person who contacts the City for the purposes of seeking information, assistance, or counseling regarding this policy. Information given to the City in the course of an internal investigation is not confidential. The City will not release information except as required by Public Records laws or the requirements of an investigation,
- c. All parties are expected to cooperate with the investigation and are required to keep information regarding the investigation confidential. Failure to cooperate or maintain confidentiality could result in disciplinary action up to and including termination, or in the case of a Councilmember or Commissioner, they will be subject to the “Code of Ethics and Conduct for Elected and Appointed Officials.”

## **POLICIES (continued)**

Administrative Procedure Order Section II, #1B (Revised October 2020)

- d. Employees, Councilmembers, Commissioners, contractors, or volunteers who are the subject of an investigation into actions constituting a possible violation of this policy may request to have representation. The right to representation may be required for members of the Police and Fire bargaining units.
- e. The complainant, the person subject to the investigation, and all witnesses will be informed that retaliating against a person for making a complaint and/or participating in an investigation will not be tolerated and could result in disciplinary action up to and including termination.

### **III. Resolution of the Complaint**

If a complaint is substantiated, the person subject to the investigation will be notified of the appropriate disciplinary action that will be taken. In the case of a Councilmember or Commissioner, refer to the “Code of Ethics and Conduct for Elected and Appointed Officials.”

- a. The complainant will be notified if any part of a complaint is substantiated and if action has been taken. The complainant will not be told the details of the action, including discipline.
- b. Both the complainant and the person subject to the investigation will be notified if a complaint is not substantiated.

### **IV. Withdrawal of Complaint**

The complaint or any part of the complaint may be withdrawn at any time by the complainant; however, the request for such withdrawal must be in writing and state the reason(s) for the request. The Human Resources Department will review the request for withdrawal in order to determine whether or not it was the result of restraint, interference, coercion, discrimination, retaliation, or reprisal. An investigation may still proceed if a complaint is withdrawn.

### **V. Records**

All records of complaints and investigations, whether substantiated, unsubstantiated, or withdrawn, will be maintained by the Human Resources Department and subject to the Public Records laws.

Only documentation of disciplinary action imposed as a result of a sustained complaint is maintained in the employee’s personnel file.

## **DEFINITIONS OF TERMINOLOGY**

**Abusive Conduct:** Conduct of an employer, employee, volunteer, contractor, Councilmember, or Commissioner in the workplace or on social media, undertaken with malice that a reasonable person would find hostile or offensive and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of written or verbal abuse, including the use of social media, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or

## **POLICIES (continued)**

Administrative Procedure Order Section II, #1B (Revised October 2020)

the sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Aggressive: Demonstrating unduly forceful behavior.

Bullying: Conduct, either direct or indirect, that harms one or more individuals, not limited to behaviors that cause physical harm. Bullying may be verbal (including oral and written language as well as the use of social media) or nonverbal, may involve a real or perceived imbalance of power, and often includes behaviors described above as *Abusive Conduct*.

Derogatory: Behavior that is disparaging or belittling in attitude that aims to detract or diminish.

Disrespectful Conduct:

- 1) Use of language that is intended to be, or would be perceived by a reasonable person to be, demeaning, berating, humiliating, threatening, rude, bullying, offensive, insulting, slanderous, or malicious rumor-spreading;
- 2) Conduct that a reasonable person would find disruptive, abusive, threatening, intimidating, aggressive, or insubordinate; and
- 3) Acts to undermine or interfere with an employee's work performance. A single act shall not constitute disrespectful conduct, unless especially severe and egregious.

Epithet: A word or phrase meant to characterize a person or thing, particularly in a negative or derogatory manner.

Humiliate: To disgrace, belittle, or make another appear foolish.

Insolent: Speaking or behaving in a way that is disrespectful or insulting.

Insult: To use offensive or disrespectful epithets towards others.

Intimidate: To behave in a manner that would cause a reasonable person to fear physical or emotional damage or harm.

Malice: A willful and conscious disregard of the feelings, rights, or safety of others.

Respectful Conduct: Behavior that expresses consideration of others' identities, viewpoints, and beliefs; restraint from behaviors that would be considered disrespectful conduct.

