

CITY OF SANTA CRUZ  
809 Center Street  
Santa Cruz, California 95060



## CITY COUNCIL AGENDA

### Regular Meeting

October 08, 2019

- 10:00 A.M.      CLOSED SESSION, COURTYARD CONFERENCE ROOM
- 11:30 A.M.      ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)
- 11:35 A.M.      ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE SANTA CRUZ PUBLIC IMPROVEMENT FINANCING CORPORATION (SCPIFC)
- 11:40 A.M.      CONSENT, GENERAL BUSINESS, CONSENT PUBLIC HEARINGS, PUBLIC HEARING, AND ORAL COMMUNICATIONS, COUNCIL CHAMBERS

Written correspondence and telephone calls received after 5:00 p.m. on the Monday immediately preceding a Council meeting may not have time to reach Councilmembers, nor be read by them prior to consideration of an item. Please make any communication to Councilmembers regarding Council meeting items prior to 5:00 p.m. Monday.

Council meetings are cablecast on Comcast Channel 25 or Channel 26.

Written material for every item listed in the open sessions is available for review at the Downtown Branch Library Reference Desk.

Time limits set by Council Policy are guidelines. Unless otherwise specified, procedures for all items, except those approved in one motion on the Consent Agenda, are:

- Staff Presentation
- Public comment - 2 minutes each; maximum total time may be established by the Presiding Officer at the beginning of the item
- Council deliberation and action

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email [CityClerk@cityofsantacruz.com](mailto:CityClerk@cityofsantacruz.com). The Cal-Relay system number: 1-800-735-2922.

Closed Session

10:00 AM

The Presiding Officer will open the City Council Closed Session in a public meeting in the Council Chambers, for the purpose of announcing the agenda, and receiving public testimony. Thereafter, the councilmembers will move to the Courtyard Conference Room and the meeting will be closed to the public.

**Closed Session**

A. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

1) Claimant: Ruth and Michael Mehr

2) Claimant: Debra L. Wirkman

Claims against the City of Santa Cruz

B. Conference With Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1. Robert Gomez, Sr. and Robert Gomez, Jr. v. City and County of Santa Cruz, et al.  
(Santa Cruz County Superior Court Case No. 18CV01900)

2. Save our Big Trees v. City of Santa Cruz, et al.  
(Santa Cruz County Superior Court Case No. 19CV02062)

C. Conference With Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(4))

Initiation of litigation (1 potential case to be discussed).



**Closed Session (continued)**

D. Real Property Negotiations (Government Code §54956.8)

Property: 125 Coral Street

APNs: 008-171-24 and 008-171-25

Owner: James P. Gillespie and one Jean Gillespie, Trustees, and Harley F. and Sandra I. Gillespie, Co-trustees

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City and Owners

Under Negotiation: Price, terms of payment or both for potential purchase of property

Annual Meeting of the Board of Directors of the Industrial Development Authority (IDA)

On or around 11:30 AM

**PLEASE NOTE:** City Councilmembers serve as Boardmembers for the City's Industrial Development Authority (IDA) and Santa Cruz Public Improvement Financing Corporation (SCPIFC). The boards were created for the purpose of providing the City an instrument to issue bonds. Annually, while the bonds are in existence, the Boardmembers are legally required to hold a meeting of the IDA and SCPIFC. The meetings are procedural and for the purpose of approving Minutes and electing new Boardmembers.

**Call to Order**

**Roll Call**

**General Business**

1. Minutes of the October 9, 2018 Industrial Development Authority (IDA)

Motion to approve as submitted.

2. Election of Officers

Motion to elect new officers as set forth in Section 3.02 of the Industrial Development Authority bylaws as follows:

Executive Director: City Manager M. Bernal  
Assistant Executive Director: Director of Economic Development B. Lipscomb  
Treasurer: Acting Director of Finance C. Fyfe  
Chair: Mayor Watkins  
Vice Chair: Vice Mayor Cummings  
Secretary: City Clerk Administrator B. Bush

**Adjournment**

Annual Meeting of the Board of Directors of the Santa Cruz Public Improvement Financing Corporation (SCPIFC)

**On or around 11:35 AM**

**PLEASE NOTE:** City Councilmembers serve as Boardmembers for the City's Industrial Development Authority (IDA) and Santa Cruz Public Improvement Financing Corporation (SCPIFC). The boards were created for the purpose of providing the City an instrument to issue bonds. Annually, while the bonds are in existence, the Boardmembers are legally required to hold a meeting of the IDA and SCPIFC. The meetings are procedural and for the purpose of approving Minutes and electing new Boardmembers.

**Call to Order**

**Roll Call**

**General Business**

1. Minutes of the October 9, 2018 Santa Cruz Public Improvement Finance Corporation (SCPIFC)

Motion to approve as submitted.

2. Election of Officers

Motion to elect new officers as set forth in Section 3.02 of the Santa Cruz Public Improvement Financing Corporation bylaws as follows:

Executive Director: City Manager M. Bernal

Chief Financial Officer: Acting Director of Finance C. Fyfe

President: Mayor Watkins

Vice President: Vice Mayor Cummings

Secretary/Treasurer: City Clerk Administrator B. Bush

**Adjournment**

**City Council**

**11:40 AM**

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Introduction of New Employees**

**Presentations**

1. Chris Berry 25-year Service Pin Recognition

**Presiding Officer's Announcements**

**Statements of Disqualification**

**Additions and Deletions**

**Per Council Policy 14.6, in observance of Yom Kippur, Oral Communications will be heard immediately following the completion of the afternoon session, and the meeting will adjourn at 6:30 p.m.**

**Oral Communications Announcement** - Community members may address the Council about any matter not on the agenda during Oral Communications. Oral Communications will be held immediately following the afternoon agenda, adjourning at 6:30 p.m. Speakers will be invited up to the lectern by the Mayor and are asked to keep comments to two minutes or less, and encouraged to state name and community of residence. Up to 30 minutes will be allocated for Oral Communications. Note that in the absence of an emergency, California law prohibits the Council from discussing or taking immediate action on comments offered in Oral Communications.

**City Attorney Report on Closed Session**

**City Manager Report** - The City Manager will report on events.

**Council Meeting Calendar**

2. The City Council will review the meeting calendar attached to the agenda and revise it as necessary.

**Consent Agenda**

3. Minutes of the September 24, 2019 City Council Meeting (CC)

Motion to approve as submitted.

4. Advisory Body Nomination—Santa Cruz County Hazardous Materials Advisory Commission (One Nomination for Reappointment, with a Term Expiration of 4/1/23) (CC)

Motion to nominate Fire Battalion Chief Rob Young for reappointment by the County Board of Supervisors to the County Hazardous Materials Advisory Commission.

5. Liability Claims Filed Against City of Santa Cruz (FN)

Motion to reject liability claims of a) Ruth and Michael Mehr, and b) Debra L. Wirkman, based on staff recommendation.

6. Resolution Approving Various Employee Groups Memoranda of Understanding (HR)

Resolution adopting the following employee organizations Memoranda of Understanding: Service Employees International Union, Local 521; Supervisory Employees Operating Engineers, Local 3; Fire Management Association and Police Management Association (Unions).

7. Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Police Department and Fire Department (HR)

Resolution amending the Classification and Compensation Plans for the FY 2020 Budget Personnel Complement by implementing the addition of three (3) unfunded Police Officer positions, and one (1) Fire Fighter position.

8. Executive Employees Compensation and Benefits Plan (HR)

Resolution adopting the Compensation and Benefits Plan for Executive Unrepresented Employees.

**Consent Agenda (continued)**

9. Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Finance Department (HR)

Resolution amending the Classification and Compensation Plans and the FY2020 Budget Personnel Complement by approving the deletion of one Purchasing Manager position and adding two Finance Manager positions.

10. Adoption of Biarritz, France as a Friendship City (PR)

Resolution approving the adoption of Biarritz, France as a Friendship City and establish a formal relationship with the City of Santa Cruz.

11. Office of Traffic Safety Selective Traffic Enforcement Program - Grant Acceptance (#PT20168) (PD)

Resolution authorizing the acceptance of funds from the Office of Traffic Safety for the Selective Traffic Enforcement Program. The City Manager is hereby authorized and directed to execute the contact and agreements associated with the acceptance of this grant.

12. Cedar Street Rehabilitation Project (c400809) - Contract Change Order No. 1 and Notice of Completion (PW)

Motion to accept Contract Change Order No. 1 and the work of Granite Rock Company (San Jose, CA) as completed per plans and specifications and authorizing the filing of a Notice of Completion for the Cedar Street Rehabilitation Project (c400809).

13. Pacific Gas and Electric Request for Easements or Licenses at City Corporation Yard Related to Electric Vehicle Charging Infrastructure (PW)

Motion authorizing the City Manager to enter into easement agreements with Pacific Gas and Electric to allow construction of electrical infrastructure for up to 16 electric vehicle charging stations at the City Corporation Yard, 1125 River Street.

**Consent Agenda (continued)**

14. 1st Reading of Ordinance No. 2019-11 (adding SCMC Ch. 15.38) and 2nd Reading of Ordinance No. 2019-06 (amending SCMC section 24.12.1400) Regarding "Small Cell" Wireless Facilities in the Public Right of Way (PW / PL)

The first reading of Ordinance 2019-11 is continued to the November 26, 2019 Council meeting and will not be discussed. The second reading of Ordinance 2019-06 will be further continued to align with the second reading of Ordinance 2019-11 and will not be discussed.

**End Consent Agenda****General Business**

15. Resolution Declaring October Co-Op Month in the City of Santa Cruz and Providing City Support for Development and Growth of Local Worker Cooperatives (CN/ED)

Motion to: 1) adopt a resolution declaring October Co-Op Month in the City of Santa Cruz; and 2) provide direction to the Economic Development Department regarding the development of recommendations favorable to the success and sustainability of worker-owned businesses.

16. Chinatown Bridge Naming and Public Art Proposal (ED)

Motion to approve the naming of the pedestrian bridge "Chinatown Bridge" and approve the Chinatown Public Art Project, as proposed by the Coastal Watershed Council.

**General Business (continued)**

17. Residential Rental Inspection Services Update and Options for Modifications (PL)

Accept the Residential Rental Inspection Services update and provide direction to prepare an ordinance that requires a real property report be prepared prior to the sale or exchange of any residential building, provide direction to expand the tenant outreach programs in the community to include other City departments and external partner agencies to inform the community of various tenant protections, and provide feedback on a potential temporary amnesty program for unpermitted units that do not currently have the potential to be legalized.

**Consent Public Hearings**

18. 2nd Reading and Final Adoption of Ordinance No. 2019-15 Adding Chapter 6.13 "Refuse Enterprise Revenue Bond Law" of Title 6 "Health and Sanitation" of the Santa Cruz Municipal Code (CA)

Adopt Ordinance No. 2019-15 to add Chapter 6.13 "Refuse Enterprise Revenue Bond Law" of Title 6 "Health and Sanitation" of the Santa Cruz Municipal Code concerning the authorization, issuance, and sale of bonds.

19. 2nd Reading and Final Adoption of Ordinance No. 2019-16 Adding Chapter 16.26 "Water and Wastewater Enterprise Revenue Bond Law" to Title 16 "Water, Sewers, and other Public Services" of the Santa Cruz Municipal Code (CA)

Adopt Ordinance No. 2019-16 adding Chapter 16.26 "Water and Wastewater Enterprise Revenue Bond Law" to Title 16 "Water, Sewers, and other Public Services" to the Santa Cruz Municipal Code concerning the authorization, issuance and sale of bonds.

20. 2nd Reading and Final Adoption of Ordinance No. 2019-17 Revising the Cannabis Retailer License Provisions (PL)

Adopt Ordinance No. 2019-17 revising the cannabis retailer license provisions to allow the change of an on-site manager, director, or officer without requiring a new cannabis retailer license.



## Public Hearing

21. 110 Cooper Street, Floors 5 and 2 - City Council Review of the Planning Commission's Approval of an Administrative Use Permit to Establish a Medical Office (Kaiser Permanente) on the Fifth and Second Floors of an Existing Building at 110 Cooper Street. The Site is Zoned Central Business District (CBD) and is in the Pacific Avenue Retail District of the Downtown Plan (File Number CP19-0006; Environmental Determination: Categorical Exemption) (PL)

Resolution upholding the Planning Commission's acknowledgment of the environmental determination and approval of the Administrative Use Permit based on the findings listed in the draft resolution and the conditions of approval attached as Exhibit "A".

## General Business

22. Censure of Councilmember Chris Krohn and Councilmember Drew Glover for Substantiated Findings in Two Cases of Violation of the City of Santa Cruz Administrative Procedure Order Section II, #1B Respectful Workplace Conduct Policy and City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy (CN)

- Resolution to censure Councilmember Krohn and Councilmember Glover for violation of the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy.
- Motion to direct staff to review and update as necessary Administrative Procedure Order Section II, #1B Respectful Workplace Conduct Policy and City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy to include additional clarification for procedures related to claims against City Councilmembers or City Commissioners with regards to confidentiality.

## Oral Communications

## Adjournment

**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**

None.

**MAYOR'S PROCLAMATIONS**

**ADDENDUM TO CITY COUNCIL AGENDA - OCTOBER 8, 2019**

1. Proclaiming September 20-27, 2019 as “Youth Global Climate Action Strike Days” and encouraging all residents of all ages to support our local youth in taking action to stop global warming.
  
2. Proclaiming Saturday, September 28, 2019 as “Jennifer Otter Bickerdike Day” and encouraging all citizens to join in recognizing her ongoing dedication to independent music, culture, and the art community in Santa Cruz and extending heartfelt congratulations and sincere best wishes.

**Advisory Body Appointments**

The following positions are vacant. Council will make appointments at a future meeting.

Equal Employment Opportunity Committee	One (1) opening
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**Public Hearing**

If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6 Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes “final.” The 60-day rule applies to all public hearings conducted pursuant to the City’s Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

### **City Council Agenda Legislative History Addendum**

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to: Court decisions, Coastal Commission Appeals of City Council actions, Closed Session Agreements/Settlements, which are public record, Association of Monterey Bay Area Governments, Local Agency Formation Commission.

City of Santa Cruz  
809 Center Street  
Santa Cruz, CA 95060

**MINUTES OF THE ANNUAL MEETING OF THE  
BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY**

October 9, 2018

**2:00 PM**

Call to Order - at 2:04 p.m.

**Roll Call**

Present: Directors Krohn, Mathews, Brown, Noroyan, Watkins; Vice Chair Terrazas.

Absent: Chair Chase.

**General Business**

1. Minutes of the October 10, 2017 Industrial Development Authority (IDA) (CC)

Vice Chair Terrazas opened the public comment period. There were no speakers. Vice Chair Terrazas closed the public comment period.

**MOTION:** Director Mathews moved, seconded by Director Noroyan, to approve as submitted.

**ACTION:** The motion carried with the following vote.

AYES: Directors Krohn, Mathews, Watkins, Brown, Noroyan;  
Vice Chair Terrazas.

NOES: None.

ABSENT: Chair Chase.

DISQUALIFIED: None.

### Election of Officers

**MOTION:** Director Mathews moved, seconded by Director Watkins, to elect new officers as set forth in Section 3.02 of the Industrial Development Authority bylaws as follows:

Executive Director: City Manager M. Bernal  
Assistant Executive Director: Director of Economic Development B. Lipscomb  
Treasurer: Director of Finance M. Pimentel  
Chair: Vice Mayor Watkins  
Vice Chair: Councilmember Mathews  
Secretary: City Clerk Administrator B. Bush

**ACTION:** The motion carried with the following vote.

AYES: Directors Krohn, Mathews, Watkins, Brown, Noroyan;  
Vice Chair Terrazas.  
NOES: None.  
ABSENT: Chair Chase.  
DISQUALIFIED: None.

Adjourned - at 2:08 p.m.

Respectfully Submitted,

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Bonnie Bush  
Secretary

City of Santa Cruz  
809 Center Street  
Santa Cruz, CA 95060

**MINUTES OF THE ANNUAL MEETING OF THE  
BOARD OF DIRECTORS OF THE  
SANTA CRUZ PUBLIC IMPROVEMENT FINANCING CORPORATION**

October 09, 2018

**2:03 PM**

**Call to Order** - at 2:08 p.m.

**Roll Call**

**Present:** Directors Krohn, Mathews, Brown, Noroyan, Watkins; Vice President Terrazas.

**Absent:** President Chase.

**General Business**

1. Minutes of the October 10, 2017 Santa Cruz Public Improvement Finance Corporation (SCPIFC) (CC)

Vice President Terrazas opened the public comment period. There were no speakers. Vice President Terrazas closed the public comment period.

**MOTION:** Director Brown moved, seconded by Director Noroyan, to approve as submitted.

**ACTION:** The motion carried with the following vote.

**AYES:** Directors Krohn, Mathews, Watkins, Brown, Noroyan;  
Vice President Terrazas.

**NOES:** None.

**ABSENT:** President Chase.

**DISQUALIFIED:** None.

### Election of Officers

**MOTION:** Director Mathews moved, seconded by Director Watkins, to elect new officers as set forth in Section 3.02 of the Santa Cruz Public Improvement Financing Corporation bylaws as follows:

Executive Director: City Manager M. Bernal  
Chief Financial Officer: Director of Finance M. Pimentel  
President: Vice Mayor Watkins  
Vice President: Councilmember Mathews  
Secretary/Treasurer: City Clerk Administrator B. Bush

**ACTION:** The motion carried with the following vote.

AYES: Directors Krohn, Mathews, Watkins, Brown, Noroyan;  
Vice President Terrazas.  
NOES: None.  
ABSENT: President Chase.  
DISQUALIFIED: None.

Adjourned - at 2:09 p.m.

Respectfully Submitted,

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Bonnie Bush  
Secretary/Treasurer



City Manager Report  
October 8, 2019



# 30<sup>th</sup> Anniversary of the Loma Prieta Earthquake

- Community Effort
- 13 Community Events
- Full list of events and historical photos are available online

# Affordable Housing Month

- Affordable Housing Finance 101 Class ([Eventbrite](#))
- Affordable Housing Bike Tour ([jmellor@cityofsantacruz.com](mailto:jmellor@cityofsantacruz.com))
- Water Street Apartments Affordable Housing Grand Opening ([communications@eahhousing.org](mailto:communications@eahhousing.org))

# Affordable Housing Finance 101 Class

- Monday, October 21st, 6 – 8 pm
- What factors need to be considered when developing affordable housing?
- How does the financing work?
- Space is limited to 50 participants, so please RSVP on Eventbrite to reserve your spot.

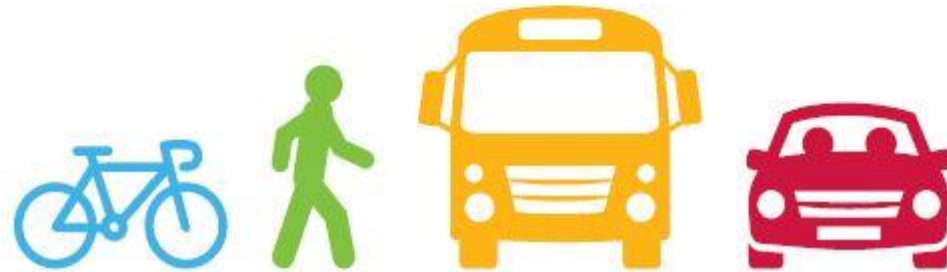
# Affordable Housing Bike Tour

- Saturday, October 19th, 1 – 3 pm
- Join us on a bike tour of some of our affordable housing apartments in the downtown.
- We will highlight a few of the most recently built properties and give you a preview of others that are on the horizon.
- Space is limited to 20 participants, so please RSVP to Jess Mellor ([jmellor@cityofsantacruz.com](mailto:jmellor@cityofsantacruz.com)) to reserve your spot.

# Water Street Apartments Affordable Housing Grand Opening

- Saturday, October 19th, 3 – 4 pm
- Join developer For the Future of Housing at the grand opening of Water Street Apartments (708 Water St.).
- Take a tour of the grounds and see inside an apartment. Light refreshments will be provided.
- Please RSVP to [communications@eahhousing.org](mailto:communications@eahhousing.org) to confirm your attendance.

Go Santa Cruz!



Sign up at <https://my.cruz511.org/s/gosantacruz>

Meeting Type
Holiday
Regular Meeting
Special Meeting
Study Session (will be added as scheduled)
Budget Hearing

### City Council Meeting Calendar for 2019

DATE	Time	Location	Meeting Type
October 22	1:30 p.m.	Courtyard Conf. Room	Closed Litigation Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council/Agency Regular Meeting - Open to the Public
<b>November 11</b>	<b>City Hall Closure - Veteran's Day (observed)</b>		
November 12	1:30 p.m.	Courtyard Conf. Room	Closed Litigation Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council/Agency Regular Meeting - Open to the Public
November 26	1:30 p.m.	Courtyard Conf. Room	Closed Litigation Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council/Agency Regular Meeting - Open to the Public
<b>November 28</b>	<b>City Hall Closure - Thanksgiving Day</b>		
<b>November 29</b>	<b>City Hall Closure - Day After Thanksgiving Day</b>		
December 10	1:30 p.m.	Courtyard Conf. Room	Closed Litigation Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council/Agency Regular Meeting - Open to the Public
<b>December 22</b>	<b>Hanukkah (City observed - beginning at sundown)</b>		
<b>December 23</b>	<b>Hanukkah (first day)</b>		
<b>December 25</b>	<b>City Hall Closure - Christmas Day</b>		

**MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL**

City of Santa Cruz  
809 Center Street  
Santa Cruz, California 95060

**MINUTES OF A CITY COUNCIL MEETING**

September 24, 2019

**11:00 AM**

Mayor Watkins opened the City Council Closed Session at 11:00 a.m. in a public meeting in the Council Chambers, for the purpose of announcing the agenda, and receiving public testimony.

**Roll Call**

**Present:** Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

**Absent:** None.

**Staff:** City Manager M. Bernal, Interim Assistant City Manager L. Schmidt, City Attorney T. Condotti, Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

**Public Comment**

Mayor Watkins opened the public comment period at 11:00 a.m. There were no speakers. Mayor Watkins closed the public comment period at 11:01 a.m.

**Closed Session**

A. Public Employee Performance Evaluation (Government Code §54957)

1. City Manager
2. City Attorney

B. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

Claimant: Louie Anthony Ugarte

Claim against the City of Santa Cruz



**Closed Session (continued)**

- C. Conference With Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2) - (3))

Significant exposure to litigation (1 potential case to be discussed).

- D. Conference With Labor Negotiators - (Government Code §54957.6)

Fire, IAFF Local 1716  
Executives

City Negotiator - Lisa Murphy

At this time, the Council moved to the Courtyard Conference Room. (See pages 4836–4837 for a report on Closed Session.)

City of Santa Cruz  
809 Center Street  
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MINUTES OF A CITY COUNCIL MEETING  
September 24, 2019

**1:00 PM**

**Call to Order** - Mayor Watkins called the meeting to order at 1:01 p.m. in the Council Chambers.

**Roll Call**

**Present:** Councilmembers Krohn, Glover, Meyers (arrived at 1:08 p.m.), Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

**Absent:** None.

**Staff:** City Manager M. Bernal, City Attorney T. Condotti, Interim Assistant City Manager/Director of Information Technology L. Schmidt, Director of Public Works M. Dettle, Director of Water R. Menard, Sustainability and Climate Action Manager T. Wise-West, Assistant Director of Public Works/City Engineer C. Schneiter, Chief of Police A. Mills, Chief of Fire J. Hajduk, Director of Human Resources L. Murphy, Acting Director of Finance C. Fyfe, Director of Planning and Community Development L. Butler, Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

**Pledge of Allegiance**

**Introduction of New Employees** - Acting Director of Finance C. Fyfe introduced Ross Brandon, Principal Management Analyst. Interim Assistant City Manager/Director of Information Technology L. Schmidt introduced Kendra DiGirolamo, Information Technology Business Systems Analyst II. Director of Public Works M. Dettle introduced Edgard Rizo, Engineering Technician.

## **Presentations**

Presentation 1 was removed from the agenda and was not heard.

1. Downtown Streets Team Presentation

The below presentation was heard at a time-certain of 3:30 p.m.

2. Proclamation in Support of the Global Youth Climate Action Strike

Mayor Watkins presented a proclamation to Tamarah Posner Minami declaring September 20<sup>th</sup> through the 27<sup>th</sup> as Youth Global Climate Action Strike week.

## **Presiding Officer's Announcements**

**Statements of Disqualification** - None.

**Additions and Deletions** - City Clerk Administrator B. Bush stated items 1 and 8 were deleted from the original agenda.

**Oral Communications Announcement** - The Mayor provided a brief announcement about Oral Communications.

## **City Attorney Report on Closed Session**

A. Public Employee Performance Evaluation (Government Code §54957)

1. City Manager
2. City Attorney

Council took no reportable action.

B. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

Claimant: Louie Anthony Ugarte

Claim against the City of Santa Cruz

Council received a status report, took up under agenda item 7, and no reportable action was taken.

**Closed Session (continued)****C. Conference With Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2) - (3))**

Significant exposure to litigation (1 potential case to be discussed).

This item was a threat of litigation under the California Voting Rights Act, which was communicated to the City by a letter dated July 8, 2019. The letter demanded that the City adopt a resolution of intention to transition to elections by district within 45 days as specified by the California Voting Rights Act. Upon receipt of the letter, the City Attorney's Office was able to extend the 45-day deadline to the end of September to provide the City with an opportunity to do further analysis of the claim. Council considered the analysis in Closed Session and declined to take further action in response to the claim at this time.

**D. Conference With Labor Negotiators - (Government Code §54957.6)**

Fire, IAFF Local 1716  
Executives

City Negotiator - Lisa Murphy

Council met with the labor negotiator, and no reportable action was taken.

**Council Meeting Calendar****3. The City Council reviewed and did not revise the meeting calendar attached to the agenda.****Consent Agenda**

Sustainability and Climate Action Manager T. Wise-West responded to questions regarding item 5.

Councilmember Krohn pulled agenda item 9 for further discussion.

Mayor Watkins opened the public comment period. There were no speakers. Mayor Watkins closed the public comment period.

**MOTION:** Vice Mayor Cummings moved, seconded by Councilmember Mathews, to approve the remaining Consent Agenda.

**Consent Agenda (continued)**

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

4. Minutes of the September 24, 2019 City Council Meeting (CC)

Motion carried to approve as submitted.

5. Resolution Supporting California Clean Air Day on October 2, 2019 (CM)

Resolution No. NS-29,571 was adopted in support of California Clean Air Day 2019.

6. Agreement Update for Shared Santa Cruz Metropolitan Records System (CM)

Motion carried authorizing the City Manager to execute an agreement in a form approved by the City Attorney to modify the existing Santa Cruz Metropolitan Records System (SCMRS) agreement between Santa Cruz Regional 9-1-1 (SCR 9-1-1) and the cities of Capitola, Santa Cruz and Watsonville, and the County of Santa Cruz, which will have the effect of authorizing the SCR 9-1-1 General Manager to enter into contract with CentralSquare Technologies, LLC for a new law enforcement Records Management System and to enter into a lease purchase agreement with Government Capital Corporation, both on behalf of the City of Santa Cruz as a SCMRS member agency.

7. Liability Claim Filed Against City of Santa Cruz (FN)

Motion carried to reject liability claim of a) Louie Anthony Ugarte, based on staff recommendation.

8. Santa Cruz Firefighters, IAFF Local 1716 Tentative Agreement (HR)

This item was removed from the agenda and was not heard.

### Consent Agenda (continued)

9. State Route 1/9 Intersection Improvements Project (c400805) - Acquisition of Real Property and Temporary Construction Easements for APN 008-601-02, 510 River Street, Owned by SPG Associates, LLC; APN 008-601-04, 600 River Street, Owned by Gateway Plaza Associates, LLC; APN 008-174-09, 700 River Street, Owned by Summer Solstice LP (PW)

Assistant Director of Public Works/City Engineer C. Schneiter responded to Councilmember questions.

Mayor Watkins opened the public comment period. There were no speakers. Mayor Watkins closed the public comment period.

**MOTION:** Councilmember Meyers moved, seconded by Vice Mayor Cummings, to adopt Resolution No. NS-29,572 authorizing and directing the City Manager to enter into acquisition agreements, in a form approved by the City Attorney, for the purchase of three real properties in the form of rights of way and temporary construction easements required for the construction of the State Route 1/9 Intersection Improvements Project (c400805).

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

10. Award Contract for Screening Conveyor Rebuild for the Wastewater Treatment Facility - Sole Source Purchase (m409659) (PW)

Motion carried to award a contract for the Screening Conveyor Rebuild from Serpentix (Westminster, CO) in the amount of \$147,474.66 and authorize the Public Works Director to execute change orders within the approved department budget.

**Consent Agenda (continued)**

11. Award of Contract for Master Services Agreement for California Environmental Quality Act Compliance and Environmental Permitting Services (WT)

Motion carried authorizing the City Manager to execute a Master Services Agreement with Dudek of Santa Cruz, CA for California Environmental Quality Act Compliance and Environmental Permitting Services in a form acceptable by the City Attorney.

Motion carried authorizing the City Manager to execute Contract Amendment Laguna-1 under the Master Services Agreement with Dudek for the Laguna Creek Diversion Retrofit Project Environmental Review and Permitting Services in a form acceptable by the City Attorney and to authorize the Water Director to execute future contract amendments within the approved budget.

12. Emergency Water Main Replacement in 7th Avenue -Approval of Plans and Specifications and Authorization to Award (WT)

Motion carried to ratify the plans and specifications for the Emergency Water Main Replacement in 7th Avenue, authorize the City Manager to execute a construction contract with KJ Woods Construction, Inc. in a form acceptable to the City Attorney, and authorize the Water Director to execute change orders within the approved project budget.

13. Loch Lomond Recreation Area Upper Loch View Accessibility Improvements - Notice of Completion (WT)

Motion carried to accept the work of HD Builders, Inc. (Santa Cruz, CA) as complete per plans and specifications and authorize the filing of a Notice of Completion for the Loch Lomond Recreation Area Upper Loch View Accessibility Improvements Project.

**End Consent Agenda**

## General Business

14. Ordinances Adding Chapter 6.13 and 16.26, “Enterprise Revenue Bond Law,” of Title 6, “Health and Sanitation” and of Title 16, “Water, Sewers, and other Public Services” to the Santa Cruz Municipal Code (CA)

City Attorney T. Condotti spoke regarding this item and responded to Councilmember questions.

Director of Water R. Menard responded to Councilmember questions.

Mayor Watkins opened the public comment period. There were no speakers. Mayor Watkins closed the public comment period.

**MOTION:** Councilmember Krohn moved, seconded by Mayor Watkins, to introduce for publication Ordinance No. 2019-15 adding Chapter 6.13 “Refuse Enterprise Revenue Bond Law” of Title 6 “Health and Sanitation” and Ordinance No. 2019-16 adding Chapter 16.26 “Water and Wastewater Enterprise Revenue Bond Law” to Title 16 “Water, Sewers, and other Public Services” of the Santa Cruz Municipal Code concerning the authorization, issuance and sale of bonds.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

15. Cannabis Consumption Lounges, License Transfer Restrictions, Hours of Operation, Temporary Events, and Ordinance Revision Removing Requirement for New Cannabis Retailer License When Manager Changes (PL)

Principal Planner S. Fleming and Senior Planner K. Donovan gave a presentation and responded to Councilmember questions.

Mayor Watkins opened the public comment period. The following people spoke:

**SPEAKING FROM THE FLOOR:**

Nicole Laggner  
Jim Coffis  
Pat Malo



Khalil Moutawakkil, Kind Peoples Founder and Co-CEO

**General Business (ontinued)**

15. Cannabis Consumption Lounges, License Transfer Restrictions, Hours of Operation, Temporary Events, and Ordinance Revision Removing Requirement for New Cannabis Retailer License When Manager Changes (PL) (continued)

SPEAKING FROM THE FLOOR: (continued)

Grant Palmer  
Jacob Wagner  
Robert Singleton

Mayor Watkins closed the public comment period.

**MOTION:** Vice Mayor Cummings moved, seconded by Councilmember Krohn, to direct staff to bring back recommendations for a pilot program for onsite consumption at current retail sites. Recommendations should include, but not be limited to:

- Types of consumption, HVAC and ventilation requirements, visibility from right-of-way requirements, separation from retail space requirements, educational and public safety requirements, among others.
- Retailer application process which includes a best practices proposal from retailers on how they will address issues mentioned above.

**FRIENDLY AMENDMENT:** Mayor Watkins requested that:

- Staff not make this the first priority, given the other items coming up.
- Community Prevention Partnerships working on youth access, social norm campaigns, and work-around prevention weigh in to see how this fits with public health implications, particularly the California Workplace Smoking law, and any major ventilation impacts be considered in terms of carbon offset funds be accessible for some of those costs.

Vice Mayor Cummings accepted, and requested an update in the late spring, 2020.

**FRIENDLY AMENDMENT:** Mayor Watkins requested that staff consult with the Police Department, specifically about people smoking, then driving, and understand edibles and possible delayed impacts of impairment. Vice Mayor Cummings accepted.

**General Business (continued)**

15. Cannabis Consumption Lounges, License Transfer Restrictions, Hours of Operation, Temporary Events, and Ordinance Revision Removing Requirement for New Cannabis Retailer License When Manager Changes (PL) (continued)

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown; Vice Mayor Cummings; Mayor Watkins.  
 NOES: Councilmember Mathews.  
 ABSENT: None.  
 DISQUALIFIED: None.

Director of Planning and Community Development L. Butler responded to Councilmember questions.

City Attorney T. Condotti responded to Councilmember questions.

**MOTION:** Vice Mayor Cummings moved, seconded by Councilmember Mathews, to:

- Expand hours of operation for cannabis businesses from 9 p.m. to 10 p.m., dependent upon the conditions of the use permit for the specific location.
- Introduce for publication Ordinance No. 2019-17 revising the requirement for a new cannabis retailer license when there is a change in proprietorship to exclude a change in manager, a member of the Board of Directors of a nonprofit with less than a twenty percent ownership interest, as well as an officer or director of a cannabis retail business that is organized as a corporation with less than a twenty percent ownership interest.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.  
 NOES: None.  
 ABSENT: None.  
 DISQUALIFIED: None.

**General Business (continued)**

15. Cannabis Consumption Lounges, License Transfer Restrictions, Hours of Operation, Temporary Events, and Ordinance Revision Removing Requirement for New Cannabis Retailer License When Manager Changes (PL) (continued)

**MOTION:** Councilmember Brown moved, seconded by Councilmember Glover, to direct staff to return to Council with recommendations to address the transfer of cannabis retail licenses, and recommendations for developing a license transfer process consistent with Capitola, and other possible conditions for license transfers, and recommendations for potential business investment and ownership transfers.

City Attorney T. Condotti suggested the following motion language: Direct staff to return to Council with an amendment to the ordinance to permit transferability of a business license in which the transferee is evaluated on full criteria in which the original licensee was evaluated. Councilmembers Brown and Glover agreed with this, withdrawing the initial motion.

**MOTION:** Councilmember Brown moved, seconded by Councilmember Glover, to direct staff to return to Council with an amendment to the ordinance to permit transferability of a business license in which the transferee is evaluated on same criteria in which the original licensee was evaluated.

**FRIENDLY AMENDMENT:** Councilmember Krohn requested that staff explore a license transfer tax and if other cities have had it, and if put before the voters could all future City contracts be included. Councilmember Brown stated she would agree to add: Direct the Revenue Subcommittee to take up potential for business license transfer tax.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**General Business (continued)**15. Cannabis Consumption Lounges, License Transfer Restrictions, Hours of Operation, Temporary Events, and Ordinance Revision Removing Requirement for New Cannabis Retailer License When Manager Changes (PL) (continued)

**MOTION:** Vice Mayor Cummings moved, seconded by Councilmember Glover, to:

- Direct staff to amend City’s municipal code to allow temporary events with cannabis sales and consider onsite consumption.
- Identify locations for permitting events.
- Create a temporary event permit process for permits to only be issued to businesses that have a cannabis retail license in the City of Santa Cruz.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**MOTION:** Councilmember Meyers moved, seconded by Councilmember Krohn, to direct the Finance Department and the City Manager to initiate a regional tax discussion with the County and local cities.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

At this time, Mayor Watkins presented the proclamation listed as Agenda item 1.

**General Business (continued)****16. Monthly Update on the General Plan and Zoning Ordinance Reconciliation Effort for the City's Corridors (PL)**

Principal Planner S. Fleming spoke and responded to Councilmember questions.

Councilmember Brown directed staff to:

- Invite the Branciforte Action Community to the meeting on October 2<sup>nd</sup>. Principal Planner S. Fleming requested a direct contact to extend the invitation. Councilmember Brown agreed.
- Provide structure in the meeting's discussion to help move towards how to best achieve the stated Council objectives of resolving existing inconsistencies, and the objectives to preserve and protect neighborhood areas and preexisting businesses.
- Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities.

Councilmember Mathews directed staff to consider:

- An extended information session at a general Council meeting or mini study session for Council to learn about all the legislation changes regarding housing development that have taken place over the past three years in order to get an understanding of the big picture of the changes, and where it is going.
- Including additional groups, such as Santa Cruz neighbors, which has members located city-wide, and someone from one of the major business groups that has a high priority on housing.

Councilmember Krohn directed staff to:

- Return to Council with the residency information of the members.
- Reach out to four additional specific groups. Principal Planner S. Fleming requested the contact information for each of the groups. Councilmember Krohn agreed.

**General Business (continued)**16. Monthly Update on the General Plan and Zoning Ordinance Reconciliation Effort for the City's Corridors (PL) (continued)

Mayor Watkins opened the public comment period. The following person spoke:

SPEAKING FROM THE FLOOR:

Cal Kelley

Mayor Watkins closed the public comment period.

Councilmember Krohn stated for the record that the meeting on October 2nd should focus on how the staff can best develop a proposal that will “[make] General Plan and Zoning Ordinance changes as necessary to meet the following objectives: a) preserve and protect residential neighborhood areas and existing City businesses, as the City’s highest-level policy priority; and b) Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City’s main transportation corridors.

17. Charter Amendment for School Districts (CA)

City Attorney T. Condotti spoke regarding this item and responded to Councilmember questions.

Mayor Watkins opened the public comment period. There were no speakers. Mayor Watkins closed the public comment period.

**MOTION:** Councilmember Meyers moved, seconded by Vice Mayor Cummings, to adopt Resolution No. NS-29,573 calling for an election to be held on March 3, 2020 at the Statewide General Election in the City of Santa Cruz for a ballot measure submission of a proposed charter amendment to Article XVI of the City of Santa Cruz Charter.

**ACTION:** The motion carried unanimously with the following vote.

AYES:	Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.
NOES:	None.
ABSENT:	None.

DISQUALIFIED: None.

**General Business (continued)**

18. Response to County of Santa Cruz Regarding Syringe Litter Issues (CN)

Councilmembers Mathews introduced the item.

Mayor Watkins opened the public comment period. The following people spoke:

SPEAKING FROM THE FLOOR:

Serg Kagno, Stepping Up Santa Cruz  
Sharon  
Unidentified man  
Melissa Freebairn  
Damon Bruder  
Jane  
Dani Drysdale  
Brett Garrett  
Scott Graham

Mayor Watkins closed the public comment period.

**MOTION:** Councilmember Mathews moved, seconded by Councilmember Meyers, to direct the Mayor to write a letter to the County of Santa Cruz expressing openness to four additional syringe disposal kiosks with locations to be determined by the City Manager's office, and with all costs and labor for the placement and maintenance of these kiosks to be covered by the County and their contractors in perpetuity. A number of smaller, secure, syringe disposal bins may also be appropriate in certain locations, installed and serviced at County expense.

And adding the following language to the letter:

For the time being as the County revisits its needle and syringe policies and programs, and gathers additional data on the feasibility and effectiveness of other programs:

- No "safe injection" sites within the City of Santa Cruz should be established.
- No additional syringe exchange sites (including mobile exchange) in the City of Santa Cruz should be established without prior City Council

approval.

- The City does not support “secondary syringe exchange.”
- The County should establish a 24/7 needle litter response program.

### General Business (continued)

#### 18. Response to County of Santa Cruz Regarding Syringe Litter Issues (CN) (continued)

By consensus, Council decided to split the motion.

**MOTION:** Councilmember Mathews moved, seconded by Councilmember Meyers, to:

- Direct the Mayor to write a letter to the County of Santa Cruz expressing openness to four additional syringe disposal kiosks with locations to be determined by the City Manager’s office, and with all costs and labor for the placement and maintenance of these kiosks to be covered by the County and their contractors in perpetuity. A number of smaller, secure, syringe disposal bins may also be appropriate in certain locations, installed and serviced at County expense.
- The letter should also include language appreciating the County’s attention to this issue, and the City’s desire to continue an active partnership.
- The County should establish a 24/7 needle litter response program.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**MOTION:** Councilmember Mathews moved, seconded by Councilmember Meyers, to direct the Mayor to advise the County of Santa Cruz that for the time being as the County revisits its needle exchange and harm reduction programs, and gathers its data on feasibility and effectiveness, that:

- No “safe injection” sites within the City of Santa Cruz should be established without prior City Council approval.
- No additional syringe exchange sites (including mobile exchange) in the



City of Santa Cruz should be established without prior City Council approval.

- The City does not support “secondary syringe exchange” without prior City Council approval.
- Involving consultation and involvement of the County Health Services in all items listed above.

### General Business (continued)

18. Response to County of Santa Cruz Regarding Syringe Litter Issues (CN)  
(continued)

Chief of Police A. Mills responded to Councilmember questions.

After Council discussion, Councilmember Mathews added the following items to be included in the letter to the County:

- The City intends to engage and be active partners with the County in their process as they move forward
- Refer these items to the Community Advisory Committee on Homelessness (CACH) for their consideration.

Councilmember Meyers accepted.

After Council discussion, Councilmember Mathews restated the motion.

**MOTION:** Councilmember Mathews moved, seconded by Councilmember Meyers, to include in the letter from the Mayor to the County of Santa Cruz that as the County revisits its harm reduction programs, conducts community outreach, and gathers data on feasibility and effectiveness of its various programs, the City of Santa Cruz intends to engage with the process before consideration of safe injection sites, syringe exchange sites, or secondary syringe exchanges are considered; and in any event, would expect the County to have prior City approval for such programs.

In addition to the letter, refer this to the Community Advisory Committee on Homelessness (CACH) for their review.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.

NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**Recess** - The City Council recessed at 5:25 p.m. to the 7:00 p.m. session.

### City Council

**7:00 PM**

**Call to Order** - Mayor Watkins called the meeting to order at 7:00 p.m. in the Council Chambers.

#### Roll Call

**Present:** Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

**Absent:** None.

**Staff:** City Manager M. Bernal, City Attorney T. Condotti, Interim Assistant City Manager/Director of Information Technology L. Schmidt, Human Resources Director L. Murphy, Chief of Police A. Mills, Chief of Fire J. Hajduk, Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

#### Oral Communications

At 7:00 p.m. Mayor Watkins opened Oral Communications for members of the public who wished to speak regarding items not listed on the City Council agenda.

Sue Powell spoke in opposition to the Circle Church building being torn down.

Brett Garrett spoke in opposition to the recall petition and in support of AB1451.

Bruce Thomas with the Dufour Neighbors spoke regarding progress being made on Dufour Street.

Brian Peoples, Executive CEO of Rail Trail Now, spoke regarding traffic, requesting the Rail Trail be completed today, and not ten years from now.

Garrett Phillip spoke in regards to women and people of color not being able to own a cannabis café.

Elise Casby spoke regarding local libraries collecting personal data of those using the library computers using cookies.

Robert Norse spoke regarding homelessness, and in support of Councilmember Glover.

### Oral Communications (continued)

Alicia Kuhl spoke regarding the dismissed federal court case against the City, and requested to meet and settle with the City out of court.

Pat Kittle spoke about Israeli foreign aid.

Jim Johnson spoke regarding a new development being proposed on N. Pacific Avenue, requesting Mission Hill residents be notified when a new development is proposed on N. Pacific.

Charles Vasquin spoke regarding climate change, and transportation.

Will Mullen spoke regarding the homeless community being part of our community.

Olivia Boyce-Abel spoke in opposition to the recall petition.

Ayde Guerrero, Program Associate Santa Cruz Community Ventures, spoke regarding predatory lenders among particularly those concentrated numbers that prey on single mothers in Watsonville.

Kristen Petersen, Senior Associate Government Relations for the Silicon Valley Leadership Group, spoke inviting Councilmembers to participate in the Turkey Trot on Thanksgiving morning.

Unidentified man requested that in the future, Council limit the comments exclusively to City-related business.

David Willis spoke nominating Councilmember Glover to be Mayor.

Beverly DesChaux spoke regarding communication difficulties, and in opposition of the recall petition, asking the Mayor to publicly renounce it.

At 7:36 p.m. Mayor Watkins closed Oral Communications.

**MOTION:** Councilmember Glover moved, seconded by Councilmember Krohn, to extend Oral Communications for three more speakers.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Krohn, Glover, Brown; Vice Mayor Cummings.  
 NOES: Councilmembers Meyers, Mathews; Mayor Watkins.  
 ABSENT: None.  
 DISQUALIFIED: None.

### Oral Communications (continued)

Abby Samuels spoke, apologizing for previously calling the Mayor a name, and responded to the Mayor's report on preventing homelessness.

Tyler spoke regarding climate change, and in opposition of the recall.

James Spoke regarding Santa Cruz being cleaner recently.

At 7:42 p.m. Mayor Watkins closed Oral Communications.

### General Business

1. Censure of Councilmember Chris Krohn and Councilmember Drew Glover for Substantiated Findings in Two Cases of Violation of the City of Santa Cruz Administrative Procedure Order Section II, #1B Respectful Workplace Conduct Policy and City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy (CN)

Councilmembers Meyers and Mathews spoke and responded to Councilmember questions.

**MOTION:** Councilmember Brown moved to table this item. Mayor Watkins did not acknowledge the motion.

**MOTION:** Councilmember Brown moved, seconded by Vice Mayor Cummings, to appeal the Mayor's decision to not recognize Councilmember Brown and her motion.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Krohn, Glover, Brown; Vice Mayor Cummings.  
 NOES: Councilmembers Meyers, Mathews; Mayor Watkins.  
 ABSENT: None.  
 DISQUALIFIED: None.

**MOTION:** Councilmember Brown moved, seconded by Vice Mayor Cummings, to table this item.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Krohn, Glover, Brown; Vice Mayor Cummings.  
NOES: Councilmembers Meyers, Mathews; Mayor Watkins.  
ABSENT: None.  
DISQUALIFIED: None.

**General Business (continued)**

2. City Council Investigation Recommendation Implementation (HR)

City Manager M. Bernal introduced, and spoke to this item.

Human Resources Director L. Murphy gave a presentation and responded to Councilmember questions.

**SPEAKING FROM THE FLOOR:**

Susie O’Hara, Assistant to the City Manager  
Leila Kramer, Vice Chair of the Commission for the Prevention of  
Violence Against Women  
Alain Deschuess  
Lee Brokaw  
Matt O’Hara  
Ayo Banjo, former UCSC Student Body President  
Darrell Darling  
Vicki Winters  
Unidentified woman  
Paula LeRoy  
Olivia Boyce-Abel  
Barbara Riverwoman  
Satya Orion  
Shebrah Johnson  
Unidentified man  
Byars  
David Willis  
Steve Schnaar  
Chris Nuñez  
Robert Keller  
Elise Casby  
Robert Norse  
Erik Ericson  
Serg Kagno  
Ed Porter

Reverend Beth Love  
Claire  
Kathy Agnone  
(Unintelligible name)  
Unidentified woman  
Unidentified woman  
Unidentified woman  
Unidentified man

**General Business (continued)**

2. City Council Investigation Recommendation Implementation (HR) (continued)

SPEAKING FROM THE FLOOR: (continued)

Abby Samuels  
Beverly DesChaux  
Unidentified woman  
Rachel Dann  
Jane  
Brett Garrett  
Pat Malo  
Unidentified woman  
Scott Graham

Mayor Watkins closed the public comment period.

**MOTION:** Councilmember Mathews moved, seconded by Vice Mayor Cummings, to appoint a subcommittee of three Councilmembers to work with staff to develop a Code of Ethics and Conduct Policy for Elected and Appointed Officials, to include that the Councilmembers should avoid making public accusations of misconduct of bad faith against one another and against City staff as part of the Policy; Councilmembers should be encouraged to contact staff to include additional issues that should be considered in the policy.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**MOTION:** Councilmember Mathews moved, seconded by Councilmember Glover, that all new Councilmembers attend a live training session of the

Sexual Harassment, Discrimination and Workplace Conduct policies within the first 60 days of taking office, and attend every two years thereafter as required by the State of California. The trainings should include those that are specific to Santa Cruz, such as the Respectful Workplace Conduct and Cultural Diversity courses.

### General Business (continued)

#### 2. City Council Investigation Recommendation Implementation (HR) (continued)

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

**MOTION:** Councilmember Mathews moved, seconded by Vice Mayor Cummings, to direct staff to review and revise based on their experience the Administrative Procedure Order Section II, #A Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and Administrative Procedure Order Section II, #1B, Respectful Workplace Conduct.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

**MOTION:** Councilmember Mathews moved, seconded by Mayor Watkins, to have Council review and revise if necessary Council Policy 25.2 Discrimination, Harassment, Retaliation and Respectful Workplace Conduct Policy based on the outcome of staff's review of the Administrative Procedure Order Section II, #A.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;

Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

**MOTION:** Councilmember Mathews moved, seconded by Mayor Watkins, to direct staff to prepare a formal onboarding process for new City Councilmembers that incorporates Sexual Harassment, Discrimination and Workplace Conduct policies.

**General Business (continued)**

2. City Council Investigation Recommendation Implementation (HR) (continued)

**FRIENDLY AMENDMENT:** Mayor Watkins requested to incorporate Commissioners along with Councilmembers. Councilmember Mathews accepted.

**FRIENDLY AMENDMENT:** Vice Mayor Cummings requested this takes place within the first 60 days of being sworn in. Councilmember Mathews accepted.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews;  
Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

By consensus, Council directed the City Attorney to review the harassment in the workplace policy, and evaluate if it's appropriate to return back to Council with a recommendation to hold any City elected official personally reliable for any substantiated harassment claims, and remove the liability from the City, as the taxpayers should not shoulder those costs.

**MOTION:** Councilmember Glover moved, seconded by Councilmember Krohn, that:

- All members of the City Council and selected staff members should immediately participate in professional mediation and conflict resolution conducted by a qualified conflict resolution professional.
- Approach the Conflict Resolution Center in Santa Cruz, to utilize their proposal.
- Direct staff to come back with options for nonviolent communication training, as well as race, class, gender and power issues training with an



emphasis on implicit bias.

**FRIENDLY AMENDMENT:** Councilmember Brown requested to make conflict resolution services available on an as-needed basis, as well as incorporate accountability for Councilmembers to utilize these services when they are needed, and not at-will. Councilmember Glover accepted.

### General Business (continued)

#### 2. City Council Investigation Recommendation Implementation (HR) (continued)

After further discussion, Councilmember Glover added the following to his motion: Direct staff to specifically approach the Santa Cruz County Community Coalition to Overcome Racism, and engage them in their Cracking the Code implicit bias training. Councilmember Krohn accepted.

Lejla Bratovic, Director of the Conflict Resolution Center in Santa Cruz responded to Councilmember questions.

Councilmember Glover stated for the record that while he believes it is important for this group to go through training because of the issues that currently exist, having preemptive training for Councilmembers, just like the other trainings, potentially every two years since that's the overlap of the time people are on City Council, may be beneficial as it will not only reinvigorate the knowledge in the minds of the people who are continuing after two years, but also give a very robust and clear understanding for the incoming Councilmembers.

**ACTION:** The motion carried unanimously with the following vote.

AYES:	Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.

**Adjournment** - The City Council adjourned at 10:52 p.m.

Respectfully Submitted:

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Julia Wood, Deputy City Clerk Administrator

Attest:

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Bonnie Bush, City Clerk Administrator

Approved:

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Martine Watkins, Mayor



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: City Clerk

SUBJECT: Advisory Body Nomination—Santa Cruz County Hazardous Materials Advisory Commission (One Nomination for Reappointment, with a Term Expiration of 4/1/23) (CC)

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RECOMMENDATION: Motion to nominate Fire Battalion Chief Rob Young for reappointment by the County Board of Supervisors to the County Hazardous Materials Advisory Commission.

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BACKGROUND: The City of Santa Cruz has one nomination to the Santa Cruz County Hazardous Materials Advisory Commission, with the appointments being made by the County Board of Supervisors. The City's current representative, Rob Young, of the Fire Department, has a term expiration of April 1, 2019, and is interested in reappointment. His term will expire on April 1, 2023.

DISCUSSION: The following person is seeking nomination for reappointment to the County Hazardous Materials Advisory Commission:

Young, Rob

FISCAL IMPACT: There is no fiscal impact.

Submitted by:  
Bonnie Bush  
City Clerk Administrator

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
None.



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Finance

SUBJECT: Liability Claims Filed Against City of Santa Cruz (FN)

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RECOMMENDATION: Motion to reject liability claims of a) Ruth and Michael Mehr, and b) Debra L. Wirkman, based on staff recommendation.

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BACKGROUND: None.

DISCUSSION: Claims to be rejected:

- a. Claimants: Ruth and Michael Mehr  
Date of occurrence: 8/4/2019  
Date of claim: 8/27/2019  
Amount of claim: \$3,255.00

Claimants seek compensation for costs allegedly resulting from trees falling onto claimants' property.

Self represented.

- b. Claimant: Debra L. Wirkman  
Date of occurrence: 7/21/2019  
Date of claim: 8/27/2019  
Amount of claim: \$150,000.00

Claimant seeks compensation for injuries allegedly resulting from Police action.

Represented by legal counsel.

FISCAL IMPACT: There is no fiscal impact.

Prepared by:  
Patty Haymond  
Risk and Safety Manager

Submitted by:  
Cheryl Fyfe  
Acting Finance Director

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
None.



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Human Resources

SUBJECT: Resolution Approving Various Employee Groups Memoranda of Understanding (HR)

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RECOMMENDATION: Resolution adopting the following employee organizations Memoranda of Understanding: Service Employees International Union, Local 521; Supervisory Employees Operating Engineers, Local 3; Fire Management Association and Police Management Association (Unions).

---

BACKGROUND: The City Council has already approved Tentative Agreements at previous council meetings with the following employee organizations: Service Employees International Union, Local 521; Supervisory Employees Operating Engineers, Local 3; Fire Management Association and Police Management Association (Unions). This action before you is to approve the associated Memoranda of Understanding (MOU) for each Union.

DISCUSSION: In accordance with the Meyers-Milias-Brown Act (MMBA) Tentative Agreements which outline the new terms of successor MOU's were reached with each of the Unions and previously approved by the City Council. Updating the actual MOU documents takes a significant amount of time and therefore are usually brought before the City Council in a separate action. This is a routine action, no changes may be made to the MOU's unless otherwise agreed upon by the City and the Union.

FISCAL IMPACT: These expenditures were included in the FY 2020 budget and there are no additional fiscal impacts generated by final approval.

Prepared by:  
Lisa Murphy  
Human Resources Director

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
Resolution  
MOUs

RESOLUTION NO. NS-29,- - -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ APPROVING  
MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF SANTA CRUZ AND  
THE FOLLOWING:

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521;  
SUPERVISORY EMPLOYEES OPERATING ENGINEERS, LOCAL 3;  
FIRE MANAGEMENT ASSOCIATION; POLICE MANAGEMENT ASSOCIATION

WHEREAS, the City Council has already approved Tentative Agreements at a pervious City Council meeting with the following employee organizations; Service Employees International Union, Local 521; Supervisory Employees Operating Engineers, Local 3; Fire Management Association and Police Management Association (Unions); and

WHEREAS, staff has prepared the updated Memoranda of Understanding documents for each of the Unions; and

WHEREAS, it is the obligation of the City Council to approve the MOU's at a City Council meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that the City Council hereby approves the Memoranda of Understanding with the Unions.

PASSED AND ADOPTED this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

**2019-2022**  
**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ AND**  
**CITY OF SANTA CRUZ SERVICE EMPLOYEES**  
**Service Employees International Union, Local 521**

(March 23, 2019 –April 15, 2022)



2019-2022  
**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ AND**  
**CITY OF SANTA CRUZ SERVICE EMPLOYEES, S.E.I.U., LOCAL 521**

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**2019–2022**  
**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ**  
**AND**  
**CITY OF SANTA CRUZ SERVICE EMPLOYEES, S.E.I.U., LOCAL 521**

**SECTION 1.00 - PREAMBLE**

This Memorandum of Understanding is entered into by the City of Santa Cruz (hereinafter referred to as the City) and the City of Santa Cruz Service Employees, Service Employees International Union, Local 521, (hereinafter referred to as the Union), and, upon ratification by the Union membership and a determination is made by the City Council, is binding under Section 3505.1 of the Government Code.

The City and the Union have met and conferred in good faith and have arrived at an understanding concerning wages, hours, working conditions and other terms of employment.

The City and the Union recognize their obligation to provide services of the highest quality and efficiency to the community.

The City and the Union affirm the principal that harmonious labor/management relations are to be promoted and furthered.

**SECTION 2.00 – TERM**

The term of this agreement shall begin on March 23, 2019 and shall fully terminate on April 15, 2022.

Unless otherwise stated herein, all payroll related changes identified in this agreement will commence with the pay period beginning March 23, 2019.

**SECTION 3.00 - NO ABROGATION OF RIGHTS**

The parties acknowledge that City responsibilities and rights as indicated in current Article 1, Section 1, (Appendix A) of the City Personnel Rules and Regulations and all applicable State or Municipal laws are neither abrogated nor made subject to the meet and confer process by adoption of this Memorandum of Understanding.

Pursuant to Article 1, Section 1, (Appendix A), the City's rights include, but are not limited to the exclusive right to determine the mission of its constituent departments, commissions, and boards; to determine the procedures and standards of selection for employment and promotion; to direct its employees; to assign work to employees in accordance with the requirements determined by the City; to establish and change work schedules and assignments; to determine the content of job classifications; to hire, transfer and promote or to lay-off employees for lack of work; to suspend, discipline and discharge employees for proper cause; to expand or to diminish services; and to determine the methods, means and personnel by which government operations are to be conducted, except as specifically modified by the terms of the Memorandum of Understanding.

The parties further acknowledge that the rights of employees are neither abrogated nor diminished by the adoption of this Memorandum of Understanding.

## **SECTION 4.00 - PAST PRACTICES**

The parties agree that they shall adhere to established labor relation's principles in handling past practices. The parties agree that a past practice may be established if the practice meets all of the following:

- 1) The practice is unequivocal and consistently performed;
- 2) The practice is clearly communicated by the City and acted upon by the Union or clearly communicated by the Union and acted upon by the City; and
- 3) The practice is readily identifiable over a reasonable period of time as a fixed and established practice accepted by both parties.

The parties agree in handling past practice issues within the scope of representation:

- 1) Past practices superseded by revised M.O.U. language are null and void;
- 2) Past practices which contradict existing M.O.U. language or written City rules shall be null and void upon reasonable notice from the City that the language will be followed;
- 3) Past practices within scope which are not covered by M.O.U. language or City rules shall remain in effect through the term of the M.O.U. unless changed through mutual agreement.

## **SECTION 5.00 - RECOGNITION**

Pursuant to the Meyers-Milias-Brown Act and the City's Personnel Rules and Regulations, the Union is certified as the recognized employee organization for full-time, limited-term (See Section 9.12), and part-time regular employees in classifications listed in the City's Salary Compensation Plan for Service Employees, the current version of which is Exhibit A attached hereto. This unit shall be titled Service Employees.

## **SECTION 6.00 - NO DISCRIMINATION**

- A. The Union and the City agree to adhere to the City Council policies pertaining to the prevention of discrimination, harassment, and disrespectful workplace conduct as listed in Exhibits B, C, and G as well as applicable Federal and State discrimination law.
- B. Neither the City, nor the Union, shall interfere with, intimidate, coerce or discriminate against City employees because of their exercising their right to form, join, and participate in the activities of the Union, or exercising their right to refuse to join or participate in the activities of the Union.

## **SECTION 7.00 - UNION RIGHTS**

### **7.01 Payroll Deductions**

- A. The City shall honor the terms of the employee's authorization for Union deductions, for example, any terms of a membership and deduction authorization card the Union has supplied the employee. The employee may only revoke the authorization pursuant to the terms of the authorization the employee signed.



B. Deductions shall start the pay period after the City receives notification of the authorization. The City shall transmit such payments to the Union through electronic funds no later than thirty (30) days after the deduction from the employee's earnings occur.

C. Requests to authorize payroll deductions for Union purposes or COPE deductions shall be directed by the employees to the Union rather than the City. Requests to revoke or change the authorization shall also be directed to the Union rather than the City. The City shall rely on the Union's explanation in a certified list, submitted by a representative of the Union who has the authority to bind the Union, regarding whether authorization/ revocations/ changes in deductions have been requested by the represented employees.

D. The Union shall not provide the City a copy of the employee's authorization unless a dispute arises about the existence or terms of the authorization.

E. The City shall on a bi-weekly basis, provide the Union with an electronic file containing payroll information for SEIU 521 employees including the following information: name; job classification; department; work location; work phone; work email (if available); personal email (if available); home address; mailing address; cell phone (if available); home telephone number; date of birth; date of hire; hourly rate; status (part-time or full-time); union deductions; annual salary; and employee identification number.

F. The Union shall indemnify, defend, protect and hold harmless the City and its elected and appointed officials, officers, employees, officers and agent (collectively hereafter the "Indemnitees") from and against any and all claims, liabilities, losses, damages, fines, penalties, claims, demands, suits, actions, causes of action, judgments, costs and expenses (including, but not limited to, reasonable attorneys' fees and court costs) arising from the application of any provisions under Sections 7.01-7.10, including, but not limited to, any claims made by any represented employees for the dues deductions the City made in reliance on the Union's certification, and any claims made by any represented employees for any deduction cancellation or modification the City made in reliance on the information provided by the Union. In the event any such action or proceeding is brought against the City by reason of any such claim, the Union, upon notice from the City, covenants to defend such action or proceeding by counsel reasonably satisfactory to the City. Further, the Union agrees to indemnify and hold harmless the Indemnitees for any loss or damage arising from the Union's actions or inactions under Sections 7.01-7.10.

G. Violations of this section of the MOU are grievable.

#### 7.01.01 Confidential Employees

Employees filling positions designated as confidential (see Exhibit H) are represented and may hold membership in the Union but are excluded from active participation as negotiators, committee chairpersons, or any other role in which they represent the Union in matters within the scope of representation pursuant to Section 3507.5 of the Meyers-Milias-Brown Act.

### **7.02 Memorandum of Understanding - Printing and Distribution**

The City and Union will share the cost of printing copies of this Memorandum of Understanding in a mutually agreeable format and make it available to all members. Such distribution shall only occur during an employee's rest period, meal break or non-work time.

When a person is hired in any classification covered by this Memorandum of Understanding,

the City shall notify the person that the Union is the recognized employee organization and of the agency shop provision. The City will provide that person with a copy of the current Memorandum of Understanding.

### **7.03 Union Notification**

Except in cases of bona fide emergencies, the Union shall be given fourteen (14) calendar days' advance written notification of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council, or management, and shall be given the opportunity to meet with the City representative prior to its adoption.

### **7.04 Display Space and Department Mail**

The City shall provide display space at each facility covered by this Agreement, for the posting of notices approved by the Union. It shall be the Union's responsibility to maintain the information on the display space. The display space will be clearly marked as Union Display Space.

The Union shall have reasonable access to display space and departmental mail for the purpose of Union communications. A copy of non-privileged material shall be provided to the Human Resources Department.

### **7.05 Time Off for Union Officials**

#### **7.05.01 Meet and Confer or Consult Sessions**

During the term of this agreement, a reasonable number of Union members (from two to eight) shall be allowed a reasonable amount of paid release time off for meet and confer or meet and consult sessions scheduled with the City Council's designated representative, providing there is no disruption of work in the employee's division. The exact number to be released shall be determined by mutual agreement prior to the session; and shall vary by the type of issue being discussed (i.e., single department affected, multiple departments affected, etc.). The Union shall notify the Human Resources Director in advance of the meeting of the names of members who will be in attendance. Such Union members shall obtain permission through supervisory channels before leaving their work or work locations.

Ground rules for negotiating successor agreements shall specify the number of Union members allowed for the meet and confer sessions scheduled with the City Council's representatives.

#### **7.05.02 Union Stewards**

The Union shall be authorized to designate employees within the unit as stewards, not to exceed twenty-five (25) in number, and must furnish a list of these stewards to the Human Resources Department on a quarterly basis. Stewards shall be allowed a reasonable amount of paid release time for the purpose of representing a unit employee within the steward's area of representation as shown in Exhibit D in the filing or processing of identified grievances or disciplinary appeals as long as there is no disruption of work in the employee's division. The Union may designate an alternative representative when it deems appropriate. Stewards must first obtain permission through appropriate management channels before leaving their work or work location for such purposes. This provision shall be limited to periods of regular working hours. It is agreed the City shall not pay stewards for time spent in handling

grievances when they are not regularly scheduled to work.

7.05.03 Chief Stewards

The Union may designate up to five (5) Chief Stewards. Chief Stewards shall be entitled to release time to replace stewards when the Division Steward is not available.

7.05.04 Union Leave

Upon request of the Union's Santa Cruz Area Director, workers who are Union members may request unpaid release time not to exceed twelve (12) months for Union business. A worker granted such leave, who has regular status in their job class, shall have the right to return to their former position. In the event that the worker wants to continue benefits coverage (including medical, dental, vision and life insurance) through the City plans, arrangements will be made for the Union to reimburse the City for costs associated with continuing such coverage.

The Union may have the City Chapter President or Vice President of the Union released on work time to attend City Council meetings on matters within the scope of representation related to bargaining unit employees, upon approval of the Human Resources Director.

**7.06 Access to City Facilities**

With the approval of the site administrator, the Union's representative may meet with members on City facilities during the non-working hours of the employees involved. The non-working hours restriction does not apply to the handling of grievances. A reasonable effort will be made to accommodate the Union representative.

**7.07 Bargaining Unit Employee Information**

A. Bargaining Unit Employee List

On a bi-weekly basis, the City shall supply the Union with a comprehensive list of all employees covered by this MOU with the following information: full name, employee number, job classification, date of hire, termination date (if employment has ended), hourly rate, annual salary, date of birth, department, work location, work phone, work email (if available), personal email (if available), home address, mailing address, home phone, cellular phone (if available), and employment status (to include date of separation, etc.), to the extent permitted by law.

B. Protection of Contact/Biographical Information of Bargaining Unit Employees

The City shall immediately notify the Union of any third party requests for contact and/or biographical information about the bargaining unit employees. The City shall promptly provide the Union a copy of the request and any material submitted with the request.

The City shall provide the Union at least ten (10) days to review the request and challenge the scope of the request prior to the City responding to the request. The City agrees to consider the Union's response prior to disclosing to a third party any contact and/or biographical information about the bargaining unit employees.

## **7.08 Area Meetings**

The City shall provide employees two (2) hours of release time per area Union general membership meeting. The two (2) hours includes travel time to and from the meeting and cannot result in an adverse impact on City operations. The purpose of area meetings shall be to nominate and elect shop stewards and to provide a forum for Union communications. There shall be a maximum of three (3) area meetings annually. Union representatives shall have access to City facilities during work hours to conduct such area meetings with employees. The Union shall notify the Human Resources Director at least ten (10) workdays in advance of the date, time, and location of each area meeting. No more than two (2) Union officials shall be provided release time to conduct these meetings.

## **7.09 C.O.P.E. Deduction**

The City agrees to the establishment of a payroll deduction program for voluntary employee contributions to the Committee on Political Education, (C.O.P.E.) subject to the following conditions:

- A. Voluntary deductions for C.O.P.E. shall be withheld only if the employee so authorizes in writing on a form provided by the Union and approved by the City.
- B. Payroll deductions shall commence on the second pay period after the authorization is received by the City.
- C. Employees may sign up, change the amount of their contributions or discontinue their contributions at any time in the manner consistent with Section 7.01.
- D. The Union shall indemnify, defend and hold the City, its officers and employees harmless against any and all claims, demands, suits and from liabilities of any nature which may arise out of or by reason of any action taken or not taken by the City under the provisions of this section in the manner consistent with Section 7.01 G.

## **7.10 NEW EMPLOYEE ORIENTATION**

A. The City agrees that each newly hired bargaining unit employee shall participate in a scheduled new employee orientation that includes a half-hour (30 minute) Union informational in-person meeting within the first thirty (30) days from the date of hire during regular working hours and onsite without the loss of compensation. The City shall notify the Union no less than ten (10) days of a scheduled new employee orientation.

B. The Union agrees that it shall pre-designate up to five (5) Union designee(s) mutually agreed upon by the City and the Union no more than two of which will attend each orientation, session, or meeting, provided that there is no disruption of work in each designated Union employee's division due to these employees' attendance. The Union agrees that it shall provide the names of the Union's pre-designated designee(s) to the City's Human Resources Director in writing, at least five (5) calendar days prior to the scheduled attendance at the orientation meetings, sessions, or trainings, Union designee(s) who are included in the written notice of attendance by the Union submitted to the Human Resources Director, at least five (5) calendar days in advance, shall be given release time to conduct such orientation sessions, meetings, or trainings under this Section. For purpose of this subsection, Union designee(s) may include, but not limited to, Union representatives, officers, stewards and members.

C. City representatives shall be absent from the room during any sessions, meetings or

trainings conducted by the Union with newly hired employees. The City shall not discourage an employee's participation in the Union portion of the onboarding process.

## **SECTION 8.00 - PERSONNEL ACTIONS**

### **8.01 Personnel Files**

There shall be only one official personnel file which shall be maintained in the City's Human Resources Department. Employees shall have the right to review their personnel files or authorize, in writing, review by their representatives. No adverse material will be placed in an employee's personnel file without prior notice and a copy given to the employee. Employees may cause to be placed in their personnel files responses to adverse material inserted therein.

#### **8.01.01 Performance Evaluations**

It is compulsory that all regular employees receive an annual written performance evaluation from their supervisors. Employees serving a six-month probation will be evaluated at the completion of their third and sixth month of service. Employees serving a twelve-month probationary period will be evaluated at the completion of their third, sixth, ninth, and twelfth month of service. All regular employees will be evaluated on their merit review dates.

Evaluations are intended to be a summary of the employee's performance over the course of the evaluation period. Evaluations are also to be used as a tool to motivate the employee to work at their highest capacity and to communicate and document the employee's level of performance. To this end, the supervisor and the employee will meet and discuss work responsibilities, job standards and objectives, review progress and plan for the employee's future development prior to the evaluation being placed in the employee's personnel file. Supervisors will make every attempt to address performance issues in a timely manner throughout the evaluation period and provide appropriate feedback to employees on an ongoing basis.

Any additions, corrections, deletions or changes on the original evaluation form, require initialing by both the maker of the amendment and the employee to indicate that the changes have been discussed and understood. No evaluation shall be made on hearsay statements. Employees may also choose to appeal a performance evaluation to the department head and, if not satisfied, to the Human Resources Director and/or formally enter a response to the evaluation in their personnel file. Any unsatisfactory areas in an employee's evaluation shall have attached reasons stated by the rater in the commentary section and shall include specific recommendations for improvement and provisions for assisting the employee in implementing any recommendations made. Disputes regarding performance reviews shall not be subject to the grievance process.

#### **8.01.02 Late Evaluations**

Failure of the supervisor to present the employee with the evaluation within sixty (60) calendar days of the due date, unless extension is mutually agreed upon in writing, shall result in a recommendation of step advancement in conjunction with Section 10.01.02. However, as soon as possible thereafter, the supervisor shall conduct a performance evaluation in accordance with Section 8.01.01.

## **8.02 Probation**

### **8.02.01 Probationary Period**

All original, promotional and re-hire appointments shall be subject to a probationary period of (a) twelve months for Wastewater Collections Maintenance Trainees; and, (b) six months for all other unit employees. Any time spent by an employee on unpaid status shall not be counted as qualifying service toward completion of the probationary period.

Employees hired into positions that require a one-year probation shall receive credit toward completion of the probationary period for any time spent in the same position on a temporary assignment immediately prior to the regular appointment. Such credit shall be given on a monthly basis up to a maximum of six (6) months of credit.

### **8.02.02 Objective of Probationary Period**

The probationary period shall be regarded as part of the selection process and shall be utilized for training the new employee on work assignments and standards, and observing and evaluating the employees performance.

### **8.02.03 Rejection of Probationary Employee**

During the probation period, an employee may be rejected at any time by the appointing authority without the right of appeal. Notification of rejection shall be served to the probationary employee in writing.

Any promoted employee who is rejected during the probationary period shall be reinstated to the position from which promotion occurred; unless the rejection is due to discharge in which case no reinstatement shall occur.

### **8.02.04 Extension of Probation**

All efforts shall be made to sufficiently evaluate the probationary employee during the assigned period. An extension of the probationary period may, however, be recommended by the appointing authority when good cause exists. Such extensions shall be for a specific period of time not to exceed three (3) months. The employee shall be informed in writing of the reasons for the period of the extension at least seven (7) calendar days prior to the scheduled end of the probationary period. With the employee's consent, the probationary period may be extended as described above on less than seven (7) calendar days' written notice.

## **SECTION 9.00 - WORK ASSIGNMENTS**

### **9.01 Work Shifts**

A standard work period for full-time employees is eighty (80) hours per pay period with two (2) or more consecutive days off per week. In accordance with the Fair Labor Standards Act (FLSA) the City shall designate a standard forty (40) hour work week for each pay period week. Alternative work schedules (other than an eight hour, five day per week schedule) may be established by the City in consultation with the Union.

Employees shall be assigned regularly scheduled starting and quitting times. A shift is

defined as regularly set starting and quitting times. Affected employees and the Union shall be notified as much in advance as possible, but at least five (5) working days in advance of changes in shift schedules and work weeks. At least fifteen (15) calendar days' notice will be given to employees and the Union for changes to Police Records Technician schedules and the Union will have the opportunity to meet and respond to the Chief of Police and to present alternative scheduling plans for their review; the decision made by the Chief of Police regarding changing schedule plans shall be final.

## **9.02 Alternate Schedules/Flex Time, Telework, VTO and Developmental Assignments**

The City acknowledges that there may be benefits both to the City and the employee in alternative schedules. Employees may request that their department heads consider alternate scheduling of their work. Examples of alternate schedules include 4/10, 9/80, flex-time, job sharing, telework and voluntarily reduced work hours. The supervisor and department head may give consideration to such requests within existing law and policy, but are not obligated to change an employee's schedule.

The City may establish alternate/flex schedules and/or regularly scheduled telework within the guidelines of Section 9.01 (Work Shifts) of the MOU and existing law and policy.

### **9.02.01 Voluntary Time Off**

Requests for voluntary time off shall be made and granted according to APO #II-42, Voluntary Time Off (VTO) Program (June 2009). If requested, reasons for denial will be in writing.

### **9.02.02 Developmental Assignments**

The City and the Union acknowledge that there may be benefits both to the City and the employee in offering voluntary developmental opportunities such as job rotations, job exchanges and other professional development and training techniques. These developmental assignments shall be in accordance with Section 10.04 (Working Out of Classification). Any schedule changes necessary to accommodate a developmental assignment shall be implemented in accordance with Section 9.01-Work Shifts of this MOU.

## **9.03 Sanitation Work Hours**

All sanitation employees shall work a standard eight-hour (8) day, forty-hour (40) per week schedule.

## **9.04 Part-Time Employees**

The City shall not increase a regular part-time employee's work week for more than sixty (60) days without an opportunity for discussion between the employee and their supervisor.

Part-time employees who have their normal work schedule increased for a period that exceeds thirty (30) calendar days will have their benefit accruals increased accordingly. This applies only to an authorized increase in hours in the employee's own classification or into another regular City classification.

Changes in regular part-time employee schedules that affect benefit accruals must be submitted via PAF.

## **9.05 Seniority**

Subject to bona fide operational needs, seniority from the most recent date of hire in a regular position shall be the criterion used to determine eligibility and time for vacation (see also Section 12.02-Scheduling of Vacation), floating holidays and compensatory time off.

Seniority as a regular employee within the classification shall be the criterion used to determine shift selection and duty assignment. Within the sanitation division, seniority within the classification will be the criterion for route assignment.

When bona fide operational needs override the criterion of seniority for shift selection and duty assignment, the affected employee shall be furnished with a written description of those operational needs. Seniority shall not be the sole basis for rotational lead assignments or working-out-of-class assignments.

## **9.06 Lunch Period**

All full-time employees shall be entitled to and expected to take an uninterrupted, unpaid lunch period of a minimum of thirty (30) minutes at or about the mid-point of their workday with the exception of the Wastewater Plant Operators, Water Plant Operators, and Rangers assigned to the Police Department who are entitled to a paid thirty (30) minute lunch period. Supervisors may occasionally approve flexible scheduling of lunch periods for individual employees. Regular schedules that do not provide the required lunch period at or about the mid-point of the workday will not be allowed.

## **9.07 Rest Periods**

Employees shall be allowed a 15-minute rest period during each four hours of regular work. Departments may make reasonable rules concerning the scheduling of same. Rest periods not taken shall be waived. Rest periods cannot be taken at the beginning or end of a shift or combined with a meal period unless approved. This is not effective in periods of a bona fide emergency nature. Rest periods shall be considered work time.

## **9.08 Clean-Up Time**

Employees who work with hazardous, contaminated and/or dirty materials shall be allowed 10 minutes, (or more, if approved by the supervisor), prior to their lunch periods and before the end of their workdays to clean up.

### **9.08.01 Dress Time**

Employees who are required to wear a uniform that is maintained, laundered and provided by the City and required to change into/out of said uniform at their work location shall be permitted to take five (5) minutes of work time when changing into/out of required uniforms. This time may not be added to Clean-Up Time taken in accordance with Section 9.08 nor is it eligible for overtime without prior approval from the supervisor. This section does not preclude employees from voluntarily and without additional compensation electing to arrive and change prior to their scheduled start time. This provision does not apply to equipment donned temporarily over a uniform to complete specific tasks.

## **9.09 Emergency Meals**

The City shall provide meals for employees assigned to work emergency or unscheduled overtime when an employee works four or more hours contiguous to their regular work shift. Thereafter, an additional meal shall be provided for every four-hour period. Location of meal



sites shall be pursuant to administrative directive. The maximum emergency meal allowance will be \$15.00.

## **9.10 Light Duty Assignments**

If an employee's medical condition temporarily precludes the performance of their normal duties and management determines modified work is available and necessary to be performed, they may, with medical authorization from the employee's personal physician, be temporarily assigned to such work for a period not to exceed six (6) months, unless an extension is approved by the Appointing Authority. No change in base pay will result in this temporary assignment. The Human Resources Department will review departmental denials of requests for light duty assignments. The employee may request a meeting with the Human Resources Department to review any denial; at the employee's request, the employee's representative may accompany the employee to this meeting.

## **9.11 Parks Work Schedule**

A. Parks employees actually working eight (8) consecutive days or more, shall receive compensation of time and one half (1½) for those hours worked in excess of five (5) consecutive days. Paid time off in excess of three (3) hours shall not be considered time worked for the purpose of this payment. For example, an employee taking a paid leave in the middle of an eight (8) day work cycle would not qualify for overtime compensation.

Employees shall have the option of receiving the overtime compensation in the form of pay or compensatory time off.

The above pertains only to those employees who are rotating between assigned shifts.

B. All Parks employees periodically assigned to work weekends shall do so on a two (2) month rotational basis or longer, if by mutual agreement.

It is mutually understood that the difference in rotational schedules shall not be construed to diminish the City's rights to transfer employees.

## **9.12 Employment of "Regular, Limited Term" Employees**

### **9.12.01 Definition**

Regular, limited Term is an appointment to an authorized position budgeted for a period of thirty-nine (39) weeks or more, but less than fifty-two (52) weeks. For example, a thirty-nine (39) week employee may be placed in active status from March through November and be placed on furlough from December through February. No City employment, including temporary assignments, may be held during a furlough period except when offered to temporarily fill a vacant regular position in the same classification. Authorized Regular, Limited Term positions that are included in the covered classifications in the existing Service M.O.U. are covered by this agreement pursuant to Section 5.00-Recognition of the M.O.U.

### **9.12.02 Notification to Employee**

All regular, Limited Term employees shall be notified in writing of their term of employment at hire, including their specific furlough period. Employees shall be notified as soon as possible, but no less than ten (10) working days, of any changes to this work schedule.

9.12.03 Terms and Conditions

Changes to the M.O.U. that affect the terms and conditions of Regular, Limited Term employees are as follows:

1. Active Status: Employees shall receive the same benefits as other regular employees during their active working status.
  - A. Probationary Period/Step Increases: Probationary period and step increases will be in accordance with Section 8.02-Probation and 10.01.02-Advancement Within the Range of the M.O.U. It is understood that no credit towards probation or step increase advancement will be received during the furlough period.
  - B. Holidays: Employees shall receive all holidays occurring during their period of active status.
2. Furlough Status: Employees are not entitled to receive any City paid benefits or accrue leave time during their furlough (non-working) status. A furlough is not considered a leave of absence or a layoff.
  - A. Medical, Dental, Vision Benefits: During periods of furlough, Regular, Limited employees shall have the following options:
    1. Discontinue health coverage.
    2. Continue health coverage by paying the appropriate premium.
    3. Continue health coverage by paying the appropriate premium, in advance, by payroll deduction during active status.
  - B. Vacation/Sick Leave: Employees may not accrue sick or vacation leave or use any leave during their furlough. Any time accrued while in active status will remain in the employee's account balance during the term of the furlough.
  - C. Holidays: Employees will not receive any payment or time off for holidays which occur during their furloughs.

**SECTION 10.00 - PAY RATES AND PRACTICES**

- The 2% salary increase received on 7/4/2013 and the 2% salary increase received on 7/6/2014 shall not expire.
- Effective the pay period that begins on March 23, 2019, the salary for all bargaining unit members shall be increased by an additional four percent (4%).
- Effective the pay period that begins on March 7, 2020, the salary for all bargaining unit members shall be increased by an additional three percent (3%).
- Effective the pay period that begins on March 6, 2021, the salary for all bargaining unit members shall be increased by an additional three percent (3%).

## 10.01 Salary Steps

Each classification in the bargaining unit shall be assigned a salary range that increases by 5% between steps.

### 10.01.01 Salary Rates Upon Appointment

**New employees** shall be hired at the first step of the classification's salary range unless a higher starting step is recommended by the appointing authority based on the employee's advanced qualifications for the position and such recommendation is approved by the Human Resources Director for Steps A-H and the City Manager for Steps I-J. The City and the Union will meet quarterly to review data and trends of appointments above the first step.

Promoted employees shall be appointed to the first step in the salary range for the new classification. However, if such employee is already being paid at a rate equal to or higher than the first step of the higher range, the employee shall be placed at the next higher step in the new range that will result in at least a 2.5% salary increase if promoted to another Service position and at least 5% if promoted to a Supervisory or Management position. A higher promotional salary may be recommended by the appointing authority based on an employee's advanced qualifications for the position. Such recommendation is subject to approval by the Human Resources Director and the City Manager.

### 10.01.02 Advancement within the Range

A. Advancement within a classification's salary range shall normally be granted on the employee's scheduled merit review date. Such advancements shall be based solely on meritorious job performance as documented by a satisfactory performance evaluation submitted by the department head and approved by the Human Resources Director.

B. All new and promoted employees shall be granted their first merit increase upon successful completion of the probationary period (see Section 8.02-Probation).

The employee shall then be eligible for subsequent merit increases after each full year on paid status, continuing until the top of the salary range is attained.

C. Merit increases shall normally be from one pay step to the next higher pay step. A double step increase may be recommended by the department head based on an employee's exceptional performance as documented in her/his annual or end of probation performance evaluation. Such recommendation is subject to the approval of the Human Resources Director and the City Manager.

D. A merit increase may be denied by the department head when an employee's job performance falls below the acceptable work standards for the duties assigned. The department head may, in such a case, recommend that the employee's work performance be reviewed again at a specific time before the next review date. If a merit increase is granted at that time, the employee's original review date shall change and s/he shall be eligible for the next merit increase after one year on paid status from the new review date. If a merit increase is denied notice shall be given to the Union by mail or other agreed upon process upon request of the employee.

E. An employee's scheduled merit review date shall be adjusted for any time spent by the employee on unpaid status in excess of 80 hours.

F. When an employee's position is reclassified to a classification with a higher salary

range, the employee's new pay shall be set at the first step of the new range or the next higher step in the new range that provides the employee a salary increase of at least 2.5%. This increase shall have no effect on the employee's original merit review date.

## 10.02 Salary/Retirement

### 10.02.01 Employees Hired On or Before May 11, 2012 (Tier I)

This section shall apply to employees hired on or before May 11, 2012 who are members of CalPERS.

- A. Final Compensation Based on the Single Highest Year  
For purposes of determining a retirement benefit, final compensation for employees covered by this section shall be based on the single highest year.
- B. 2.0% @ 55 Pension Formula  
The 2.0% @ 55 pension formula shall be available to all employees covered by this section who are members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section.
- C. Required Employee Contribution  
Members covered by this section will contribute the employee contribution amount established by CalPERS for the 2.0% @ 55 pension formula. The required employee contribution amount effective July 1, 2013 is 7% on a pre-tax basis. Effective July 1, 2012, employees picked up an additional 1% of PERS (total 8%) on a pre-tax basis.

Effective July 5, 2014, employees shall pick up an additional one and a half percent (1.5%) of PERS (total 9.5%) on a pre-tax basis.

### 10.02.02 Employees Hired on or After May 12, 2012 but before January 1, 2013 (Tier II)

This section shall apply to employees hired on or after May 12, 2012 but before January 1, 2013 who are members of CalPERS.

- A. Final Compensation based on Three Year Average  
For purposes of determining a retirement benefit, final compensation for employees covered by this agreement shall be based on the employee's highest three year average.
- B. 2.0% @ 60 Pension Formula  
The 2.0% at 60 pension formula shall be available to all employees covered by this section who are members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section.
- C. Required Employee Contribution  
Members covered by this section will contribute the employee contribution amount established by CalPERS for the 2.0% at 60 pension formula. The required employee contribution amount effective July 1, 2013 is 7% on a pre-tax basis. Effective July 1, 2012, employees picked up an additional 1% of PERS (total 8%) on a pre-tax basis.

Effective July 5, 2014, employees shall pick up an additional one and a half percent (1.5%) of PERS (total 9.5%) on a pre-tax basis.

10.02.03 Employees Hired on or After January 1, 2013 (Tier III)

This section shall apply to employees hired on or after January 1, 2013 who are members of CalPERS, in accordance with law.

A. Final Compensation based on Three Year Average

For purposes of determining a retirement benefit, final compensation for employees covered by this agreement shall be based on the employee's highest three year average.

B. 2% @ 62 Pension Formula

Members covered by this section will contribute the employee contribution amount established by CalPERS for the 2.0% at 62 pension formula. The required contribution amount effective July 1, 2013 is 6.75%. Effective July 1, 2013, employees picked up an additional one percent (1%) of PERS on a pre-tax basis for a total of 7.75%. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section. Employees covered by this section who are classic members as defined by CalPERS may be eligible for a different pension formula.

C. Required Employee Contribution

Effective July 5, 2014, employees shall pick up an additional one and a half percent (1.5%) of PERS on a pre-tax basis above the employee's legally required contribution as calculated by PERS (total of 9.25% as of the signing of this MOU).

10.02.04 Retirement, All Employees

The City shall maintain the IRS 414(h)(2) provision allowing employees to defer State and Federal Income taxes on their CalPERS contributions.

10.02.05 Sick Leave Conversion

The City will provide the sick leave conversion benefit in accordance with Government Code Section 20965.

**10.03 Longevity**

Upon completion of ten (10) years of continuous regular service employees shall receive a 2-1/2% longevity pay increase. Upon completion of fifteen (15) years of continuous regular service employees shall receive an additional 2% longevity pay increase. Longevity is calculated from the date of hire into a regular status position or a fully benefited special status position. It is understood that longevity pay is considered "additional compensation" for purposes of PERS and tax computations.

**10.04 Working Out of Classification**

The term "working out of classification" is defined as a management-authorized assignment on a temporary basis of an employee in a lower classification to a budgeted higher classification. Assignments will be made to qualified employees assuming a significant number of duties of the higher classified position. Whenever reasonably possible, prior to authorizing a working out of classification assignment the supervisor will inform qualified

employees of the assignment and request volunteers. The Department may assign working out of classification on a rotational basis when the Department determines such rotational assignment would be appropriate. The purpose of rotation is to promote career ladder development. This article shall also apply for all hours worked in job sharing, job exchanges and other professional development and training opportunities within the City in accordance with Section 9.02-Alternate Schedules/Flex Time, Telework, VTO and Developmental Assignments and not subject to Section A and B of this article. Pay for “working out of classification” shall be as follows:

- A. Employees appointed to fill vacant positions will receive working out of class pay beginning the first shift of the assignment, for all hours worked during the assignment.
- B. Employees appointed to a position for vacation, sick leave or leave of absence coverage will receive working out of class pay beginning the first full shift of the assignment, for all hours worked during the assignment.
- C. Working out of class pay will be the next highest pay step in the classification to which the employee is assigned. Working out of class pay will not be less than a 2.5% increase when assigned to another Service position. Employees who work out of class in a Supervisory or Management position will receive working out of class pay of not less than a 5% increase.
- D. If the 2.5% or 5% pay differential above does not result in the employee reaching at least the first step of the higher salary range, the employee will be placed at the first step of the higher salary range.
- E. All assignments of more than 60 days will be made on a Personnel Action Form and will take effect at the beginning of a pay period, following the first day of the assignment.
- F. For employees who are considered new members to CalPERS after January 1, 2013, the difference in pay shall not be considered pensionable compensation pursuant to CalPERS.

#### **10.05 Shift Differential**

Any employee who is required and authorized by management to work a regularly scheduled shift at least one hour or more of which fall between the hours of 6:00 p.m. and 6:00 a.m. shall be paid a shift differential of \$0.90 per hour or five percent (5%) of base hourly rate for each hour worked within the shift differential period of 6:00 p.m. and 6:00 a.m., whichever is greater.

Shift differential shall not apply to:

- A. Paid leave hours, including vacation, sick leave, holidays and other paid leaves, provided in Section 14.00-Leaves of Absence.
- B. Hours that are worked between 6:00 p.m. and 6:00 a.m. as a result of call-back, duty assignment, or overtime.

#### **10.06 Lone Operator Differential**

##### **10.06.01 Water Plant Lone Operator**

Water Treatment Operator III's and IV's assigned to the Water Treatment Facility will

receive \$2.00 per hour additional shift differential subject to meeting all the conditions listed below:

- A. Department of Health Services Grade III Treatment Plant Operator Certification or higher.
- B. Fully qualified to operate the Graham Hill Treatment plant without direct supervision as determined by the Superintendent of Water Plant and Production.
- C. Works at least four (4) hours without any other qualified Water Treatment Operators present. Water Treatment Supervisor, Chief Plant Operator and Production Superintendent are not considered to be other qualified Water Treatment Operators for this section.

If the above conditions are met, then the shift differential will be paid for all hours worked on assigned "lone operator" shift.

#### 10.06.02 Wastewater Plant Lone Operator

Plant Operator III's or above assigned to the Wastewater Treatment Facility will receive \$2.00 per hour additional shift differential subject to meeting all the conditions listed below:

- A. State Water Resources Control Board Grade III Wastewater Plant Operator Certification or above.
- B. Fully qualified to work at the City of Santa Cruz Wastewater Treatment Plant as the Lone Operator.
- C. Understand and accept the "Working Alone Job Assignments and Scope of Responsibilities for the Lone Operator at the City of Santa Cruz Water Pollution Control Facility."
- D. Works at least four (4) hours without a Senior Plant Operator present (except for callback responses).

If the above conditions are met, then the shift differential will be paid for all hours worked on assigned "lone operator" shift.

### **10.07 Overtime**

The Union understands that from time to time employees may be directed to work overtime hours. When overtime work is necessary, the City will make an effort to distribute overtime equally among qualified, regular full-time employees. To the extent possible, employees will be given advance notification. An employee may be excused from overtime work for legitimate reasons.

Overtime is defined as all management authorized hours in a paid status in excess of forty (40) hours per week, which are contiguous with the employee's regular work schedule, excluding voluntary training. Overtime shall be computed at the rate of one and one-half times the base hourly rate or may be converted to compensatory time off at the rate of one and one-half times the hours worked.