Retaliation: Verbal, nonverbal, or physical conduct or actions including the use of social media intended to injure or harm someone as a response to an action taken or perceived to have been taken; revenge.

Sabotage: The deliberate undermining of a person's work performance.

Threatening: Acting in a deliberately frightening quality or manner.

## **POLICIES (continued)**

Administrative Procedure Order Section II, #1B (Revised October 2020)

### EXAMPLES OF BEHAVIORS

#### **I. Examples of Respectful Behavior**

Every person is expected to abide by these values and standards of respectful interpersonal behavior, communication, and professionalism:

- We respect and value the contributions of all members of our community;
- We listen first and take responsibility for all our behaviors, including all verbal and nonverbal actions;
- We treat coworkers and others with respect, civility, and courtesy;
- We work honestly, effectively, and collegially;
- We respond promptly, courteously, and appropriately to requests for assistance or information;
- We use conflict management skills, together with respectful and courteous verbal communication, to effectively manage disagreements;
- We encourage and support all coworkers and others in developing their individual conflict management skills and talents;
- We have an open and cooperative approach in dealings with employees, Councilmembers, Commissioners, and volunteers, recognizing and embracing individual differences;
- We recognize that differing social and cultural standards may mean that behavior that is acceptable to some may be perceived as unacceptable or unreasonable to others;
- We abide by all applicable rules, regulations, and policies and address any dissatisfaction with, or violation of, policies and procedures through appropriate channels;
- We demonstrate commitment to a culture where all coworkers cooperate and collaborate in using best practices to achieve positive work-related outcomes; and
- We are responsible stewards of resources and human assets to achieve excellence and innovation in the service to our community.

#### **II. Examples of Disrespectful Behavior**

Every person is expected to refrain from exhibiting disrespectful behavior. Examples of disrespectful behavior can include, but are not limited to, the following:

- Use of threatening or abusive language, or language that is intended to be, or is perceived by others to be, demeaning, berating, humiliating, or offensive;
- Intentionally ignoring someone, picking on an individual or group, or bullying;
- Making threats of violence, retribution, or financial harm; shouting or engaging in other speech, conduct, or behaviors that are reasonably perceived by others to represent intimidation;
- Using racial or ethnic slurs; demonstrating racial, gender, sexual orientation, or cultural bias (see also: 1) Council Policy 25.2 (*Discrimination and Harassment Policy*), and 2) Administrative Procedure Order II-1A (*Discrimination/Harassment Policy Implementation and Complaint Procedure*));
- Making or telling jokes that are intended to be or that are reasonably perceived by others to be derogatory, crude, or offensive; teasing, name-calling, insulting,

## **POLICIES (continued)**

Administrative Procedure Order Section II, #1B (Revised October 2020)

- ridiculing, or making someone the brunt of pranks or practical jokes;
- Using sarcasm or cynicism directed as a personal attack on others;
- Spreading malicious rumors or gossip;
- Throwing instruments, tools, office equipment, or other items as an expression of anger, criticism, or threat, or in an otherwise disrespectful or abusive manner;
- Making comments or engaging in behavior that is untruthful or directed as a dishonest personal attack on the professional or personal conduct of others;
- Retaliation;
- Sabotage; and
- Insubordination: Not submitting to authority; being disobedient to proper direction from an organizational superior, including, but not limited to, refusal to do an assigned job, refusal to render assistance, refusal to work overtime when mandatory, insolent response to a work order, or unreasonable delay in carrying out an assignment.

**POLICIES (continued)**  
**Administrative Procedure Order II-1B (continued)**



**SECTION I. Complainant Information** (Person filing this complaint)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_

**SECTION II. Respondent Information** (Person this complaint is being filed against)

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Department: \_\_\_\_\_

**SECTION III. Description of Complaint**

Date and Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

1. Please provide a description of the incident(s) constituting the alleged violation. Include the person(s) involved, and the name(s), and contact information of any person(s) who may have knowledge of the incident(s). (Attach additional sheets if necessary.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**POLICIES (continued)**  
**Administrative Procedure Order II-1B (continued)**

2. What is the remedy being sought for this complaint?

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**SECTION IV. Confidentiality**

To the extent possible, it is the intention of the City to protect the confidentiality of any person who contacts the City for the purpose of seeking information, assistance, or counseling regarding the City’s Respectful Workplace Conduct Policy. Information given to the City in the course of an internal investigation is not confidential; however, except as required by Public Records laws or the requirements of a thorough investigation, the City will release information only on a “need-to-know” basis. If you have questions about personal safety or personal privacy, you should discuss these questions with the Human Resources Department, your union representative, or your own attorney prior to providing information.

I have read and understand the City’s Respectful Workplace Conduct Policy and declare that the information contained herein is true and correct.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

*Internal Use Only:*

Complaint Received by: \_\_\_\_\_

Signature: \_\_\_\_\_

Date Received: \_\_\_\_\_



## ADVISORY BODY HISTORY

The history of advisory bodies in the City of Santa Cruz has reflected the course and changing needs of City governance.

The establishment of civil authority began in 1797 with Spain's founding of Branciforte (East Santa Cruz), which became one of California's three existing townships. The birthplace of Californian democracy, Branciforte held the state's first elections in 1802, and three years later was the first community to call for the closing of the mission system and California's independence from Spain. Following statehood in 1850, Santa Cruz County was established that same year, governed by a mayor and a four-member City Common Council. Issues of infrastructure (such as roads, water, and sanitation) and education were handled by temporary advisory committees. Incorporated in 1866, Santa Cruz received its first charter as a City in 1876. The five original City departments were: Public Affairs; Revenue & Finance; Public Health & Safety; Public Works; and Streets & Parks.

In 1905, after East Santa Cruz (Branciforte) annexed itself to the City, the combined jurisdictions voted for a new charter designating a mayor and seven-member City Council with both executive and administrative powers. A committee, formed at the turn of the century to establish the first City-owned water utility (a process which took several decades), led ultimately to a permanent Water Commission in 1948. Meanwhile, in 1901 De Laveaga Heights was given to the City for a park; the Park Advisory Committee formed to develop the land and its use was so successful that it was made permanent in 1918 as the Parks Department. After World War II, during which De Laveaga served as a military base, a Recreation Commission was created to stimulate park activities, and in 1948 the commission and department were unified to create the Parks and Recreation Department. During this period, other committees were formed: in 1903, the committee created to improve the waterfront appearance for President Theodore Roosevelt's visit went on to establish more permanent improvements such as the Boardwalk, Fleet Park, and San Lorenzo River restoration. A committee formed in 1925 to establish a public auditorium succeeded in 1940 with the Civic Auditorium.

The onset of the Great Depression saw hard-pressed property owners replace local businesses with chain stores. The Planning Commission was formed in 1930 to promote community interests; two years later, the commission helped facilitate New Deal redevelopment.

In 1948 the City adopted a new City Charter which established a Council/manager form of government with a mayor and six Councilmembers setting City policy, and a City Manager as chief administrator of those policies. This charter, with amendments, is still used today. Among other things, it sets provisions for City-appointed boards and commissions.

After the devastating downtown flood of 1955, an extensive redevelopment program was launched to create levees along the San Lorenzo River, along with plans to level much of downtown for highways, shopping centers, and high rise building development. Public opposition crystallized in the Pacific Garden Mall Committee in 1963, which led in 1968 to the restoration of the downtown as an open-air mall and a National Historic District (a designation unfortunately rescinded after over half the historic buildings were lost or destroyed following the Loma Prieta earthquake in

## **ADVISORY BODY HISTORY (continued)**

1989). Further landmark protections were sought, leading to the establishment of the Historic Preservation Commission in 1974. In anticipation of the 1976 national bicentennial, the Town Clock Plaza Committee oversaw the rebuilding of the 1874 town clock as a permanent park and monument. In 1977, the Arts Commission was established to allocate public funds to improve the City's cultural climate for visual and performing arts, with the Public Art Committee created in 1998, and funded through Two-Percent-For-The-Arts Capital Improvement Program (CIP) money.

Throughout the 1980s, advisory bodies grew in importance to promote greater public participation in civic affairs. The demolitions following the Loma Prieta earthquake of 1989 led to a decade of redevelopment, conducted through temporary master plan committees (notably, Vision Santa Cruz) covering nearly every part of town.