Employees covered by the Fair Labor Standards Act (FLSA) are entitled to FLSA overtime which is defined as all hours required by management and actually worked by the employee in excess of forty (40) hours in a work period as defined by the City. FLSA overtime is

compensated in pay or compensatory time off at one and one-half (1-1/2) times the employee's regular rate of pay. The regular rate of pay is as defined in the FLSA.

An employee with accrued compensatory time off shall be permitted to use such time within a reasonable period after making the request unless such time off will unduly disrupt the operations of the department. Compensatory time off shall not be allowed to accumulate beyond eighty (80) hours at any given time. Employees may receive payment or carry over compensatory hours accrued at the conclusion of the fiscal year.

## **10.08 Callback**

Callback work is defined as work required by management of an employee who, following completion of the employee's work day or work week and departure from the employee's work site, is unexpectedly ordered to report back to duty or by phone or computer to perform necessary work.

### **10.08.01 Callback by Phone or Computer**

If the employee is able to respond by phone or computer and is not required to report to the worksite, then:

- A. For the first response of the day, a minimum of thirty minutes (0.5 hours) of overtime will be paid for actual overtime worked of less than thirty minutes. Thereafter, a minimum of fifteen minutes (0.25 hours) of overtime will be paid for actual overtime worked of less than fifteen minutes.
- B. An additional minimum will not be paid if an employee is required to respond to additional call(s) and the time and duration of the response is within the previous minimum.

### **10.08.02 Callback to Worksite**

- A. All callback hours shall be paid at the overtime rate. A minimum of two (2) hours of overtime compensation shall be paid for all callback periods of less than two (2) hours.
- B. Hours worked shall include reasonable travel time to work. Return travel time shall not be included within time worked.
- C. If an employee, who was called back to work and has completed their assignment and left work, is again called back to work, they will not receive another minimum if the time of return is within the previous callback minimum.
- D. Employees who are required to respond to the worksite will be provided mileage compensation, at the federal rate, for the use of their personal vehicles.

## **10.09 Duty Assignment**

### **10.09.01 Definition**

Duty assignment is defined as an assignment to an on-call status for a specified period of time. While on duty assignment, an employee must remain available to be contacted by phone or pager and be able to report to work within a thirty (30) minute period. Duty assignment shall not be considered "hours worked" pursuant to the Fair Labor Standards Act.



10.09.02      Assignment

Duty personnel shall be assigned on a weekly rotational basis from an established list consisting of, but not limited to, qualified volunteers. A voluntary rotation process will be the preferred method of duty assignment selection; however, the City may require duty assignment if there are insufficient qualified volunteers. Prior to making mandatory assignments, the City will notify the Union. Only “qualified” employees may be appointed to duty assignment lists, as determined by the appropriate department head(s). Such qualifications will be based on the nature and requirements of the tasks performed while on duty assignment. With the concurrence of the duty supervisor, duty assignments may be substituted by other personnel on an approved list, provided employees have at least one week between duty assignments.

10.09.03      Compensation

A.      Weekdays

Duty personnel shall receive one and one half (1.5) hours of their base hourly salary for a sixteen hour assignment. If the Alternative Transportation Incentive Program (Section 10.20) is mutually agreed upon to be eliminated on or after July 5, 2014, then Duty personnel shall receive an additional one half (0.5) hour of their base hourly salary for a sixteen hour assignment, for a total of two (2.0) hours.

B.      Weekends

Duty personnel shall receive two (2) hours of their base hourly salary for a twenty-four hour assignment. If the Alternative Transportation Incentive Program (Section 10.20) is mutually agreed upon to be eliminated on or after July 5, 2014, then Duty personnel shall receive an additional one (1.0) hour of their base hourly salary for a twenty-four hour assignment, for a total of three (3.0) hours.

C.      Holidays (City Designated Eight (8) Hour Holidays)

Duty personnel shall receive eight (8) hours of their base hourly salary for a twenty-four hour assignment.

D.      Holidays (City Designated four (4) Hour Holidays)

Duty personnel shall receive four (4) hours of their base hourly salary for a twenty hour assignment.

E.      All duty hours actually worked outside the employee’s regularly scheduled shift shall be compensated at the overtime rate. A minimum of two (2) hours of overtime will be paid for callouts of less than two (2) hours. An additional minimum will not be paid if an employee is required to perform an additional duty call and the time of return is within the previous duty call minimum.

If the assigned duty person or crew member assisting the duty person is required to respond to a call that requires them to work more than twelve (12) hours within a twenty-four hour period, and any portion of those twelve (12) hours is after midnight, the employee shall be entitled to an eight (8) hour rest period prior to returning to work. If any portion of the rest period occurs during the employee’s regular schedule, the employee shall receive regular paid compensation for that time.

F.      An employee shall have the option of receiving compensatory time off for the duty assignment compensation and hours worked.

## **10.10 Bilingual Pay**

The City shall provide payment of an additional \$0.55 per hour on the hourly rate for hours worked when the City certifies an employee as qualified and the position requires the use of bilingual language skills. This provision does not apply to the City translator.

## **10.11 City Translator**

The City Manager may appoint one employee who has demonstrated fluency in three or more languages, including Spanish and English, to serve as translator for the City and to receive an additional pay of \$100 per month while so acting.

## **10.12 Overpayments and Repayment of Funds**

The City will not attempt to recover overpayments made to employees as a result of an error made by the City which are over 12 months old.

### **A. Overpayments**

If an overpayment or unauthorized payment has been made to a City employee, the City shall notify the employee in writing and supply the employee with the documentation used to determine the overpayment.

If the employee contends that any portion or the entire amount is not owed, he or she may request a meeting with the City to attempt to resolve the disagreement. The employee may have a representative attend such meeting(s) with him or her.

### **B. Repayment of Funds**

An employee will pay no penalties, fees or interest as a result of the overpayment when the City and employee mutually agree upon how the repayment will be made. The employee shall have the right to select one of the following options for repayment:

1. Lump sum payment with the date mutually established by the employee and the City (lump sum payments must be made if the total amount due is 5 percent or less than the employee's biweekly gross salary).
2. Biweekly installment payments through payroll deduction (installment payments must be a minimum of \$10 and repayment must be completed within twenty-six pay periods).
3. Any other repayment arrangement mutually agreed upon between the City and the employee.

The final agreement on the repayment will be committed to writing (including the lump sum payment date, or the biweekly amount and the beginning and ending date of the installment plan identified).

### **C. Referral to Collections**

The City may refer an employee to a collection agency or seek payment only when the employee, after being duly notified of the overpayment and having had the opportunity to review the relevant documentation, refuses to agree to a repayment of the amount owed. The employee will be notified of the referral and the City reserves all its rights to

seek repayment and pursue all remedies under law including interest as it would for any other debtor.

### **10.13 Reimbursement for Licenses and Certificates**

Employees shall be reimbursed for the cost of licenses and certificates which are required to perform their job duties. No reimbursement shall be made for fees of less than \$5.

Employees whose job description requires a class A or B driver's license (except Senior Water Distribution Operators or Distribution Operators as their base pay includes this premium) shall receive \$50 per pay period provided they possess and maintain said required license in the performance of their job duties.

For classifications requiring certification at the Wastewater Treatment Facility and in the Wastewater Collections division, the City will pay one time on behalf of eligible employees the up-front costs associated with sitting for the applicable test. If the employee fails the test, all subsequent up-front costs associated with sitting again for the applicable test are the employee's responsibility. Once the employee has passed the test, the City will pay, on behalf of eligible employees, the fee required to obtain the certificate itself.

### **10.14 Departmental Technology Coordinator Differential**

An employee assigned as a Departmental Technology Coordinator by their Department Head will receive \$60 premium pay per pay period during the period of such assignment. Such differential will become effective the first full pay period of the assignment.

### **10.15 Leak Detection**

The Director of Water may, upon approval of the Human Resources Director, appoint an employee to be responsible for the leak detection program and to receive an additional \$23.08 per pay period while performing these duties effective the first full pay period of the assignment.

### **10.16 Water Department SCADA System Coordinator**

The Director of Water may, upon approval of the Human Resources Director, appoint one employee to be responsible for the Water Treatment Plant SCADA system and receive a 5% additional compensation while performing these duties effective the first full pay period of the assignment.

### **10.17 Water Department Store Keeper**

The Director of Water may, upon approval of the Human Resources Director, appoint one employee to be responsible for the Water Distribution storekeeper function and to receive an additional \$23.08 per pay period while performing these duties effective the first full pay period of the assignment.

### **10.18 Scuba Diving Premium Pay**

Employees who perform scuba diving duties shall receive double time their hourly rate of pay while diving. After the first hour, payments shall be based on quarter-hour increments.

## 10.19 Confined Space Rescue Premium Pay

This Premium Pay is paid for positions which involve toxic or hazardous conditions.

After receiving appropriate training provided by the City, all employees whose job description provides that they can perform confined space duties shall receive compensation of time and one half (1½) of their base hourly rate of pay for all hours worked while performing confined space duties. The hourly rate of pay for performing a confined space entry while on Overtime (MOU Section 10.07), Callback to Worksite (MOU Section 10.08.02), or Duty Assignment hours actually worked (MOU Section 10.09.03(E)) will be calculated as time and one half (1½) the underlying overtime rate (two and one quarter {2¼} of the base hourly straight time rate).

Hours worked performing confined space entry under this section is calculated as follows, using the times entered on the Confined Space Entry Permit:

- The calculated time begins when the first participant physically enters the confined space and ends when the last participant leaves the confined space, as recorded on the “Confined Space Entry Permit” (if all employees should leave the confined space at any time, the calculated time will cease until such time as a participant may re-enter the confined space).
- The individual time segments will be added together to determine the total duration of the confined space entry event.

Example:

0900 Pre-entry checklist complete.  
0915 A enters confined space; B and C are attending; clock starts.  
0923 A exits confined space; clock stops; segment elapsed time = 8 minutes.  
0932 A and B enter confined space; C is attending; clock starts again.  
0945 B exits space; clock continues to run since A remains in the confined space.  
0956 A exits confined space; clock stops; segment elapsed time = 24 minutes; this Confined Space Entry Event is now over.

Total time = 32 minutes

All participants in the event (A, B, and C) will enter the same cumulative total of thirty-two (32) minutes on their time sheets.

## 10.20 Alternative Transportation Incentive Program

In order to encourage use of public transportation and other alternative modes of transportation, the City will provide up to thirty percent (30%) reimbursement per employee of annual eligible transportation related expenses, subject to a cap, as defined in the City’s APO II-53- Alternative Transportation Incentive Program.

## 10.21 Planning Department Certification Compensation Incentive Premium Pay

“Certification Compensation Incentive” (CCI) is a management-authorized remuneration for obtaining and maintaining recognized professional certification for Inspection Services Employees. Professional certification shall be from a state or nationally recognized agency, assuring certification promotes a higher level of competency which benefits the life, health and safety of the community. CCI will be made to qualified employees when evidence of recognized professional certification is approved by the Chief Building Official and Department Director.

- A. Upon receipt of employee-provided certification, approval of professional certification will be verified by the department:
1. Professional certification shall be from a recognized state or nationally recognized agency acceptable to the City of Santa Cruz, such as International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), Council of American Building Officials (CABO) and California Division of the State Architect.
  2. Professional certification shall be part of a core responsibility of the employee.
  3. Professional certification shall be in distinct areas of expertise and shall not be duplicative. Therefore, only one certification per professional category is acceptable.
  4. Professional certification shall be maintained active and in good standing. The certification holder shall meet the ongoing maintenance requirements of the approved issuing agency. This means renewing applicable certifications every three (3) years by completing the required number of CEU's based upon the number and/or type of certifications as prescribed by the approved issuing agency.
  5. Certification costs will be reimbursed with this program. It should be noted that this reimbursement is more generous than current MOU guidelines where reimbursement is provided for required certification only.
  6. As this is a voluntary program, paid release time will not be provided; approval of employee requests for personal paid time off during working hours will not be unreasonably denied.
- B. CCI will be calculated as follows:
1. An increase of two percent (2%) of the employee's base salary will be applied for each approved professional certification.
  2. A maximum number of professional certifications will be accepted as outlined in this section per job title, provided the base certification(s) requirement is met:
    - a. Building Inspector and Assistant Plans Examiner are eligible for up to five (5) paid certifications, after one (1) residential base certification (Building Inspector or Building Plans Examiner) is obtained.
    - b. Senior Building Inspector and Senior Plans Examiner are eligible for up to five (5) paid certifications, after one (1) combination residential and commercial base certification (Building Inspector or Building Plans Examiner) is obtained.
    - c. Supervising Building Inspector and Supervising Plans Examiner are eligible for up to four (4) paid certifications, after two (2) combination residential and commercial base certifications (Building Inspector or Building Plans Examiner, plus either Mechanical, Electrical or Plumbing) are obtained.
- C. Upon department approval and in accordance with Administrative Procedure Order (APO) II-17 a completed and approved Premium Pay Form is required before any change to an employee's status and/or pay rate.
- D. The department will verify maintenance of certification annually.
- E. Lapse of Certification/Current Employees
1. If certification as part of this premium pay program lapses, the premium pay will be discontinued in the pay period in which the certification lapsed or became inactive.
  2. To clarify, for existing employees as of the effective date of this policy, because this

is a voluntary program, current employees in the eligible classifications will not be required to obtain certification which are eligible for premium pay, similar to anyone in the classification. They will be encouraged to do so via this incentivized premium pay program.

## **10.22 Hazardous Materials Premium Pay**

The City will provide a twenty-five dollar (\$25) per month stipend for all employees assigned to perform this work as identified in the City's Injury and Illness Prevention Program ("IIPP").

## **SECTION 11.00 - HOLIDAYS**

Part-time employees shall receive the following holiday benefits on a pro-rated basis, given the ratio of their budgeted work schedule to full time. (Except as modified by Section 9.04-Part-Time Employees.)

All employees will accrue paid holiday time for use in the pay period with the holiday. The accrual will be in the amount listed for the holidays listed in Section 11.01 (Fixed Holidays) of this MOU.

Employees must be in paid status the day before and the day after the holiday, and for at least 50% of the pay period, to accrue their holiday hours.

Employees are required to use holiday leave on holidays they do not work, even if they are on leave or are sick. The use of vacation, compensatory time, excess holiday, or other leave time on holidays is only allowed to make up the difference between the hours of holiday granted and the amount of hours the employee is scheduled to work.

### **11.01 Fixed Holidays**

Employees within the unit shall have the following specific holidays with pay:

#### **Ten (Eight (8) Hour Holidays)**

New Year's Day  
Martin Luther King's Birthday  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Day

#### **Two (Four (4) Hour Holidays)**

The last four (4) hours of the work shift are Holiday hours for Christmas Eve (if Christmas Day is on a Tuesday-Saturday)

The last four (4) hours of the work shift are Holiday hours for New Year's Eve (if New Year's Day is on a Tuesday-Saturday)

Except as provided for in Christmas Eve and New Year's Eve, when a holiday falls on

Sunday, the following Monday shall be observed. When a holiday falls on Saturday, the preceding Friday shall be observed.

The City shall recognize all other days appointed by the President of the United States or the Governor of the State of California as a nationwide or statewide public holiday provided specific prior approval is received from the City Council.

### **11.02 Floating Holidays**

In addition to the above fixed holidays, employees shall accrue up to twenty-four (24) hours of floating holidays per fiscal year. Floating Holiday accrual shall be on a monthly basis. Full-time employees shall accrue floating holiday at the rate of two (2) hours per month. Part-time employees shall accrue floating holiday on a pro-rated basis, given the ratio of their budgeted work schedule to full time (e.g., all employees working in a 20 hour/week position shall receive one (1) hour of floating holiday each month).

Floating Holidays may only be taken with prior approval.

Accumulation of Floating Holidays shall not exceed twenty-four (24) hours. Upon separation, the employees shall receive their unused accrued Floating Holiday.

### **11.03 Holiday Work**

Due to the public service nature of City departments, some positions are required to work holidays on either a regularly assigned or emergency basis. The purpose of this section is to provide extra compensation to employees who are directed to work on any of the fixed holidays as listed in Section 11.01 – Fixed Holidays. This article applies to employees normally required to work on a fixed holiday (excluding observed holidays), based on a regular shift or rotating schedule, and to employees not normally required to work on a holiday, but who are directed to do so due to an operational need.

All of the above identified employees shall be compensated at the overtime rate of pay for all hours actually worked on the holiday. In addition, the employee shall receive their holiday pay or equivalent holiday time off at a later date, at the option of the employee.

### **11.04 Holiday on Regular Day Off**

An employee whose regular day off falls on a fixed holiday shall receive equivalent holiday time off at a later date.

### **11.05 Holidays During Vacation**

Fixed holidays which occur while an employee is on paid vacation leave shall be charged to holiday hours and not the employee's vacation balances.

### **11.06 Holiday Pay-off**

On the last pay day in June each year, any fixed holiday hours not taken prior to the twenty-sixth (26<sup>th</sup>) pay period of the fiscal year shall be credited to the employee's vacation balance not to exceed the vacation accrual maximum set out in Section 12.04 - Rate of Maximum Vacation Accrual.

## **SECTION 12.00 - VACATION**

### **12.01 Accrual**

Vacation accrual will be on a per pay period basis beginning at date of hire as a regular employee; however, no vacation time may be taken until a new employee has successfully completed six (6) months of paid service. An employee must be in paid status for at least fifty percent (50%) of a pay period to earn their vacation accrual. Annual vacation accrual for fulltime employees working forty (40) hours per week shall be based on continuous regular service, as follows:

Up to five (5) years: 80 hours

After five (5) years and up to ten (10) years: 120 hours

After ten (10) years: 120 hours, plus 8 hours for each year of service after ten (10) years, to a maximum of 160 hours.

Part-time employees shall accrue vacation on a pro-rated basis given the ratio of their budgeted work schedule to full time (e.g., employees with up to five (5) years of continuous regular service working in a twenty (20) hour per week position shall accrue forty (40) hours of vacation annually.

### **12.02 Scheduling of Vacation**

Vacation time may be used in increments of one hour or more. Whenever appropriate, vacation scheduling shall be done within the time frame established by the division. Vacation may be taken with twenty-four (24) hours prior notification and approval of the supervisor. A reasonable effort will be made to accommodate the employee.

Vacation periods of qualified employees shall be set with regard to the wishes and seniority of the employee, consistent with the efficient operations of the various City departments and divisions. Any disputes shall be resolved by the department head.

### **12.03 Illness During Vacation**

An employee who becomes ill or is hospitalized while on vacation and provides a written statement from a licensed medical practitioner to this effect shall have the period of illness charged against sick leave and not vacation leave.

### **12.04 Rate of Maximum Vacation Accrual**

Vacation accumulation may not exceed twice the annual rate of accrual, unless prior written authorization for a specified amount of hours and a specified amount of time is received from the Department Head and the Human Resources Director. Employees will receive at least sixty (60) days' notice prior to exceeding their maximum accrual rate.

## **SECTION 13.00 - SICK LEAVE**

### **13.01 Definition**

The purpose of this section is to provide paid leave time to be used by employees in the event of their need for preventive healthcare, care of an existing health condition, as victims of domestic violence, sexual assault or stalking, and for the necessity of designated family members for the reasons specified below in Section 13.02.01-Family Sick Leave.



Employees may also use up to twenty-four (24) hours of their paid sick leave per fiscal year as specified in Section 14.01.01-Personal Business Leave and up to one (1) scheduled work week as specified in Section 14.01.02-Bereavement Leave.

### **13.02 Accrual and Use**

Full-time employees shall accrue sick leave at the rate of eight (8) hours per month. An employee must be in paid status for at least 50% of a pay period to earn their sick leave accrual.

Part-time employees shall accrue sick leave on a pro-rated basis, given the ratio of their budgeted work schedule to full-time (e.g., all employees working in a 20 hour/week position shall receive four (4) hours of sick leave each month, except as modified by Section 9.04-Part-Time Employees).

When accrued sick leave must be used, an employee will notify their immediate supervisor of the leave and its probable duration within one hour after the regular scheduled starting time. Sick leave shall not be granted unless such report or advance reporting has been made; provided, however, that the department head may grant an exception to this policy when it is determined that the employee's failure to notify was due to extreme circumstances beyond the control of the employee.

Employees shall be eligible for the sick leave advance program as specified in the Personnel Rules and Regulations rule #10.8-Sick Leave Depletion Allowance.

#### **13.02.01 Family Sick Leave**

Up to forty-eight (48) hours of accrued sick leave per fiscal year may be used when the employee's personal attendance is required to care for a family member for preventive care, care of an existing health condition, or if they are a victim of domestic violence, sexual assault, or stalking. For the purposes of this provision, immediate family is defined as a wife, husband, son, daughter, father, mother, brother, sister, registered principal domestic partner, step-father, step-mother, grandparent, grandchild, or other close relation residing in the employee's household. This forty-eight (48) hours limitation may be extended by the Human Resources Director with good cause.

### **13.03 Limitations**

Upon advance written notice for a specific period and in conjunction with progressive discipline, a department head may require an employee to submit verification of an illness or injury from a licensed medical practitioner prior to any use of sick leave being authorized.

In cases of chronic absenteeism or medical work restrictions, the Human Resources Director may have an employee examined by a City-selected physician. The City shall pay the cost of any such medical exam.

### **13.04 Sick Leave Incentive Program**

On the last pay day in June each year, employees who have accumulated more than 400 hours of sick leave will "bank" all hours in excess of 400. Employees may instead choose to convert sick leave hours in excess of 400 to vacation hours at the rate of 33% of their current base rate of pay (not to exceed the Vacation Accrual Limit set out in Section 12.04-Rate of Maximum Vacation Accrual). The City will notify employees at least two (2) weeks

before banking excess hours of sick leave.

## **SECTION 14.00 - LEAVES OF ABSENCE**

All leaves provided in this section shall be granted to full-time employees at the rates described. Part-time employees shall receive paid leaves of absence on a pro-rated basis, given the ratio of their budgeted work schedule to full time.

### **14.01 Paid Leaves of Absence**

#### 14.01.01 Personal Business Leave

Employees may use up to twenty-four (24) hours per fiscal year of their accrued sick leave for the purpose of personal business which shall not include recreational activities.

#### 14.01.02 Bereavement Leave

The purpose of this section is to provide paid leave for employees when they are bereaved at the death of a family member and this loss has had a temporary effect on their ability to continue their daily work performance.

A leave of absence with pay of up to forty (40) hours per incident may be granted an employee by the department head in the event of a death in the employee's immediate family which shall for the purpose of this article include spouse, parent, son, daughter, grandparent, sibling, mother-in-law or father-in-law, brother-in-law, sister-in-law, grandchild of the employee or spouse, son-in-law, daughter-in-law, grandparent-in-law, registered Principal Domestic Partner, or other close relation residing in the employee's household. In rare cases when the individual has no other legal relationship other than a foster or step parent, the HR Director or City Manager has the discretion to approve that leave upon application.

Additional leave equivalent to one (1) scheduled work week, chargeable to accrued sick leave, may be taken by an employee who needs additional time off in connection with a death in the family (as defined in this article).

#### 14.01.03 Jury Duty

An employee required to report for jury duty or to answer a subpoena as a witness in their capacity as a City employee, except where the employee is suing the City, shall be granted a leave of absence with pay for actual time spent in court and in related travel, not to exceed the number of hours in the employee's normal workday and work week. Employees assigned to swing, graveyard or other non-standard shifts shall receive equivalent time off when performing jury duty on their scheduled work day on the day the jury duty is performed. An employee must notify their supervisor of the expected duration of the absence and must present to the department head official documents supporting such duty. An employee shall reimburse the City for any jury services or witness fees received except mileage or subsistence allowance. This section shall not apply to grand jury service.

#### 14.01.04 Absence for Examination

An employee shall be granted paid release time to participate in any part of an examination process for promotion or transfer within the City workforce that is scheduled during the employee's regular hours of work. The employee shall notify their immediate supervisor twenty-four (24) hours in advance of such an absence.

14.01.05 Blood Donations

An employee may be granted paid release time of up to a maximum of one (1) hour for donating blood during regularly scheduled hours of work. The length of such leave must be approved by the supervisor and is dependent upon the nature and scheduling of the work performed and the travel distance required.

14.01.06 Military Duty

An employee who is a member of the National Guard or any reserve component of the armed services of the U.S. shall be granted up to thirty (30) calendar days per fiscal year of paid leave for any reserve training or active duty scheduled during the employee's regular work hours. The employee must give their supervisor forty-eight (48) hours advance notification of the need for such leave and must present a copy of the "notice" for such duty. All other military leaves shall be granted pursuant to relevant State and Federal statutes.

When employees who have at least one year of City service are called up to active-duty military service those employees shall receive the difference between military pay and their current base salary for a period of six months in addition to the initial thirty (30) calendar day pay. The employee will be entitled to receive this pay upon submission of proof of active duty and proof of military pay, in accordance with the applicable City procedures.

14.01.07 Workers' Compensation

An employee who is entitled to continued temporary disability payments may use accumulated paid leave to supplement such payments to an amount equal to their net salary. After depletion of any accrued paid leaves, the employee shall be eligible for benefits only in the amounts prescribed by the workers' compensation laws.

The Union and the City recognize that work-related injuries/illnesses can often be prevented. Therefore, work-related injuries/illnesses shall be an ongoing agenda item for the Citywide Safety Committee. Proactive, preventive measures may be recommended by the Committee. The Committee will also make recommendations on appropriate way(s) of reviewing workers' compensation claims.

14.01.08 Paid Birth/Adoptive Leave

An employee is entitled to forty (40) hours leave with pay – prorated for part-time employees – at or about the time of the birth of the employee's child or at the time of adopting a child. The paid leave shall be within two (2) months of the birth or adoption. This leave will be considered a part of the time allotted to family leave as authorized in Section 14.02.03-Family Leave.

**14.02 Unpaid Leaves of Absence**

14.02.01 Medical or Personal Leave

Leave of absence without pay will normally be granted to an employee in critical situations such as extended illness, disability, or personal emergency and may be granted in non-critical situations where such absence would not be contrary to the best interests of the City. Approvals of all such leaves of absence are at the sole discretion of management. Such unpaid leave will only be granted after an employee has depleted all appropriate paid leaves, except that employees on medical leave may retain up to eighty (80) hours of accrued vacation. The department head may grant a leave of absence of up to thirty (30) consecutive

calendar days; additional leave may only be granted by the City Manager. No vacation, holidays, sick leave, or any other paid benefit shall be accrued or earned during such leave. All requests for unpaid leaves of absence must be made in writing and include specific begin and end dates for the leave. Department heads shall grant leaves of absence requests within their department in a consistent and equitable manner. When requested, the department head shall meet with the employee to review the reasons for denial.

#### 14.02.02 Pregnancy Disability Leave

An employee may take a leave of absence of up to four (4) months in length for the purpose of pregnancy disability leave. The employee must provide adequate medical certification regarding any work restrictions that may exist prior to or after the birth.

Requests for pregnancy disability leave must be made in writing to the department head at least thirty (30) days in advance of the anticipated starting date. Such requests must include specific beginning and ending dates for the leave. Starting dates should be as accurate as possible barring any unforeseen medical issues related to the pregnancy or earlier or later birth than anticipated. Any requests for extension of pregnancy disability leave must be made in writing to the department head at least ten (10) calendar days prior to the scheduled end of the existing leave.

The employee may elect to, or in some cases be required to, use accrued paid leaves either before or after an approved pregnancy disability leave, within the use limitations of those leave provisions. No combination of pregnancy disability leave, family leave, sick leave or vacation may exceed one (1) year total or seven (7) months post-partum.

Any additional post-partum leave, not to exceed one (1) year total, may be approved by the City Manager or his designee after consideration of the nature of the request and the operational needs of the department.

Upon return to work, the employee shall be assigned to the same classification but not necessarily to the same department.

The department head may grant a leave of absence of up to thirty (30) consecutive calendar days; additional leave may only be granted by the City Manager and may not exceed a total of twelve months.

#### 14.02.03 Family Leave

1. In accordance with the Federal Family and Medical Leave Act and the California Family Rights Act, the City will grant job protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks (continuous or cumulative), per twelve-month calendar year period. (effective January 1, 2016, per rolling twelve (12) month period measured backward) for any one or more of the following reasons:
  - A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve-month period following the child's birth or placement with the employee); or
  - B. In order to care for an immediate family member (spouse, domestic partner, child, or parent) of the employee if such immediate family member has a serious health condition; or

- C. The employee's own serious health condition that makes the employee unable to perform the functions of their position.
  - D. Military family leave, which includes:
    - 1. "Qualifying Exigency Leave" may be taken if the employee's spouse, son, daughter, or parent is on covered active duty or called to covered active duty status in the Regular Armed Forces during deployment to a foreign country or in the National Guard and Reserves during deployment to a foreign country under a call or order in support of a contingency operation; qualifying exigencies may include short-notice deployment, attending certain military events, arranging for alternative childcare and school activities, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperations, and attending post-deployment reintegration briefings.
    - 2. "Military Caregiver Leave" of up to twenty-six (26) workweeks in a twelve (12) month period may be taken by an eligible employee who is the spouse, son, daughter, parent, or next of kin of a "covered servicemember", in order to care for the covered servicemember with a serious illness or injury incurred or aggravated in the line of duty while on active military duty.
2. Conditions covering the leave shall include the following:
- A. Eligible employee means having been employed by the City for twelve (12) months and has worked for at least 1,250 hours during the twelve-month period immediately preceding the commencement of the leave;
  - B. Medical verification is required for employee or ill family member for medical leave period;
  - C. Employees are required to give at least thirty (30) days written notice in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much written notice as is practicable.
  - D. Employees are required to use accrued vacation as a part of the family leave period. Use of sick and other appropriate paid leave is not required, but may be used pursuant to the applicable provisions of this Memorandum of Understanding.
  - E. Pregnancy disability is not covered under this section and is covered by the California Fair Employment and Housing Act which allows up to four (4) months of leave depending on the actual disability (see section 14.02.02-Pregnancy Disability Leave).
  - F. Employees retain "employee" status while on family care leave. The leave does not constitute a break in service for purposes of longevity, and/or seniority. Upon return to work, employee will be reinstated to an equivalent position with equivalent pay and benefits.
  - G. Any request for additional leave may be made pursuant to Section 14.02.01-Medical or Personal Leave. Requests for leave time using multiple time off provisions may not exceed the total amount allowed pursuant to Section 14.02.01-Medical or Personal Leave.

- H. Any other conditions or interpretations of this leave shall be based upon the Federal Family and Medical Leave Act and the California Family Rights Act.

### **14.03 Continuation of Insurance Benefits During Unpaid Leaves of Absence**

City sponsored insurance benefits may be continued during unpaid leaves of absence under the following conditions:

#### **14.03.01 Personal Leave**

The City shall continue to pay benefit premiums during a personal leave of less than thirty (30) calendar days.

For leaves of more than thirty (30) calendar days, employees may continue premium payments at their own cost, in accordance with appropriate PERS medical plan provisions.

#### **14.03.02 Medical Leave**

The City shall continue to pay benefit premiums during the entire length of a medical leave of absence including pregnancy disability leave.

#### **14.03.03 Family Leave**

Benefit premiums shall be made in accordance with the Federal Family and Medical Leave Act and the California Family Rights Act. Under the current law, the City will continue to maintain coverage under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

## **SECTION 15.00 - BENEFITS**

### **15.01 Medical Benefits**

#### **A. Cafeteria Plan**

The City will provide medical insurance through the California Public Employees' Retirement System (CalPERS). The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA).

In accordance with IRS Code Section 125, the City will provide a Flexible Benefits Plan ("Cafeteria Plan") to all eligible employees. If an employee elects to participate in a CalPERS medical plan, the maximum monthly City contribution, including the PERS required minimum, will equal 95% of the premium of the Bay Area Region Blue Shield Access+ HMO or the PERS Choice Blue Cross PPO for employees and their eligible dependents. Employees enrolled in other plans will receive a premium equal to the greater of 95% of the Bay Area Region Blue Shield HMO or the PERS Choice Blue Cross PPO premium. In no event will employees be credited with cash based on the plan chosen. In the event that either the Blue Shield Access+ HMO or the PERS Choice Blue Cross PPO plans are no longer available, the City and the Union shall meet and confer to designate a similar cost plan as the benchmark.

#### **B. Optional Benefits**

Through the Cafeteria Plan, employees may enroll in the following optional benefits and elect to pay premiums on a pre-tax basis:

1. Medical Reimbursement Account (MRA)
2. Dependent Care Reimbursement Account (DCAP)
3. Cancer and Critical Illness Protection Insurance

Employees may also enroll in the following optional benefits and elect to pay premiums on a post-tax basis:

4. Accident Protection Insurance
5. Additional Life Insurance
6. Long Term Care Insurance

C. Medical Waiver

Employees may elect to waive City medical coverage and receive a cash benefit. In order to receive the medical waiver benefit, the employee must provide proof to the City of other current medical coverage. Full-time employees who waive medical coverage are eligible to receive \$200 per month; part-time employees shall receive a prorated amount, based upon their full time equivalency (FTE). The medical waiver amount may be applied toward the purchase of any pre-tax or post-tax optional benefits, or paid as a taxable cash benefit.

Employees receiving the medical waiver benefit must notify the Human Resources Department if they cease to be covered by any other medical plan, thereby making them ineligible for the medical waiver benefit.

D. Medical Plan Changes

The City will continue to work with the Healthcare Cost Containment Committee to research alternatives to the CalPERS medical plan. If the City discontinues CalPERS medical coverage, to the extent possible, the City will provide similar coverage. In the event of a change in medical plan coverage, the City will provide the Union sixty (60) days' notice and the opportunity to discuss any such change and meet and confer regarding the impact of any changes. No changes will be made without mutual agreement of both parties.

## **15.02 Dental Insurance**

The City shall provide a dental plan for employees and their eligible dependents at no cost to employees with a maximum benefit of \$1,700 per covered individual per calendar year.

## **15.03 Vision**

The City shall provide a vision plan for employees and their eligible dependents at no cost to employees. Coverage will include an annual eye examination and lenses. Contacts or frames will be covered every two years.

## **15.04 Long Term Disability**

The City shall contribute full cost of the City-sponsored long-term disability program for employees working 20 or more hours per week. The plan will pay 66.6667% of the employee's monthly earnings (as defined in the LTD contract) to a maximum benefit of \$4,000.00 per month.

### 15.04.01 Short Term Disability

The City will provide, at the City's cost, to SEIU represented employees CA SDI and STD

Plan Option #9 (30 day EP to dovetail with LTD 90 day EP, 24-hour coverage), and will implement this during the first year of the agreement and as soon as administratively feasible.

#### **15.05 Part-Time Employees - Benefits Proration**

The City shall pay a pro-rated share of medical, dental, vision and life insurance premiums for part-time employees. Except as modified by Section 9.04-Part-Time Employees, the City's pro-rated share of the premiums shall be based upon the proportion of the part-time employee's hours in relation to full time equivalency (FTE)\* (e.g., a 24 hour per week position is .6 FTE; an employee in a .6 FTE position will receive 60% of the premium paid by the City for a full time employee). Part-time employees shall pay the balance of the premiums on a pre-tax basis unless the employee elects to pay the balance on a post-tax basis.

\*Full time equivalency, or FTE, is the ratio of an employee's budgeted work schedule to full-time work. Effective September 3, 2011 the employee paid pro-rated share of medical, dental, vision, and life insurance premiums shall be fixed at the 2011 premium plan rates.

#### **15.06 Medical Plan**

Each unit member participating in a medical plan will make an additional \$29.50 contribution per pay period towards the cost of health care benefits beginning with the pay period containing July 5, 2015. This pre-tax contribution is made during pay periods where employee deductions for health care benefits are taken (24 pay periods).

#### **15.07 Retiree Health Program**

##### **A. Retiree Medical Plan**

Covered employees who retire under the provisions of the City's contract with CalPERS, are currently eligible to continue CalPERS medical coverage. The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA).

##### **B. Retiree Medical Incentive**

Employees who receive a regular service retirement from CalPERS and have at the time of retirement at least ten (10) years of continued service with the City and are at least fifty five (55) years of age, will receive a retiree medical incentive in the amount of \$100.00 per month. This incentive will be paid during any period the retiree maintains CalPERS medical coverage and until such time as the retiree is eligible for Medicare or other Federal or State health programs, solely on account of age. If coverage is dropped and subsequently re-started it is the retiree's responsibility to give the City written notice; payment of the incentive will be re-started beginning with the month in which the City receives written notice. If notice is received in a month after which coverage was re-started there will be no retroactive payment of the incentive for that/those month(s).

#### **15.08 Life Insurance**

The City shall provide a \$20,000 term life insurance policy for employees.

#### **15.09 Uniform Allowance**

The City shall provide required uniforms at its own expense.



The City will replace worn or damaged uniforms, providing the employee returns the damaged or worn uniform to their supervisor.

Routine care and maintenance will be provided by the City. With departmental approval, employees may provide their own uniform care and maintenance.

#### **15.10 Equipment Mechanic Tools**

Equipment mechanics and equipment service workers are required to own and maintain a full set of mechanic's tools up to 3/4" (basic tools). All larger tools and specialized tooling will be furnished by the City.

The City agrees to replace any personal tools stolen on City property, provided a police report is filed. Broken basic tools will be replaced at City expense provided the mechanic enters on file with garage management an inventory list of tools owned by them and housed in the City garage.

All equipment mechanics and equipment service workers required to supply tools necessary for performance of their job will be paid a tool reimbursement allowance not to exceed \$500 per year. All tool purchases are subject to prior approval by a department representative. This allowance shall be paid during the month of March of each year.

#### **15.11 Principal Domestic Partners**

The City will provide medical, dental and vision benefits to employees with Principal Domestic Partners equivalent to those provided to an employee's Spouse. Employees may enroll their eligible Principal Domestic Partners and the eligible dependents of their Principal Domestic Partners subject to the eligibility requirements established by either CalPERS or the City and subject to the tax regulations of the State of California and the Internal Revenue Service of the United States Government.

### **SECTION 16.00 - SAFETY**

#### **16.01 Intent**

The City intends to meet its obligation under the California Occupational Safety and Health Act and shall adopt and use reasonable safeguards, devices and practices for safe employment. Responsibility for promoting safety practices is shared equally by the City and its employees. The City will provide appropriate safety training courses and may place reasonable requirements of prior training and/or certification before employees engage in certain activities.

Employees shall report unsafe working conditions and shall not be penalized for refusal to work under conditions where adequate safety precautions have not been taken. Any employee receiving disciplinary action as a result of refusing to work under those conditions has the right to appeal through the disciplinary appeal provisions of this Memorandum of Understanding.

In order to ensure that health and safety hazards are dealt with on a timely basis, the following procedure shall be used to deal with potential hazards.

- A. Employees shall report health and safety hazards to their immediate supervisor upon discovery and in accordance with appropriate City Administrative Procedures. If the immediate supervisor is unable to abate the hazard, they shall refer the matter to the department/division manager, or
- B. Employees may use the Safety Communication System as provided in the City's Administrative Procedure Order II-34 Injury and Illness Prevention Program.

### **16.02 Safety Committee**

One third of the Citywide safety committee shall be from the Service employees' unit. This committee shall meet at least quarterly to consider potential or actual health, safety and training matters. Unit members shall serve on the safety committee without loss of compensation.

The safety committee shall be apprised of all reported hazards, their status, and resolution of the issue(s).

### **16.03 Safety Boots**

The City shall provide safety boots/shoes for employees in the classifications that require wearing them as shown in Exhibit E. The City may establish administrative procedures for the selection and purchase of such boots/shoes. All eligible employees will be required to wear safety boots/shoes while on duty unless granted a medical exemption. Safety boots/shoes shall not be worn for non-work related purposes. Boots/shoes shall be replaced on an as-needed basis up to the current annual limit of \$175. If feasible, the City will offer a choice of different styles of boots/shoes.

## **SECTION 17.00 - REDUCTION IN FORCE**

### **17.01 Layoffs**

The City reserves the right to reduce its workforce by laying off employees for reasons of economy or changes in departmental operations. In the event of a reduction in force, the City Council shall approve the classes, positions and number of employees to be eliminated. The City at that time shall provide the Union with a current seniority list for those employees and classes affected.

The order of lay-offs shall be governed by seniority in service. Reinstatement shall be in the reverse order of lay-offs. Seniority shall be based on total hours worked, exclusive of overtime, since the last date of hire into a regular or temporary City position, provided that the hours in a temporary position must be in a classification within the Service Employees' Bargaining Unit.

When one or more employees assigned to the same classification within a department are to be laid off, the order of lay-off shall be as follows:

1. Temporary
2. Probationary
3. Regular

Accordingly, in the case of reduction in force, temporary workers who perform the same duties

as regular workers shall be laid off before regular workers. However, this does not preclude the department from backfilling a permanent position with a temporary worker when the regular employee in the position is on an approved leave of absence. Backfilling more than ninety (90) days shall not occur without advance notification to the Union of the reason for it.

## **17.02 Bumping**

Bumping is defined as the movement of an employee to be laid off from their current classification of a position of the same, related (classification revision or title change) or previously held lower classification held by an employee with less seniority. Employees may exercise bumping privileges to a lower classification provided they meet the minimum qualifications of the lower classification. Bumping privileges may only be exercised within the assigned department except that employees with at least five years continuous regular employment may bump between departments.

A “related” classification as referred to in this section refers only to classifications that have been revised or re-titled. This does not refer to bumping to classifications that perform similar duties.

The least senior employee (in the classification of the position being eliminated/bumped to) in the laid off employee’s department is the person who will be bumped. If there is no less senior employee in the Department in the classification of the position being eliminated/bumped to, the least senior employee in the classification of the position being eliminated/bumped to in any City Department shall be bumped provided the laid off employee has the right to bump across Departments.

Full-time employees have the right to bump the least senior full-time employee. However, if there is no less senior full-time employee, the full-time employee being laid off has the right to bump a less senior part-time employee in the position that is closest to full time.

Part-time employees have the right to bump the least senior part-time employee in a position of equal hours in the classification of the position being eliminated/bumped to. However, if there is no less senior part-time employee in a position of equal hours, a part-time employee may bump the least senior part-time employee in a position of greater hours; if there is no less senior part-time employee in a position of greater hours, the part-time employee may bump a full-time employee within the laid-off employee’s assigned department; such bumping from a part-time position to a part-time position of greater hours or to a full-time position is limited to positions within the same department.

Employees who bump pursuant to this section and who have previously held more than one classification within the City must bump to the most recently held classification of equal hours, if available.

## **17.03 Notification**

Employees to be laid off shall be given not less than thirty (30) working days written notice prior to the reduction in force. The Union shall be notified concurrently and, upon request, afforded an opportunity to discuss the lay-offs, including alternatives to the lay-offs with the City. Employees not given at least thirty (30) working days’ notice of layoff shall be given a day’s pay for each day less than thirty (30) working days’ notice.

#### **17.04 Reassignment**

Whenever possible, employees to be laid off will be offered regular, casual or temporary employment for which they are qualified. An employee shall notify the City of their decision within seven (7) working days following receipt of the offer of employment. The City's obligation to offer regular employment shall cease when an employee has refused three (3) such offers.

#### **17.05 Reinstatement**

Should the position from which an employee was laid off be re-established within eighteen (18) months and the work force in that division is increased as a result, the employee shall be eligible for reinstatement. It shall be the employee's responsibility to notify the Human Resources Department of their current address. Every effort shall be made to notify the affected individual of any reinstatement opportunity.

Laid off employees reinstated pursuant to this section shall not accrue additional seniority during any period of lay off, but shall not suffer any break in service as a result of the period of lay off, thereby retaining all previously accrued seniority upon reinstatement.

#### **17.06 Continuation of Insurance Benefits**

An employee separated from City service as a result of this article shall have their health benefits paid by the City at the same level while employed for a period not to exceed sixty (60) days from the date of separation.

#### **17.07 Retirement in Lieu of Layoff**

An employee may elect to accept retirement in lieu of layoff, voluntary demotion, or reduction in assigned hours. An employee shall, within ten (10) workdays prior to the effective date of the proposed layoff, complete and submit a form provided by the City for this purpose. An employee who retires in lieu of layoff shall have their name placed on the reemployment list.

#### **17.08 Improper Layoff**

An employee who is improperly laid off as a result of a misapplication of the layoff procedure shall be reemployed upon discovery of the error and shall be reimbursed for all loss of salary and benefits, provided that discovery occurs within ninety (90) days of layoff.

#### **17.09 Transition Training**

The City shall provide, at no expense to the employee to be laid off, a minimum of twelve (12) hours of training to help employees transition to other employment. Such training shall occur prior to layoff. Employees shall receive their regular pay while attending this training. The training may include, but not be limited to:

1. Resume Writing
2. Methods of Job Searching
3. Interviewing
4. Coping with Stress
5. Unemployment Insurance Benefit

## **SECTION 18.00 - CONTRACTING OUT**

Before submission of a recommendation to contract out any bargaining unit work, the Union will be offered the opportunity to examine the proposal for at least thirty (30) working days prior to Council consideration, whenever possible, and to submit recommendations. If requested, the City will meet and confer over the decision and implementation of contracting out the work.

However, the parties understand that the City does not have to meet and confer over contracting out work when the work is required by law to be contracted out, there is an established past practice (as set forth in Section 4) of the City contracting out the work, or to continue or renew an existing contract.

The parties also agree that grievances alleging a violation of this policy shall be filed at Step II, including but not limited to binding arbitration, provided nothing herein shall hamper the City's lawful exercise of authority under state law in emergency situations.

In addition, prior to contracting out bargaining unit work which will not result in layoffs, the City will consider utilizing qualified unit employees to do the work on an overtime basis if:

1. It is to the City's economic advantage; and
2. It is to the City's operational advantage.

Unit employees may provide the City with prior notice of their interest in performing such work.

Beginning in February 2005, the parties will form a joint labor-management committee comprised of three employees and the union representative and up to three management employees to review the use of contracted services that encompass bargaining unit work.

## **SECTION 19.00 - CAREER ADVANCEMENT**

### **19.01 Career Ladders**

It is the policy of the City to develop career ladders and various programs of training and retraining for City employees. The Human Resources Department shall coordinate the establishment and ongoing management of these programs.

### **19.02 Job Opening Announcements**

The City encourages employees to apply for other positions and, to that end, all job announcements will be available for a minimum of five (5) days prior to the final filing date or concurrent with any outside advertising or until the announced maximum total number of applications accepted has been met.

### **19.03 Training**

The City shall maintain, consistent with budgetary allocations and availability, a training program which will enable employees to upgrade their skills and improve their levels of performance. The City desires to provide a training program for all City employees. The selection of training opportunities shall be at the sole discretion of the department head and City Manager, consistent with City policies, but the City shall solicit input from employees and will consider training requests.

#### **19.04 Cross Training**

The City and Union acknowledge that there is a benefit to cross-training of employees. When feasible, the City will develop programs to rotate and cross-train employees to enhance skill development. Employees may request that their department heads consider them for cross-training opportunity. Such requests will be considered and a timely response provided.

#### **19.05 Certification of Eligibles for Promotional Examinations**

When a promotional eligibility list (as defined in the Human Resources Rules and Regulations) is used to fill a vacant position and that promotional list includes employees represented by the agreement, the Human Resources Director shall certify the top five (5) eligibles, if there be that number, on the relevant promotional list to the appointing authority. If there be more than one vacancy in the same class, the Human Resources Director shall certify one additional eligible for each additional vacancy, if there be candidates available on the eligible list. The appointing authority or designee shall interview all eligibles certified by the Human Resources Director.

### **SECTION 20.00 - TUITION REIMBURSEMENT**

The City shall reimburse each employee up to \$500 per fiscal year (pro-rated for part-time employees) for job-related college/university courses, workshops, adult education and other training programs including related tuition, books and other course related expenses after successful completion of courses which are pertinent to their positions with the City.

For a course to be considered “pertinent” it must:

- A. Improve knowledge and skills for the present position or for positions of higher classification within the City, or
- B. Prepare for anticipated technological changes occurring in the employee’s career field.

### **SECTION 21.00 - GRIEVANCE PROCEDURE**

#### **21.01 Purpose**

To assure prompt and fair treatment of grievances related to employment.

Any employee or group of employees covered by this Memorandum of Understanding, or the Union acting on their behalf, may file a grievance.

#### **21.02 Definition**

A grievance is defined as an alleged violation, misinterpretation or misapplication of the provisions of this Memorandum of Understanding or the City’s Personnel Rules and Regulations; except disciplinary action as defined in Section 23.01-Disciplinary Procedures. Such allegation may be made by an individual employee or by a group of employees, or by the Union.

#### **21.03 Limitations**

- A. A grievant may be represented by any representative of his or her choosing in

preparing and presenting a grievance.

- B. No reprisal shall result against any employee, group of employees, or the Union, who presents a bona fide grievance under this procedure.
- C. Time limits may be extended by mutual agreement of the parties. Absent such agreement, grievances may be advanced to the next step if time limits are not met.
- D. Only upon mutual written agreement between the parties may Step I of the grievance procedure be waived.
- E. Grievances may, by mutual agreement in writing, be referred back for further consideration or discussion to a prior Step, or advanced to a higher Step of the grievance procedure. If a grievance is moved either forward or backward to another step, the time limits at that step shall be controlling and shall begin on the date the parties agree to the move.
- F. Concurrent grievances alleging violation of the same provision(s) shall be consolidated for the purpose of this procedure as a single grievance.

#### **21.04 Procedures**

##### **Step I:**

The grievant will first attempt to resolve the grievance through informal discussions with their immediate supervisor or other appropriate departmental personnel. These discussions must be initiated within ten (10) working days of when the grievant knew, or reasonably should have known, of the incident upon which the grievance is based. Meetings shall be scheduled in advance and the nature of the grievance stated when the appointment is made. Every attempt will be made by the parties to settle the issue at this level.

##### **Step II:**

If the grievance is not resolved through the informal discussions, the grievant or their representative may within ten (10) workdays after the informal meeting, submit a written grievance to their department head.

The written grievance must contain in clear, factual and concise language:

1. Name of the grievant.
2. A brief statement as to the date, time and place of the occurrence on which the grievance is based and the facts as the grievant sees them.
3. The specific provision of the M.O.U. or Personnel Rules and Regulations which the grievant alleges has been misinterpreted, misapplied or violated.
4. Steps taken toward informal resolution.
5. The action the grievant believes will resolve the grievance.
6. The name of any representative chosen by the grievant.
7. A copy of the written grievance, signed by the grievant or Union representative, shall be presented at the time of the department head conference. However, the grievance will not be processed by the City until the grievant or employee representative of a group grievance has signed the written grievance document.

The department head shall hold a conference with the grievant within ten (10) workdays following receipt of the formal grievance. They shall prepare a written response within ten (10) working days after the conference. Copies shall go to the parties involved including the employee's representative and the Human Resources Department.

**Step III:**

If the grievance is not resolved, the grievant may, within ten (10) workdays following receipt of the department head's response, appeal to the City Manager or their representative, stating in writing the basis for the appeal. The grievance may also be appealed if the department head fails to respond within fifteen (15) workdays after submission of the formal grievance.

The City Manager or their representative shall set a hearing within ten (10) workdays of receiving the appeal. The grievant, their representative and other parties summoned by the City Manager or representative shall attend the hearing and present testimony or evidence concerning the grievance. The parties may bring a reasonable number of witnesses to the hearing.

The City Manager or their representative shall render a written decision to all parties directly involved within fifteen (15) workdays following the hearing.

**Step IV:**

If the grievance is not resolved to the satisfaction of the grievant at the conclusion of Step III, the grievant may appeal the decision of the City Manager to a neutral arbitrator, provided s/he so informs the City in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately thereafter jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the State Mediation and Conciliation Service, the parties within ten (10) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the Arbitrator. If one person is not mutually agreed upon, the parties shall within ten (10) working days after receipt of the list of names alternately strike two (2) names from such list with the last remaining name to be the person serving as Arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The Arbitrator shall have no authority to add to, detract from, alter, amend or modify any provision of this Agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in this Agreement, or to alter any wage rate or wage structure. The decision of the Arbitrator shall be rendered after the evidence and arguments are presented to them by the parties in the presence of each other and in post hearing briefs if necessary. The decision of the Arbitrator shall be final and binding upon the parties.

The Arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued within fifteen (15) working days after the conclusion of the hearing.

The Arbitrator's expenses, if any, shall be borne equally by the parties. Each party shall bear the cost of its own representation.



## **SECTION 22.00 - DISCIPLINARY APPEALS PROCEDURE**

### **22.01 Definition**

For the purposes of this article, disciplinary action shall mean (1) suspensions of fifteen (15) days or less; (2) suspension of thirty (30) days or less; (3) demotion; (4) disciplinary reduction in salary; or (5) termination.

The appeal procedure described herein shall apply to cases of disciplinary action affecting regular employees. It shall not be applicable to probationary employees. Employees have the right to representation at any or all stages of the appeal process.

### **22.02 Pre-Action Procedure**

#### **Step I:**

Prior to imposing disciplinary action, the supervisor shall first provide the employee a preliminary written notice of the proposed action stating the effective date and the specific grounds and particular facts upon which the action will be taken. A copy shall also be sent to the Union within two (2) workdays according to the provisions of MOU Section 23.02 *Notice of Proposed Disciplinary Action*.

The employee shall have access to any known written materials, reports or documents upon which the action is based. The employee shall have the right to respond to the charges within five (5) workdays from receipt of the notice either orally, in writing, or both to the department head. If the department head is personally involved in the initial investigation and notice process, the City Manager or Human Resources Director shall appoint a designee to hear the employee's response.

The employee may request an extension of the time to respond for justifiable reasons. Failure to respond within the time specified will result in the employee's waiver of their procedural rights and final action will be taken.

#### **Step II:**

Following their review of the proposed disciplinary action, the department head, within five (5) workdays of receiving the employee's response, shall render a written decision and send it by registered mail or personal delivery to the employee. A copy shall also be mailed to the employee's representative. The written decision will include the effective date of the disciplinary action.

### **22.03 Post-Action Appeal**

#### **Step III:**

The employee has the right, within ten (10) workdays after receiving the department head's decision described in Step II above, to file a request for appeal with the City Manager. The ten (10) day period may be extended if good cause is shown. The appeal shall be a written statement, signed by the appellant, explaining the matter appealed from, stating the action desired by the appellant, with their reasons therefore, and stating that the pre-action procedures have been exhausted.

If the employee files a timely appeal, the City Manager shall, within ten (10) workdays after

receiving the appeal, designate a hearing officer who shall schedule a hearing not less than ten (10) workdays from the date the appeal was received.

The hearing officer may conduct such independent investigation of the matter as they deem necessary. The appellant shall be given the opportunity to answer or present evidence in opposition to the findings of this independent investigation.

The appellant shall appear personally at the scheduled hearing unless physically unable to do so. The appellant or their representative may produce relevant oral or documentary evidence at the hearing.

Within fifteen (15) workdays following the hearing, the hearing officer shall render a written decision to all parties involved. The hearing officer has the authority to affirm, repeal or modify the disciplinary action.

#### **Step IV:**

If the appeal is not resolved to the satisfaction of the appellant at the conclusion of Step III, the employee may appeal the decision of the City Manager to a neutral arbitrator, provided it so informs the City Manager in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately thereafter jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the State Mediation and Conciliation Service, the parties within ten (10) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the arbitrator. If one person is not mutually agreed upon, the parties shall within ten (10) days after receipt of the list of names alternately strike two (2) names from such list with the last remaining name to be the person serving as arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any provision of this agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in this agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to them by the parties in the presence of each other and in post hearing briefs, if necessary. The decision of the arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued within fifteen (15) days after the conclusion of the hearing.

For disciplinary action which would result in a suspension of three (3) days or less, the losing party shall pay for the cost of the arbitrator. For disciplinary action which results in a suspension of greater than three (3) days or demotion, reduction in salary or discharge, the arbitrator's expenses shall be borne equally by the parties. In either case, each party shall bear the cost of its own representation.

## **SECTION 23.00 - DISCIPLINE**

### **23.01 Disciplinary Procedures**

The City believes that progressive discipline is a guideline and useful tool for corrective action. The normal steps in progressive discipline shall be: (1) verbal warning; (2) written warning; (3) written reprimand; (4) suspensions of fifteen (15) days or less; (5) suspension of thirty (30) days or less; (6) demotion; (7) disciplinary reduction in salary; and (8) termination. The City reserves the right to implement discipline which does not follow progressive discipline guidelines for egregious circumstances.

### **23.02 Notice of Proposed Disciplinary Action**

Within two (2) workdays of any notice of proposed disciplinary action issued to an employee under the provisions of MOU Section 22.02 *Pre-Action Procedure Step I*, a copy of the notice shall be either (a) hand-delivered to the Union with all attachments, or (b) faxed to the Union without attachments and sent to the Union by First Class Mail with all attachments, or (c) emailed to the Union with all attachments.

### **23.03 Written Reprimands**

A written reprimand may be issued by an employee's supervisor if an employee has violated a City rule, provision of the M.O.U., or if their performance is in need of improvement. Written reprimands shall be placed in the employee's personnel file. An employee shall have the right to prepare a written response to the reprimand and have said response placed in their personnel file. An employee may appeal the supervisor's decision to issue a written reprimand to their department head by filing an appeal to the department head within ten (10) working days of receipt of the reprimand. The department head's decision regarding the written reprimand shall be final.

## **SECTION 24.00 – RECLASSIFICATION**

The City and Union shall continue to meet on the findings of the 2018 Total Compensation Study prepared by Koff and Associates. The Parties agree to meet over the implementation of the findings and all changes must be made upon mutual agreement of the Parties. The Parties agree to the following process:

- 1) The Parties agree to review the classifications which had insufficient data to determine their internal relationship to benchmarked classifications and/or position in the market. The Parties agree to a target date of July 1, 2019 to complete this step.
- 2) The City will cost SEIU's proposal to implement the Total Compensation Survey by December 1, 2019.
- 3) The Parties agree that priority will be given to implementing increases for classifications experiencing recruitment and retention challenges and classifications whose percentage is furthest from the market median.
- 4) The Parties also agree that no compensation increases will be implemented before July 1, 2020.

The City shall complete a Total Compensation Study no later than ninety (90) days before the expiration of the MOU, for the purposes of updating compensation rates for employees in the bargaining unit.

## **SECTION 25.00 - AUTHORIZED AGENTS**

For the purposes of administering the terms and provisions of this Memorandum of Understanding:

- A. City's principal authorized agent shall be Human Resources Director, or their duly authorized agent (address 809 Center Street, Room 6, Santa Cruz, CA 95060); except where a particular management representative is specifically designated in connection with the performance of a specified function or obligation set forth herein.
- B. The Union's principal authorized agent shall be the Santa Cruz Area Director of the SEIU Local 521 or their duly authorized representative (address 517 Mission Street, #B, Santa Cruz, CA 95060).

## **SECTION 26.00 - RENEGOTIATIONS**

Negotiations shall begin one hundred fifty (150) days prior to the expiration date of this agreement (November 15, 2021), or any other mutually agreed date.

## **SECTION 27.00 - SEVERABILITY**

Should any of the provisions herein contained be rendered or declared invalid by reason of any State or Federal legislation or court action, such invalidations shall not invalidate the remaining portions of this Memorandum of Understanding which shall remain in full force and effect, insofar as such remaining portions are severable.

## **SECTION 28.00 - HOLIDAY CLOSURE**

If the City decides to close around the Christmas and New Years' holidays, the following will apply: Employee participation in the closure program is voluntary. During the closure, employees may use accrued vacation, compensatory time off, floating holidays, or excess holiday time.

Employees may also request leave without pay. To encourage the use of leave without pay, seniority, benefit and leave accruals will not be impacted if leave without pay is taken during the Holiday closure period. (Note: Unpaid leave is not credited towards PERS retirement.) The City will allow leave without pay hours to be deducted over the same number of pay periods as the number of workdays the City was closed. Employees are not allowed to use unpaid closure time on holidays during the City's holiday closure.

If there are employees who do not wish to take either paid or unpaid leave time during the closure period the City will provide the opportunity to perform generally comparable work during the closure by finding appropriate assignments and/or work space.

## **SECTION 29.00 - AUTOMATIC DEPOSIT-NEW HIRES**

Newly hired City employees shall be required to receive their paycheck through automatic deposit. Newly hired means only those employees hired from an external hiring list and does not include promotional hires from current City employees. New employees who do not use financial institutions may be exempted from this requirement by signing a statement attesting that they do not have a bank account.

## **SECTION 30.00 - ELECTRONIC PAY STUBS**

Employees newly hired after the City implements electronic pay stubs shall automatically receive their pay stubs electronically. Newly hired means only those employees hired from an external hiring list and does not include promotional hires from current City employees. New employees may opt out of receiving electronic pay stubs and receive a printed copy of their pay stub.

City of Santa Cruz Service Employees  
SEIU Local 521

March 23, 2019  
Date

[Signature on file]  
Mark Weirick

[Signature on file]  
Veronica Rodriguez

[Signature on file]  
Eric Bumgarner

[Signature on file]  
Cathy Escobar

[Signature on file]  
Leslie Auerbach

[Signature on file]  
Neal Christen

[Signature on file]  
Ken Bare

[Signature on file]  
Ted Rossiter

[Signature on file]  
Jon Silas

[Signature on file]  
David Thorpe

[Signature on file]  
Lillian Lane

City of Santa Cruz

March 23, 2019  
Date

[Signature on file]  
Timothy Davis

[Signature on file]  
Lisa Murphy

[Signature on file]  
Marcus Pimentel

[Signature on file]  
Mark Dettle

[Signature on file]  
Joe McMullen

[Signature on file]  
Cheryl Fyfe

[Signature on file]  
Denise Reid



**City of Santa Cruz**  
**California**  
**Human Resources**

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
101	ACCOUNTING ASSISTANT I	2,970	3,119	3,275	3,439	3,611	3,792	3,982	4,181	4,390	4,610
		17.1346	17.9942	18.8942	19.8404	20.8327	21.8769	22.9731	24.1212	25.3269	26.5962
102	ACCOUNTING ASSISTANT II	3,180	3,339	3,506	3,681	3,865	4,058	4,261	4,474	4,698	4,933
		18.3462	19.2635	20.2269	21.2365	22.2981	23.4115	24.5827	25.8115	27.1038	28.4596
291	ACCOUNTING TECHNICIAN	3,835	4,027	4,228	4,439	4,661	4,894	5,139	5,396	5,666	5,949
		22.1250	23.2327	24.3923	25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212
105	ADMINISTRATIVE ASSISTANT I	2,830	2,971	3,120	3,276	3,440	3,612	3,793	3,983	4,182	4,391
		16.3269	17.1404	18.0000	18.9000	19.8462	20.8385	21.8827	22.9788	24.1269	25.3327
106	ADMINISTRATIVE ASSISTANT II	2,970	3,119	3,275	3,439	3,611	3,792	3,982	4,181	4,390	4,610
		17.1346	17.9942	18.8942	19.8404	20.8327	21.8769	22.9731	24.1212	25.3269	26.5962
107	ADMINISTRATIVE ASSISTANT III	3,508	3,683	3,867	4,060	4,263	4,476	4,700	4,935	5,182	5,441
		20.2385	21.2481	22.3096	23.4231	24.5942	25.8231	27.1154	28.4712	29.8962	31.3904
108	ASSISTANT ENGINEER I	4,803	5,043	5,295	5,560	5,838	6,130	6,437	6,759	7,097	7,452
		27.7096	29.0942	30.5481	32.0769	33.6808	35.3654	37.1365	38.9942	40.9442	42.9923
109	ASSISTANT ENGINEER II	5,160	5,418	5,689	5,973	6,272	6,586	6,915	7,261	7,624	8,005
		29.7692	31.2577	32.8212	34.4596	36.1846	37.9962	39.8942	41.8904	43.9846	46.1827
297	ASSISTANT PLANS EXAMINER	5,110	5,365	5,633	5,915	6,211	6,522	6,848	7,190	7,549	7,926
		29.4808	30.9519	32.4981	34.1250	35.8327	37.6269	39.5077	41.4808	43.5519	45.7269
115	BICYCLE/PEDESTRIAN COORDINATOR	4,439	4,661	4,894	5,139	5,396	5,666	5,949	6,246	6,558	6,886
		25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212	36.0346	37.8346	39.7269
284	BOOKMOBILE LIB ASST	3,239	3,401	3,571	3,750	3,938	4,135	4,342	4,559	4,787	5,026
		18.6865	19.6212	20.6019	21.6346	22.7192	23.8558	25.0500	26.3019	27.6173	28.9962
231	BOX OFFICE REPRESENTATIVE	2,970	3,119	3,275	3,439	3,611	3,792	3,982	4,181	4,390	4,610
		17.1346	17.9942	18.8942	19.8404	20.8327	21.8769	22.9731	24.1212	25.3269	26.5962
116	BUILDING INSPECTOR	4,776	5,015	5,266	5,529	5,805	6,095	6,400	6,720	7,056	7,409
		27.5538	28.9327	30.3808	31.8981	33.4904	35.1635	36.9231	38.7692	40.7077	42.7442

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**City of Santa Cruz**  
California  
Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
117	BUILDING MAINTENANCE WORKER I	3,122	3,278	3,442	3,614	3,795	3,985	4,184	4,393	4,613	4,844
		18.0115	18.9115	19.8577	20.8500	21.8942	22.9904	24.1385	25.3442	26.6135	27.9462
118	BUILDING MAINTENANCE WORKER II	3,596	3,776	3,965	4,163	4,371	4,590	4,819	5,060	5,313	5,579
		20.7462	21.7846	22.8750	24.0173	25.2173	26.4808	27.8019	29.1923	30.6519	32.1865
120	CHEMIST I	4,743	4,980	5,229	5,490	5,765	6,053	6,356	6,674	7,008	7,358
		27.3635	28.7308	30.1673	31.6731	33.2596	34.9212	36.6692	38.5038	40.4308	42.4500
121	CHEMIST II	4,981	5,230	5,492	5,767	6,055	6,358	6,676	7,010	7,360	7,728
		28.7365	30.1731	31.6846	33.2712	34.9327	36.6808	38.5154	40.4423	42.4615	44.5846
288	CODE COMPLIANCE SER TECHNICIAN	3,835	4,027	4,228	4,439	4,661	4,894	5,139	5,396	5,666	5,949
		22.1250	23.2327	24.3923	25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212
127	CODE COMPLIANCE SPECIALIST	4,776	5,015	5,266	5,529	5,805	6,095	6,400	6,720	7,056	7,409
		27.5538	28.9327	30.3808	31.8981	33.4904	35.1635	36.9231	38.7692	40.7077	42.7442
131	CONSTRUCTION SPECIALIST	3,682	3,866	4,059	4,262	4,475	4,699	4,934	5,181	5,440	5,712
		21.2423	22.3038	23.4173	24.5885	25.8173	27.1096	28.4654	29.8904	31.3846	32.9538
132	COURIER/DRIVER	2,785	2,924	3,070	3,223	3,384	3,553	3,731	3,918	4,114	4,320
		16.0673	16.8692	17.7115	18.5942	19.5231	20.4981	21.5250	22.6038	23.7346	24.9231
133	CUSTODIAN	2,785	2,924	3,070	3,223	3,384	3,553	3,731	3,918	4,114	4,320
		16.0673	16.8692	17.7115	18.5942	19.5231	20.4981	21.5250	22.6038	23.7346	24.9231
135	ENGINEERING TECHNICIAN	4,300	4,515	4,741	4,978	5,227	5,488	5,762	6,050	6,353	6,671
		24.8077	26.0481	27.3519	28.7192	30.1558	31.6615	33.2423	34.9038	36.6519	38.4865
143	ENVIRONMENTAL COMPLIANCE INSP	4,520	4,746	4,983	5,232	5,494	5,769	6,057	6,360	6,678	7,012
		26.0769	27.3808	28.7481	30.1846	31.6962	33.2827	34.9442	36.6923	38.5269	40.4538
255	ENVIRONMENTAL MICROBIO I	4,743	4,980	5,229	5,490	5,765	6,053	6,356	6,674	7,008	7,358
		27.3635	28.7308	30.1673	31.6731	33.2596	34.9212	36.6692	38.5038	40.4308	42.4500
256	ENVIRONMENTAL MICROBIO II	4,981	5,230	5,492	5,767	6,055	6,358	6,676	7,010	7,360	7,728
		28.7365	30.1731	31.6846	33.2712	34.9327	36.6808	38.5154	40.4423	42.4615	44.5846

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**City of Santa Cruz**  
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Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
257	ENVIRONMENTAL MICROBIO III	5,477	5,751	6,039	6,341	6,658	6,991	7,341	7,708	8,093	8,498
		31.5981	33.1788	34.8404	36.5827	38.4115	40.3327	42.3519	44.4692	46.6904	49.0269
136	ENVIRONMENTAL PROJECTS ANALYST	4,701	4,936	5,183	5,442	5,714	6,000	6,300	6,615	6,946	7,293
		27.1212	28.4769	29.9019	31.3962	32.9654	34.6154	36.3462	38.1635	40.0731	42.0750
137	EQUIPMENT MECHANIC I	3,586	3,765	3,953	4,151	4,359	4,577	4,806	5,046	5,298	5,563
		20.6885	21.7212	22.8058	23.9481	25.1481	26.4058	27.7269	29.1115	30.5654	32.0942
138	EQUIPMENT MECHANIC II	4,096	4,301	4,516	4,742	4,979	5,228	5,489	5,763	6,051	6,354
		23.6308	24.8135	26.0538	27.3577	28.7250	30.1615	31.6673	33.2481	34.9096	36.6577
139	EQUIPMENT SERVICE WORKER	3,255	3,418	3,589	3,768	3,956	4,154	4,362	4,580	4,809	5,049
		18.7788	19.7192	20.7058	21.7385	22.8231	23.9654	25.1654	26.4231	27.7442	29.1288
286	EXECUTIVE ASSIST TO CM	4,236	4,448	4,670	4,904	5,149	5,406	5,676	5,960	6,258	6,571
		24.4385	25.6615	26.9423	28.2923	29.7058	31.1885	32.7462	34.3846	36.1038	37.9096
280	FAC MAINT/ENERGY PROJ COORD	4,580	4,809	5,049	5,301	5,566	5,844	6,136	6,443	6,765	7,103
		26.4231	27.7442	29.1288	30.5827	32.1115	33.7154	35.4000	37.1712	39.0288	40.9788
140	FACILITY ATTENDANT	2,537	2,664	2,797	2,937	3,084	3,238	3,400	3,570	3,749	3,936
		14.6365	15.3692	16.1365	16.9442	17.7923	18.6808	19.6154	20.5962	21.6288	22.7077
296	FIRE PREVENTION TECHNICIAN	3,835	4,027	4,228	4,439	4,661	4,894	5,139	5,396	5,666	5,949
		22.1250	23.2327	24.3923	25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212
237	GREEN BLDG ENVIRO SPECIALIST	4,441	4,663	4,896	5,141	5,398	5,668	5,951	6,249	6,561	6,889
		25.6212	26.9019	28.2462	29.6596	31.1423	32.7000	34.3327	36.0519	37.8519	39.7442
142	HOUSING AND HUD PROG SPEC	4,701	4,936	5,183	5,442	5,714	6,000	6,300	6,615	6,946	7,293
		27.1212	28.4769	29.9019	31.3962	32.9654	34.6154	36.3462	38.1635	40.0731	42.0750
169	HUMAN RESOURCES TECHNICIAN	3,835	4,027	4,228	4,439	4,661	4,894	5,139	5,396	5,666	5,949
		22.1250	23.2327	24.3923	25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212
232	INFORMATION TEC SPECIALIST III	5,000	5,250	5,513	5,789	6,078	6,382	6,701	7,036	7,388	7,757
		28.8462	30.2885	31.8058	33.3981	35.0654	36.8192	38.6596	40.5923	42.6231	44.7519

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**City of Santa Cruz**  
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**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
144	INFORMATION TECH SPECIALIST I	4,122	4,328	4,544	4,771	5,010	5,261	5,524	5,800	6,090	6,395
		23.7808	24.9692	26.2154	27.5250	28.9038	30.3519	31.8692	33.4615	35.1346	36.8942
145	INFORMATION TECH SPECIALIST II	4,544	4,771	5,010	5,261	5,524	5,800	6,090	6,394	6,714	7,050
		26.2154	27.5250	28.9038	30.3519	31.8692	33.4615	35.1346	36.8885	38.7346	40.6731
215	LABORATORY TECHNICIAN	3,502	3,677	3,861	4,054	4,257	4,470	4,693	4,928	5,174	5,433
		20.2038	21.2135	22.2750	23.3885	24.5596	25.7885	27.0750	28.4308	29.8500	31.3442
146	LANDFILL GATE ATTENDANT	2,646	2,778	2,917	3,063	3,216	3,377	3,546	3,723	3,909	4,104
		15.2654	16.0269	16.8288	17.6712	18.5538	19.4827	20.4577	21.4788	22.5519	23.6769
282	LIBRARY ASSISTANT I	2,863	3,006	3,156	3,314	3,480	3,654	3,837	4,029	4,230	4,441
		16.5173	17.3423	18.2077	19.1192	20.0769	21.0808	22.1365	23.2442	24.4038	25.6212
283	LIBRARY ASSISTANT II	3,239	3,401	3,571	3,750	3,938	4,135	4,342	4,559	4,787	5,026
		18.6865	19.6212	20.6019	21.6346	22.7192	23.8558	25.0500	26.3019	27.6173	28.9962
285	LIBRARY INFORMATION SPECIALIST	3,581	3,760	3,948	4,145	4,352	4,570	4,798	5,038	5,290	5,554
		20.6596	21.6923	22.7769	23.9135	25.1077	26.3654	27.6808	29.0654	30.5192	32.0423
153	LIGHT EQUIPMENT MECHANIC	3,670	3,853	4,046	4,248	4,460	4,683	4,917	5,163	5,421	5,692
		21.1731	22.2288	23.3423	24.5077	25.7308	27.0173	28.3673	29.7865	31.2750	32.8385
162	PARKING ATTENDANT	2,646	2,778	2,917	3,063	3,216	3,377	3,546	3,723	3,909	4,104
		15.2654	16.0269	16.8288	17.6712	18.5538	19.4827	20.4577	21.4788	22.5519	23.6769
164	PARKING CONTROL MAINT WKR	3,323	3,489	3,663	3,846	4,038	4,240	4,452	4,675	4,909	5,154
		19.1712	20.1288	21.1327	22.1885	23.2962	24.4615	25.6846	26.9712	28.3212	29.7346
163	PARKING ENFORCEMENT OFFICER	3,323	3,489	3,663	3,846	4,038	4,240	4,452	4,675	4,909	5,154
		19.1712	20.1288	21.1327	22.1885	23.2962	24.4615	25.6846	26.9712	28.3212	29.7346
227	PARKING FACILITY MAINT ASST	2,881	3,025	3,176	3,335	3,502	3,677	3,861	4,054	4,257	4,470
		16.6212	17.4519	18.3231	19.2404	20.2038	21.2135	22.2750	23.3885	24.5596	25.7885
165	PARKING OFFICE REPRESENTATIVE	3,323	3,489	3,663	3,846	4,038	4,240	4,452	4,675	4,909	5,154
		19.1712	20.1288	21.1327	22.1885	23.2962	24.4615	25.6846	26.9712	28.3212	29.7346

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**City of Santa Cruz**  
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**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
167	PARKS MAINTENANCE WORKER	3,122	3,278	3,442	3,614	3,795	3,985	4,184	4,393	4,613	4,844
		18.0115	18.9115	19.8577	20.8500	21.8942	22.9904	24.1385	25.3442	26.6135	27.9462
126	PAYROLL TECHNICIAN	3,835	4,027	4,228	4,439	4,661	4,894	5,139	5,396	5,666	5,949
		22.1250	23.2327	24.3923	25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212
170	PLANT MAINTENANCE MECHANIC I	3,758	3,946	4,143	4,350	4,568	4,796	5,036	5,288	5,552	5,830
		21.6808	22.7654	23.9019	25.0962	26.3538	27.6692	29.0538	30.5077	32.0308	33.6346
171	PLANT MAINTENANCE MECHANIC II	4,293	4,508	4,733	4,970	5,218	5,479	5,753	6,041	6,343	6,660
		24.7673	26.0077	27.3058	28.6731	30.1038	31.6096	33.1904	34.8519	36.5942	38.4231
174	POLICE PAYROLL & PURCH CLERK	3,292	3,457	3,630	3,812	4,003	4,203	4,413	4,634	4,866	5,109
		18.9923	19.9442	20.9423	21.9923	23.0942	24.2481	25.4596	26.7346	28.0731	29.4750
175	POLICE PROPERTY ATTENDANT	3,427	3,598	3,778	3,967	4,165	4,373	4,592	4,822	5,063	5,316
		19.7712	20.7577	21.7962	22.8865	24.0288	25.2288	26.4923	27.8192	29.2096	30.6692
176	POLICE RECORDS TECHNICIAN	3,255	3,418	3,589	3,768	3,956	4,154	4,362	4,580	4,809	5,049
		18.7788	19.7192	20.7058	21.7385	22.8231	23.9654	25.1654	26.4231	27.7442	29.1288
281	PURCHASING ASSISTANT	3,180	3,339	3,506	3,681	3,865	4,058	4,261	4,474	4,698	4,933
		18.3462	19.2635	20.2269	21.2365	22.2981	23.4115	24.5827	25.8115	27.1038	28.4596
238	RANGER ASSISTANT	2,790	2,930	3,076	3,230	3,392	3,562	3,740	3,927	4,123	4,329
		16.0962	16.9038	17.7462	18.6346	19.5692	20.5500	21.5769	22.6558	23.7865	24.9750
294	RANGER I	3,399	3,569	3,747	3,934	4,131	4,338	4,555	4,783	5,022	5,273
		19.6096	20.5904	21.6173	22.6962	23.8327	25.0269	26.2788	27.5942	28.9731	30.4212
179	RANGER II	3,667	3,850	4,042	4,244	4,456	4,679	4,913	5,159	5,417	5,688
		21.1558	22.2115	23.3192	24.4846	25.7077	26.9942	28.3442	29.7635	31.2519	32.8154
223	RECORDS COORDINATOR	3,615	3,796	3,986	4,185	4,394	4,614	4,845	5,087	5,341	5,608
		20.8558	21.9000	22.9962	24.1442	25.3500	26.6192	27.9519	29.3481	30.8135	32.3538
180	RECREATION ASSISTANT	3,721	3,907	4,102	4,307	4,522	4,748	4,985	5,234	5,496	5,771
		21.4673	22.5404	23.6654	24.8481	26.0885	27.3923	28.7596	30.1962	31.7077	33.2942

6.62



**City of Santa Cruz**  
California  
Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
181	RECYCLE CENTER MAINT MECHANIC	4,096	4,301	4,516	4,742	4,979	5,228	5,489	5,763	6,051	6,354
		23.6308	24.8135	26.0538	27.3577	28.7250	30.1615	31.6673	33.2481	34.9096	36.6577
182	RESOURCE RECOVERY EQUIP OPERAT	3,738	3,925	4,121	4,327	4,543	4,770	5,008	5,258	5,521	5,797
		21.5654	22.6442	23.7750	24.9635	26.2096	27.5192	28.8923	30.3346	31.8519	33.4442
218	RESOURCE RECOVERY WORKER I	2,785	2,924	3,070	3,223	3,384	3,553	3,731	3,918	4,114	4,320
		16.0673	16.8692	17.7115	18.5942	19.5231	20.4981	21.5250	22.6038	23.7346	24.9231
219	RESOURCE RECOVERY WORKER II	2,922	3,068	3,221	3,382	3,551	3,729	3,915	4,111	4,317	4,533
		16.8577	17.7000	18.5827	19.5115	20.4865	21.5135	22.5865	23.7173	24.9058	26.1519
279	REVENUE COLLECTIONS SPECIALIST	4,122	4,328	4,544	4,771	5,010	5,261	5,524	5,800	6,090	6,395
		23.7808	24.9692	26.2154	27.5250	28.9038	30.3519	31.8692	33.4615	35.1346	36.8942
184	SENIOR BUILDING INSPECTOR	5,288	5,552	5,830	6,122	6,428	6,749	7,086	7,440	7,812	8,203
		30.5077	32.0308	33.6346	35.3192	37.0846	38.9365	40.8808	42.9231	45.0692	47.3250
264	SENIOR PARKING SERVICES WORKER	3,670	3,853	4,046	4,248	4,460	4,683	4,917	5,163	5,421	5,692
		21.1731	22.2288	23.3423	24.5077	25.7308	27.0173	28.3673	29.7865	31.2750	32.8385
234	SENIOR PAYMENTS TECHNICIAN	4,122	4,328	4,544	4,771	5,010	5,261	5,524	5,800	6,090	6,395
		23.7808	24.9692	26.2154	27.5250	28.9038	30.3519	31.8692	33.4615	35.1346	36.8942
277	SENIOR PLANS EXAMINER	5,620	5,901	6,196	6,506	6,831	7,173	7,532	7,909	8,304	8,719
		32.4231	34.0442	35.7462	37.5346	39.4096	41.3827	43.4538	45.6288	47.9077	50.3019
292	SENIOR POLICE RECORDS TECH	3,508	3,683	3,867	4,060	4,263	4,476	4,700	4,935	5,182	5,441
		20.2385	21.2481	22.3096	23.4231	24.5942	25.8231	27.1154	28.4712	29.8962	31.3904
293	SENIOR RANGER	4,000	4,200	4,410	4,631	4,863	5,106	5,361	5,629	5,910	6,205
		23.0769	24.2308	25.4423	26.7173	28.0558	29.4577	30.9288	32.4750	34.0962	35.7981
189	SERVICE MAINTENANCE TRAINEE	2,881	3,025	3,176	3,335	3,502	3,677	3,861	4,054	4,257	4,470
		16.6212	17.4519	18.3231	19.2404	20.2038	21.2135	22.2750	23.3885	24.5596	25.7885
190	SERVICE MAINTENANCE WORKER	3,122	3,278	3,442	3,614	3,795	3,985	4,184	4,393	4,613	4,844
		18.0115	18.9115	19.8577	20.8500	21.8942	22.9904	24.1385	25.3442	26.6135	27.9462

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**City of Santa Cruz**  
California  
Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
191	SOLID WASTE WORKER	3,392	3,562	3,740	3,927	4,123	4,329	4,545	4,772	5,011	5,262
		19.5692	20.5500	21.5769	22.6558	23.7865	24.9750	26.2212	27.5308	28.9096	30.3577
287	SPECIAL EVENTS COORDINATOR	4,390	4,609	4,839	5,081	5,335	5,602	5,882	6,176	6,485	6,809
		25.3269	26.5904	27.9173	29.3135	30.7788	32.3192	33.9346	35.6308	37.4135	39.2827
186	SR PARKS MAINTENANCE WKR	3,399	3,569	3,747	3,934	4,131	4,338	4,555	4,783	5,022	5,273
		19.6096	20.5904	21.6173	22.6962	23.8327	25.0269	26.2788	27.5942	28.9731	30.4212
220	SR RESOURCE RECOVERY WKR	3,182	3,341	3,508	3,683	3,867	4,060	4,263	4,476	4,700	4,935
		18.3577	19.2750	20.2385	21.2481	22.3096	23.4231	24.5942	25.8231	27.1154	28.4712
187	SR SERVICE MAINTENANCE WKR	3,399	3,569	3,747	3,934	4,131	4,338	4,555	4,783	5,022	5,273
		19.6096	20.5904	21.6173	22.6962	23.8327	25.0269	26.2788	27.5942	28.9731	30.4212
243	SR WATER DISTRIBUTION OPERATOR	4,471	4,695	4,930	5,176	5,435	5,707	5,992	6,292	6,607	6,937
		25.7942	27.0865	28.4423	29.8615	31.3558	32.9250	34.5692	36.3000	38.1173	40.0212
205	SR WW COLLECTION MAINT TECH	4,471	4,695	4,930	5,176	5,435	5,707	5,992	6,292	6,607	6,937
		25.7942	27.0865	28.4423	29.8615	31.3558	32.9250	34.5692	36.3000	38.1173	40.0212
196	TRAFFIC SIGNAL WORKER	3,479	3,653	3,836	4,028	4,229	4,440	4,662	4,895	5,140	5,397
		20.0712	21.0750	22.1308	23.2385	24.3981	25.6154	26.8962	28.2404	29.6538	31.1365
198	TRANSPORTATION COORDINATOR	4,439	4,661	4,894	5,139	5,396	5,666	5,949	6,246	6,558	6,886
		25.6096	26.8904	28.2346	29.6481	31.1308	32.6885	34.3212	36.0346	37.8346	39.7269
271	UTILITY ACCOUNT SPECIALIST	3,696	3,881	4,075	4,279	4,493	4,718	4,954	5,202	5,462	5,735
		21.3231	22.3904	23.5096	24.6865	25.9212	27.2192	28.5808	30.0115	31.5115	33.0865
295	UTILITY MAINT TECH TRAINEE	3,586	3,765	3,953	4,151	4,359	4,577	4,806	5,046	5,298	5,563
		20.6885	21.7212	22.8058	23.9481	25.1481	26.4058	27.7269	29.1115	30.5654	32.0942
260	UTILITY MAINT TECHNICIAN	3,816	4,007	4,207	4,417	4,638	4,870	5,114	5,370	5,639	5,921
		22.0154	23.1173	24.2712	25.4827	26.7577	28.0962	29.5038	30.9808	32.5327	34.1596
274	UTILITY SER FIELD TECH I	3,201	3,361	3,529	3,705	3,890	4,084	4,288	4,502	4,727	4,963
		18.4673	19.3904	20.3596	21.3750	22.4423	23.5615	24.7385	25.9731	27.2712	28.6327

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**City of Santa Cruz**  
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**Human Resources**

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
275	UTILITY SER FIELD TECH II	3,362	3,530	3,706	3,891	4,086	4,290	4,505	4,730	4,966	5,214
		19.3962	20.3654	21.3808	22.4481	23.5731	24.7500	25.9904	27.2885	28.6500	30.0808
272	UTILITY SERVICE REP I	3,201	3,361	3,529	3,705	3,890	4,084	4,288	4,502	4,727	4,963
		18.4673	19.3904	20.3596	21.3750	22.4423	23.5615	24.7385	25.9731	27.2712	28.6327
273	UTILITY SERVICE REP II	3,362	3,530	3,706	3,891	4,086	4,290	4,505	4,730	4,966	5,214
		19.3962	20.3654	21.3808	22.4481	23.5731	24.7500	25.9904	27.2885	28.6500	30.0808
289	VOLUNTEER COORDINATOR ASSIST	2,912	3,058	3,211	3,372	3,541	3,718	3,904	4,099	4,304	4,519
		16.8000	17.6423	18.5250	19.4538	20.4288	21.4500	22.5231	23.6481	24.8308	26.0712
225	WASTE REDUCTION ASSITANT	3,399	3,569	3,747	3,934	4,131	4,338	4,555	4,783	5,022	5,273
		19.6096	20.5904	21.6173	22.6962	23.8327	25.0269	26.2788	27.5942	28.9731	30.4212
208	WATER CONSERVATION REPRES.	3,768	3,956	4,154	4,362	4,580	4,809	5,049	5,301	5,566	5,844
		21.7385	22.8231	23.9654	25.1654	26.4231	27.7442	29.1288	30.5827	32.1115	33.7154
244	WATER DISTRIBUTION OIT	3,122	3,278	3,442	3,614	3,795	3,985	4,184	4,393	4,613	4,844
		18.0115	18.9115	19.8577	20.8500	21.8942	22.9904	24.1385	25.3442	26.6135	27.9462
246	WATER DISTRIBUTION OPER III	4,000	4,200	4,410	4,631	4,863	5,106	5,361	5,629	5,910	6,205
		23.0769	24.2308	25.4423	26.7173	28.0558	29.4577	30.9288	32.4750	34.0962	35.7981
245	WATER DISTRIBUTION OPERATOR II	3,665	3,848	4,040	4,242	4,454	4,677	4,911	5,157	5,415	5,686
		21.1442	22.2000	23.3077	24.4731	25.6962	26.9827	28.3327	29.7519	31.2404	32.8038
258	WATER FAC MECHANICAL TECH II	4,399	4,619	4,850	5,092	5,347	5,614	5,895	6,190	6,499	6,824
		25.3788	26.6481	27.9808	29.3769	30.8481	32.3885	34.0096	35.7115	37.4942	39.3692
259	WATER FAC MECHANICAL TECH III	4,748	4,985	5,234	5,496	5,771	6,060	6,363	6,681	7,015	7,366
		27.3923	28.7596	30.1962	31.7077	33.2942	34.9615	36.7096	38.5442	40.4712	42.4962
276	WATER METER SPECIALIST	3,383	3,552	3,730	3,916	4,112	4,318	4,534	4,761	4,999	5,249
		19.5173	20.4923	21.5192	22.5923	23.7231	24.9115	26.1577	27.4673	28.8404	30.2827
212	WATER METER TECHNICIAN	3,009	3,159	3,317	3,483	3,657	3,840	4,032	4,234	4,446	4,668
		17.3596	18.2250	19.1365	20.0942	21.0981	22.1538	23.2615	24.4269	25.6500	26.9308

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**City of Santa Cruz**  
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Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
251	WATER QUALITY CHEMIST I	4,743	4,980	5,229	5,490	5,765	6,053	6,356	6,674	7,008	7,358
		27.3635	28.7308	30.1673	31.6731	33.2596	34.9212	36.6692	38.5038	40.4308	42.4500
252	WATER QUALITY CHEMIST II	4,981	5,230	5,492	5,767	6,055	6,358	6,676	7,010	7,360	7,728
		28.7365	30.1731	31.6846	33.2712	34.9327	36.6808	38.5154	40.4423	42.4615	44.5846
253	WATER QUALITY CHEMIST III	5,477	5,751	6,039	6,341	6,658	6,991	7,341	7,708	8,093	8,498
		31.5981	33.1788	34.8404	36.5827	38.4115	40.3327	42.3519	44.4692	46.6904	49.0269
239	WATER TREATMENT OIT	3,827	4,018	4,219	4,430	4,651	4,884	5,128	5,384	5,653	5,936
		22.0788	23.1808	24.3404	25.5577	26.8327	28.1769	29.5846	31.0615	32.6135	34.2462
240	WATER TREATMENT OPERATOR II	4,246	4,458	4,681	4,915	5,161	5,419	5,690	5,974	6,273	6,587
		24.4962	25.7192	27.0058	28.3558	29.7750	31.2635	32.8269	34.4654	36.1904	38.0019
241	WATER TREATMENT OPERATOR III	4,996	5,246	5,508	5,783	6,072	6,376	6,695	7,030	7,381	7,750
		28.8231	30.2654	31.7769	33.3635	35.0308	36.7846	38.6250	40.5577	42.5827	44.7115
242	WATER TREATMENT OPERATOR IV	5,248	5,510	5,785	6,074	6,378	6,697	7,032	7,384	7,753	8,141
		30.2769	31.7885	33.3750	35.0423	36.7962	38.6365	40.5692	42.6000	44.7288	46.9673
216	WHARF CONSTRUCTION WORKER	3,958	4,156	4,364	4,582	4,811	5,052	5,305	5,570	5,848	6,140
		22.8346	23.9769	25.1769	26.4346	27.7558	29.1462	30.6058	32.1346	33.7385	35.4231
265	WTR FAC ELEC/INSTR TECH II	4,743	4,980	5,229	5,490	5,765	6,053	6,356	6,674	7,008	7,358
		27.3635	28.7308	30.1673	31.6731	33.2596	34.9212	36.6692	38.5038	40.4308	42.4500
266	WTR FAC ELEC/INSTR TECH III	5,257	5,520	5,796	6,086	6,390	6,710	7,045	7,397	7,767	8,155
		30.3288	31.8462	33.4385	35.1115	36.8654	38.7115	40.6442	42.6750	44.8096	47.0481
204	WW COLLECTION MAINT TECH I	3,665	3,848	4,040	4,242	4,454	4,677	4,911	5,157	5,415	5,686
		21.1442	22.2000	23.3077	24.4731	25.6962	26.9827	28.3327	29.7519	31.2404	32.8038
202	WW COLLECTION MAINT TECH II	4,000	4,200	4,410	4,631	4,863	5,106	5,361	5,629	5,910	6,205
		23.0769	24.2308	25.4423	26.7173	28.0558	29.4577	30.9288	32.4750	34.0962	35.7981
203	WW COLLECTION MAINT TRAINEE	3,122	3,278	3,442	3,614	3,795	3,985	4,184	4,393	4,613	4,844
		18.0115	18.9115	19.8577	20.8500	21.8942	22.9904	24.1385	25.3442	26.6135	27.9462

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**City of Santa Cruz**  
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Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
261	WW COLLECTION MECH TECH II	4,399	4,619	4,850	5,092	5,347	5,614	5,895	6,190	6,499	6,824
		25.3788	26.6481	27.9808	29.3769	30.8481	32.3885	34.0096	35.7115	37.4942	39.3692
262	WW FAC ELEC/ INSTR TECH I	3,816	4,007	4,207	4,417	4,638	4,870	5,114	5,370	5,639	5,921
		22.0154	23.1173	24.2712	25.4827	26.7577	28.0962	29.5038	30.9808	32.5327	34.1596
263	WW FAC ELEC/INSTR TECH II	4,743	4,980	5,229	5,490	5,765	6,053	6,356	6,674	7,008	7,358
		27.3635	28.7308	30.1673	31.6731	33.2596	34.9212	36.6692	38.5038	40.4308	42.4500
268	WW FAC INSTR TECH II	4,473	4,697	4,932	5,179	5,438	5,710	5,996	6,296	6,611	6,942
		25.8058	27.0981	28.4538	29.8788	31.3731	32.9423	34.5923	36.3231	38.1404	40.0500
249	WW FAC LEAD MECH TECH	4,748	4,985	5,234	5,496	5,771	6,060	6,363	6,681	7,015	7,366
		27.3923	28.7596	30.1962	31.7077	33.2942	34.9615	36.7096	38.5442	40.4712	42.4962
247	WW FAC MECH TECH I	3,816	4,007	4,207	4,417	4,638	4,870	5,114	5,370	5,639	5,921
		22.0154	23.1173	24.2712	25.4827	26.7577	28.0962	29.5038	30.9808	32.5327	34.1596
248	WW FAC MECH TECH II	4,399	4,619	4,850	5,092	5,347	5,614	5,895	6,190	6,499	6,824
		25.3788	26.6481	27.9808	29.3769	30.8481	32.3885	34.0096	35.7115	37.4942	39.3692
269	WW FACILITIES ELEC TECH I	3,816	4,007	4,207	4,417	4,638	4,870	5,114	5,370	5,639	5,921
		22.0154	23.1173	24.2712	25.4827	26.7577	28.0962	29.5038	30.9808	32.5327	34.1596
270	WW FACILITIES ELEC TECH II	4,473	4,697	4,932	5,179	5,438	5,710	5,996	6,296	6,611	6,942
		25.8058	27.0981	28.4538	29.8788	31.3731	32.9423	34.5923	36.3231	38.1404	40.0500
267	WW FACILITIES INSTR TECH I	3,816	4,007	4,207	4,417	4,638	4,870	5,114	5,370	5,639	5,921
		22.0154	23.1173	24.2712	25.4827	26.7577	28.0962	29.5038	30.9808	32.5327	34.1596
111	WW PLANT OPER IN TRAIN	3,357	3,525	3,701	3,886	4,080	4,284	4,498	4,723	4,959	5,207
		19.3673	20.3365	21.3519	22.4192	23.5385	24.7154	25.9500	27.2481	28.6096	30.0404
206	WW PLANT OPERATOR I	3,393	3,563	3,741	3,928	4,124	4,330	4,547	4,774	5,013	5,264
		19.5750	20.5558	21.5827	22.6615	23.7923	24.9808	26.2327	27.5423	28.9212	30.3692
207	WW PLANT OPERATOR II	4,707	4,942	5,189	5,448	5,720	6,006	6,306	6,621	6,952	7,300
		27.1558	28.5115	29.9365	31.4308	33.0000	34.6500	36.3808	38.1981	40.1077	42.1154

6.67





**City of Santa Cruz**  
 California  
 Human Resources  
**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Service</b>											
236	WW PLANT OPERATOR III	5,173	5,432	5,704	5,989	6,288	6,602	6,932	7,279	7,643	8,025
		29.8442	31.3385	32.9077	34.5519	36.2769	38.0885	39.9923	41.9942	44.0942	46.2981

6.68

POLICY TITLE        DISCRIMINATION, HARASSMENT, RETALIATION, AND  
RESPECTFUL WORKPLACE CONDUCT POLICY

POLICY STATEMENT

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and to provide all current and prospective employees, Councilmembers, contractors, unpaid interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (all of which are later referred to as “Protected Categories”), or any other consideration made unlawful by local, State or Federal law.

This policy pertains to all aspects of employment with the City or the application for employment with the City including, but not limited to, recruitment, selection, placement, assignment, compensation, benefits, training, transfer, promotion, evaluation, discipline, and termination.

This policy prohibits unlawful harassment, discrimination, and retaliation by supervisors, managers, co-workers, and third parties such as vendors or customers.

**Definitions:**

Discrimination as used in this policy is defined as the treatment or consideration of, or making a distinction in favor of or against, an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) basing an employment decision on a job applicant’s or an employee’s protected status;
- b) treating an applicant or employee differently with regard to any aspect of employment because of their protected status;
- c) offering an employment benefit in exchange for sexual favors;
- d) threatening negative consequences if an employee declines a sexual advance;
- e) engaging in harassment, as more specifically defined below; and
- f) taking adverse employment action (i.e., demotion, transfer, discipline, or termination) against an employee based on the employee opposing discrimination in the workplace; assisting, supporting, or associating with a member of a protected category who complains about discrimination, or assisting in an investigation of discrimination.

Harassment as used in this policy is defined as the persistent disturbance or irritation of an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) verbal harassment such as epithets, derogatory comments, or slurs, including on social media;
- b) physical acts such as assault or impeding or blocking movement;
- c) visual insults such as derogatory posters, drawings, or photographs;

- d) unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature; and
- e) sending sexually-related emails or text messages.

Abusive Conduct as used in this policy is defined as conduct in the workplace or on social media, undertaken with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests; it may include repeated infliction of verbal abuse, 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 the sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Employee as used in this policy is defined as an individual performing business activities under direct supervision of another City employee and includes full-time, part-time, and temporary employees, contractors, unpaid interns, and volunteers.

Equal Employment Opportunity Committee (EEOC) as used in this policy is an advisory body to the City Council consisting of nine (9) members, including representatives from the community appointed by the City Council, employees appointed by the City Manager, and employees appointed by various labor groups.

Responsibilities:

1. The City of Santa Cruz shall take reasonable steps to prevent abusive conduct, discrimination, harassment, and retaliation from occurring in the workplace environment, including the following:
  - a) affirmatively raising the subjects of abusive conduct, discrimination, harassment and retaliation;
  - b) expressing strong disapproval;
  - c) maintaining and developing appropriate sanctions;
  - d) informing employees of their right to raise and how to raise the issues of abusive conduct, discrimination, harassment, and retaliation under City policy and/or the law; and
  - e) maintaining and developing methods to sensitize all concerned.

Such behavior shall not be tolerated, condoned, or trivialized. The City is committed to take action against any person violating this policy which will end the prohibited conduct. City employees who violate this policy shall be subjected to appropriate discipline, including possible dismissal, upon consideration of the findings and recommendations of the City Manager or their representative.

2. The City Manager shall fully accept and support the City's commitment to prevent abusive conduct, discrimination, harassment, and retaliation as a means to assure full equal employment opportunity for all prospective and current employees, contractors, unpaid interns, and volunteers including the following:
  - a) defining and assigning specific responsibilities throughout the organization for the development, implementation, and monitoring of this policy;
  - b) appointing one (1) department head and three (3) employee representatives to the EEOC;
  - c) ensuring all department heads support this policy;
  - d) reviewing the recommendations of the Human Resources Director on the resolution of complaints appealed under the Administrative Procedure Order (APO) Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and making final decisions in each such complaint; and
  - e) ensuring that an EEO Report is completed and submitted annually to the City Council.

3. The Human Resources Department (HR) Director shall be responsible for:
  - a) ensuring that this policy, including its definition of abusive conduct, discrimination, harassment, and retaliation and the complaint procedures are disseminated to all employees;
  - b) providing guidance, training sessions, and assistance to department heads, managers, supervisors, and employees within their areas of responsibility;
  - c) investigating, resolving, and making findings and recommendations on complaints that are reported according to established informal and formal grievance procedures as set forth in the Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure APO and the Respectful Workplace Conduct APO;
  - d) coordinating the annual EEO report, to include data on the make-up of the City workforce and the representation of protected classes, and distributing the report to the City Council, City staff, the public, and Federal and state agencies as requested or required;
  - e) regularly reviewing and revising personnel policies, procedures, and practices to eliminate non-job-related criteria, minimize the opportunity for discrimination and harassment, and ensure compliance with all legal requirements for equal employment opportunity;
  - f) designing, implementing, and monitoring a recruitment program to draw all qualified applicants; and
  - g) designating an EEO Coordinator, who will assist the HR Director with EEO-related activities and staff the EEOC.
  
4. Department Heads, Managers, and Supervisors shall all be responsible for:
  - a) giving their full support to this policy through active cooperation, leadership, and personal example;
  - b) informing employees in their respective departments or areas of responsibility of their rights and responsibilities regarding abusive conduct, discrimination, harassment, and retaliation under this policy;
  - c) ensuring that their employees have equal access to training and promotional opportunities;
  - d) acting to prevent abusive conduct, discrimination, harassment and retaliation from occurring; and
  - e) cooperating with the HR Director in resolving complaints involving employees in their respective departments.
  
5. Employees of the City shall be responsible for lending their personal support and cooperation in maintaining equal employment opportunities in the City. Employees shall cooperate fully with all investigations of abusive conduct, discrimination, harassment, and retaliation and implementation of remedial measures and shall not retaliate against complainants or witnesses.
  
6. The EEOC shall act in an advisory capacity to the City Council in all matters pertaining to EEO and be responsible for serving as a communication channel between City employees, the community, the City Manager, and the EEO Coordinator on any EEO activities and concerns.

Additional Applications and Considerations:

- Complaints may be filed by any individual (or a representative of their choice, on their behalf) who feels a violation of this policy has occurred. The procedures for resolving complaints alleging violation of this policy are set forth in APO Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure and APO Respectful Workplace Conduct.

- Contracts with the City of Santa Cruz which contain an equal employment opportunity/non-discrimination clause shall also include language which requires those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in their companies.
- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of this policy.
- All Memoranda of Understanding entered into by the City and any employee organization shall contain an appropriate non-discrimination/harassment clause.
- In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy. Nothing in these regulations may be construed as limiting the City's right to take reasonable disciplinary measures which do not discriminate on a basis identified in this policy.
- Discrimination/harassment/retaliation prevention (including prevention of abusive conduct), and cultural diversity awareness training, is mandatory for all City employees and City Councilmembers.
- All City employment announcements, brochures, procedures, advertisements, and application forms will state that the City is an Equal Opportunity Employer. The Human Resources Department will also inform all outreach recruitment and referral sources of the City's Discrimination and Harassment Policy and request that sources actively recruit and refer qualified applicants from all sectors of the community.
- In support of recruitment and retention efforts, City management shall consider the viability of participating in or developing supportive programs in such areas as: job-related skill training and education, job development, career counseling, transportation, day care, and health care.
- Where groups of employees are featured in the City's publications and communications (i.e., text and photographs), insofar as possible, the materials should illustrate that the City's workforce is as diverse as the populace it serves.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

**HISTORY:**

Revision by Resolution No. NS-28,533 July 24, 2012

Revision by Resolution No. NS-28,823 September 9, 2014

Revision by Resolution No. NS-29,220 April 4, 2017

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1A (Revised April 2017)

II-1A

TO: Department Heads

SUBJECT: DISCRIMINATION/HARASSMENT/RETALIATION POLICY  
IMPLEMENTATION AND COMPLAINT PROCEDURE

### PURPOSE

The purpose of this document is to confirm the City's commitment to prohibit and prevent unlawful discrimination, harassment, and retaliation in employment, and provide a City complainant an investigation procedure to resolve complaints of alleged discrimination, harassment, or retaliation in violation of the law or City Council Policy 25.2 (*Discrimination, Harassment, and Respectful Workplace Conduct Policy*).

### POLICY

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from discrimination, harassment, and retaliation, and to provide all current and prospective employees, contractors, interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (later referred to collectively as "Protected Categories") or any other consideration made unlawful by local, State, or Federal law.

This policy is promulgated in recognition of the fact that conduct of the type prohibited by this policy, if allowed to exist, not only violates Federal, State, and municipal law, but also serves to undermine employee integrity, create low employee morale, reduce employee productivity, and cause skilled and valuable workers to leave their City employment. All of this, in turn, is detrimental to the general health and welfare of the community, which depends upon a highly motivated and skilled body of City employees to deliver essential municipal services.

The City Council acknowledges and understands that in order to implement a policy of this type, it is essential that all persons who witness or experience discrimination, harassment, or retaliation report it immediately in order to facilitate early, effective, efficient, and impartial investigation and intervention by the City. Accordingly, any retaliation against a person for filing a complaint, reporting discrimination, harassment, or retaliation which he or she has witnessed, or assisting in an investigation is strictly prohibited. Employees found to have participated in retaliatory action in contravention of this policy shall be subject to disciplinary action up to and including termination.

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.

### DISSEMINATION OF POLICY AND TRAINING

All employees, supervisors, and managers shall receive a copy of this Administrative Procedure Order and City Council Policy 25.2 and shall also attend sexual harassment and cultural diversity training according to the following schedule:

- 1) All New Employees – Harassment/Discrimination/Retaliation Prevention Training, and Cultural Diversity Training, within the first year of hire.
- 2) Supervisors – Cultural Diversity Training within the first year of hire, Harassment/Discrimination/Retaliation Prevention Training within six months of gaining supervisory responsibilities, and refresher training no less frequently than every two years.

Posters explaining local, State, and Federal non-discrimination laws will be prominently displayed in the Human Resources Department.

### REASONABLE ACCOMMODATION FOR DISABILITY (in accordance with Title II of the *Americans with Disabilities Act of 1990, and as amended by the ADA Amendments Act of 2008*)

Disability is defined as: a) a physical or mental impairment that substantially limits one or more major life activities, b) having a documented record of such an impairment, or c) being regarded as having such an impairment.

Accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. It means modifications or adjustments to: a) a job application process to enable an individual with a disability to be considered for the position, b) the work environment in which a position is performed so that a person with a disability can perform the essential functions of the position, and c) enable individuals with disabilities to enjoy equal benefits and privileges of employment as employees without disabilities enjoy.

#### **I. Inclusions**

Accommodation includes making existing facilities and equipment used by employees readily accessible to and usable by individuals with disabilities. Accommodation applies to: a) all employment decisions and to the job application process, b) all services and programs provided in connection with employment, c) non-work facilities provided in connection with employment, and d) known disabilities only.

#### **II. Exclusions**

Accommodation is not required if: a) it eliminates essential functions of a position from the person's job, or b) adjustments or modifications requested are primarily for the benefit of the person with a disability. The law does not require an accommodation that imposes an "undue

hardship” on the operation of the City. Undue hardship means significant difficulty or expense incurred in the provision of accommodation relative to the operation of the City’s program and includes, but is not limited to, financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. The following factors will be considered in determining whether an accommodation would create undue hardship: a) the nature and cost of the accommodation, b) the financial resources of the City, c) the number of employees, and d) the type of operations of the City, including the composition and functions of its workforce.

### **III. Determining the Appropriate Accommodation**

Where a particular accommodation would result in an undue hardship, the City must determine if another accommodation is available that would not result in an undue hardship. If a qualified individual with a disability requests the provision of a reasonable accommodation, the City shall engage in an informal, interactive process with the person with a disability which identifies the precise limitations resulting from the disability and potential accommodations that could overcome those limitations. The accommodation process shall generally involve five (5) steps.

- First, the City shall analyze the particular job at issue and determine its purpose and essential functions.
- Second, the City shall consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual’s disability.
- Third, the City shall consult with the individual with a disability and, if desired by the agency, the appropriate rehabilitation or ergonomics consultant to identify potential accommodations and the necessary modifications.
- Fourth, the City shall assess the effectiveness of each potential accommodation with regard to enabling the individual to perform the essential functions of the position.
- Finally, the City shall consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.

### **DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURE**

This complaint procedure is available to City of Santa Cruz employees and individuals who believe that they have been subjected to discrimination, harassment, and/or retaliation in relation to employment with the City of Santa Cruz.

Complainants, and employees alleged to have engaged in discrimination, harassment, or retaliation, may choose to be represented at any or all steps in the complaint process.

#### **I. Filing a Complaint**

Complaints may be submitted to an employee’s immediate supervisor, any supervisor or manager within or outside the department, the department head, or Human Resources Department within one (1) year of the date the alleged action occurred. Any City of Santa



Cruz supervisor, manager, or department head who receives a discrimination or harassment complaint shall notify the Human Resources Department immediately upon receipt of the complaint. Complaints may be presented orally or in writing.

Written complaints should include the following information:

- The name, address, and telephone number of the complainant.
- The basis for the alleged discrimination or harassment (protected category and/or retaliation).
- The specific discriminatory practice(s) or incident(s) that have occurred.
- The names of any persons thought to be responsible for the discrimination/harassment.
- 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.

If complainants wish to file the complaint in person and receive assistance, they may contact the Human Resources Department to schedule an appointment with a staff investigator.

## II. **Investigation and Resolution**

After reviewing the complaint, the Human Resources Director shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint by a qualified person. The complainant will be contacted by the investigator upon the investigator's receipt of the complaint and will be kept apprised of the status of the investigation. The investigation will be documented and tracked for reasonable progress and appropriate due process. Every effort will be made to conclude the investigation within one hundred and twenty (120) calendar days of receipt of the complaint.

The Human Resources Director will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the protected categories or if a nexus cannot be established between the alleged act(s) and discrimination based on any of the protected categories.

When the investigation is completed, the Human Resources Director will determine if there is sufficient evidence to substantiate a violation of the City's Discrimination, Harassment, and Retaliation Policy and if remedial action is necessary to resolve the issues of the complaint. The complainant, alleged perpetrator/harasser, and department head(s) will be notified of the Human Resources Director's determination. If discipline is imposed, the discipline will not be communicated to the complainant.

If it would present a conflict (or the appearance of such) for the review and investigation of a complaint to be conducted by the Human Resources Department, the City Manager will be responsible for this process.

**III. City Manager Review**

Complainants who are not satisfied with the Human Resources Director's determination may request a review by the City Manager (or his/her representative), in writing, within ten (10) workdays following receipt of the Human Resources Director's determination. The City Manager (or his/her representative) shall review the complainant's written appeal and the investigative findings and shall render a written decision within thirty (30) workdays following the review.

**IV. Additional Remedies**

Current City employees covered by a memorandum of understanding that includes arbitration as the final step in the grievance process may request that the matter be taken to arbitration in accordance with the specific procedures contained in the applicable memorandum of understanding.

In addition, all complainants may file complaints of discrimination, harassment, or retaliation with the State of California Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission, whether or not complainants choose to use the City of Santa Cruz' complaint procedure. Time limits for filing complaints with State and Federal compliance agencies vary, and those agencies should be contacted directly for specific information. The addresses and telephone numbers (as of the revision date of this procedure) are:

California Department of Fair Employment and Housing  
Bay Area Regional Office  
39141 Civic Center Drive, Suite 250  
Fremont, CA 94538  
Phone: (800) 884-1684  
For Persons with a Hearing Impairment: (800) 884-1684 or TTY at (800) 700-2320  
E-mail: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

United States Equal Employment Opportunity Commission  
San Jose Local Office  
96 North Third Street, Suite 250  
San Jose, CA 95112  
Phone: (800) 669-4000  
Fax: (408) 291-4539  
TTY: (800) 669-6820  
ASL Video Phone: (844) 234-5122

## **EXHIBIT D**

### **DIVISION STEWARDS**

1. At Large (5 Chief Stewards)
2. Police & Fire
3. Parks & Recreation
4. DeLaveaga Gold Course
5. Wharf
6. Library Headquarters
7. Central Library
8. Branch Libraries
9. Street/Sidewalk Maintenance; Sign Shop; Street Painting
10. Parking Control
11. City Garage
12. Sanitation
13. Resource Recovery Facility (Landfill/Recycling)
14. Wastewater Mains; Flood Control
15. Wastewater Treatment Plant
16. Water Treatment Plant
17. Water Corporation Yard; Water Meter Shop
18. Water Admin; City Mgr; HR; City Clerk
19. Loch Lomond
20. Information Technology; Finance
21. Planning; Inspection; Redevelopment; Public Works Admin & Engineering; Traffic Engineering.

## **EXHIBIT E**

### **CLASSIFICATIONS REQUIRING SAFETY BOOTS (REGULAR POSITIONS ONLY)**

\*Assistant Engineer I  
\*Assistant Engineer II  
Assistant Wastewater Plant Operator  
Building Inspector  
Building Maintenance Worker I  
Building Maintenance Worker II  
Chemist I  
Chemist II  
Construction Specialist  
Courier Driver  
Custodian (Civic, Wharf, Parks & LNCC only)  
\*Engineering Technician  
Environmental Compliance Inspector  
Equipment Mechanic I  
Equipment Mechanic II  
Equipment Service Worker  
Landfill Gate Attendant  
Light Equipment Mechanic  
Parking Attendant  
Parking Control Maintenance Worker  
Parking Enforcement Officer  
Parking Facility Maintenance Assistant  
Parks Maintenance Worker  
Parks Maintenance Mechanic I/II  
Police Property Attendant  
Ranger  
Recycling Center Equipment Mechanic  
Recycling Maintenance Technician  
Resource Recovery Equipment Operator  
Resource Recovery Worker I  
Resource Recovery Worker II  
Sanitation/Recycling Aide  
Service Maintenance Trainee  
Service Maintenance Worker  
Senior Building Inspector  
Senior Environmental Compliance Inspector  
Senior Parks Maintenance Worker  
Senior Resource Recovery Worker  
Senior Service Maintenance Worker  
Senior Water Distribution Worker  
Solid Waste Worker  
Street Maintenance Worker  
Street Signing Specialist  
Traffic Signal Technician  
Traffic Signal Worker  
Utility Maintenance Technician  
\*Utility Service Representative  
\*Waste Reduction Coordinator  
Wastewater Facilities Electrical/Instrumentation Technician I/II  
Wastewater Facilities Lead Electrical/Instrumentation Technician

Wastewater Mains Maintenance Trainee  
Wastewater Mains Maintenance Worker  
Wastewater Mains Senior Maintenance Worker  
Wastewater Plant Operator I  
Wastewater Plant Operator II  
Water Distribution Worker I  
Water Distribution Worker II  
Water Meter Technician  
Water Quality Laboratory Assistant  
Water Quality Microbiologist I/II/III  
Water Treatment Operator I/II/III/IV  
Wharf Construction Worker

\*Field positions only, requirement is optional with department head approval.

## **EXHIBIT F**

### **ASSISTANT TO LANDFILL EQUIPMENT OPERATIONS ASSIGNMENT**

#### Landfill Orientation Program

In February of 2003, the Resource Recovery Facility began a voluntary Landfill Orientation Program to introduce all interested Resource Recovery Workers to the full scope of landfill operations and activities. This eight-week program is designed to introduce Resource Recovery Workers to the operational, regulatory, and mechanical aspects of the landfill operation. The orientation initially includes observation of the traffic flow and the equipment used to operate the landfill. This is followed by training on the operation of the articulated truck and the dirt loader, then training on the operation of the smallest bulldozer available; an operator or supervisor trains the individual and the training takes place away from the public and traffic. The worker then learns to operate the larger dozer and the compactor. The workers are trained on equipment operation techniques and safety techniques to be used around public traffic.

Resource Recovery Workers who are interested in completing the orientation program may sign up for the program with their supervisors. Those who are interested will be scheduled to participate in the orientation program on a first-come-first-served basis. In order to participate in the Landfill Orientation Program, an employee must first successfully complete the probationary period.

#### Purpose

The Resource Recovery Facility would like to offer an opportunity to assist with the operation of landfill equipment on an intermittent basis to Resource Recovery Workers who have successfully completed the Landfill Orientation Program. This assignment will involve the entry-level operation of standard landfill equipment under the direct supervision of a Resource Recovery Supervisor or experienced Resource Recovery Equipment Operator. This assignment is being offered in order to continue fostering a work environment where workers can learn new skills that will benefit them in preparing for promotional opportunities and where application of those skills will also benefit the City. Additionally, creation of this assignment will allow those Resource Recovery Workers who are not yet qualified for the journey-level Resource Recovery Equipment Operator classification to work toward gaining the experience to qualify for that position.

#### Process

Qualified Resource Recovery Workers will be assigned to assist in landfill equipment operations on a rotational basis to cover the absences of Resource Recovery Equipment Operators. Each individual will be assigned, on an as-needed basis, as determined by the Superintendent of Resource Recovery Disposal, for no more than ten working days at a time. At the completion of those ten days, that individual will move to the bottom of the assignment list and the next person will move to the top. The purpose of this rotational approach is to promote career development for all interested employees.

Those Resource Recovery Workers who have completed the Landfill Orientation Program may have their names placed on the Assistant to Landfill Equipment Operations list by notifying their supervisor or the Superintendent of Resource Recovery Disposal that they would like to do so.

#### Compensation

The salary range that will be used for participating in the Landfill Orientation Program and the intermittent Assistant to Landfill Equipment Operations assignment is equivalent to the salary range for the Service Maintenance Worker classification. Resource Recovery Worker incumbents will be placed at a step in this salary range that will provide not less than a 2.5% increase (in accordance with the Working Out of Classification provisions of the Service Employees' M.O.U., Section 10.04).

Exhibit F



HUMAN RESOURCES DEPARTMENT  
1109 Center Street, Room 6, Santa Cruz, CA 95060 • R31 420-5040 • Fax: 031 420-5041 • www.ci.santa-cruz.ca.us

October 16, 2003

Therese Valdez  
S.E.I.U., Local 415  
517 Mission Street  
Santa Cruz, CA 95060

Dear Therese:

Attached is the revised and final Assistant to Landfill Equipment Operations Assignment document. The only revision that has been made is the addition of the following statement to the second paragraph: *In order to participate in the Landfill Orientation Program, an employee must first successfully complete the probationary period.*

Because this letter will serve to document our agreement to proceed with the implementation of the Assistant to Landfill Equipment Operations Assignment, please indicate your agreement by signing below and please return a signed copy of this letter to me. Because Jose Gamboa has indicated that he would like to implement this Assignment on Saturday, October 18, 2003, as he has a need for someone to work at this level at that time, I would appreciate receiving your response via fax as soon as possible.

When we met on October 14, 2003, the City and S.E.I.U. agreed to the following:

- Initially, the list of employees eligible for the Assignment will be ranked according to seniority. Then, as additional employees qualify, they will be placed on the bottom of the rotational roster.
- This Assignment will be handled in accordance with the Working out of Classification provision of the M.O.U.
- A certificate of completion will be issued to those employees who successfully complete the Landfill Orientation Program.
- Completion of each element of training in the Landfill Orientation Program will be documented and remedial training will take place for those employees who are not initially successful in a particular area.
- We will touch base three months from the date of agreement and then again six months from the date of agreement, in order to discuss any needed changes to the Assistant to Landfill Equipment Operations Assignment.

Please contact me at 420-5045 if you have any questions. Thank you.

Sincerely,

Kelly Menahan  
Assistant Director of Human Resources

Agreed 10/16/03:

Therese Valdez  
SEIU 415

cc Mark Dettle, Mary Arman, Jose Gamboa, Erwin Young

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1B (Effective April 2017)

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, Commissioners, customers, and 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. 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 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*).

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 an employee's work performance.

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.

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; and
- 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, and 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.

- a. Anyone who believes 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 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 the alleged action 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. Written complaints should include the following information (it is recommended but not required to use the "Respectful Workplace Conduct Complaint Form");

- The name, address, and telephone number of the complainant.
- 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 his or her 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 employees are protected from further violations.
- b. Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
- 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.
- d. Employees 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 employee 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 employee subject to the investigation will be notified of the appropriate disciplinary action that will be taken.

- 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 employee 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 reasons 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 in confidence by the Human Resources Department.

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 or employee 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 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.

## 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, 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) City Council of Santa Cruz 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, 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.



# RESPECTFUL WORKPLACE CONDUCT COMPLAINT FORM

## 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.)

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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 this 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: \_\_\_\_\_



## **EXHIBIT H**

### **SEIU 521 REPRESENTED CLASSIFICATIONS DESIGNATED AS CONFIDENTIAL**

#### **Confidential Service Workers**

Administrative Assistant I assigned to City Manager and Human Resources

Administrative Assistant II assigned to City Manager and Human Resources

Administrative Assistant III assigned to City Manager and Human Resources

Executive Assistant to the City Manager

Payroll Technician

Human Resources Technician

**MEMORANDUM OF UNDERSTANDING**

**CITY OF SANTA CRUZ AND**  
**SUPERVISORY EMPLOYEES OF THE CITY OF SANTA CRUZ**  
**OPERATING ENGINEERS, LOCAL #3**

**August 24, 2019 to August 19, 2022**

**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ AND**  
**SUPERVISORY EMPLOYEES OF THE CITY OF SANTA CRUZ**  
**OPERATING ENGINEERS, LOCAL #3**

**August 24, 2019 to August 19, 2022**

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**MEMORANDUM OF UNDERSTANDING  
CITY OF SANTA CRUZ  
AND SUPERVISORY EMPLOYEES OF THE CITY OF SANTA  
OPERATING ENGINEERS, LOCAL #3**

**August 24, 2019 to August 19, 2022**

**SECTION 1.00 - PREAMBLE**

This Memorandum of Understanding is entered into by the City of Santa Cruz (hereinafter referred to as the City) and the City of Santa Cruz Supervisory Employees, represented by Operating Engineers, Local #3 (hereinafter referred to as the Union), and, upon ratification by the Union membership and a determination is made by the City Council, is binding under Section 3505.1 of the Government Code.

The City, the Union, and all employees recognize their respective obligations to provide services of the highest quality and efficiency. To this end, the City and the Union and all employees affirm their commitment to harmonious labor-management relations.

**SECTION 2.00 - TERM**

This Memorandum of Understanding shall be effective on August 24, 2019 and shall expire on August 19, 2022.

Unless otherwise stated herein, all payroll related changes identified in this tentative agreement will commence with the pay period beginning August 24, 2019.

**SECTION 3.00 - NO ABROGATION OF RIGHTS**

The parties acknowledge that City responsibilities and rights as indicated in the City Personnel Rules and Regulations and all applicable State or Municipal laws are neither abrogated nor made subject to the meet and confer process by adoption of this Memorandum of Understanding.

It is agreed that, except as specifically delegated, granted or modified by this Memorandum of Understanding, all of the rights, power, and authority, the City had prior to the signing of this Memorandum of Understanding are retained by the City and remain the exclusive right of the City without limitation. Furthermore, these retained rights are not subject to any grievance or impasse procedure.

**SECTION 4.00 - PAST PRACTICES, FULL UNDERSTANDING, MODIFICATIONS AND WAIVER**

The Memorandum of Understanding and any other written rules or regulations in effect on the first day of this agreement sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other prior or existing understanding or agreements by the parties, whether

formal or informal, regarding any such matters are hereby superseded or terminated in their entirety. Except as specifically provided herein, it is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right, and agrees that the other shall not be required to negotiate with respect to any subject or matter covered herein or with respect to any other matters within the scope of negotiations, during the term of this Memorandum of Understanding.

Any agreement, alteration, understanding, variation, waiver, or modification of any of the terms or provisions contained herein shall not in any manner be binding upon the parties hereto, unless made and executed in writing by the parties hereto, and if required, approved and implemented by the City Council.

The waiver of any breach, term or condition of the Memorandum of Understanding by either party shall not constitute a precedent in the future enforcement of all its terms and provisions.

### **SECTION 5.00 - RECOGNITION**

Pursuant to the Meyer-Milias-Brown Act and the City's Personnel Rules and Regulations, the City has certified the Union as the recognized employee organization of the representation unit consisting of all full-time and part-time regular employees except those limited by State or Municipal Codes, Resolutions or directives in the classifications specifically listed in Exhibit A attached hereto. This unit shall be titled the Supervisory Unit.

### **SECTION 6.00 - EMPLOYEE RIGHTS**

The Union and the City acknowledge that, although the Union is the recognized unit including those classes specifically listed in Exhibit A, the rights of employees under this Memorandum of Understanding, State law, City Rules and Regulations and the City Charter are neither abrogated nor diminished by the adoption of this Memorandum of Understanding.

### **SECTION 7.00 - UNION/CITY COOPERATION**

The Union recognizes that, in consideration of commitments made by the City to provide effective and efficient service to the citizens of Santa Cruz, there is an obligation upon unit employees to directly be involved with and support efforts to improve the methods and production of the various departments. Toward this goal, both the City and the Union agree to work cooperatively towards achieving a high level of effectiveness and efficiency.

#### **7.01 Membership List**

The City agrees to supply the Union quarterly with an alphabetical list of names and classification of bargaining unit members. The City will provide a quarterly list of members who separate service from the City and all new hires.

### **SECTION 8.00 - JOB ACTIONS**

The Union agrees not to permit, authorize or in any other manner allow its members to strike, slowdown, sit-in or engage in any work stoppage or other legal or illegal work or job action.

## **SECTION 9.00 - NO DISCRIMINATION/RESPECTFUL WORKPLACE CONDUCT**

The Union and the City agree to adhere to the City Council policies of equal employment opportunity, harassment prevention, and respectful workplace conduct as listed in Exhibits C, D, and E as well as applicable Federal and State discrimination laws.

## **SECTION 10.00 - UNION SECURITY AND UNION RIGHTS**

### **10.01 Memorandum of Understanding**

#### **10.01.01 Distribution**

The City will make copies of this Memorandum of Understanding available to all members in electronic format. When a person is hired in any classification covered by this Memorandum of Understanding, the City shall notify the person that the Union is the recognized employee organization and provide a link to this Memorandum of Understanding.

### **10.02 Union Notification**

Except in cases of bona fide emergencies, the Union shall be given seven (7) work days advance written notification of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council or City Administration and shall be given the opportunity to meet with the City representative prior to its adoption.

### **10.03 Bulletin Boards and Department Mail**

The Union shall have reasonable access to bulletin boards and departmental mail for the purpose of Union communications provided such use does not interfere with the needs of the department and material posted is not derogatory to the City, employees of the City or other employee organizations. The City shall allow the Union to utilize City e-mail consistent with applicable City policy. A copy of all posted material shall be provided to the Human Resources Division.

### **10.04 Payroll Deductions**

#### **10.04.01 Payroll Deductions**

The City shall deduct Union membership dues and any other mutually agreed-upon payroll deduction, to the extent permitted by law, from the monthly pay of each member employee. The Union will provide the City with information regarding the amount of dues deductions and the list of Union member employees who have affirmatively consented to or authorized dues deductions.

The City shall remit the deducted dues and any other mutually agreed payroll deduction, to the extent permitted by law, to the Union as soon as possible after the deduction.



The City agrees to direct each member employee to the Union with regard to any questions or concerns related to membership dues or any other mutually agreed payroll deduction, to the extent permitted by law.

The Union is responsible for providing the City with timely information regarding changes to member employees' dues and any other lawful union-related payroll deduction.

#### 10.04.02      Union's Certification

The City shall make payroll deductions in reliance on the Union's certification certifying that the Union has and will maintain an authorization, signed by each member employee who affirmatively consents to pay Union membership dues. Similarly, The City shall only cancel or modify any membership dues or any other mutually agreed payroll deduction, to the extent permitted by law, for any member employees in reliance on the information provided by the Union.

The City shall not request the Union to provide a copy of any member employees' authorization unless a dispute arises about the existence or terms of the authorization.

#### 10.04.03      Indemnification

The Union shall indemnify, defend, protect and hold harmless the City and its elected and appointed officials, officers, employees, officers and agents (collectively hereafter the "Indemnitees") from and against any and all claims, liabilities, losses, damages, fines, penalties, claims, demands, suits, actions, causes of action, judgments, costs and expenses (including, but not limited to, reasonable attorneys' fees and court costs) arising from the application of any provisions under Section 10.03, including, but not limited to, any claims made by any member employees for the membership dues deductions the City made in reliance on the Union's certification, and any claims made by any member employees for any deduction cancellation or modification the City made in reliance on the information provided by the Union, provided that the City promptly notify the Union of any such matter for which it is seeking indemnification after the City has knowledge of the occurrence of such matter.

In the event any such action or proceeding is brought against the City by reason of any such claim, the Union, upon notice from the City, covenants to defend such action or proceeding by counsel reasonably satisfactory to the City. Further, the Union agrees to indemnify and hold harmless the Indemnitees for any loss or damage arising from the Union's actions or inactions under Section 10.03. However, the Union shall have the exclusive right to direct counsel, control the defense of any action or proceeding, and determine whether any such action or proceeding shall or shall not be compromised, resisted, defended, tried or appealed

on the premise and condition that the Union shall fully compensate for any monetary loss to the City based on the Union's determination, if any.

#### **10.05 Time Off for Union Officials**

##### **10.05.01 Meet and Confer or Consult Sessions**

Up to four (4) Union members shall be allowed a reasonable amount of paid release time off for meet and confer, or meet and consult, sessions scheduled with the City Council's designated representative, providing there is no disruption of work in the employee's division. In advance of the meeting, the Union shall notify the Human Resources Division of the specific members who will be in attendance. Such Union members shall obtain permission through management channels before leaving their work or work locations.

Ground Rules for negotiating successor agreements shall specify the number of Union members allowed for the meet and confer sessions scheduled with the City Council's representatives.

##### **10.05.02 Union Stewards**

The Union shall be authorized to designate four (4) employees within the unit as stewards. Stewards shall be allowed a reasonable amount of paid release time for the purpose of representing an employee in the filing or processing of an identified grievance. Stewards must first obtain permission through appropriate management channels before leaving their work or work location of such purposes and release time shall only be granted as long as there is no disruption of work in the employee's division. This provision shall be limited to periods of regular working hours. It is agreed the City shall not pay stewards for time spent in handling grievances when they are not regularly scheduled to work.

#### **10.06 Organization Security**

The City and the Union shall conduct an election to determine if the membership wishes to implement an organizational security agreement for maintenance of membership. The specific terms of the maintenance of membership requirements will be subject to agreement by the City and Union prior to the election.

#### **10.07 Access to City Facilities**

With the approval of the site administrator, the Union's representative may meet with members on City facilities during the non-working hours of the employees involved. The non-working hours restriction does not apply to the handling of grievances. A reasonable effort will be made to accommodate the Union representative.

#### **10.08 Area Meetings**

The City shall provide employees two (2) hours of release time per each Union general membership meeting. The two (2) hours includes travel time to and from the meeting and

shall not have an adverse impact on City operations. The purpose of area meetings shall be to nominate and elect officers and shop stewards and to provide a forum for Union communications. There shall be a maximum of three (3) area meetings annually. Union representatives shall have access to City facilities during work hours to conduct such area meetings with employees. The Union shall notify the Human Resources Director at least ten (10) workdays in advance of the date, time, and location of each area meeting. No more than two (2) Union officials shall be provided release time to conduct these meetings.

## **SECTION 11.00 - PERSONNEL ACTIONS**

### **11.01 Personnel Files**

There shall be only one official personnel file which shall be maintained in the City's Human Resources Division. Employees shall have the right to review their personnel file or authorize, in writing, review by their representative. No adverse material will be placed in an employee's personnel file without prior notice and a copy given to the employee. Employees may cause to be placed in their personnel files responses to adverse material inserted therein.

### **11.02 Performance Evaluations**

It is compulsory that all regular employees receive an annual written performance evaluation from their supervisors. Employees will be evaluated at the completion of their third and sixth month of service. Thereafter, all regular employees will be evaluated on their merit review date.

Evaluations are intended to be a summary of the employee's performance over the course of the evaluation period. Evaluations are also to be used as a tool to motivate the employee to work at their highest capacity and to communicate and document the employee's level of performance. To this end, the supervisor and the employee will meet and discuss work responsibilities, job standards and objectives, review progress and plan for the employee's future development prior to the evaluation being placed in the employee's personnel file. Supervisors will make every effort to address performance issues in a timely manner throughout the evaluation period and provide appropriate feedback to employees on an ongoing basis.

Any additions, corrections, deletions or changes on the original evaluation form require initialing by both the maker of the amendment and the employee to indicate that the changes have been discussed and understood. No evaluation shall be made on hearsay statements. Employees may also choose to discuss performance evaluations with their department heads and/or the Human Resources Director and formally enter a response to the evaluation in their personnel file. Disputes regarding performance reviews shall not be subject to the grievance process.

#### **11.02.01 Late Evaluations**

Failure of the supervisor to present the employee with the evaluation within ninety (90)

calendar days of the due date, unless extension is mutually agreed upon in writing, shall result in a recommendation of step advancement in conjunction with Section 13.03. However, as soon as possible thereafter, the supervisor shall conduct a performance evaluation in accordance with Section 11.02

### 11.03 **Probation**

#### 11.03.01 Probationary Period

All original, promotional and re-hire appointments shall be subject to a probationary period of six (6) months. Any time spent by an employee on unpaid status or paid leave shall not be counted as qualifying service toward completion of the probationary period.

#### 11.03.02 Objective of Probationary Period

The probationary period shall be regarded as part of the selection process and shall be utilized for training the new employee on work assignments and standards, and observing and evaluating the employee's performance.

#### 11.03.03 Rejection of Probationary Employee

During the probationary period, an employee may be rejected at any time by the appointing authority without the right of appeal. Notification of rejection shall be served to the probationary employee in writing.

Any promoted employee who is rejected during the probationary period shall be reinstated to the position from which promotion occurred; unless the rejection is due to discharge in which case no reinstatement shall occur.

#### 11.03.04 Extension of Probation

All efforts will be made to sufficiently evaluate the probationary employee during the assigned period. An extension of the probationary period may, however, be recommended by the appointing authority and approved by the Human Resources Director when good cause exists. Such extensions shall be for a specific period of time not to exceed three (3) months. The employee shall be informed in writing of the reasons for the period of the extension at least seven (7) calendar days prior to the scheduled end of the probationary period.

## **SECTION 12.00 - WORK ASSIGNMENTS**

### 12.01 **Work Shifts**

A standard work period for full-time employees is eighty (80) hours per pay period with two (2) or more consecutive days off per week. In accordance with the Fair Labor Standards Act (FLSA) the City shall designate a standard forty (40) hour work week for each pay period week. Alternative work schedules (other than an eight hour, five day per week schedule) may be established by the City.

Employees shall be assigned regularly scheduled starting and quitting times. A shift is defined as regularly set starting and quitting times. Affected employees and the Union will be notified five (5) working days in advance of changes in schedules. The City acknowledges that there may be benefits both to the employer and employee in the application of job sharing or alternative work hours for employees. The City agrees to consider alternative schedules in consultation with interested employees provided that such arrangements shall be made in the best interests of the employing department and by mutual agreement between the employee and the City. This shall not preclude the City from effecting schedule changes due to emergencies and overtime.

12.01.01      Voluntary Time Off

Requests for Voluntary Time Off shall be made and granted in accordance with A.P.O. II-#42. If requested, reasons for denial will be in writing.

12.02    **Seniority**

Subject to a bona fide operational emergency, seniority from the date of promotion or hire into a supervisory position shall be the criterion used to determine eligibility for time off, vacations, floating holidays, compensatory time off, and shift selection. Seniority shall not be the basis for rotational lead assignments or working-out-of class assignments.

12.03    **Lunch Period**

All full-time employees shall be entitled to and expected to take an uninterrupted, unpaid lunch period of a minimum of thirty (30) minutes at or about the mid-point of their workday. Supervisors may occasionally approve flexible scheduling of lunch periods for individual employees. Regular schedules that do not provide the required lunch period at or about the mid-point of the workday will not be allowed.

12.04    **Rest Periods**

Employees shall be allowed a fifteen (15) minute rest period during each four (4) hours of regular work. Departments may make reasonable rules concerning the scheduling of same. Rest periods not taken shall be waived. Rest periods cannot be taken at the beginning or end of a shift or combined with a meal period unless approved. This is not effective in periods of a bona fide emergency nature. Rest periods shall be considered work time.

12.05    **Clean Up Times**

Employees who work with hazardous, contaminated and/or poisonous materials shall be allowed 10 minutes, or more if approved by the supervisor, prior to their lunch period and before the end of their workday to clean up.

12.06    **Emergency Meals**

The purpose of emergency meals is to provide meals when an employee is unable to leave the work site. The City shall provide meals for employees assigned to work emergency or

unscheduled overtime when an employee works four or more hours continuous to their regular work shift. Thereafter, an additional meal will be provided for every four-hour period. Location of meal sites shall be pursuant to administrative directive. The maximum emergency meal allowance will be \$15.00.

#### 12.07 **Light Duty Assignments**

If an employee's medical condition temporarily precludes the performance of their normal duties and management determines modified work is available and necessary to be performed, they may, with medical authorization from the employee's personal physician, be temporarily assigned to such work for a period not to exceed six months unless an extension is approved by the Appointing Authority. No change in base pay will result from this temporary assignment.

### **SECTION 13.00 - PAY RATES AND PRACTICES**

Effective the pay period that begins on August 24, 2019, the salary for all bargaining unit members shall be increased by three percent (3.0%).

Effective the pay period that begins on August 22, 2020, the salary for all bargaining unit members shall be increased by four percent (4.0%).

Effective the pay period that begins on August 21, 2021, the salary for all bargaining unit members shall be increased by three percent (3.0%).

#### 13.01 **Salary Steps**

Each classification in the bargaining unit shall be assigned a salary range that increases by 5% between steps.

#### 13.02 **Salary Rates Upon Appointment**

**New employees** shall be hired at the first step of the classification's salary range; unless a higher starting step is recommended by the appointing authority based on the employee's advance qualifications for the position and such recommendation is approved by the Human Resources Director for steps A-H and the City Manager for Steps I-J.

**Promoted employees** shall be appointed to the first step in the salary range for the new classification. However, if such employee is already being paid at a rate equal to or higher than the first step of the higher range, they shall be placed at the next higher step in the new range to provide the employee an increase of at least two and one-half percent (2.5%).

#### 13.03 **Advancement Within the Range**

- A. Advancement within a classification's salary range shall normally be granted on the employee's scheduled merit review date. Such advancements shall be based solely on meritorious job performance as documented by a satisfactory

performance evaluation submitted by the department head and approved by the Human Resources Director.

- B. All new and promoted employees shall be granted their first merit increase upon successful completion of the probationary period (see “Probation”).

The employee shall then be eligible for subsequent merit increases after each full-year on paid status, continuing until the top of the salary range is attained.

- C. Merit increases shall be from one pay step to the next higher pay step. Increases of greater than one step may, however, be recommended by the department head when exceptional performance has been demonstrated by the employee. Increases of greater than one step must be approved by the Human Resources Director and City Manager.
- D. A merit increase may be denied by the department head when an employee’s job performance falls below the acceptable work standards for the duties assigned. The department head may, in such a case, recommend that the employee’s work performance be reviewed again at a specific time before the next review date. If a merit increase is granted at that time, the employee’s original review date shall change and they shall be eligible for the next merit increase after one year on paid status from the new review date.
- E. An employee’s scheduled merit review date shall be adjusted for any time spent by the employee on unpaid status.
- F. When an employee’s position is reclassified to a classification with a higher salary range, the employee’s pay shall be set at the beginning salary of the range or be placed at a salary in the new range that provides the employee a salary increase of at least five percent (5%). This increase shall have no effect on the employee’s original merit review date.

#### 13.04 Retirement

##### 13.04.01 Employees Hired on or Before May 11, 2012 (Tier I)

This section 13.04.01 shall apply to employees hired on or before May 11, 2012 who are contributing members of CalPERS.

- A. Final Compensation Based on the Single Highest Year

For purposes of determining a retirement benefit, final compensation for employees covered by this section 13.04.01 shall be based on the single highest year.

B. 2.0% @ 55 Pension Formula

The 2.0% @ 55 pension formula shall be available to all employees covered by this section 13.04.01 who are contributing members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 13.04.01.

C. Required Employee Contribution

Members covered by this section 13.04.01 will contribute the employee contribution amount established by CalPERS for the 2.0% @ 55 pension formula. The required contribution amount was seven (7.0%) as of the date of this MOU.

D. Additional Required Employee Contribution

In addition to the required employee contribution, starting with the pay period containing August 17, 2013 members covered by this section 13.04.01 will contribute an additional four percent (4.0%) (total of eleven percent (11%) as of the date of this MOU).

13.04.02 Employees Hired On or After May 12, 2012 (Tier II)

This section 13.04.02 shall apply to employees hired after May 12, 2012 but on or before January 1, 2013 who are contributing members of CalPERS.

A. Final Compensation Based on Three Year Average

For purposes of determining a retirement benefit, final compensation for employees covered by this section 13.04.02 shall be based on the employee's highest three year average.

B. 2.0% @ 60 Pension Formula

The 2.0% @ 60 pension formula shall be available to all employees covered by this section 13.04.02 who are contributing members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 13.04.02.

C. Required Employee Contribution

Members covered by this section 13.04.02 will contribute the employee contribution amount established by CalPERS for the 2.0% @ 60 pension formula. The required contribution amount was seven percent (7.0%) as of the date of this MOU.



D. Additional Required Employee Contribution

In addition to the required employee contribution, starting with the pay period containing August 17, 2013 members covered by this section 13.04.02 will contribute an additional four percent (4.0%) (total of eleven percent (11%) as of the date of this MOU).

13.04.03 Employees Hired On or After January 1, 2013 (Tier III)

This section 13.04.03 shall apply to employees hired on or after January 1, 2013 who are contributing members of CalPERS.

A. Final Compensation Based on Three Year Average

For purposes of determining a retirement benefit, final compensation for employees covered by this section 13.04.03 shall be based on the employee's highest three year average.

B. 2.0% @ 62 Pension Formula

The 2.0% @ 62 pension formula shall be available to all employees covered by this section 13.04.03 who are contributing new members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 13.04.03. Employees covered by this section 13.04.03 who are classic members as defined by CalPERS may be eligible for a different pension formula.

C. Required Employee Contribution

Members covered by this section 13.04.03 will contribute the employee contribution amount established by CalPERS for their pension formula. The required contribution amount for the 2.0% @ 62 was seven and one quarter percent 7.25% as of the date of this MOU. In the event employee contribution rates are adjusted by CalPERS during the term of this MOU, the employee contribution will be recalculated based upon the updated required employee contribution rate established by CalPERS.

D. Additional Required Employee Contribution

In addition to the required employee contribution, starting with the pay period containing August 17, 2013 members covered by this section 13.04.03 will contribute an additional 4.0% (total of eleven and one quarter percent 11.25% as of the date of this MOU).

13.04.04 Retirement, All Employees

The City will maintain the IRS 414(h)(2) provision allowing employees to defer State and Federal income taxes on their CalPERS contributions.

13.04.05 Sick Leave Conversion

The City will provide the sick leave conversion benefit in accordance with Government Code Section 20965.

13.05 **Longevity**

Upon completion of ten (10) years of continuous regular service employees shall receive a two and one-half percent (2.5%) longevity pay increase. Upon completion of fifteen (15) years of continuous regular service employees shall receive an additional two percent (2%) longevity pay increase. Longevity is calculated from the date of hire into a regular status position or a fully benefited special status position. It is understood that longevity pay is considered “additional compensation” for purposes of PERS and tax computations.

13.06 **Working Out of Classification Pay Differential**

The term “working out of classification” is defined as a management authorized full-time assignment on a temporary basis of an employee in a lower classification to a budgeted higher classification. Assignments will be made by the Department Head or City Manager to qualified employees assuming a significant number of duties of the higher classified position. Employees must work a minimum of one (1), eight (8) hour day to qualify for out-of-classification pay.

The employee so assigned shall be entitled to receive a minimum of two and one-half percent (2-1/2%) above the employee’s current base rate of pay or at least the first step in the higher classification salary range when the out-of-classification assignment is for another supervisory position. The employee so assigned shall be entitled to receive a minimum of five percent (5%) above the employee’s current base rate of pay or at least the first step in the higher classification salary range when the out-of-classification assignment is for a management position.

All initial working out of class assignments will be made on a Personnel Action Form.

In accordance with the Public Employees Pension Reform Act (PEPRA), working out of classification pay is not pensionable compensation for employees who are “New Members” of CalPERS, as defined by California Government Code Section 7522.04(f).

13.07 **Shift Differential**

Any employee who is required and authorized by management to work, and actually works, a regularly scheduled shift at least four hours or more of which fall between the hours of 6:00 p.m. and 6:00 a.m. shall be paid a shift differential of ninety cents (\$.90) per hour or five percent (5%), whichever is greater, for each hour worked within the shift differential period of 6:00 p.m. and 6:00 a.m.

Shift differential shall not apply to:

- a. Paid leave hours, including vacation, sick leave, holidays, and other paid leaves provided in Section 17.01.

- b. Hours that are worked between 6:00pm and 6:00am as a result of call-back, duty assignment, or overtime.

13.07.01 Water Plant Lone Operator

The Water Treatment Supervisor IV/Water Treatment Supervisor V – Chief Plant Operator assigned to the Water Treatment Facility will receive two dollars (\$2.00) per hour additional shift differential subject to meeting all the conditions listed below:

- A. Fully qualified to operate the Graham Hill Treatment plant without direct supervision as determined by the Superintendent of Water Treatment and Production.
- B. Works at least six hours without any other qualified Treatment Operators present.

If the above conditions are met, then the shift differential will be paid for all hours actually performing the duties as the “stand-alone” Treatment Operator.

13.07.02 Wastewater Plant Lone Operator

A Senior Plant Operator assigned to the Wastewater Treatment Facility will receive two dollars (\$2.00) per hour additional shift differential subject to meeting all the conditions listed below:

- A. State Water Resources Control Board Grade 3 Wastewater Plant Operator Certification.
- B. Fully qualified to work at the City of Santa Cruz Wastewater Treatment Plant as the Lone Operator.
- C. Works at least four (4) hours alone as the only operator (except for callback responses).

If the above conditions are met, then the shift differential will be paid for all hours worked on assigned “lone operator” shift.

**13.08 Overtime**

The Union understands that from time to time employees may be directed to work overtime hours. To the extent possible, employees will be given advance notification. An employee may be excused from overtime work for legitimate reasons.

Overtime shall be defined as all management authorized hours in a paid status in excess of forty (40) hours per week, which are contiguous with the employee’s regular work schedule, excluding voluntary training. Overtime shall be computed at the rate of one and one-half (1-1/2) times the base hourly rate or may be converted to compensatory time off at the rate of one and one-half (1-1/2) times the hours worked.

An employee with accrued compensatory time off shall be permitted to use such time within a reasonable period after making the request unless such time off will unduly disrupt the operations of the department. Compensatory time off shall not be allowed to accumulate beyond one hundred (100) hours at any given time. Any accrued and unused compensatory time earned during the calendar year will be paid out on the last pay date in December each year and employees will not be permitted to carry over unused compensatory hours at the conclusion of the calendar year.

### **13.09 Call-Back**

Call-back work is defined as work required by management of an employee who, following completion of the employee's work day or work week and departure from the employee's work site, is unexpectedly ordered to report back to duty to perform necessary work.

#### **13.09.01 Callback by Phone or Computer**

If the employee is able to respond by phone or computer and is not required to report to the worksite, then:

- A. For the first response of the day, a minimum of thirty (30) minutes (0.5 hours) of overtime will be paid for actual overtime worked of less than thirty (30) minutes. Thereafter, a minimum of fifteen (15) minutes (0.25 hours) of overtime will be paid for actual overtime worked of less than fifteen (15) minutes.
- B. An additional minimum will not be paid if an employee is required to respond to additional call(s) and the time and duration of the response is within the previous minimum.

#### **13.09.02 Callback to Worksite**

- A. All call-back hours shall be paid at the overtime rate. A minimum of two (2) hours of overtime compensation shall be paid for all call-back periods of less than two (2) hours.
- B. Hours worked shall include reasonable travel time to work. Return travel time shall not be included within time worked.
- C. If an employee who was called back to work and has completed their assignment and left work is again called back to work, they will not receive another minimum if the time of return is within the previous call-back minimum.
- D. Employees who are required to respond to the worksite will be provided mileage compensation, at the federal rate, for the use of their personal vehicles.

## 13.10 Duty Assignment

### 13.10.01 Definition

Duty assignment is defined as an assignment to an on-call status for a specified period of time. While on duty assignment, an employee must remain available to be contacted by phone or pager and be able to report to work within a thirty (30) minute period. Duty assignment shall not be considered “hours worked” pursuant to the Fair Labor Standards Act.

### 13.10.02 Assignment

Duty personnel shall be assigned on a weekly rotational basis from an established list consisting of, but not limited to, qualified volunteers. A voluntary rotation process will be the preferred method of duty assignment selection; however, the City may require duty assignment if there are insufficient qualified volunteers. Prior to making mandatory assignments, the City will notify the Union. Only “qualified” employees may be appointed to duty assignment lists, as determined by the appropriate department head(s). Such qualifications will be based on the nature and requirements of the tasks performed while on duty assignment. With the concurrence of the duty supervisor, duty assignments may be substituted by other personnel on an approved list, provided employees have at least one week between duty assignments.

### 13.10.03 Compensation

#### A. Weekdays

Duty personnel shall receive one and one-half (1.5) hours of their base hourly salary for a sixteen (16) hour assignment.

#### B. Weekends

Duty personnel shall receive two (2) hours of their base hourly salary for a twenty-four hour (24) assignment.

#### C. Holidays (City Designated Eight (8) Hour Holidays)

Duty personnel shall receive eight (8) hours of their base hourly salary for a twenty-four (24) hour assignment.

#### D. Holidays (City Designated Four (4) Hour Holidays)

Duty personnel shall receive four (4) hours of their base hourly salary for a twenty (20) hour assignment.

E. All duty hours actually worked outside the employee’s regularly scheduled shift shall be compensated at the overtime rate. A minimum of two (2) hours of overtime will be paid for callouts of less than two (2) hours. An additional minimum will not be paid if an employee is required to perform an additional duty call and the time of return is within the previous duty call minimum.

If the assigned duty person or crew member assisting the duty person is required to respond to a call that required him/her to work more than twelve (12) hours within a twenty-four (24) hour period, and any portion of those twelve (12) hours is after midnight, the employee shall be entitled to an eight (8) hour rest period prior to returning to work

If any portion of the rest period occurs during the employee's regular schedule, the employee shall receive regular paid compensation for that time.

- F. An employee shall have the option of receiving compensatory time off for the duty assignment compensation and hours worked.

### **13.11 Senior Wastewater Plant Operators On-Call Assignment**

#### 13.11.01 Definition

"On-call" assignment is defined as an assignment to an on-call status for a specified period of time. While in an on-call status, an employee must: (1) remain available to be contacted by phone or pager; (2) be able to respond to a plant situation via a City-provided computer and modem; and, (3) be able to, if necessary, report to work within a sixty (60) minute period of being contacted. On-call assignment shall not be considered "hours worked" pursuant to the Fair Labor Standards Act.

#### 13.11.02 Assignment

On-call personnel shall be assigned on a weekly rotational basis from an established list consisting of, but not limited to, qualified volunteers. A voluntary rotation process will be the preferred method of on-call assignment selection; however, the City may require an on-call assignment if there are insufficient qualified volunteers. Prior to making mandatory assignments, the City will notify the affected employees and the Union at least ten (10) days in advance. Only "qualified" employees may be appointed to on-call assignment lists, as determined by the appropriate department head. Such qualifications will be based on the nature and requirements of the tasks performed while on-call. With the concurrence of the Plant Superintendent or designee, on-call assignments may be substituted by other personnel on an approved list.

#### 13.11.03 Compensation

##### A. Regular Days

On-call personnel shall receive three-quarters (0.75) of an hour of their base hourly salary for each eight (8) hour on-call assignment or portion thereof.

##### B. City Designated Eight (8) Hour Holidays

For on-call assignment that falls on a City designated eight (8) hour holiday, on-call personnel shall receive one and one-half (1.5) hours of their base hourly salary for each eight (8) hour on-call assignment or portion thereof.

C. On-Call Hours Worked

All on-call hours actually worked outside the employee's regularly scheduled shift shall be rounded to the nearest fifteen (15) minute increment and compensated at the overtime rate.

If the on-call employee is able to respond by phone or computer and is not required to report to the plant, then:

1. for the first response of the day, a minimum of thirty minutes (0.5 hours) of overtime will be paid for actual overtime worked of less than thirty (30) minutes. Thereafter, a minimum of fifteen minutes (0.25 hours) of overtime will be paid for actual overtime worked of less than fifteen (15) minutes.
2. an additional minimum will not be paid if an employee is required to respond to additional call(s) and the time and duration of the response is within the previous minimum.

If the on-call employee is required to respond by reporting to the Wastewater Treatment Plant (a callout), then:

1. a minimum of two (2) hours of overtime will be paid for callouts of less than two (2) hours.
2. an additional minimum will not be paid if an employee is required to perform an additional callout and the time of return to the plant is within the previous callout minimum.
3. employees who are on-call and required to respond to the Wastewater Treatment Plant will be provided mileage compensation, at the federal rate, for the use of their personal vehicles during on call periods.

If the on-call employee is required to respond to the Wastewater Treatment Plant and the callout requires him/her to work more than twelve (12) hours within a twenty-four (24) hour period, and any portion of those twelve (12) hours is after midnight, the employee shall be entitled to an eight (8) hour rest period prior to returning to work. However, this does not preclude the employee from being on-call during this eight (8) hour rest period, or preclude him/her from being called out during this period. If any portion of the rest period occurs during the employee's regular schedule, the employee shall receive regular paid compensation for that time.

- D. An employee shall have the option of receiving compensatory time off for the on-call assignment compensation and hours worked

### **13.12 Uniform Allowance**

The City shall provide required uniforms at its expense.

### **13.13 Tuition Reimbursement**

The City shall reimburse each employee up to five hundred dollars (\$500) per fiscal year (pro-rated for part-time employees) for tuition, books, and course-related expenses after successful completion of courses which are pertinent to their positions with the City.

For a course to be considered “pertinent” it must be an academic or vocational course taken for credit from an accredited college, university, or adult education department, and such course must:

- A. Improve knowledge and skills for the present position or for positions of higher classification within the City, or
- B. Prepare for anticipated technological changes occurring in the employee's career field.

### **13.14 Bilingual Pay**

The City shall provide payment of an additional thirty cents (\$.30) per hour on the hourly rate for hours worked when the City certifies an employee as qualified and the position requires the use of bilingual language skills.

### **13.15 Licenses**

Employees whose job description requires a Class A or B driver’s license shall receive fifty dollars (\$50) per pay period provided they possess and maintain said required license in the performance of their job duties.

Classifications that no longer receive A/B license premium pay are: Water Distribution Crew Leader III/IV, Water Distribution Supervisor IV, and Water Distribution Supervisor V – Chief Distribution Operator.

### **13.16 Overpayments and Repayment of Funds**

The City will not attempt to recover overpayments made to employees as a result of an error made by the City which are over twelve (12) months old.

#### **A. Overpayment**

If an overpayment or unauthorized payment has been made to a City employee, the City shall notify the employee in writing and supply the employee with the documentation used to determine the overpayment.

If the employee contends that any portion or the entire amount is not owed, they may request a meeting with the City to attempt to resolve the disagreement. The employee may have a representative attend such meeting(s) with them.



## B. Repayment of Funds

An employee will pay no penalties, fees or interest as a result of the overpayment when the City and employee mutually agree upon how the repayment will be made. The employee shall have the right to select one of the following options for repayment:

1. Lump sum payment with the date mutually established by the employee and the City (lump sum payments must be made if the total amount due is five percent (5%) or less than the employee's biweekly gross salary).
2. Biweekly installment payments through payroll deduction (installment payments must be a minimum of ten dollars (\$10) and repayment must be completed within twenty-six (26) pay periods).
3. Any other repayment arrangement mutually agreed upon between the City and the employee.

The final agreement on the repayment will be committed to writing (including the lump sum payment date, or the biweekly amount and the beginning and ending date of the installment plan identified).

## C. Referral to Collections

The City may refer an employee to a collection agency or seek payment only when the employee, after being duly notified of the overpayment and having had the opportunity to review the relevant documentation, refuses to agree to a repayment of the amount owed. The employee will be notified of the referral and the City reserves all its rights to seek repayment and pursue all remedies under law including interest as it would for any other debtor.

### **13.17 Confined Space Entry Premium Pay**

This Premium Pay is paid for positions which involve toxic or hazardous conditions.

After receiving appropriate training provided by the City, all employees whose job description provides that they can perform confined space duties shall receive compensation of time and one half (1½) of their base hourly rate of pay for all hours worked while performing confined space duties. The hourly rate of pay for performing a confined space entry while on Overtime (MOU Section 13.08), Callback (MOU Section 13.09), Duty Assignment hours actually worked (MOU Section 13.10.03(E)), or Senior Wastewater Plant Operators On-Call Assignment/Compensation/On-Call Hours Worked (MOU Section 13.11.03(C)) will be calculated as time and one half (1½) the underlying overtime rate (two and one quarter {2¼} of the base hourly straight-time rate).

Hours worked performing confined space entry under this section is calculated as follows, using the times entered on the Confined Space Entry Permit:

- The calculated time begins when the first participant physically enters the confined space and ends when the last participant leaves the confined space, as recorded on the “Confined Space Entry Permit” (if *all* employees should leave the confined space at any time, the calculated time will cease until such time as a participant may re-enter the confined space).
  - The individual time segments will be added together to determine the total duration of the confined space entry event.

Example:

0900 Pre entry checklist complete.  
 0915 A enters confined space. B and C are attending. Clock starts.  
 0923 A exits confined space. Clock stops. Segment elapsed time = 8 minutes.  
 0932 A and B enter confined space. C is attending. Clock starts again.  
 0945 B exits space. Clock continues to run since A remains in the confined space.  
 0956 A exits confined space. Clock stops. Segment elapsed time = 24 minutes. This Confined Space Entry Event is now over.

Total time = 32 minutes.

All participants in the event (A, B, and C) will enter the same cumulative total of thirty-two (32) minutes on their time sheets.

### **13.18 Planning Department Certification Compensation Incentive Pay**

“Certification Compensation Incentive” (CCI) is a management-authorized remuneration for obtaining and maintaining recognized professional certification for Inspection Services Employees. Professional certification shall be from a State or nationally recognized agency, assuring certification promotes a higher level of competency which benefits the life, health and safety of the community. CCI will be made to qualified employees when evidence of recognized professional certification is approved by the Chief Building Official and Department Director.

- A. Upon receipt of employee provided certification, approval of professional certification will be verified by the department;
1. Professional certification shall be from a recognized state or nationally recognized agency acceptable to the City of Santa Cruz, such as International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), Council of American Building Officials (CABO) and California Division of the State Architect.
  2. Professional certification shall be part of a core responsibility of the employee.
  3. Professional certification shall be in distinct areas of expertise and shall not be duplicative. Therefore, only one certification per professional category is acceptable.
  4. Professional certification shall be maintained active and in good standing. The certification holder shall meet the ongoing maintenance requirements of the approved issuing agency. This means renewing applicable certifications every three (3) years by completing the required number of CEUs based upon the number and/or type of certifications as prescribed by the approved issuing agency.

5. Certification costs will be reimbursed with this program. It should be noted that this reimbursement is more generous than current MOU guidelines where reimbursement is provided for required certification only.
6. As this is a voluntary program, paid release time will not be provided; approval of employee requests for personal paid time off during working hours will not be unreasonably denied.

B. CCI will be calculated as follows;

1. An increase of two percent (2%), of the employee's base salary, will be applied for each approved professional certification.
2. A maximum number of professional certifications will be accepted as outlined in this section per job title, provided the base certification(s) requirement is met;
  - a. Building Inspector and Assistant Plans Examiner are eligible for up to five (5) paid certifications, after one (1) residential base certification (Building Inspector or Building Plans Examiner) is obtained.
  - b. Senior Building Inspector and Senior Plans Examiner are eligible for up to five (5) paid certifications, after one (1) combination residential and commercial base certification (Building Inspector or Building Plans Examiner) is obtained.
  - c. Supervising Building Inspector and Supervising Plans Examiner are eligible for up to four (4) paid certifications, after two (2) combination residential and commercial base certifications (Building Inspector or Building Plans Examiner, plus either Mechanical, Electrical or Plumbing) are obtained.

C. Upon department approval and in accordance with Administrative Procedure Order (APO) II-17 (Personnel Action Form), a completed and approved PAF is required before any change to an employee's status and/or pay rate.

D. The department will verify maintenance of certification annually.

E. Lapse of Certification/Current Employees

1. If certification, as part of this premium pay program lapses, the premium pay will be discontinued in the pay period in which the certification lapsed or became inactive.
2. To clarify, for existing employees as of the effective date of this policy, because this is a voluntary program, current employees in the eligible classifications will not be required to obtain certifications which are eligible for premium pay, similar to anyone in the classification. They will be encouraged to do so via this incentivized premium pay program.

## **SECTION 14.00 - HOLIDAYS**

Part-time employees shall receive the following holiday benefits on a prorated basis, given the ratio of their budgeted work schedule to full time.

All employees will accrue paid holiday time the pay period before the pay period with the holiday. The accrual will be in the amount listed for the holidays listed in Section 14.01 (Fixed Holidays) of this MOU. Employees must be in paid status for at least fifty percent (50%) of the pay period to accrue paid holiday time.

Employees are required to use holiday leave on holidays they do not work, even if they are on leave or are sick. The use of vacation, compensatory time, excess holiday, or other leave time on holidays is only allowed to make up the difference between the hours of holiday granted and the amount of hours the employee is scheduled to work.

Employees are not allowed to use unpaid closure time on holidays during the City's holiday closure.

#### 14.01 **Fixed Holidays**

Employees within the unit shall have the following specific holidays with pay:

##### **Eight (8) Hour Holidays**

New Year's Day  
Martin Luther King's Birthday  
Presidents' Day  
Memorial Day  
Independence Day  
Labor Day  
Veterans' Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Day

##### **Four (4) Hour Holidays**

The last four (4) hours of the work shift are Holiday hours for Christmas Eve (if Christmas is on a Tuesday–Saturday)

The last four (4) hours of the work shift are Holiday hours for New Year's Eve (if New Year's Day is on a Tuesday–Saturday)

Except as provided for on Christmas Eve and New Year's Eve, when a holiday falls on Sunday, the following Monday shall be observed. When a holiday falls on Saturday, the proceeding Friday shall be observed.

#### 14.02 **Floating Holidays**

In addition to the above fixed holidays, employees shall accrue up to twenty-four (24) hours of floating holidays per fiscal year.

Floating Holiday accrual shall be on a monthly basis. Full-time employees shall accrue floating holiday at the rate of two (2) hours per month. Part-time employees shall accrue floating holiday on a pro-rated basis, given the ratio of their budgeted work schedule to full time (e.g. all employees working in a twenty (20) hour/week position shall receive one (1) hour of floating holiday each month). Accumulation of Floating Holidays shall not exceed twenty-four (24) hours.

Floating holidays may only be taken with prior approval. Upon separation, employees shall receive the value of their unused accrued Floating Holidays.

#### 14.03 **Holiday Work**

Due to the public service nature of City departments, some positions are required to work holidays on either a regularly assigned or emergency basis. The purpose of this article is to provide extra compensation to employees who are directed to work on any of the fixed holidays shown above.

This section applies to employees normally required to work on a fixed holiday (excluding observed holidays) based on a regular shift or rotating schedule, and to employees not normally required to work on a holiday, but who are directed to do so due to an operational need.

All of the above identified employees shall be compensated at the overtime rate of pay for all hours actually worked on the holiday. In addition, the employee shall receive their holiday pay or equivalent holiday time off at a later date, at the option of the employee.

#### 14.04 **Holiday on Regular Day Off**

An employee whose regular day off falls on a fixed holiday shall receive equivalent holiday time off at a later date.

#### 14.05 **Holidays During Vacation**

Fixed holidays which occur while an employee is on paid vacation leave shall be charged to holiday hours and not the employee's vacation balances.

#### 14.06 **Annual Holiday Credit to Vacation**

Any fixed holiday hours not taken prior to the end of the fiscal year may be credited to the employee's vacation balance (not to exceed the maximum accrual) on the last pay date in June each year.

#### 14.07 **Eligibility**

To qualify for holiday or floating holiday pay, an employee must be on paid status on their last scheduled work day before the holiday and their first scheduled work day after the holiday.

### **SECTION 15.00 - VACATION**

#### 15.01 **Accrual**

Vacation accrual will be on a monthly basis beginning at date of hire. Employees within the probationary period may use accrued paid vacation upon approval of the department head; such time will not be counted as qualifying service toward completion of the probationary period.

An employee must be in paid status for at least fifty percent (50%) of a pay period to earn their vacation accrual. Annual vacation accrual shall be based on continuous regular service, as follows:

Up to five (5) years:	80 hours
Six (6) to ten (10) years:	120 hours
Eleven (11) or more years:	120 hours, plus 8 hours for each year of service after 10 years to a maximum of 160 hours

#### **15.02 Scheduling of Vacation**

Whenever appropriate, vacation scheduling shall be done within the time frame established by the division. Vacation may only be taken with twenty-four (24) hours prior notification and approval of the supervisor. A reasonable effort will be made to accommodate the employee.

Vacation periods of qualified employees shall be set with regard to the wishes and seniority of the employee, consistent with the efficient operation of the various City departments and divisions. Any disputes shall be resolved by the department head.

#### **15.03 Illness During Vacation**

An employee who becomes ill or is hospitalized while on vacation and provides a written statement from a licensed medical practitioner to this effect shall have the period of illness charged against sick leave and not vacation leave.

#### **15.04 Vacation Accrual Maximum**

Vacation accumulation may not exceed twice the annual rate of accrual without prior written authorization for a specified amount of hours and a specified amount of time from the Department Head and the Human Resources Director. Employees will receive at least thirty (30) days' notice prior to exceeding their maximum accrual rate.

#### **15.05 Special Recruitment Circumstances**

To facilitate the recruitment process of Supervisory Classifications, the City Manager and the Human Resources Director may, at their discretion, set a higher Vacation Accrual Rate than specified in Section 15.01 and/or grant an advance Vacation Bank. Such rate shall not exceed the Vacation Accrual Rate or Maximum Accrual Amount that would apply if the applicant's prior years of service were credited as City service.

### **SECTION 16.00 - SICK LEAVE**

#### **16.01 Definition**

The purpose of this article is to provide paid leave time to be used by employees in the event of their need for preventive healthcare, care of an existing health condition, as victims

of domestic violence, sexual assault or stalking, and for the necessity of designated family members for the reasons specified below in Section 16.02.01-Family Sick Leave.

Employees may also use up to forty (40) hours of their paid sick leave per fiscal year as specified in Section 17.01.01-Bereavement Leave.

## 16.02 **Accrual and Use**

An employee must be on paid status for at least fifty percent (50%) of the working hours of a pay period to earn sick leave credit for that pay period.

Full-time employees shall accrue sick leave at the rate of three and sixty-nine one-hundredths (3.69) hours per pay period.

Part-time employees shall accrue sick leave on a pro-rated basis, given the ratio of their budgeted work schedule to full-time (e.g., all employees working in a twenty (20) hour/week position shall receive four (4) hours of sick leave each month).

When accrued sick leave must be used, an employee will notify their immediate supervisor of the need to use leave and its probable duration, if known, within one (1) hour after the regular scheduled starting time. If the employee's need to use sick leave is unforeseeable, the employee must provide notice to the employee's supervisor as soon as practicable. When the employee's need to use sick leave is foreseeable, the employee must provide reasonable advance notice. However, the department head may grant an exception to this policy when it is determined that the employee's failure to notify was due to extreme circumstances beyond the control of the employee.

### 16.02.01 Family Sick Leave

Up to forty-eight (48) hours of accrued sick leave per fiscal year may be used when the employee's personal attendance is required to care for a family member for preventive care, care of an existing health condition, or if they are a victim of domestic violence, sexual assault or stalking. For the purposes of this provision, family is defined as a spouse, child, parent, sibling, registered principal domestic partner, step-parent, grandparent, grandchild, or other close relation residing in the employee's household. This forty-eight hour (48) limitation may be extended by the Human Resources Director with good cause.

## 16.03 **Limitations**

A department head may require an employee to submit verification of an illness or injury from a licensed medical practitioner prior to any use of sick leave being authorized.

In cases of chronic absenteeism or medical work restrictions, the Human Resources Director may have an employee examined by a City-selected physician. The City shall pay the cost of any such medical exam.

## 16.04 **Sick Leave Incentive Program**

On an annual basis, employees who have accumulated more than four hundred (400) hours of sick leave will "bank" all hours in excess of four hundred (400). Employees may instead

choose to convert sick leave hours in excess of four hundred (400) to vacation hours at the rate of thirty-three percent (33%) of their current base rate of pay (not to exceed the Vacation Accrual Limit set out in Section 15.04-Vacation Accrual Maximum). The City will notify employees at least two (2) weeks before banking excess hours of sick leave.

Employees who have more than four hundred (400) hours of unbanked sick leave at the time of separation from the City will receive a payoff of all hours over four hundred (400) hours at the rate of thirty-three percent (33%) of their current base rate of pay.

#### **16.05 Personal Business Leave**

Employees may use up to twenty-four (24) hours per fiscal year of their accrued sick leave for the purpose of personal business. The scheduling and use of such leave is subject to the approval of the supervisor and shall only be authorized for non-recreational, business-related activities.

### **SECTION 17.00 - LEAVES OF ABSENCE**

All leaves provided in this article shall be granted to full-time employees at the rates described. Part-time employees shall receive paid leaves of absence on a pro-rated basis, given the ratio of their budgeted work schedule to full time.

#### **17.01 Paid Leaves of Absence**

##### **17.01.01 Bereavement Leave**

The purpose of this section is to provide paid leave for employees when they are bereaved at the death of a family member and this loss has had a temporary effect on the employee's ability to continue daily work performance.

A leave of absence with pay of up to forty (40) hours per incident may be granted an employee by the department head in the event of a death in the employee's family which shall, for the purpose of this article, include spouse, parent, child, grandparent, sibling, parent-in-law, registered principal domestic partner, grandchild of the employee or spouse, sibling-in-law, child-in-law, grandparent-in-law, or a close relation residing in the employee's household. In rare cases when the individual has no other legal relationship other than a foster or step parent, the HR Director or City Manager has the discretion to approve that leave upon application.

An additional forty (40) hours of leave chargeable to accrued sick leave, may be taken by an employee who needs additional time off in connection with a death in the family (as defined in this article).

##### **17.01.02 Jury Duty**

An employee required to report for jury duty or to answer a subpoena as a witness in their capacity as a City employee, shall be granted a leave of absence with pay for actual time spent in court and in related travel, not to exceed the number of hours in the employee's



normal workday and work week. Employees assigned to swing, graveyard, or other non-standard shifts shall receive equivalent time off when performing jury duty on their scheduled work day on the day the jury duty is performed. An employee must notify their supervisor of the expected duration of the absence and must present to the department head official documents supporting such duty. An employee shall reimburse the City for any jury services or witness fees received except mileage or subsistence allowance. This section shall not apply to grand jury service.

17.01.03 Absence for Examination

An employee shall be granted paid release time to participate in any part of an examination process for promotion or transfer within the City workforce that is scheduled during the employee's regular hours of work. The employee shall notify their immediate supervisor twenty-four (24) hours in advance of such an absence.

17.01.04 Blood Donations

An employee may be granted paid release time of up to a maximum of one (1) hour for donating blood during regularly scheduled hours of work. The length of such leave must be approved by the supervisor and is dependent upon the nature and scheduling of the work performed and the travel distance required.

17.01.05 Military Duty

An employee who is a member of the National Guard or any reserve component of the armed services of the U.S. shall be granted up to thirty (30) days per fiscal year of paid leave for any reserve training or active duty scheduled during the employee's regular work hours. The employee must give their supervisor forty-eight (48) hours advance notification of the need for such leave and must present a copy of the "notice" for such duty. All other military leaves shall be granted pursuant to relevant State and Federal statutes.

17.01.06 Workers' Compensation

An employee who is entitled to continued temporary disability payments may use accumulated paid leave to supplement such payments to an amount equal to their net salary. After depletion of any accrued paid leaves, the employee shall be eligible for benefits only in the amounts prescribed by the workers' compensation laws.

The Union and the City recognize that work-related injuries/illnesses can often be prevented. Work-related injuries or illnesses shall be an ongoing agenda item for City-wide Safety Committee. Proactive measures may be recommended by the Committee. The Committee will also make recommendations on appropriate way(s) of reviewing workers' compensation claims.

Supervisory employees may donate vacation leave to other Supervisory employees who have exhausted all paid leave balances.

17.01.07 Paid Birth/Adoptive Leave

An employee is entitled to forty (40) hours leave with pay at or about the time of the birth of the employee's child or at the time of adopting a child. This is prorated for part-time employees. The paid leave shall be within two (2) months of the birth or adoption.

This leave will be considered a part of the time allotted to family leave as authorized in Section 17.02.03.

17.02 **Unpaid Leaves of Absence**

17.02.01 Medical or Personal Leave

Leave of absence without pay may be granted to an employee in a case of extended illness or disability, personal emergency, or other situations when such absence would not be contrary to the best interest of the City. Such unpaid leave will only be granted after an employee has depleted all appropriate paid leaves, except that employees on medical leave may retain up to eighty (80) hours of accrued vacation. The department head may grant a leave of absence of up to thirty (30) consecutive calendar days; additional leave may only be granted by the City Manager. No vacation, holidays, sick leave, or any other paid benefit shall be accrued or earned during such leave. All requests for unpaid leaves of absence must be made in writing and include specific begin and end dates for the leave. Denials of unpaid leaves of absence shall be given in writing and contain the reason therefore.

17.02.02 Pregnancy Disability Leave

An employee may take a leave of absence of up to four (4) months in length for the purpose of pregnancy disability leave. The employee must provide adequate medical certification regarding any work restrictions that may exist prior to or after the birth.

Requests for pregnancy disability leave must be made in writing to the department head at least thirty (30) days in advance of the anticipated starting date. Such requests must include specific begin and end dates for the leave. Starting dates should be as accurate as possible barring any unforeseen medical issues related to the pregnancy or earlier or later birth than anticipated. Any requests for extension of pregnancy disability leave must be made in writing to the department head at least ten (10) calendar days prior to the scheduled end of the existing leave.

The employee may elect to use any accrued sick leave and vacation either before or after an approved pregnancy disability leave, within the use limitation of those leave provisions. No combination of pregnancy disability leave, family leave, sick leave, or vacation may exceed one (1) year total or seven (7) months post-partum.

Any additional post-partum leave, not to exceed one (1) year total, may be approved by the City Manager or his designee after consideration of the nature of the request and the operational needs of the department.

Upon return to work, the employee shall be assigned to the same classification but not necessarily to the same department.

17.02.03      Family Leave

In accordance with the Federal Family and Medical Leave Act and the California Family Rights Act, the City will grant job protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks, (continuous or cumulative), per rolling twelve (12) month period measured backward, for any one or more of the following reasons:

- A.     The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve (12) month period following the child's birth or placement with the employee); or
- B.     In order to care for an immediate family member (spouse, domestic partner, child, or parent) of the employee if such immediate family member has a serious health condition; or
- C.     The employee's own serious health condition that makes the employee unable to perform the functions of their position.
- D.     Military family leave.

Conditions covering the leave shall include the following:

- A.     "Eligible employee" means having been employed by the City for twelve (12) months and having worked for at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the commencement of the leave;
- B.     Medical verification is required for the employee or their ill family member for the medical leave period;
- C.     Employees are required to give at least thirty (30) days written notice in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much written notice as is practicable.
- D.     Employees are required to use accrued vacation as a part of the family leave period. Use of sick leave is not required, but may be used pursuant to the applicable provisions of the Memorandum of Understanding.
- E.     Pregnancy disability is not covered under this section and is covered by the California Fair Employment and Housing Act which allows up to four (4) months of leave depending on the actual disability (see section 17.02.02).

- F. Employees retain “employee” status while on family care leave. The leave does not constitute a break in service for purpose of longevity, and/or seniority. Upon return to work, employees will be reinstated to an equivalent position with equivalent pay and benefits.
- G. Any request for additional leave may be made pursuant to Section 17.02.01. Requests for leave time using multiple time off provisions may not exceed the total amount allowed pursuant to Section 17.02.01.
- H. Any other conditions or interpretations of this leave shall be based upon the Federal Family and Medical Leave Act and the California Family Rights Act.

**17.03 Continuation of Insurance Benefits During Unpaid Leaves of Absence**

City-sponsored insurance benefits may be continued during unpaid leaves of absence under the following conditions:

**17.03.01 Personal Leave**

The City shall continue to pay benefit premiums during a personal leave of less than thirty (30) calendar days.

For leaves of more than thirty (30) calendar days, employees may continue premium payments at their own cost, in accordance with appropriate PERS medical plan provisions.

**17.03.02 Medical Leave**

The City shall continue to pay benefit premiums during the entire length of a medical leave of absence including pregnancy disability leave.

**17.03.03 Family Leave**

Benefit premiums shall be made in accordance with the Federal Family and Medical Leave Act and the California Family Rights Act. Under the current law, the City will continue to maintain coverage under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

**SECTION 18.00 – BENEFITS**

**18.01 Medical Benefits**

**A. City Cafeteria Plan Contributions**

The City will provide medical insurance through the California Public Employees’ Retirement System (CalPERS). The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA).

In accordance with IRS Code Section 125, the City will provide a Flexible Benefits Plan (“Cafeteria Plan”) to all eligible employees. If an employee elects to participate in a CalPERS medical plan, the maximum monthly City contribution including the PERS required minimum, shall equal 95% of the premium of the plan in which the employee is enrolled with the exception of the PERS Care plan (the contributions made toward the PERS Care plan are the same as those made towards the PERS Choice plan).

Each member participating in a medical plan will make an additional \$35.00 contribution per pay period towards the cost of health care benefits. This pre-tax contribution is made during pay periods where employee deductions for health care benefits are taken (twenty four (24) pay periods).

**B. Optional Benefits**

Through the Cafeteria Plan, employees may enroll in the following optional benefits and elect to pay premiums on a pre-tax basis:

1. Medical Reimbursement Account (MRA)
2. Dependent Care Reimbursement Account (DCAP)
3. Cancer and Critical Illness Protection Insurance

Employees may also enroll in the following optional benefits and elect to pay premiums on a post-tax basis:

1. Accident Protection Insurance
2. Additional Life Insurance
3. Long Term Care Insurance

**C. Medical Waiver**

Employees may elect to waive City medical coverage and receive a cash benefit. In order to receive the medical waiver benefit, the employee must provide proof to the City of other current medical coverage. Full-time employees who waive medical coverage are eligible to receive two hundred dollars (\$200.00) per month; part-time employees shall receive a prorated amount, based upon their full time equivalency (FTE). The medical waiver amount may be applied toward the purchase of any pre-tax or post-tax optional benefits, or paid as a taxable cash benefit.

Employees receiving the medical waiver benefit must notify the Human Resources Division if they cease to be covered by any other medical plan, thereby making them ineligible for the medical waiver benefit.

**D. Medical Plan Changes**

The City will continue to research alternatives to the CalPERS medical plan. The intent of researching alternatives is to provide equal medical coverage in a more cost effective manner.

If the City discontinues CalPERS medical coverage, to the extent possible, the City will provide similar coverage. In the event of a change in medical plan coverage, the City will provide the Union sixty (60) days' notice, prior to the required notice to CalPERS, and the opportunity to discuss any such change and meet and confer regarding the impact of any changes.

Any change from the CalPERS medical plan during this contract term will only be made by mutual agreement.

**18.02 Dental Insurance**

The City shall provide a dental plan for employees and their eligible dependents with maximum benefit of three thousand dollars (\$3,000.00) per covered individual per calendar year.

**18.03 Vision Insurance**

The City shall provide a vision plan for employees and their eligible dependents.

- A. Coverage will include an annual eye examination. Contacts, lenses or frames will be covered annually.
- B. The maximum monthly premiums contribution by the City is as follows:

- Employee Only: \$10.64
  - Employee + Family: \$18.74

**18.04 Long Term Disability**

The City shall contribute the full cost of the City-sponsored long-term disability program for employees working thirty (30) or more hours per week, with a maximum benefit of seven thousand five hundred dollars (\$7,500) per month.

**18.05 Part-Time Employees**

The City shall pay a pro-rated share of medical, dental, vision, and life insurance premiums for part-time employees. The City's pro-rated share of the premiums shall be based upon the proportion of the part-time employee's hours in relation to the premium paid for a full time equivalency (FTE)\* (e.g., a twenty four (24) hour per week position is six tenths (.6) FTE; an employee in a six tenths (.6) FTE position will receive sixty percent (60%) of the premium paid by the City for a full time employee). Part-time employees shall pay the balance of the premiums on a pre-tax basis unless the employee elects to pay the balance on a post-tax basis.

\*Full time equivalency, or FTE, is the ratio of an employee's budgeted work schedule to full-time work.

## 18.06 **Retiree Health Program**

### **A. Retiree Medical Plan**

Covered employees who retire under the provisions of the City's contract with CalPERS, are currently eligible to continue CalPERS medical coverage. The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA), currently one hundred thirty-six dollars \$136 for 2019.

### **B. Retiree Medical Incentive**

Employees who receive a regular service retirement from CalPERS and have at the time of retirement at least ten (10) years of continued service with the City and are at least fifty-five (55) years of age, will receive a retiree medical incentive in the amount of one hundred dollars (\$100.00) per month. This incentive will be paid during any period the retiree maintains CalPERS medical coverage and until such time as the retiree is eligible for Medicare or other Federal or State health programs, solely on account of age. If coverage is dropped and subsequently re-started it is the retiree's responsibility to give the City written notice; payment of the incentive will be re-started beginning with the month in which the City receives written notice; if notice is received in a month after which coverage is re-started there will be no retroactive payment of the incentive for that/those month(s).

## 18.07 **Life Insurance**

The City shall provide a twenty thousand dollar (\$20,000) term life insurance policy for employees.

## 18.08 **Principal Domestic Partners**

The City will provide medical, dental and vision benefits to employees with Principal Domestic Partners equivalent to those provided to an employee's Spouse. Employees may enroll their eligible Principal Domestic Partners and the eligible dependents of their Principal domestic Partners subject to the eligibility requirements established by either CalPERS or the City and subject to the tax regulations of the State of California and the Internal Revenue Service of the United States Government.

## **SECTION 19.00 - SAFETY**

### 19.01 **Intent**

The City intends to meet its obligation under the California Occupational Safety and Health Act and shall adopt and use safeguards, devices, and practices reasonably adequate to render such employment safe.

The Union will cooperate with the City by requiring employees under its control to work safely and, further, the Union recognizes its obligation to support the City's effort to prevent injuries.

## 19.02 **Safety Committee**

At least two supervisory employees shall be members of the Safety Committee. The Committee will establish a work program to carry out its functions.

## 19.03 **Safety Boots**

The City shall provide safety boots/shoes on an annual basis for the Classifications shown on Exhibit B. The City may establish administrative procedures for the selection and purchase of such boots/shoes. All eligible employees will be required to wear safety boots/shoes while on duty unless granted a medical exemption. Safety boots/shoes shall not be worn for non-work related purposes.

## **SECTION 20.00 - SUPERVISORY TRAINING**

The City is committed to training members of this unit in supervisory skills and practices and will continue to allow paid release time to attend such programs. A list of available in-house training classes will be distributed through appropriate channels. Supervisory employees accept the responsibility to apply the knowledge from this training in the performance of their jobs.

The Union and the City recognize the unique concerns of Supervisory employees and their specific job-related training needs. The City agrees to work closely with the Union to see such training is provided according to the needs of the Supervisory Unit. Supervisory unit employees are encouraged to attend the "Introduction to Leadership" course once, along with two (2) qualifying courses from the Employee and Leadership Development Program on a yearly basis.

## **SECTION 21.00 - REDUCTION IN FORCE**

### 21.01 **Lay-Offs**

The City reserves the right to reduce its workforce by laying off employees for reasons of economy or changes in departmental operations. The order of lay-offs shall be governed by seniority in service. Reinstatement shall be in the reverse order of lay-offs. Seniority shall be calculated on hours in paid status, exclusive of overtime, from the most recent date of hire.

When one or more employees assigned to the same classification within a department are to be laid off, the order of lay-off shall be as follows:

1. Probationary
2. Regular

### 21.02 **Bumping**

Bumping is defined as the movement from a current classification to the same, related (classification revision or title change) or previously held lower classification. Employees may exercise bumping privileges to a lower classification provided they meet the minimum qualifications of the lower classification. Bumping privileges may only be exercised within the assigned department except that employees with at least seven years continuous regular employment may bump between departments.



A related classification in this section refers only to classifications that have been revised or re-titled.

Seniority shall be based on total hours worked, exclusive of overtime, since the last date of hire into a regular or temporary City position, provided, however, that the hours in a temporary position must be in a classification within the Supervisory bargaining unit.

The least senior employee (in the classification of the position being eliminated/bumped to) in the laid off employee's department is the person who will be bumped in the event there is no vacant position available. If there is no less senior employee in the Department in the classification of the position being eliminated/bumped to, the least senior employee in the classification of the position being eliminated/bumped to in any City Department shall be bumped provided the laid off employee has the right to bump across Departments.

Full-time employees have the right to bump the least senior full-time employee. However, if there is no less senior full-time employee, the full-time employee being laid off has the right to bump a less senior part-time employee in the position that is closest to the full time.

Part-time employees have the right to bump the least senior part-time employee in the classification of the position being eliminated/bumped to. However, if there is no less senior part-time employee, a part-time employee may bump the least senior full-time employee within the laid-off employee's assigned department; such bumping from part-time to full-time is limited to positions within the same department and is only available to part-time employees who previously held a full-time position.

### **21.03 Notification**

Employees to be laid off shall be given not less than fifteen (15) working day's written notice prior to the reduction in force. The Union will be notified concurrently and will be provided with the City staff report to the Council recommending the layoff as soon as it is available. Upon, request, the Union will be afforded the opportunity to discuss the lay-offs with the City at which time it can provide the City with other alternative cost saving measures to be considered as an alternative to the layoff. Employees not given at least fifteen (15) working days' notice of layoff shall be given a day's pay for each day less than fifteen (15) working days' notice.

### **21.04 Reassignment**

The Human Resources Division shall work with laid off employees to identify all available City positions for which the employee may be qualified either through bumping or transfer.

Whenever possible, employees to be laid off will be offered regular, casual, or temporary employment for which they are qualified. An employee shall notify the City of their decision within seven (7) working days following receipt of the offer of employment. The City's obligation to offer regular employment shall cease when an employee has refused three such offers.

**21.05 Reinstatement**

Should the position from which an employee was laid off be reestablished within 18 months and the workforce is increased as a result, the employee shall be eligible for reinstatement. The employee must notify the Human Resources Division of their current address. Every effort shall be made to notify the affected individual of any reinstatement opportunity.

**21.06 Continuation of Insurance Benefits**

An employee separated from City service as a result of this article shall have their health benefits paid by the City at the same level while employed for a period not to exceed sixty (60) days from the date of separation.

**21.07 Retirement in Lieu of Layoff**

An employee may elect to accept retirement in lieu of layoff, voluntary demotion, or reduction in assigned hours. An employee shall, within ten (10) workdays prior to the effective date of the proposed layoff, complete and submit a form provided by the City for this purpose. An employee who retires in lieu of layoff shall have their name placed on the reemployment list.

**21.08 Improper Layoff**

An employee who is improperly laid off as a result of a misapplication of the layoff procedure shall be reemployed upon discovery of the error and shall be reimbursed for all loss of salary and benefits, provided that discovery occurs within ninety (90) days of layoff.

**21.09 Transition Training**

The City shall provide, at no expense to the employee to be laid off, a minimum of twelve (12) hours of training to help employee's transition to other employment. Such training shall occur prior to layoff. Employees shall receive their regular pay while attending this training.

The training may include, but not be limited to:

1. Résumé Writing
2. Methods of Job Searching
3. Interviewing
4. Coping with Stress
5. Unemployment Insurance Benefit

**SECTION 22.00 - EMPLOYEE GRIEVANCE PROCEDURE**

**22.01 Purpose**

To assure prompt and fair treatment of employee grievances related to employment. Any employee covered by this Memorandum of Understanding may file a grievance.

## 22.02 **Definition**

A grievance is defined as an alleged violation, misinterpretation or misapplication of the provisions of this Memorandum of Understanding or the City's Personnel Rules and Regulations; except disciplinary action as defined in Section 24.01.

## 22.03 **Limitations**

- A. A grievant may be represented by any representative of his or her choosing in preparing and presenting a grievance.
- B. No reprisal shall result against any employee who presents a grievance under this procedure.
- C. Time limits may be extended by written mutual agreement of the parties.
- D. A grievance shall be considered settled in favor of the other party if, at any step, a decision is not rendered or appealed within the specified time limit.
- E. Only upon mutual agreement between the parties, may Step I of the grievance procedure be waived.
- F. A grievant and representative will be allowed reasonable time during work hours to meet regarding any grievance as provided in this article without loss of pay as long as there is no disruption of work. It is understood that the grievant and representative shall: (1) provide their supervisor(s) with advance notice and request for such time; (2) that such request will not be arbitrarily denied; (3) that such time shall be charged on the grievant's/representative's time card to the designated program code, if applicable; (4) this provision shall be limited to periods of regular working hours and be excepted from any other time including but not limited to overtime.
- G. The Union and the City each shall have a mutual obligation upon demand to disclose to the other any fact or information relevant to the grievance and known to the party.

## 22.04 **Procedures**

### **Step I:**

The grievant will first attempt to resolve the grievance through informal discussions with successive levels of supervision beginning with their immediate supervisor through their highest management-level supervisor, exclusive of the department head. Those discussions must be initiated within ten (10) workdays of when the employee knew or reasonably should have known of the incident upon which the grievance is based. Every attempt will be made by the parties to settle the issue at this level.

### **Step II:**

If the grievance is not resolved through the informal discussions, the employee or their

representative may, within ten (10) workdays after the informal meeting, submit a written grievance to their department head. When the union representative files a Step II grievance, the grievance will not be processed by the City until such time as the grievant signs the grievance.

The written appeal must contain in clear, factual and concise language:

1. A brief statement as to the date of the occurrence on which the grievance is based and the facts as the grievant sees them.
2. The rule, regulation, or act on which the grievance is based.
3. The action the grievant believes will resolve the grievance.
4. Signature of the employee.

The department head shall hold a conference with the grievant within ten (10) workdays following receipt of the formal grievance. They shall prepare a written response within five (5) working days after the conference. Copies shall go to the parties involved including the employee's representative and the Human Resources Division.

**Step III:**

If the grievance is not resolved, the grievant may, within five (5) workdays following receipt of the department head's response, appeal to the City Manager or their representative, stating in writing the basis for the appeal. The grievance may also be appealed if the department head fails to respond within fifteen (15) workdays after submission of the formal grievance.

The City Manager or their representative shall set a hearing within ten (10) workdays of receiving the appeal. The grievant, their representative and other parties summoned by the City Manager or representative shall attend the hearing and present testimony or evidence concerning the grievance. The parties may bring a reasonable number of witnesses to the hearing.

The City Manager or their representative shall render a written decision to all parties directly involved within fifteen (15) workdays following the hearing.

**Step IV:**

If the grievance is not resolved to the satisfaction of the grievant at the conclusion of Step III, the grievant may appeal the decision of the City Manager to a neutral arbitrator, provided they so inform the City in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately thereafter

jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the State Mediation and Conciliation Service, the parties within five (5) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the arbitrator. If one person is not mutually agreed upon, the parties shall within five (5) days after receipt of the list of names alternately strike two (2) names from such list with the last remaining name to be the person serving as arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The arbitrator shall have no authority to add to, detract from, alter, amend or modify any provision of this Agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in this Agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to him/her by the parties in the presence of each other and in post hearing briefs if necessary. The decision of the arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued within fifteen (15) days after the conclusion of the hearing.

The arbitrator's expenses, if any, shall be borne equally by the parties. Each party shall bear the cost of its own representation.

## **SECTION 23.00 - DISCIPLINARY APPEALS PROCEDURE**

### **23.01 Definition**

For the purposes of this article, disciplinary action shall mean suspension, demotion, disciplinary reduction in salary or discharge.

The appeal procedure described herein shall apply to cases of disciplinary action affecting regular employees. It shall not be applicable to probationary employees. Employees have the right to representation at any or all stages of the appeal process.

### **23.02 Pre-Action Procedure**

#### **Step I:**

Prior to imposing disciplinary action, the supervisor shall first provide the employee a preliminary written notice of the proposed action stating the effective date and the specific grounds and particular facts upon which the action will be taken. The employee shall have access to any known written materials, reports, or documents upon which the action is based. The employee shall have the right to respond to the charges within five (5) workdays from receipt of the notice either orally, in writing, or both to the department head. If the department head is personally involved in the initial investigation and notice process, the City Manager or Human Resources Director shall appoint a designee to hear the employee's response.

The employee may request an extension of the time to respond for justifiable reasons. Failure to respond with the time specified will result in the employee's waiver of their procedural rights and final action will be taken.

**Step II:**

Following a review of a proposed disciplinary action, the department head, within five (5) workdays of receiving the employee's response, shall render a written decision and send it by registered mail or personal delivery to the employee. A copy shall also be mailed to the employee's representative. The written decision will include the effective date of the disciplinary action.

The employee has the right, within five (5) workdays after receiving the decision, to file a request for appeal with the City Manager, or designee, unless good cause for the failure is shown. The appeal shall be a written statement, signed by the appellant, explaining the matter appealed from, stating the action desired by the appellant, with their reasons therefore, and stating that the preaction procedures have been exhausted.

**23.03 Post-Action Appeal**

**Step III:**

If the employee files a timely appeal, the City Manager shall, within five (5) workdays after receiving the appeal, designate a hearing officer who shall schedule a hearing not less than five (5) workdays from the date the appeal was received.

The hearing officer may conduct such independent investigation of the matter as they deem necessary. The appellant shall be given the opportunity to answer or present evidence in opposition to the findings of this independent investigation.

The appellant shall appear personally at the scheduled hearing unless physically unable to do so. The appellant or their representative may produce relevant oral or documentary evidence at the hearing.

Within fifteen (15) workdays following the hearing, the hearing officer shall render a written decision to all parties involved. The hearing officer has the authority to affirm, repeal or modify the disciplinary action.

For discipline equivalent to the severity of suspension of three (3) days or less, there shall be no appeal beyond Step III and the City Manager's decision shall be final.

**Step IV:**

If the appeal is not resolved (except as exempted above) to the satisfaction of the appellant at the conclusion of Step III, the employee may appeal the decision of the City Manager to a neutral arbitrator, provided it so informs the City Manager in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately thereafter

jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the State Mediation and Conciliation Service, the parties within five (5) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the arbitrator. If one person is not mutually agreed upon, the parties shall within five (5) days after receipt of the list of names alternately strike two (2) names from such list with the last remaining name to be the person serving as arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any provision of this agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in this agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to him/her by the parties in the presence of each other and in post hearing briefs, if necessary. The decision of the arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued within fifteen (15) days after the conclusion of the hearing.

The arbitrator's expenses shall be borne equally by the parties. Each party shall bear the cost of its own representation.

#### **SECTION 24.00 - WRITTEN REPRIMANDS**

A written reprimand may be issued by an employee's supervisor if an employee has violated a City rule, provision of the M.O.U., or if their performance is in need of improvement. Written reprimands shall be placed in the employee's personnel file. An employee shall have the right to prepare a written response to the reprimand and have said response placed in their personnel file. An employee may appeal the supervisor's decision to issue a written reprimand to their department head by filing an appeal to the department head within five (5) working days of receipt of the reprimand. The department head's decision regarding the written reprimand shall be final.

#### **SECTION 25.00 - AUTHORIZED AGENTS**

For the purposes of administering the terms and provisions of this Memorandum of Understanding:

- A. The City's principal authorized agent is the Human Resources Director, or their duly authorized agent (address 809 Center Street, Room 6, Santa Cruz, California 95060), except where a particular management representative is specially designated in connection with the performance of a specified function or obligation set forth herein.
- B. The Union's principal authorized agent is the Field Representative of Operating Engineers', Local 3 or their duly authorized representative.

## **SECTION 26.00 - RENEGOTIATIONS**

If a party desires to negotiate a successor MOU, then the party shall serve upon the other party, no more than 150 calendar days prior to the expiration date of the M.O.U., its written request to begin negotiations.

Negotiations shall begin within thirty (30) days from the date of receipts of such notice or one hundred twenty (120) days prior to the expiration date of the current M.O.U., whichever is sooner.

## **SECTION 27.00 –MISCELLANEOUS**

### **27.01 Automatic Deposit - New Hires**

Newly hired City employees shall be required to receive their paycheck through automatic deposit. Newly hired means only those employees hired from external hiring list, and does not include promotional hires from current City employees. The City will create an appeal process for those who do not use financial institutions.

### **27.02 Holiday Closure**

If the City decides to close around the Christmas and New Years' holidays, the following will apply:

Employee participation in the closure program is voluntary. During the closure, employees may use accrued vacation, compensatory time off, floating holidays, or excess holiday time.

Employees may also request leave without pay during this year-end closure which will result in budget savings. To encourage the use of leave without pay, seniority, benefit and leave accruals will not be impacted if leave without pay is taken during the year-end closure period. (Note: Unpaid leave is not credited towards PERS retirement.) The City will allow leave without pay hours to be deducted over the same number of pay periods as the number of workdays the City was closed.

If there are employees who do not wish to take either paid or unpaid leave time during the closure period the City will make a reasonable effort to accommodate their request to work during the closure by finding appropriate assignments and/or work space.

## **SECTION 28.00 - SEVERABILITY**

Should any of the provisions herein contained be rendered or declared invalid by reason of any State or Federal legislation or court action, such invalidations shall not invalidate the remaining portions of this Memorandum of Understanding which shall remain in full force and effect, insofar as such remaining portions are severable.







**City of Santa Cruz**  
 California  
 Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Supervisor</b>											
344	ACCOUNTING SERVICES SUPERVISOR	4,674	4,908	5,153	5,411	5,682	5,966	6,264	6,577	6,906	7,251
		26.9654	28.3154	29.7288	31.2173	32.7808	34.4192	36.1385	37.9442	39.8423	41.8327
301	ASSISTANT GOLF COURSE SUPT	4,390	4,610	4,840	5,082	5,336	5,603	5,883	6,177	6,486	6,810
		25.3269	26.5962	27.9231	29.3192	30.7846	32.3250	33.9404	35.6365	37.4192	39.2885
305	CHIEF RANGER	4,821	5,062	5,315	5,581	5,860	6,153	6,461	6,784	7,123	7,479
		27.8135	29.2038	30.6635	32.1981	33.8077	35.4981	37.2750	39.1385	41.0942	43.1481
350	FACILITIES MAINT SUPERVISOR	5,240	5,502	5,777	6,066	6,369	6,687	7,021	7,372	7,741	8,128
		30.2308	31.7423	33.3288	34.9965	36.7442	38.5788	40.5058	42.5308	44.6596	46.8923
308	FIELD SUPERVISOR	5,530	5,807	6,097	6,402	6,722	7,058	7,411	7,782	8,171	8,580
		31.9038	33.5019	35.1750	36.9346	38.7808	40.7192	42.7558	44.8962	47.1404	49.5000
309	GARAGE SERVICE SUPERVISOR	5,119	5,375	5,644	5,926	6,222	6,533	6,860	7,203	7,563	7,941
		29.5327	31.0096	32.5615	34.1885	35.8962	37.6904	39.5769	41.5558	43.6327	45.8135
312	LEAD EQUIPMENT MECHANIC	4,646	4,878	5,122	5,378	5,647	5,929	6,225	6,536	6,863	7,206
		26.8038	28.1423	29.5500	31.0269	32.5788	34.2058	35.9135	37.7077	39.5942	41.5731
363	LIBRARY ASSISTANT III	3,511	3,687	3,871	4,065	4,268	4,481	4,705	4,940	5,187	5,446
		20.2558	21.2712	22.3327	23.4519	24.6231	25.8519	27.1442	28.5000	29.9250	31.4192
364	LIBRARY ASSISTANT IV	3,757	3,945	4,142	4,349	4,566	4,794	5,034	5,286	5,550	5,828
		21.6750	22.7596	23.8962	25.0904	26.3423	27.6577	29.0423	30.4962	32.0192	33.6231
365	MARINE SAFETY OFFICER	4,143	4,350	4,568	4,796	5,036	5,288	5,552	5,830	6,122	6,428
		23.2096	25.0962	26.3538	27.6692	29.0538	30.5077	32.0308	33.6346	35.3192	37.0846
316	OFFICE SUPERVISOR	4,413	4,634	4,866	5,109	5,364	5,632	5,914	6,210	6,520	6,846
		25.4596	26.7346	28.0731	29.4750	30.9462	32.4923	34.1192	35.8269	37.6154	39.4962
320	PARKING OFFICE SUPERVISOR	4,413	4,634	4,866	5,109	5,364	5,632	5,914	6,210	6,520	6,846
		25.4596	26.7346	28.0731	29.4750	30.9462	32.4923	34.1192	35.8269	37.6154	39.4962
348	PARKING SERVICES SUPERVISOR	4,568	4,796	5,036	5,288	5,552	5,830	6,122	6,428	6,749	7,086
		26.3538	27.6692	29.0538	30.5077	32.0308	33.6346	35.3192	37.0846	38.9365	40.8808

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**City of Santa Cruz**  
California  
Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Supervisor</b>											
321	PARKS FIELD CREW LEADER	4,143	4,350	4,568	4,796	5,036	5,288	5,552	5,830	6,122	6,428
		23.9019	25.0962	26.3538	27.6692	29.0538	30.5077	32.0308	33.6346	35.3192	37.0846
359	QA/QC LABORATORY CHEMIST	5,474	5,748	6,035	6,337	6,654	6,987	7,336	7,703	8,088	8,492
		31.5808	33.1615	34.8173	36.5596	38.3885	40.3096	42.3231	44.4404	46.6615	48.9923
323	RECREATION SUPERVISOR	4,490	4,714	4,950	5,198	5,458	5,731	6,018	6,319	6,635	6,967
		25.9038	27.1962	28.5577	29.9885	31.4885	33.0635	34.7192	36.4558	38.2788	40.1942
349	RESOURCE RECOVERY SUPERVISOR	4,604	4,834	5,076	5,330	5,596	5,876	6,170	6,479	6,803	7,143
		26.5615	27.8885	29.2846	30.7500	32.2846	33.9000	35.5962	37.3788	39.2481	41.2096
345	SENIOR ELECTRICIAN	5,700	5,985	6,284	6,598	6,928	7,274	7,638	8,020	8,421	8,842
		32.8846	34.5288	36.2538	38.0654	39.9692	41.9654	44.0654	46.2692	48.5827	51.0115
366	SENIOR WW PLANT OPER IV	6,090	6,394	6,714	7,050	7,402	7,772	8,161	8,569	8,997	9,447
		35.1346	36.8885	38.7346	40.6731	42.7038	44.8385	47.0827	49.4365	51.9058	54.5019
330	SERVICE FIELD CREW LEADER	4,143	4,350	4,568	4,796	5,036	5,288	5,552	5,830	6,122	6,428
		23.9019	25.0962	26.3538	27.6692	29.0538	30.5077	32.0308	33.6346	35.3192	37.0846
360	SR ENVIR COMPLIANCE INSPECTOR	4,852	5,095	5,350	5,618	5,899	6,194	6,504	6,829	7,170	7,528
		27.9923	29.3942	30.8654	32.4115	34.0327	35.7346	37.5231	39.3981	41.3654	43.4308
328	SR PLANT MAINTENANCE MECHANIC	4,950	5,197	5,457	5,730	6,017	6,318	6,634	6,966	7,314	7,680
		28.5577	29.9827	31.4827	33.0577	34.7135	36.4500	38.2731	40.1885	42.1962	44.3077
329	SR WASTEWATER PLANT OPER III	5,940	6,237	6,549	6,876	7,220	7,581	7,960	8,358	8,776	9,215
		34.2692	35.9827	37.7827	39.6692	41.6538	43.7365	45.9231	48.2192	50.6308	53.1635
367	SUPERVISING BUILDING INSPECTOR	5,932	6,229	6,540	6,867	7,210	7,570	7,949	8,346	8,763	9,201
		34.2231	35.9365	37.7308	39.6173	41.5962	43.6731	45.8596	48.1500	50.5558	53.0827
362	SUPERVISING PLANS EXAMINER	6,173	6,482	6,806	7,146	7,503	7,878	8,272	8,686	9,120	9,576
		35.6135	37.3962	39.2654	41.2269	43.2865	45.4500	47.7231	50.1115	52.6154	55.2462
333	UTILITY SUPERVISOR	4,542	4,769	5,007	5,257	5,520	5,796	6,086	6,390	6,710	7,045
		26.2038	27.5135	28.8865	30.3288	31.8462	33.4385	35.1115	36.8654	38.7115	40.6442

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**City of Santa Cruz**  
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Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Supervisor</b>											
355	WATER DIST CREW LEADER III	4,867	5,110	5,366	5,634	5,916	6,212	6,523	6,849	7,191	7,551
		28.0788	29.4808	30.9577	32.5038	34.1308	35.8385	37.6327	39.5135	41.4865	43.5635
356	WATER DIST CREW LEADER IV	4,989	5,238	5,500	5,775	6,064	6,367	6,685	7,019	7,370	7,739
		28.7827	30.2192	31.7308	33.3173	34.9846	36.7327	38.5673	40.4942	42.5192	44.6481
352	WATER DISTRIBUTION SUP V	6,129	6,435	6,757	7,095	7,450	7,823	8,214	8,625	9,056	9,509
		35.3596	37.1250	38.9827	40.9327	42.9808	45.1327	47.3885	49.7596	52.2462	54.8596
351	WATER DISTRIBUTION SUPERV IV	5,983	6,282	6,596	6,926	7,272	7,636	8,018	8,419	8,840	9,282
		34.5173	36.2423	38.0538	39.9577	41.9538	44.0538	46.2577	48.5712	51.0000	53.5500
370	WATER FAC MECH SUPERVISOR	5,463	5,736	6,023	6,324	6,640	6,972	7,321	7,687	8,071	8,475
		31.5173	33.0923	34.7481	36.4846	38.3077	40.2231	42.2365	44.3481	46.5635	48.8942
340	WATER FACILITIES FIELD SUPV	6,350	6,667	7,000	7,350	7,718	8,104	8,509	8,934	9,381	9,850
		36.6346	38.4635	40.3846	42.4038	44.5269	46.7538	49.0904	51.5423	54.1212	56.8269
339	WATER METER SUPERVISOR	4,527	4,753	4,991	5,241	5,503	5,778	6,067	6,370	6,688	7,022
		26.1173	27.4212	28.7942	30.2365	31.7481	33.3346	35.0019	36.7500	38.5846	40.5115
371	WATER RESOURCES SUPERVISOR	5,700	5,985	6,284	6,598	6,928	7,274	7,638	8,020	8,421	8,842
		32.8846	34.5288	36.2538	38.0654	39.9692	41.9654	44.0654	46.2692	48.5827	51.0115
354	WATER TREAT SUP V	6,330	6,647	6,979	7,328	7,694	8,079	8,483	8,907	9,352	9,820
		36.5192	38.3481	40.2635	42.2769	44.3885	46.6096	48.9404	51.3865	53.9538	56.6538
353	WATER TREATMENT SUPV IV	6,029	6,330	6,646	6,978	7,327	7,693	8,078	8,482	8,906	9,351
		34.7827	36.5192	38.3423	40.2577	42.2712	44.3827	46.6038	48.9346	51.3808	53.9481
341	WHARF CONSTRUCTION CREW LDR	4,368	4,586	4,815	5,056	5,309	5,574	5,853	6,146	6,453	6,776
		25.2000	26.4577	27.7788	29.1692	30.6288	32.1577	33.7673	35.4577	37.2288	39.0923
343	WHARF SUPERVISOR	5,530	5,807	6,097	6,402	6,722	7,058	7,411	7,782	8,171	8,580
		31.9038	33.5019	35.1750	36.9346	38.7808	40.7192	42.7558	44.8962	47.1404	49.5000
346	WW COLLECTION FIELD CREW LDR	4,867	5,110	5,366	5,634	5,916	6,212	6,523	6,849	7,191	7,551
		28.0788	29.4808	30.9577	32.5038	34.1308	35.8385	37.6327	39.5135	41.4865	43.5635

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**City of Santa Cruz**  
 California  
 Human Resources

**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
<b>Supervisor</b>											
358	WW FAC ELEC/INSTR SUPV	5,842	6,134	6,441	6,763	7,101	7,456	7,829	8,220	8,631	9,063
		33.7038	35.3885	37.1596	39.0173	40.9673	43.0154	45.1673	47.4231	49.7942	52.2865
357	WW FACILITIES MECH SUP	5,463	5,736	6,023	6,324	6,640	6,972	7,321	7,687	8,071	8,475
		31.5173	33.0923	34.7481	36.4846	38.3077	40.2231	42.2365	44.3481	46.5635	48.8942
368	WW TREATMENT OPER SUPERVISOR	6,698	7,033	7,385	7,754	8,142	8,549	8,976	9,425	9,896	10,391
		38.6423	40.5750	42.6058	44.7346	46.9731	49.3212	51.7846	54.3750	57.0923	59.9481

6.144

## **EXHIBIT B**

### **SUPERVISORY UNIT CLASSIFICATIONS REQUIRING SAFETY BOOTS**

Chief Ranger  
Field Supervisor  
Garage Service Supervisor  
Lead Equipment Mechanic  
Parks Field Crew Leader  
Resource Recovery Supervisor  
Senior Electrician  
Service Field Crew Leader  
Water Distribution Crew Leader III/IV  
Water Distribution Supervisor IV/V  
Water Facilities Field Supervisor  
Water Meter Supervisor  
Water Treatment Supervisor IV/V  
Wharf Construction Crew Leader  
Wharf Supervisor

POLICY TITLE        DISCRIMINATION, HARASSMENT, RETALIATION, AND  
RESPECTFUL WORKPLACE CONDUCT POLICY

POLICY STATEMENT

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and to provide all current and prospective employees, Councilmembers, contractors, unpaid interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (all of which are later referred to as “Protected Categories”), or any other consideration made unlawful by local, State or Federal law.

This policy pertains to all aspects of employment with the City or the application for employment with the City including, but not limited to, recruitment, selection, placement, assignment, compensation, benefits, training, transfer, promotion, evaluation, discipline, and termination.

This policy prohibits unlawful harassment, discrimination, and retaliation by supervisors, managers, co-workers, and third parties such as vendors or customers.

**Definitions:**

Discrimination as used in this policy is defined as the treatment or consideration of, or making a distinction in favor of or against, an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) basing an employment decision on a job applicant’s or an employee’s protected status;
- b) treating an applicant or employee differently with regard to any aspect of employment because of their protected status;
- c) offering an employment benefit in exchange for sexual favors;
- d) threatening negative consequences if an employee declines a sexual advance;
- e) engaging in harassment, as more specifically defined below; and
- f) taking adverse employment action (i.e., demotion, transfer, discipline, or termination) against an employee based on the employee opposing discrimination in the workplace; assisting, supporting, or associating with a member of a protected category who complains about discrimination, or assisting in an investigation of discrimination.

Harassment as used in this policy is defined as the persistent disturbance or irritation of an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) verbal harassment such as epithets, derogatory comments, or slurs, including on social media;
- b) physical acts such as assault or impeding or blocking movement;
- c) visual insults such as derogatory posters, drawings, or photographs;

- d) unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature; and
- e) sending sexually-related emails or text messages.

Abusive Conduct as used in this policy is defined as conduct in the workplace or on social media, undertaken with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests; it may include repeated infliction of verbal abuse, 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 the sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Employee as used in this policy is defined as an individual performing business activities under direct supervision of another City employee and includes full-time, part-time, and temporary employees, contractors, unpaid interns, and volunteers.

Equal Employment Opportunity Committee (EEOC) as used in this policy is an advisory body to the City Council consisting of nine (9) members, including representatives from the community appointed by the City Council, employees appointed by the City Manager, and employees appointed by various labor groups.

Responsibilities:

1. The City of Santa Cruz shall take reasonable steps to prevent abusive conduct, discrimination, harassment, and retaliation from occurring in the workplace environment, including the following:
  - a) affirmatively raising the subjects of abusive conduct, discrimination, harassment and retaliation;
  - b) expressing strong disapproval;
  - c) maintaining and developing appropriate sanctions;
  - d) informing employees of their right to raise and how to raise the issues of abusive conduct, discrimination, harassment, and retaliation under City policy and/or the law; and
  - e) maintaining and developing methods to sensitize all concerned.

Such behavior shall not be tolerated, condoned, or trivialized. The City is committed to take action against any person violating this policy which will end the prohibited conduct. City employees who violate this policy shall be subjected to appropriate discipline, including possible dismissal, upon consideration of the findings and recommendations of the City Manager or their representative.

2. The City Manager shall fully accept and support the City's commitment to prevent abusive conduct, discrimination, harassment, and retaliation as a means to assure full equal employment opportunity for all prospective and current employees, contractors, unpaid interns, and volunteers including the following:
  - a) defining and assigning specific responsibilities throughout the organization for the development, implementation, and monitoring of this policy;
  - b) appointing one (1) department head and three (3) employee representatives to the EEOC;
  - c) ensuring all department heads support this policy;
  - d) reviewing the recommendations of the Human Resources Director on the resolution of complaints appealed under the Administrative Procedure Order (APO) Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and making final decisions in each such complaint; and
  - e) ensuring that an EEO Report is completed and submitted annually to the City Council.



3. The Human Resources Department (HR) Director shall be responsible for:
  - a) ensuring that this policy, including its definition of abusive conduct, discrimination, harassment, and retaliation and the complaint procedures are disseminated to all employees;
  - b) providing guidance, training sessions, and assistance to department heads, managers, supervisors, and employees within their areas of responsibility;
  - c) investigating, resolving, and making findings and recommendations on complaints that are reported according to established informal and formal grievance procedures as set forth in the Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure APO and the Respectful Workplace Conduct APO;
  - d) coordinating the annual EEO report, to include data on the make-up of the City workforce and the representation of protected classes, and distributing the report to the City Council, City staff, the public, and Federal and state agencies as requested or required;
  - e) regularly reviewing and revising personnel policies, procedures, and practices to eliminate non-job-related criteria, minimize the opportunity for discrimination and harassment, and ensure compliance with all legal requirements for equal employment opportunity;
  - f) designing, implementing, and monitoring a recruitment program to draw all qualified applicants; and
  - g) designating an EEO Coordinator, who will assist the HR Director with EEO-related activities and staff the EEOC.
  
4. Department Heads, Managers, and Supervisors shall all be responsible for:
  - a) giving their full support to this policy through active cooperation, leadership, and personal example;
  - b) informing employees in their respective departments or areas of responsibility of their rights and responsibilities regarding abusive conduct, discrimination, harassment, and retaliation under this policy;
  - c) ensuring that their employees have equal access to training and promotional opportunities;
  - d) acting to prevent abusive conduct, discrimination, harassment and retaliation from occurring; and
  - e) cooperating with the HR Director in resolving complaints involving employees in their respective departments.
  
5. Employees of the City shall be responsible for lending their personal support and cooperation in maintaining equal employment opportunities in the City. Employees shall cooperate fully with all investigations of abusive conduct, discrimination, harassment, and retaliation and implementation of remedial measures and shall not retaliate against complainants or witnesses.
  
6. The EEOC shall act in an advisory capacity to the City Council in all matters pertaining to EEO and be responsible for serving as a communication channel between City employees, the community, the City Manager, and the EEO Coordinator on any EEO activities and concerns.

Additional Applications and Considerations:

- Complaints may be filed by any individual (or a representative of their choice, on their behalf) who feels a violation of this policy has occurred. The procedures for resolving complaints alleging violation of this policy are set forth in APO Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure and APO Respectful Workplace Conduct.

- Contracts with the City of Santa Cruz which contain an equal employment opportunity/non-discrimination clause shall also include language which requires those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in their companies.
- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of this policy.
- All Memoranda of Understanding entered into by the City and any employee organization shall contain an appropriate non-discrimination/harassment clause.
- In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy. Nothing in these regulations may be construed as limiting the City's right to take reasonable disciplinary measures which do not discriminate on a basis identified in this policy.
- Discrimination/harassment/retaliation prevention (including prevention of abusive conduct), and cultural diversity awareness training, is mandatory for all City employees and City Councilmembers.
- All City employment announcements, brochures, procedures, advertisements, and application forms will state that the City is an Equal Opportunity Employer. The Human Resources Department will also inform all outreach recruitment and referral sources of the City's Discrimination and Harassment Policy and request that sources actively recruit and refer qualified applicants from all sectors of the community.
- In support of recruitment and retention efforts, City management shall consider the viability of participating in or developing supportive programs in such areas as: job-related skill training and education, job development, career counseling, transportation, day care, and health care.
- Where groups of employees are featured in the City's publications and communications (i.e., text and photographs), insofar as possible, the materials should illustrate that the City's workforce is as diverse as the populace it serves.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

**HISTORY:**

Revision by Resolution No. NS-28,533 July 24, 2012

Revision by Resolution No. NS-28,823 September 9, 2014

Revision by Resolution No. NS-29,220 April 4, 2017

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1A (Revised April 2017)

II-1A

TO: Department Heads

SUBJECT: DISCRIMINATION/HARASSMENT/RETALIATION POLICY  
IMPLEMENTATION AND COMPLAINT PROCEDURE

### PURPOSE

The purpose of this document is to confirm the City's commitment to prohibit and prevent unlawful discrimination, harassment, and retaliation in employment, and provide a City complainant an investigation procedure to resolve complaints of alleged discrimination, harassment, or retaliation in violation of the law or City Council Policy 25.2 (*Discrimination, Harassment, and Respectful Workplace Conduct Policy*).

### POLICY

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from discrimination, harassment, and retaliation, and to provide all current and prospective employees, contractors, interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (later referred to collectively as "Protected Categories") or any other consideration made unlawful by local, State, or Federal law.

This policy is promulgated in recognition of the fact that conduct of the type prohibited by this policy, if allowed to exist, not only violates Federal, State, and municipal law, but also serves to undermine employee integrity, create low employee morale, reduce employee productivity, and cause skilled and valuable workers to leave their City employment. All of this, in turn, is detrimental to the general health and welfare of the community, which depends upon a highly motivated and skilled body of City employees to deliver essential municipal services.

The City Council acknowledges and understands that in order to implement a policy of this type, it is essential that all persons who witness or experience discrimination, harassment, or retaliation report it immediately in order to facilitate early, effective, efficient, and impartial investigation and intervention by the City. Accordingly, any retaliation against a person for filing a complaint, reporting discrimination, harassment, or retaliation which he or she has witnessed, or assisting in an investigation is strictly prohibited. Employees found to have participated in retaliatory action in contravention of this policy shall be subject to disciplinary action up to and including termination.

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.

### DISSEMINATION OF POLICY AND TRAINING

All employees, supervisors, and managers shall receive a copy of this Administrative Procedure Order and City Council Policy 25.2 and shall also attend sexual harassment and cultural diversity training according to the following schedule:

- 1) All New Employees – Harassment/Discrimination/Retaliation Prevention Training, and Cultural Diversity Training, within the first year of hire.
- 2) Supervisors – Cultural Diversity Training within the first year of hire, Harassment/Discrimination/Retaliation Prevention Training within six months of gaining supervisory responsibilities, and refresher training no less frequently than every two years.

Posters explaining local, State, and Federal non-discrimination laws will be prominently displayed in the Human Resources Department.

### REASONABLE ACCOMMODATION FOR DISABILITY (in accordance with Title II of the *Americans with Disabilities Act of 1990, and as amended by the ADA Amendments Act of 2008*)

Disability is defined as: a) a physical or mental impairment that substantially limits one or more major life activities, b) having a documented record of such an impairment, or c) being regarded as having such an impairment.

Accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. It means modifications or adjustments to: a) a job application process to enable an individual with a disability to be considered for the position, b) the work environment in which a position is performed so that a person with a disability can perform the essential functions of the position, and c) enable individuals with disabilities to enjoy equal benefits and privileges of employment as employees without disabilities enjoy.

#### **I. Inclusions**

Accommodation includes making existing facilities and equipment used by employees readily accessible to and usable by individuals with disabilities. Accommodation applies to: a) all employment decisions and to the job application process, b) all services and programs provided in connection with employment, c) non-work facilities provided in connection with employment, and d) known disabilities only.

#### **II. Exclusions**

Accommodation is not required if: a) it eliminates essential functions of a position from the person's job, or b) adjustments or modifications requested are primarily for the benefit of the person with a disability. The law does not require an accommodation that imposes an "undue

hardship” on the operation of the City. Undue hardship means significant difficulty or expense incurred in the provision of accommodation relative to the operation of the City’s program and includes, but is not limited to, financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. The following factors will be considered in determining whether an accommodation would create undue hardship: a) the nature and cost of the accommodation, b) the financial resources of the City, c) the number of employees, and d) the type of operations of the City, including the composition and functions of its workforce.

### **III. Determining the Appropriate Accommodation**

Where a particular accommodation would result in an undue hardship, the City must determine if another accommodation is available that would not result in an undue hardship. If a qualified individual with a disability requests the provision of a reasonable accommodation, the City shall engage in an informal, interactive process with the person with a disability which identifies the precise limitations resulting from the disability and potential accommodations that could overcome those limitations. The accommodation process shall generally involve five (5) steps.

- First, the City shall analyze the particular job at issue and determine its purpose and essential functions.
- Second, the City shall consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual’s disability.
- Third, the City shall consult with the individual with a disability and, if desired by the agency, the appropriate rehabilitation or ergonomics consultant to identify potential accommodations and the necessary modifications.
- Fourth, the City shall assess the effectiveness of each potential accommodation with regard to enabling the individual to perform the essential functions of the position.
- Finally, the City shall consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.

### **DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURE**

This complaint procedure is available to City of Santa Cruz employees and individuals who believe that they have been subjected to discrimination, harassment, and/or retaliation in relation to employment with the City of Santa Cruz.

Complainants, and employees alleged to have engaged in discrimination, harassment, or retaliation, may choose to be represented at any or all steps in the complaint process.

#### **I. Filing a Complaint**

Complaints may be submitted to an employee’s immediate supervisor, any supervisor or manager within or outside the department, the department head, or Human Resources Department within one (1) year of the date the alleged action occurred. Any City of Santa

Cruz supervisor, manager, or department head who receives a discrimination or harassment complaint shall notify the Human Resources Department immediately upon receipt of the complaint. Complaints may be presented orally or in writing.

Written complaints should include the following information:

- The name, address, and telephone number of the complainant.
- The basis for the alleged discrimination or harassment (protected category and/or retaliation).
- The specific discriminatory practice(s) or incident(s) that have occurred.
- The names of any persons thought to be responsible for the discrimination/harassment.
- 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.

If complainants wish to file the complaint in person and receive assistance, they may contact the Human Resources Department to schedule an appointment with a staff investigator.

## II. **Investigation and Resolution**

After reviewing the complaint, the Human Resources Director shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint by a qualified person. The complainant will be contacted by the investigator upon the investigator's receipt of the complaint and will be kept apprised of the status of the investigation. The investigation will be documented and tracked for reasonable progress and appropriate due process. Every effort will be made to conclude the investigation within one hundred and twenty (120) calendar days of receipt of the complaint.

The Human Resources Director will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the protected categories or if a nexus cannot be established between the alleged act(s) and discrimination based on any of the protected categories.

When the investigation is completed, the Human Resources Director will determine if there is sufficient evidence to substantiate a violation of the City's Discrimination, Harassment, and Retaliation Policy and if remedial action is necessary to resolve the issues of the complaint. The complainant, alleged perpetrator/harasser, and department head(s) will be notified of the Human Resources Director's determination. If discipline is imposed, the discipline will not be communicated to the complainant.

If it would present a conflict (or the appearance of such) for the review and investigation of a complaint to be conducted by the Human Resources Department, the City Manager will be responsible for this process.

**III. City Manager Review**

Complainants who are not satisfied with the Human Resources Director's determination may request a review by the City Manager (or his/her representative), in writing, within ten (10) workdays following receipt of the Human Resources Director's determination. The City Manager (or his/her representative) shall review the complainant's written appeal and the investigative findings and shall render a written decision within thirty (30) workdays following the review.

**IV. Additional Remedies**

Current City employees covered by a memorandum of understanding that includes arbitration as the final step in the grievance process may request that the matter be taken to arbitration in accordance with the specific procedures contained in the applicable memorandum of understanding.

In addition, all complainants may file complaints of discrimination, harassment, or retaliation with the State of California Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission, whether or not complainants choose to use the City of Santa Cruz' complaint procedure. Time limits for filing complaints with State and Federal compliance agencies vary, and those agencies should be contacted directly for specific information. The addresses and telephone numbers (as of the revision date of this procedure) are:

California Department of Fair Employment and Housing  
Bay Area Regional Office  
39141 Civic Center Drive, Suite 250  
Fremont, CA 94538  
Phone: (800) 884-1684  
For Persons with a Hearing Impairment: (800) 884-1684 or TTY at (800) 700-2320  
E-mail: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

United States Equal Employment Opportunity Commission  
San Jose Local Office  
96 North Third Street, Suite 250  
San Jose, CA 95112  
Phone: (800) 669-4000  
Fax: (408) 291-4539  
TTY: (800) 669-6820  
ASL Video Phone: (844) 234-5122

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1B (Effective April 2017)

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, Commissioners, customers, and 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. 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 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*).

## 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 an employee's work performance.

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.

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; and
- 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, and 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.

- a. Anyone who believes 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 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 the alleged action 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. Written complaints should include the following information (it is recommended but not required to use the "Respectful Workplace Conduct Complaint Form");

- The name, address, and telephone number of the complainant.
- 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 his or her 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 employees are protected from further violations.
- b. Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
- 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.
- d. Employees 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 employee 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 employee subject to the investigation will be notified of the appropriate disciplinary action that will be taken.

- 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 employee 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 reasons 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 in confidence by the Human Resources Department.

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 or employee 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 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.

## 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, 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) City Council of Santa Cruz 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, 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.



# RESPECTFUL WORKPLACE CONDUCT COMPLAINT FORM

## 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.)

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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 this 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: \_\_\_\_\_



**2019 - 2022**

**MEMORANDUM OF UNDERSTANDING BETWEEN**

**THE CITY OF SANTA CRUZ**

**AND**

**THE FIRE MANAGEMENT ASSOCIATION OF THE CITY OF SANTA CRUZ**

**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ AND**  
**SANTA CRUZ FIRE MANAGEMENT ASSOCIATION**

**2019 – 2022**

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2019 - 2022

**MEMORANDUM OF UNDERSTANDING**

**CITY OF SANTA CRUZ AND FIRE MANAGEMENT ASSOCIATION  
OF THE CITY OF SANTA CRUZ**

**SECTION 1.00 – TERM**

The term of this Memorandum of Understanding shall commence August 10, 2019 and shall expire on September 30, 2022.

**SECTION 2.00 – PREAMBLE**

This Memorandum of Understanding is entered into by the City of Santa Cruz (hereinafter referred to as the City) and the Fire Management Association of the City of Santa Cruz (hereinafter referred to as the Association). Employee defined for the purpose of this Memorandum of Understanding shall mean a regular employee assigned to the classification of Fire Battalion Chief, and Fire Division Chief,. This Memorandum of Understanding is subject to Sections 3500-3510 of the Government Code of the State of California, the City of Santa Cruz Municipal Code and the Personnel Rules and Regulations for the City of Santa Cruz.

**SECTION 3.00 – NO ABROGATION OF RIGHTS**

The parties acknowledge that City responsibilities and rights as indicated in current Article 1, Section 1, (Appendix A) of the City Personnel Rules and Regulations and all applicable State or Municipal laws are neither abrogated nor made subject to the meet and confer process by adoption of this Memorandum of Understanding.

It is agreed that except as specifically delegated, granted, or modified by this Memorandum of Understanding, all of the rights, power and authority the City had prior to the signing of this Memorandum of Understanding, are retained by the City and remain the exclusive right of the City without limitation. Furthermore, these retained rights are not subject to any grievance or impasse procedure.

**SECTION 4.00 – EMPLOYEE RIGHTS**

The Association and the City acknowledge that although the Association is the recognized bargaining representative, the rights of employees under this Memorandum of Understanding, State law, City Personnel Rules and Regulations and the City Charter are neither abrogated nor diminished by the adoption of this Memorandum of Understanding.

**SECTION 5.00 – RECOGNITION**

Pursuant to the Meyer-Milias-Brown Act and the City's Personnel Rules and Regulations, the City has certified the Association as the recognized employee organization of the representation unit consisting of all full-time Fire Battalion Chiefs, and Fire Division Chiefs. This unit shall be titled the Fire Management Association Unit.

### 5.01 Payroll Deductions

The City shall deduct Association membership dues and any other mutually agreed-upon, payroll deductions, to the extent permitted by law, from the monthly pay of each member employee. The Association will provide the City with information regarding the amount of dues deductions and the list of Association member employees who have affirmatively consented to or authorized dues deductions.

The City shall remit the deducted dues and any other mutually agreed payroll deduction, to the extent permitted by law, to the Association as soon as possible after the deduction.

The City agrees to direct each member employee to the Association with regard to any questions or concerns related to membership dues or any other mutually agreed payroll deduction, to the extent permitted by law.

The Association is responsible for providing the City with timely information regarding changes to member employees' dues and any other lawful Association-related payroll deduction.

### 5.02 Association's Certification

The City shall make payroll deductions in reliance on the Association's certification certifying that the Association has and will maintain an authorization, signed by each member employee who affirmatively consents to pay Association membership dues. Similarly, The City shall only cancel or modify any membership dues or any other mutually agreed payroll deduction, to the extent permitted by law, for any member employees in reliance on the information provided by the Association.

The City shall not request the Association to provide a copy of any member employees' authorization unless a dispute arises about the existence or terms of the authorization.

### 5.03 Indemnification

The Association shall indemnify, defend, protect and hold harmless the City and its elected and appointed officials, officers, employees, officers and agents (collectively hereafter the "Indemnitees") from and against any and all claims, liabilities, losses, damages, fines, penalties, claims, demands, suits, actions, causes of action, judgments, costs and expenses (including, but not limited to, reasonable attorneys' fees and court costs) arising from the application of any provisions under Sections 5.01 and 5.02, including, but not limited to, any claims made by any member employees for the membership dues deductions the City made in reliance on the Association's certification, and any claims made by any member employees for any deduction cancellation or modification the City made in reliance on the information provided by the Association.

In the event any such action or proceeding is brought against the City by reason of any such claim, the Association, upon notice from the City, covenants to defend such action or proceeding by counsel reasonably satisfactory to the City. Further, the Association agrees to indemnify and hold harmless the Indemnitees for any loss or damage arising from the Association's actions or inactions under Sections 5.01 and 5.02.

## **SECTION 6.00 – JOB ACTIONS**

The Association recognizes the Santa Cruz Municipal Code and agrees not to permit, authorize

or in any other manner allow its members or those supervised to strike, slowdown, sick-in or engage in any work stoppage or other legal or illegal work or job action.

#### **SECTION 7.00 – NO DISCRIMINATION/RESPECTFUL WORKPLACE CONDUCT**

The City and the Association agree to adhere to the City Council policies pertaining to equal employment opportunity, and the prevention of discrimination, harassment, and disrespectful workplace conduct as listed in Exhibits A, B, and C as well as applicable federal and state discrimination laws.

#### **SECTION 8.00 – SAFETY**

The City intends to meet its obligation under the California Occupational Safety and Health Act and shall adopt and use safeguards, devices and practices reasonably adequate to render such employment safe.

The Association will cooperate with the City by requiring employees under its control to work safely and, further, the Association recognizes its obligation as management to support the City's effort to prevent injuries.

#### **SECTION 9.00 – NOTIFICATION TO ASSOCIATION**

Except in cases of bona fide emergency, the Association shall be given seven workday's advance written notification of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council or City Administration and shall be given the opportunity to meet with the City representative prior to its adoption.

#### **SECTION 10.00 – WORK SCHEDULE**

Work schedules utilized in the Fire Management Unit are as follows:

- A. Employees assigned to a 56-hour/week schedule shall typically work hours corresponding to the Fire Operations shift schedule. Employees working shifts shall not be released from duty until they are relieved by the next shift supervisor, unless otherwise directed by the Fire Chief or his/her representative.
- B. The work week for employees assigned to a 40-hour/week schedule shall typically consist of four or five consecutive days totaling 40 hours.

The Fire Chief shall assign starting and quitting times to these employees to meet operational needs. Affected employees will be notified five (5) working days in advance of changes in work schedules. This shall not preclude the City from effecting schedule changes due to operational needs, overtime or emergency work.

40-hour employees may request to work a 9/80 or 4/10 schedule.

##### **10.01 Back-Up Duty Chief Assignment**

Back-up Duty Chief assignments will be made in accordance with the Santa Cruz Fire Department Police and Procedure Manual Article 6-3 (Back-Up Duty Chief Assignment).



Back-up Duty Chief assignments will be covered with no stipend or other additional compensation for coverage unless activated as emergency call-back.

## **SECTION 11.00 – PERSONNEL ACTION**

### **11.01 Performance Evaluations**

It is compulsory that all regular employees receive an annual written performance evaluation from their supervisor. All employees serving their twelve (12)-month probationary period will be evaluated at six (6) months and then annually on their merit review date.

Evaluations are intended to be a summary of the employee's performance over the course of the evaluation period. Evaluations are also to be used as a tool to motivate the employee to work at his/her highest capacity and to communicate and document the employee's level of performance. To this end, the supervisor and the employee will meet and discuss work responsibilities, job standards and objectives, review progress and plan for the employee's future development prior to the evaluation being placed in the employee's personnel file. Disputes regarding performance reviews shall be resolved by the Fire Chief and disputes shall not be subject to the grievance process.

### **11.02 Probation**

#### **11.02.01 Probationary Period**

All original, promotional and re-hire appointments shall be subject to a probationary period of twelve (12) months from date of hire or promotion. Any time spent by an employee on unpaid status shall not be counted as qualifying service toward completion of the probationary period.

#### **11.02.02 Objective of Probationary Period**

The probationary period shall be regarded as part of the selection process and shall be utilized for training the new employee on work assignments and standards, and observing and evaluating the employee's performance.

#### **11.02.03 Rejection of Probationary Employee**

During the probation period, an employee may be rejected at any time by the appointing authority without the right of appeal. Notification of rejection shall be served to the probationary employee in writing. Any promoted employee who is rejected during the probationary period shall be reinstated to the position from which promotion occurred; unless the rejection is due to discharge in which case no reinstatement shall occur.

#### **11.02.04 Extension of Probation**

All efforts will be made to sufficiently evaluate the probationary employee during the assigned period. An extension of the probationary period may, however, be recommended by the appointing authority when good cause exists. Such extensions shall be for a specific period of time not to exceed three (3) months.

## **SECTION 12.00 – PAY RATES AND PRACTICES**

### **12.01 Salary Steps**

Each classification in the unit shall be assigned a salary range that increases by six percent (6%) between steps.

#### **12.01.01 Salary Rates Upon Appointment**

New employees shall be hired at the first step of the classification's salary range unless a higher starting step is recommended by the Fire Chief based on the employee's advance qualifications for the position and such recommendation is approved by the Director of Human Resources and City Manager.

#### **12.01.02 Advancement within the Range**

- A. Advancement within a classification's salary range shall normally be granted on the employee's scheduled merit review date. Such advancements shall be based solely on meritorious job performance as documented by a satisfactory performance evaluation and successful completion of department required training standards.
- B. Employees are eligible for their first merit increase at the end of the first six (6) months of their twelve (12) month probation. After successful completion of the full probation, the employee shall be eligible for subsequent merit increases after each full year on paid status from the last merit review date, continuing until the top of the salary range is attained.
- C. Merit increases shall normally be from one pay step to the next higher pay step. Increases of greater than one (1) step may, however, be recommended by the Fire Chief when exceptional performance has been demonstrated by the employee. Such step increases must be approved by the City Manager.
- D. A merit increase may be denied by the Fire Chief when an employee's job performance falls below the acceptable work standards for the duties assigned. The Fire Chief may, in such a case, recommend that the employee's work performance be reviewed again at a specific time before the next review date. If a merit increase is granted at that time, the employee's original review date shall not change and they shall be eligible for the next merit increase after one (1) year on a paid status from the original review date.
- E. An employee's scheduled merit review date shall be adjusted for any time spent by the employee on unpaid status.

- F. Upon receipt of a satisfactory annual evaluation, the effective date for a merit increase shall be the first day of the pay period which includes the employee's merit review date.

## **12.02 Working Out of Classification**

The term "working out of classification" is defined as a management authorized, full-time assignment on a temporary basis of an employee in a lower classification to a budgeted higher classification. Assignments will only be made to qualified employees assuming a significant number of duties of the higher classified position. Pay for "working out of classification" shall be as follows:

- A. Employees appointed to fill vacant positions will receive acting pay beginning the first day of the assignment.
- B. Employees appointed to a position for vacation, sick leave or leave of absence coverage will receive acting pay beginning on the first work day of the appointment.
- C. Acting pay will not be less than 5%.

In accordance with the Public Employees' Pension Reform Act (PEPRA), working out of classification pay is not pensionable compensation for employees who are "New Members" of CalPERS, as defined by California Government Code Section 7522.04(f).

## **12.03 Salary**

Effective August 10, 2019, the salaries for represented classifications will be increased by three percent (3.00%).

Effective August 8, 2020, the salary for represented classifications will be increased by three percent (3.00%).

Effective August 7, 2021, the salary for represented classifications will be increased by three percent (3.0%).

## **12.04 CalPERS**

### **12.04.01 Employees Hired on or Before September 2, 2011 (Tier I)**

This section 12.04.01 shall apply to employees hired on or before September 2, 2011, who are contributing members of CalPERS.

- A. Final Compensation Based on the Single Highest Year  
For purposes of determining a retirement benefit, final compensation for employees covered by this section 12.04.01 shall be based on the single highest year, defined by CalPERS as any consecutive one-year period with the highest average pay rate and special compensation.

- B. 3.0% @ 50 Pension Formula  
The 3.0% @ 50 pension formula shall be available to all employees covered by this section 12.04.01 who are contributing members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 12.04.01.
- C. Required Employee Contribution  
Members covered by this section 12.04.01 will contribute the employee contribution amount established by CalPERS for the 3.0% @ 50 pension formula. The required contribution amount was 9.0% as of the date of this MOU.
- D. Additional Required Employee Contribution  
In addition to the required employee contribution, starting with the pay period beginning August 15, 2015 members covered by this section 12.04.01 will contribute an additional 2.0% (total 11.00%).

Effective January 1, 2018, employees will contribute an additional 1% towards PERS for a total of 12%. (Total amount as of the date of the signing of this MOU)

**12.04.02 Employees Hired On or After September 3, 2011 (Tier II)**

This section 12.04.02 shall apply to employees hired on or after September 3, 2011 and prior to January 1, 2013 who are contributing members of CalPERS.

- A. Final Compensation Based on Three Year Average  
For purposes of determining a retirement benefit, final compensation for employees covered by this section 12.04.02 shall be based on the employee's highest three year average, defined by CalPERS as any consecutive three-year period with the highest average pay rate and special compensation.
- B. 3.0% @ 55 Pension Formula  
The 3.0% @ 55 pension formula shall be available to all employees covered by this section 12.04.02 who are contributing members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 12.04.02.
- C. Required Employee Contribution  
Members covered by this section 12.04.02 will contribute the employee contribution amount established by CalPERS for the 3.0% @ 55 pension formula. The required contribution amount was 9.0% as of the date of this MOU.

D. Additional Required Employee Contribution

In addition to the required employee contribution, starting with the pay period beginning August 15, 2015 members covered by this section 12.04.02 will contribute an additional 2.0% (total 11.00%).

Effective January 1, 2018, employees will contribute an additional 1% towards PERS for a total of 12%.

**12.04.03 Employees Hired On or After January 1, 2013 (Tier III)**

This section 12.04.03 shall apply to employees hired on or after January 1, 2013 who are contributing members of CalPERS.

A. Final Compensation Based on Three Year Average

For purposes of determining a retirement benefit, final compensation for employees covered by this section 12.04.03 shall be based on the employee's highest three year average defined by CalPERS as any consecutive three-year period with the highest average pay rate and special compensation.

B. 2.7% @ 57 Pension Formula

The 2.7% @ 57 pension formula shall be available to all employees covered by this section 12.04.03 who are contributing new members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 12.04.03.

Employees covered by this section 12.04.03 who are classic members as defined by CalPERS may be eligible for a different pension formula.

C. Required Employee Contribution

Members covered by this section 12.04.03 will contribute the employee contribution amount established by CalPERS for their pension formula. The required contribution amount for the 2.7% @ 57 was 12.25% as of the date of this MOU.

D. Additional Required Employee Contribution

In addition to the required employee contribution, starting with the pay period beginning August 15, 2015 members covered by this section 12.04.03 will contribute an additional 2.0% (total 14.25% as of the date of the signing of this MOU). Effective January 1, 2018, employees will contribute an additional 1% towards PERS for a total of 15.25%.

**12.04.04 Retirement, All Employees**

The City will maintain the IRS 414(h)(2) provision allowing employees to defer

State and Federal income taxes on their CalPERS contributions.

The City's contract with CalPERS includes the service credit for unused sick leave (Section 20965).

#### **12.05 Operational Compensation/Emergency Callback**

If a Battalion Chief's absence creates or contributes to overtime as a result of minimum staffing requirements, a Battalion Chief may be offered to work the vacancy at a pay rate which is 1.45% above the employee's current base rate of pay. This provision is administered in accordance with Policy and Procedures Manual Article 5-26.

In addition, Battalion Chiefs or Division Chiefs required to return to work for emergency call duty as determined by the Fire Chief, will be paid time and one-half pay.

Battalion Chiefs and Division Chiefs will also be paid time and one-half pay if assigned to work for declared disaster team or to provide coverage for Battalion Chiefs required to perform such duty. Payment of time and one-half will only be for those incidents which the City receives reimbursement from OES, FEMA, or other appropriate State or Federal agencies.

Battalion Chiefs and Division Chiefs are designated as FLSA exempt and this compensation will not be considered PERS income, as it is considered additional duties.

#### **12.06 Longevity**

Upon completion of ten (10) years of continuous regular service employees shall receive a 2½% longevity pay increase.

Upon completion of fifteen (15) years of continuous regular service employees shall receive an additional 2% longevity pay increase.

Upon completion of twenty (20) years of continuous regular service employees shall receive an additional 2% longevity pay increase.

Upon completion of twenty five (25) years of continuous regular service, employees shall receive an additional 2% longevity pay increase.

#### **12.07 On-Call Fire Investigator**

On-call Fire Investigator assignments will be made in accordance with Santa Cruz Fire Department Policy and Procedure Manual Article 2, #B2-4 (On-Call Fire Investigator Assignment).

Compensation for on-call Fire Investigator assignments is as follows:

- A. For every weekday covered, a stipend equal to 1 ½ hours of "C" step Deputy Fire Marshal pay shall be provided.

- B. For every weekend day (24-hour period) covered, a stipend equal to 2 hours of “C” step Deputy Fire Marshal pay shall be provided.
- C. For every City designated 8-hour holiday (24-hour period) covered, a stipend equal to 4 hours of “C” step Deputy Fire Marshal pay shall be provided and 4 additional hours will be credited to the employee’s holiday bank.
- D. For every City designated 4-hour holiday (19-hour period) covered, a stipend equal to 2 hours of “C” step Deputy Fire Marshal pay shall be provided and 2 additional hours will be credited to the employee’s holiday bank.
- E. When an on-call Fire Investigator is dispatched or activated, the pay rate will revert to 1 ½ the employee’s base pay rate as “emergency call back”.

**12.08 Educational Incentive**

Employees will be eligible for the following educational incentives (the maximum incentive available is four percent (4%) :

- A. AA/AS degree or 60 units and actively pursuing job related college work and/or bachelors, or AA/AS degree program – two percent (2%) of base salary.
- B. BA/BS or Masters degree or State Chief Officer or Fire Marshal certification – four percent (4%) of base salary.

**12.09 Emergency Medical Technician (EMT) Incentive**

Each employee who is certified in the County of Santa Cruz as an Emergency Medical Technician-D shall be compensated an additional two percent (2%) of the employee’s base salary.

**12.10 Hazardous Materials (Haz-Mat) Technician Incentive**

Employees designated as Haz-Mat technicians in accordance with departmental policies and procedures will receive an incentive equal to two percent (2%) of the employee’s base salary.

**12.11 Special Event Compensation**

A special event assignment is defined as an assignment for which the City is reimbursed by a event’s sponsor, through the Finance Department, for fire services. If a unit employee staffs a special event that results in hours being worked in addition to the employee’s 40-hour work week, the employee will be paid at time and one-half pay for hours worked while performing such duty. Payment of time and one-half special event pay will only be for those special events which are so designated by the Fire Chief and not co-sponsored by the

City. Because unit employees are designated as FLSA exempt, this compensation will not be considered PERS income, as it is considered compensation for additional duties.

## **SECTION 13.00 – HOLIDAYS**

### **13.01 56-Hour Per Week Employees**

Employees shall accrue up to 192 hours of holiday pay and shall be credited with 192 hours on the first day of the pay period that includes July 1 of each year. This amount will be prorated for new hires.

Pursuant to City directives, employees may use accrued holiday leave. Alternately, holidays may be paid at a straight time rate. If paid, a separate check shall be issued for 96 hours (less any hours used to date in the fiscal year) on the first pay date in December and again for the remaining balance of hours on the second pay date in June.

Upon separation, employees shall receive the value of their unused accrued holiday leave. Accumulation of holidays shall not exceed 192 hours.

### **13.02 40-Hour Per Week Employees**

Employees shall accrue up to 88 hours of holiday pay and shall be credited with an hour bank on the first day of the pay period that includes July 1 of each year. During fiscal years when Christmas and New Year's days are on or between Tuesday through Saturday, employees shall be credited with 88 hours. In fiscal years where Christmas and New Year's days are on a Sunday or Monday, employees shall be credited with 80 hours. This amount will be prorated for new hires.

Pursuant to City directives, employees may use accrued holiday leave. Alternately, all unused holidays may be paid at a straight time rate on the second pay date in June.

Upon separation, employees shall receive the value of their unused accrued holiday leave. Accumulation of holidays shall not exceed 88 hours.

In addition to the above holidays, 40-hour per week employees shall accrue up to twenty-four (24) hours of floating holidays per fiscal year. Floating Holiday accrual shall be on a monthly basis. Full-time employees shall accrue floating holiday at the rate of two (2) hours per month. Part-time employees shall accrue floating holiday on a pro-rated basis, given the ratio of their budgeted work schedule to full time (e.g., all employees working in a 20 hour/week position shall receive one (1) hour of floating holiday each month).

Floating Holidays may only be taken with prior approval.

Accumulation of Floating Holidays shall not exceed twenty-four (24) hours. Upon separation, the employees shall receive their unused accrued Floating Holiday.



## **SECTION 14.00 – SICK LEAVE**

### **14.01 Definition**

The purpose of this section is to provide paid leave time to be used by employees in the event of a non-work related illness, injury, preventative healthcare, care of an existing health condition, as victims of domestic violence, sexual assault or stalking, or the medical necessity of others as specified below. Sick leave shall not be construed to be a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity herein set forth.

### **14.02 Accrual**

#### **14.02.01 24-Hour Shift Personnel**

All 24-hour shift personnel shall accrue sick leave at the rate of 12 hours for each full month of continuous regular service in which the employee has worked or has been in authorized leave of absence with pay.

#### **14.02.02 40-Hours per Week Personnel**

All 40-hour week shall accrue such leave at the rate of 8 hours for each full month of continuous regular service in which the employee has worked or has been in authorized leave of absence with pay.

#### **14.02.03 Eligibility**

Employees must be on paid status at least 50% of the working hours of a pay period to earn sick leave for that period.

### **14.03 Limitations**

- A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor in the manner provided in the departmental rules and regulations.
- B. The Fire Chief may require an employee to submit verification of an illness or injury from a licensed medical practitioner prior to any use of sick leave being authorized.  
In cases of chronic absenteeism or medical work restrictions, the Director of Human Resources may have an employee examined by a City-selected physician. The City shall pay the cost of any such medical exam.
- C. Up to 72 hours for 24-hour shift personnel and 48 hours for 40-hour week of accrued sick leave per fiscal year may be used when the employee's personal attendance is required to care for a family member who is ill or injured, or for preventive care, care of an existing health condition, or if they are a victim of domestic violence, sexual assault, or stalking. For the

purposes of this provision, family is defined as a spouse, registered domestic partner, son, daughter, parent, sibling, step-parent, grandparent or grandchild or other close relation residing in the employee's household. The seventy-two (72) or forty-eight (48) hour limitation may be extended by the City Manager with good cause.

- D. A 40-hours per week employee may be granted up to 8 hours per calendar year of personal business leave chargeable to sick leave. The scheduling of such leave is subject to the approval of the Fire Chief.

#### **14.04 Sick Leave Incentive Program**

##### **14.04.01 40 Hour Per Week Employees**

On an annual basis, 40-hour week employees who have accumulated more than 400 hours of sick leave, will be asked to choose among the following options, which will be paid out on the last pay date in June:

1. To receive a cash pay-off of all hours in excess of 400 at the rate of 33% of their current rate of pay.
2. To "bank all hours in excess of 400. Banked hours may not later be converted to cash and will be used as sick leave only when all other sick leave is exhausted.

##### **14.04.02 56-Hour per Week Employees**

###### **A. Maximum Sick Leave Accrual**

As of the last pay date in June of each year, employees who have accumulated sick leave in excess of the minimum amounts listed below may take vacation pay or receive a cash payment for the amount of excess sick leave; or, employees may elect to accumulate sick leave up to the maximum limits at which point they must take the excess as cash or time off. The amount of vacation pay or cash payment will be made based on 25% of the time accrued above the designated threshold.

56-hour week employees: 1680 - 1860 hours

In addition, employees may be allowed to "bank" all hours in excess of 1,860. Banked hours may not later be converted to cash and will be used as sick leave only when all other sick leave is exhausted or be converted to CalPERS service credit upon retirement.

###### **B. Vacation Conversion**

Employees with 15 or more years of regular service and a minimum sick leave balance of 150 hours for 56-hour/week

schedules may elect to convert sick leave to vacation time according to the following table:

<u>Years of Service</u>	<u>Maximum No. of Extra Vacation Hours</u>
15 - 19	24/year
20 - 24	36/year
25+	48/year

Department head approval is required prior to taking vacation, and converted hours are not allowed to accumulate from one calendar year to the next.

#### **14.04.03 Retirement Conversion**

In addition to selecting the CalPERS service credit option, employees retiring from the City with at least twenty (20) years of regular service may also elect to convert a maximum of 1,500 hours of their accrued sick leave (banked and unbanked) in 100 hour increments to an additional 1% contribution by the City towards the cost of their retiree medical benefits as defined by Sections 18.04 (Retiree Medical Plan) and 18.05 (Retiree Medical Incentive) of this memorandum. For example, the maximum conversion of 1,500 hours would equal a 15% increase in the City's contribution towards a retiree medical plan for a maximum 90% contribution. All restrictions and requirements of Sections 18.04 (Retiree Medical Plan) and 18.05 (Retiree Medical Incentive) apply to this sick leave incentive option including, but not limited to, eligibility and plan availability.

Procedures clarifying the sick leave incentive program shall be prescribed by the Director of Human Resources and/or City Manager and shall be subject to administrative directive.

### **SECTION 15.00 – VACATION**

Vacation accrual will be on a monthly basis beginning at date of hire. Accumulated vacation time may not exceed twice the annual rate of accrual unless prior written authorization for a specified amount is received from the City Manager or Director of Human Resources. An employee must be on paid status at least 50% of the working hours of a pay period to earn vacation for that period. Upon proper authorization, a probationary employee may use accrued vacation leave.

Vacation accrual shall be based on continuous regular service, as follows:

#### **15.01 40-hour per Week schedules**

Up to 5 years	80 hours per year
6 to 10 years (inclusive):	120 hours per year
11 or more years:	120 hours, plus eight (8) hours for each year of service after ten (10) years to a maximum of 160 hours.

## **15.02 56-hour per Week Schedules**

Up to 5 years	12 hours per month
6 to 10 years	18 hours per month
11 or more years:	18 hours per month plus one hour per month for each year of service after ten (10) years to a maximum of twenty-four (24) hours per month.

## **SECTION 16.00 – BEREAVEMENT LEAVE**

The purpose of this section is to provide paid leave for employees when they are bereaved at the death of a family member and this loss has had a temporary effect on the employee's ability to continue daily work performance.

A leave of absence with pay of up to twenty-four (24) hours for 40-hour/week employees or thirty- six (36) hours for 56-hour/week employees per incident is available to an employee in the event of a death in the employee's family which shall, for the purpose of this article, include spouse, parent, son, daughter, grandparent, sibling, mother or father-in-law, registered Principal Domestic Partner, grandchild of employee, spouse, or registered Principal Domestic Partner, son-in-law, daughter-in- law, grandparent-in-law, brother-in-law, sister-in-law or a close relation residing in the employee's household. In rare cases when the employee and the deceased have no other legal relationship than a foster or step-parent, the Human Resources Director or City Manager has the discretion to approve that leave upon application.

## **SECTION 17.00 – LEAVES OF ABSENCE**

### **17.01 Paid Leaves of Absence**

#### **17.01.01 Paid Birth/Adoptive Leave**

An employee is entitled to forty-eight (48) hours leave (56 hours schedule) or forty (40) hours leave (40 hour schedule) with pay at or about the time of the birth of the employee's child or at the time of adopting a child. The paid leave shall be within two (2) months of the birth or adoption. This leave will be considered a part of the time allotted to family leave as authorized in Section 17.02.03 (Family Leave).

#### **17.01.02 Military Duty**

An employee who is a member of the National Guard or any reserve component of the armed services of the U.S. shall be granted up to thirty (30) days per year of paid leave for any active duty scheduled during the employee's regular work hours (or 10 shifts per year for 24-hour personnel). The employee must give his/her supervisor forty-eight (48) hours advance notification of the need for such leave and must present a copy of the official notice for such duty. All other military leaves shall be granted pursuant to relevant state and federal statutes.

## **17.02 Unpaid Leaves of Absence**

### **17.02.01 Medical or Personal Leave**

Leave of absence without pay may be granted to an employee in a case of extended illness or disability, personal emergency or other situation where such absence would not be contrary to the best interests of the City. Approval of all such leaves of absence is at the sole discretion of management. Such unpaid leave will only be granted after an employee has depleted all appropriate paid leaves. The department head may grant a leave of absence of up to thirty (30) consecutive calendar days; additional leave may only be granted by the City Manager and may not exceed a total of twelve months. No vacation, holidays, sick leave, or any other paid benefit shall be accrued or earned during such leave. All requests for unpaid leaves of absence must be made in writing and include specific begin and end dates for the leave. Denials of unpaid leaves of absence shall be given in writing and contain the reason therefore.

### **17.02.02 Pregnancy Disability Leave**

An employee may take a leave of absence up to four (4) months in length for the purpose of pregnancy disability leave. The City may request a license medical practitioner's opinion regarding any work restrictions that may exist prior to or after delivery.

Requests for pregnancy disability leave must be made in writing to the Fire Chief at least thirty (30) days in advance of the anticipated starting date. Such request must include specific begin and end dates for the leave. Starting dates should be as accurate as possible barring any unforeseen medical issues related to the pregnancy or earlier or later birth than expected. Any requests for extension of pregnancy disability leave must be made in writing to the Fire Chief at least ten (10) calendar days prior to the scheduled end of the existing leave.

The employee may elect to use any appropriate paid leave either before or after an approved pregnancy disability leave, within the use limitations of those leave provisions. No combination of pregnancy disability leave, family leave, sick leave or vacation may exceed one year total or seven (7) months post-partum.

Any additional post-partum leave, not to exceed one (1) year total, may be approved by the City Manager or his designee after consideration of the nature of the request and the operational needs of the department.

Upon return to work, the employee shall be assigned to the same position but not necessarily to the same assignment.

### **17.02.03 Family Leave**

In accordance with the Federal Family and Medical Leave Act and the California Family Rights Act, the City will grant job protected unpaid family and medical

leave to eligible employees for up to twelve (12) weeks, (continuous or cumulative), per twelve (12) month calendar year period. Effective January 1, 2016, the City will begin using a “rolling” twelve (12) month period measured backward method to establish the 12-month period. Family leave may be taken for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve-month period following the child’s birth or placement with the employee); or
- B. In order to care for an immediate family member (spouse, domestic partner, child, or parent) of the employee if such immediate family member has a serious health condition; or
- C. The employee’s own serious health condition that makes the employee unable to perform the functions of his/her position.

**17.02.04 Conditions Covering Family Leave**

- A. Eligible employee means having been employed by the City for twelve (12) months and has worked for at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave.
- B. Medical verification is required for employee or ill family member for medical leave period.
- C. Employees are required to give at least thirty (30) days written notice in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much written notice as is practicable.
- D. Employees are required to use accrued vacation as a part of the family leave period. Use of sick leave is not required, but may be used pursuant to the applicable provisions of the Memorandum of Understanding.
- E. Pregnancy disability is not covered under this section and is covered by the California Fair Employment and Housing Act which allows up to four (4) months of leave depending on the actual disability (see Section 17.02.02 – Pregnancy Disability Leave).
- F. Employees retain “employee” status while on family care leave. The leave does not constitute a break in service for purposes of longevity, and/or seniority. Upon return to work, employee will be

reinstated to an equivalent position with equivalent pay and benefits.

- G. Any request for additional leave may be made pursuant to Section 17.02.01 (Medical or Personal Leave). Requests for leave time using multiple time off provisions may not exceed the total amount allowed pursuant to Section 17.02.01 (Medical or Personal Leave).
- H. Benefits premiums shall be made in accordance with the Federal Family and Medical Leave Act and the California Family Rights Act. Under the current law, the City will continue to maintain coverage under the same conditions, as coverage would have been provided if the employee had been continuously employed during the leave period.
- I. Any other conditions or interpretations of the leave shall be based upon the Federal Family and Medical Leave Act and the California Family Rights Act.

### **17.03 Continuation of Benefits During Unpaid Leaves of Absence**

City sponsored insurance benefits may be continued during unpaid leaves of absence in accordance with the following provisions:

#### **17.03.01 Personal Leave**

The City shall continue to pay benefit premiums during a personal leave of less than thirty (30) calendar days. For leaves of more than thirty (30) calendar days, employees may continue premium payments at their own cost, in accordance with appropriate CalPERS medical plan provisions.

#### **17.03.02 Medical Leave**

The City shall continue to pay benefit premiums during the entire length of a medical leave of absence.

#### **17.03.03 Family Leave**

Benefit premiums shall be made in accordance with the Federal Family and Medical Leave Act and the California Family Rights Act. Under the current law, the City will continue to maintain coverage under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

## **SECTION 18.00 – BENEFITS**

### **18.01 Medical Plan/Flexible Benefits**

The City will provide a medical insurance plan to employees and eligible dependents through the California Public Employees' Retirement System (CalPERS). The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA).

In accordance with IRS Section 125, the City will provide a flexible benefits plan ("cafeteria plan") to all eligible employees. If an employee elects to participate in a medical plan, the maximum monthly City contribution to the cafeteria plan is the cost of the Blue Shield Access+ HMO Plan (for the Bay Area/Sacramento region; Region 1 effective January 1, 2020) less the following employee contribution amounts.

Employee Only	\$70
Employee & One Dependent	\$92.
Family	\$95.5

In no event will the maximum monthly City contribution exceed the premium for the plan in which the employee is enrolled. In no event will employees receive cash back based on the plan chosen.

Employees may elect to waive City medical coverage and receive a cash benefit. In order to receive the medical waiver benefit, the employee must provide proof to the City of other current medical coverage. Full-time employees who waive medical coverage are eligible to receive \$200 per month; part-time employees shall receive a pro-rated amount based upon their full-time equivalency (FTE). The medical waiver may be applied toward the purchase of any pre-tax or post-tax optional benefits, or paid as a taxable cash benefit.

Employees receiving the medical waiver must notify the Human Resources Department if they cease to be covered by any other medical plan, thereby making them ineligible for the medical waiver benefit.

#### **18.01.01 Pre-Tax Optional Benefits**

Through the cafeteria plan, employees may enroll in the following optional benefits and elect to pay premiums on a pre-tax basis:

1. Medical Reimbursement Account (MRA)
2. Dependent Care Assistance Plan (DCAP)
3. Cancer and Critical Illness Protection Insurance

#### **18.01.02 Post-Tax Optional Benefits**

Employees may also enroll in the following optional benefits and elect to pay premiums on a post-tax basis:



1. Additional life insurance
2. Accident protection insurance
3. Long term care insurance

**18.02 Principal Domestic Partners**

The City will provide medical, dental, and vision benefits to employees with Principal Domestic Partners equivalent to those provided to an employee’s spouse. Employees may enroll their eligible Principal Domestic Partners and the eligible dependents of their Principal Domestic Partners subject to eligibility requirements established either by CalPERS or the City and subject to tax regulations of the State of California and the Internal Revenue Service of the United States government.

**18.03 Dental and Vision Benefits**

The City shall provide a dental plan for employees and their eligible dependents at no premium cost to employees and with the following minimum benefit levels.

	<u>In-PPO Network</u>	<u>Out-of-PPO Network</u> (fees charged are usually higher)
Annual Deductible	\$25/person, \$75/family	\$25/person; \$75/family
Annual Maximum	\$1,500/person	\$1,500/person
Diagnostic & Preventive	100%	80% of contract allowance
Basic Benefits	80%	80% of contract allowance
Crowns & Other Castings	50%	50% of contract allowance
Restorations/ Prostodontics	50%	50% of contract allowance
Orthodontic Benefits (for dependent children only)	50% up to \$2,000 lifetime maximum/ person (up to age 23)	50% of contract allowance up to \$2,000 lifetime maximum/person (up to age 23)

The City shall provide a vision plan for employees and their eligible dependents at no premium cost to employees and with the following minimum benefit levels.

Co-Pays	\$15 (does not apply to contacts)
Exams	100%, every 12 months after co-pay
Prescription Lenses	100%, every 12 months after co-pay
Frames	100% up to \$115 plus 20% off any out-of-pocket costs, every 24 months after co-pay
Contacts	100% (in lieu of glasses) up to \$105, every 12 months - no co-pay

#### **18.04 Retired Health Plan**

Covered employees who retire under the provisions of the City's contract with CalPERS are currently eligible to continue CalPERS medical coverage. The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA), currently \$139 for 2020.

#### **18.05 Retiree Medical Incentive**

In addition to the PEMHCA minimum monthly contribution amount pursuant to Government Code Section 22892 (currently \$122 for 2015) that the City contributes for all employees in a CalPERS medical plan, employees currently on the City's retiree medical plan and future covered employees who receive a retirement from PERS and have at least five (5) years of continued service with the City and are at least fifty (50) years of age will receive a retiree medical benefit in the amount of \$112.04 per month. This benefit will continue as long as the employee continues PERS medical coverage and until such time the retiree is eligible for Medicare or other Federal or State health programs, solely on account of age.

Employees who retire with more than twenty (20) years of City service will receive a retiree medical incentive of 75% the cost of the employee-only coverage of the highest CalPERS HMO plan from only among those plans available in Santa Cruz County at the time of ratification of this agreement (less the contribution listed in Section 18.04 (Retiree Medical Plan) of this memorandum).

To the extent allowed by law, the benefits bestowed by this section are intended to survive the termination and/or expiration of this memorandum. To this end, future Fire Management bargaining representatives shall not amend or delete these benefits retroactively or agree to benefits at variance with the above defined benefits so as to reduce or eliminate the benefits herein conferred upon existing retirees.

#### **18.06 Disability Retirement Before Age 50**

Upon disability retirement before age 50, an employee shall be reimbursed for unused sick leave through the provision of the City's retired health care plan for the employee only to the following limits, whichever occurs first: (1) up to the current value of the employee's sick leave accrual; or (2) until such time as the employee obtains primary health care coverage under another plan; or (3) until the employee is eligible for Federal or State medical programs. Once any of these limits are reached, the employee is no longer eligible for coverage under this plan.

The retiree shall notify the City in writing at such time as they are receiving primary coverage under another plan.

Two years after the date of retirement, if a retiree is still covered under the City's plan, they must provide the City with an affidavit stating that they are not receiving primary coverage under another plan. If the retiree fails to provide such an affidavit, the City has the right to cancel coverage with 30 days written notice.

To be eligible for this Retired Health Care Plan, the employee must have an accrued sick leave balance of 144 hours as of the effective date of disability retirement.

If an employee is medically declared to be totally disabled, the City shall provide the retired health plan to that employee until they are eligible for Federal or state medical programs, regardless of the employee's sick leave balance.

In all cases, retired employees may purchase coverage for their dependents under this plan as long as they, themselves, remain eligible and are insured under the plan.

Employees with 15 or more years of service may elect to apply all or part of their sick leave toward purchase of the retired health care plan or convert it to cash as provided under Section 14.04 (C).

#### **18.07 Life Insurance**

The City shall contribute full cost toward the City-sponsored \$25,000 basic term life insurance program.

The City shall make a voluntary term life insurance policy available to unit employees.

#### **18.08 Long Term Disability Insurance**

The City shall contribute full cost of the City-sponsored long-term disability program. The maximum monthly benefit shall be at least \$5,000.

#### **18.09 Medicare Buy Back**

The City will meet and discuss with the Association the desirability and implementation of Medicare buyback. Because this item is not cost neutral to the City, further discussion regarding the level of employee participation is needed before the City can agree to implement a Medicare buyback process.

#### **18.10 Health Savings Account**

The City will meet and discuss with the Association to facilitate the established of a third-party-managed Health Savings Account for Association members.

## **SECTION 19.00 – UNIFORM ALLOWANCE AND REPLACEMENT**

Employees will comply with departmental standards with regard to appearance and cleanliness. To this end, the City agrees to pay the cost of cleaning department authorized uniforms. For this purpose, the City will establish an account at a dry cleaning establishment located within the City of Santa Cruz. For their part, employees will deliver and retrieve uniforms from the dry cleaning establishment, and do so during non-working hours. However, under exceptional circumstances, subject to the approval of the Fire Chief or his representative, uniforms may be delivered or retrieved during working hours.

The City agrees to replace uniforms on an as-needed basis, as determined by the Fire Chief. It shall be the responsibility of each unit employee to arrange for purchasing, fitting, pickup, delivery, return, repair and control of uniform items.

The parties agree that for PERS reporting purposes, the value of the cleaning service is four hundred and sixty-eight dollars (\$468.00) per year.

Employees who themselves pay the employee share of PERS, shall pay the PERS cost of the value of cleaning service. Such payment shall be made through a payroll deduction out of her/his paycheck each pay period. The amount of the deduction shall be determined by multiplying the employee's PERS contribution rate by eighteen (\$18.00) dollars.

## **SECTION 20.00 – MANAGEMENT BENEFITS**

### **20.01 Management Vacation**

In the first full pay period in January of each year all management employees will be credited with vacation time in addition to their normal authorized vacation allowance. Those on a 40-hour/week schedule shall receive 80 hours management vacation, and those on a 56- hour/week schedule shall receive 112 hours management vacation. Although these additional hours will be documented on the employee sick leave and vacation schedule, it will be itemized separately. Employees desiring to be paid for any or all of their management vacation may so indicate on either July 1 or December 31 of each year. Upon separation, employees shall receive the value of their unused accrued management vacation. This benefit will be pro-rated for new hires.

It is mutually understood and agreed that retroactive changes to time cards converting already used management vacation to some other form of paid leave, thus increasing the number of management vacation hours eligible for pay out at years end, will not be allowed.

It is mutually understood and agreed that it is each individual employee's responsibility to manage his/her use of management vacation hours to avoid the loss of any unused time.

Accumulation of management vacation shall not exceed eighty (80) hours for 40-hour per week employees and one hundred twelve (112) hours for 56-hour per week employees.

## **20.02 Optional Management Benefit**

In recognition of unscheduled and special assignments performed by management employees and night meetings they occasionally attend, the City will contribute \$1,500 for employees with more than ten (10) years of service and \$1,300 for employees with less than ten (10) years of service, annually, to an optional management benefit plan. Payment for this benefit shall be made in July of each year for the previous fiscal years' service.

Employees may select the following options for use of the benefit:

1. Payment to deferred compensation;
2. Upon approval of the department head, purchase of additional vacation leave;
3. Direct payment to the employee.

This benefit will be prorated for new hires and terminated employees.

## **SECTION 21.00 – CITY PROVIDED VEHICLE**

Subject to the approval of the Fire Chief and the City Manager, a City provided car may be provided to the Division Chiefs. Employees approved for and provided with City vehicles are responsible for all associated tax liabilities in accordance with Federal, State, and local regulations and laws.

## **SECTION 22.00 – REDUCTION IN FORCE**

All Fire department employees shall be subject to the layoff policy and procedure provided in this section. In case of elimination, reorganization, or reclassification of personnel during the term of this agreement, the City agrees to discuss redistributing negotiated cost of living adjustments to assist with additional workloads that may be imposed. It is recognized and agreed that the salary savings resulting from any reductions of the work force are to be wholly realized by the City.

### **22.01 Lay-Offs**

The City reserves the right to reduce its workforce by layoff of employees for reasons of economy or changes in departmental operations. When one or more employees assigned to the same classification within a department are to be laid off, the order of layoff shall be as follows:

1. Temporary
2. Probationary
3. Regular

The order of layoffs shall be governed by seniority in the current classification from the date of hire in the classified position.

#### **22.02 Bumping**

Bumping is defined as a voluntary movement of an employee to be laid off from his/her current classification to a previously held lower classification (based upon previous duties, if title has changed) held by an employee with less seniority. An employee with sufficient seniority to bump an employee in a lower classification shall bump the least senior person in that classification.

For bumping purposes, the employee exercising bumping, will add time in the affected position (position bumping into), current position (laid off position), and related higher position as total seniority time. This time will be carried forward and bump that employee in the next lower classification with less time in the lower classification. This seniority will establish the individual's seniority in the lower classification.

#### **22.03 Notification**

Employees to be laid off shall be given not less than fifteen (15) working days written notice prior to the reduction in force. An employee wishing to bump to a lower classification shall provide written notice to the City within ten (10) days of receiving their layoff notice.

#### **22.04 Reinstatement**

Should there be a vacancy in the classification from which an employee was laid off be re-established within 18 months, the employee shall be eligible for reinstatement. It shall be the employee's responsibility to notify the Human Resources Department of his/her current address. Every effort shall be made to notify the affected individual of any reinstatement opportunity. Reinstatement shall be in the reverse order of layoff.

### **SECTION 23.00 – GRIEVANCE PROCEDURE**

#### **23.01 Purpose**

To assure prompt and fair treatment of employee grievances related to employment. Any employee covered by this Memorandum of Understanding may file a grievance.

#### **23.02 Definitions**

A. Grievance: An alleged violation, misinterpretation or misapplication of the provisions of this Memorandum, the City's Personnel Rules and Regulations or Fire Department Rules and Regulations.

B. Workday: All weekdays excluding holidays and weekends.

### **23.03 Limitations**

- A. A grievant may be represented by any representative of his or her choosing in preparing and presenting a grievance.
- B. No reprisal shall result against any employee who presents a bona fide grievance under this procedure.
- C. Time limits may be extended by written mutual agreement of the parties.
- D. A grievance shall be considered settled in favor of the other party if, at any step, a decision is not rendered or appealed within the specified time limit.
- E. Only upon mutual written agreement between the parties may Step I of the grievance procedure be waived.

### **23.04 Procedures**

#### **23.04.01 Step I**

The grievant will first attempt to resolve the grievance through informal discussions with successive levels of supervision beginning with his/her immediate supervisor through his/her highest management-level supervisor, exclusive of the department head. These discussions must be initiated within ten (10) workdays of when the employee knew, or reasonably should have known the incident upon which the grievance is based. Every attempt will be made by the parties to settle the issue at this level.

#### **23.04.02 Step II**

If the grievance is not resolved through the informal discussion, the employee may, within ten (10) workdays, submit a written grievance to his/her department head after the informal meeting.

The written grievance must contain in clear, factual and concise language:

1. A brief statement as to the date of the occurrence on which the grievance is based and the facts as the grievant see them.
2. The rule, regulation or act on which the grievance is based.
3. The action the grievant believes will resolve the grievance.
4. Signature of the employee.

The department head shall have ten (10) workdays following receipt of the appeal to review the matter and prepare a written response. Copies shall go to the parties involved and the Human Resources Department.

### **23.04.03 Step III**

If the grievance is not resolved, the grievant may, within five (5) workdays following receipt of the department head's response, appeal to the City Manager or his/her representative, stating in writing the basis for the appeal.

The City Manager or his/her representative shall render a written decision to all parties directly involved within fifteen (15) workdays following the date which the aggrieved employee appealed the department head's decision.

### **23.04.04 Step IV**

If the grievance is not resolved to the satisfaction of the employee at the conclusion of Step III, the employee may appeal the decision of the City Manager to a neutral arbitrator, provided her/him so informs the City Manager in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately, thereafter, jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the state Mediation and Conciliation Service, the parties within five (5) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the arbitrator. If one person is not mutually agreed upon, the parties shall within five (5) days after receipt of the list of names alternately strike two (2) names from such list with the last remaining name to be the person serving as arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The arbitrator shall have no authority to add to, detract from, alter, amend or modify any provision of this Agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in the Agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to him/her by the parties in the presence of each other and in post-hearing briefs, if necessary. The decision of the arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued within fifteen (15) days after the conclusion of the hearing.

The arbitrator's expenses, if any, shall be borne equally by the parties. Each party shall bear the cost of its own representation.



## **SECTION 24.00 – DISCIPLINARY APPEALS PROCEDURE**

### **24.01 Definition**

Disciplinary action shall mean written reprimand, suspension (as authorized by FLSA), demotion, disciplinary reduction in salary, or discharge.

The appeal procedure described herein shall apply to cases of disciplinary action affecting regular employees. It shall not be applicable to probationary employees. Employees have the right to representation at any or all stages of the appeal process.

### **24.02 Pre-Action Procedure**

#### **24.02.01 Step I**

Prior to imposing disciplinary action which would result in a loss of salary, the supervisor shall first provide the employee a preliminary written notice of the proposed action stating the effective date, the specific grounds and particular facts upon which the action will be taken. The employee shall have access to any known written materials, reports or documents upon which the action is based. The employee shall have the right to respond to the charges within five (5) workdays from receipt of the notice either orally, in writing, or both to the Fire Chief.

The employee may request an extension of the time to respond for justifiable reasons. Failure to respond within the time specified will result in the employee's waiver of his/her procedural rights and final action will be taken.

#### **24.02.02 Step II**

Following a review of a proposed disciplinary action the Fire Chief, within five (5) workdays of receiving employee's response, shall render a written decision and send it by registered mail or personal delivery to the employee. A copy shall also be mailed to the employee's representative. The written decision will include the effective date of the disciplinary action.

The employee has the right, within five (5) workdays after receiving the decision, to file a request for appeal with the City Manager. The appeal shall be a written statement, signed by the applicant, explaining the matter appealed from, stating the action desired by the appellant, with his/her reasons therefore, and stating that the pre-action procedures have been exhausted.

### **24.03 Post-Action Appeal**

#### **24.03.01 Step III**

If the employee files a timely appeal, the City Manager shall, within five (5) workdays after receiving the appeal, designate a hearing officer who shall schedule a hearing not less than five (5) workdays from the date the appeal is received.

The hearing officer may conduct such independent investigation of the matter as they deem necessary. The appellant shall be given the opportunity to answer or present evidence in opposition to the findings of this independent investigation.

The appellant shall appear personally at the scheduled hearing unless physically unable to do so. The appellant or his/her representative may produce relevant oral or documentary evidence at the hearing.

Within fifteen (15) workdays following the hearing, the hearing officer shall render a written decision to all parties involved. The hearing officer has the authority to affirm, repeal or modify the disciplinary action.

For discipline equivalent to the severity of suspension (as authorized by FLSA) of one (1) week or less, or leave balance reduction of one (1) week or less, there shall be no appeal beyond Step III and the City Manager's decision shall be final.

#### **24.03.02 Step IV**

If the appeal (except as exempted above) is not resolved to the satisfaction of the appellant at the conclusion of Step III, the employee may appeal the decision of the City Manager to a neutral arbitrator, provided it so informs the City Manager in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately, thereafter jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the State Mediation and Conciliation Service, the parties within five (5) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the arbitrator. If one person is not mutually agreed upon the parties shall within five (5) days after receipt of the list of names, alternately strike two (2) names from such list with the last remaining name to be the person serving as arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any provision of this agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in this agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to him/her by the parties in the presence of each other and in post hearing briefs, if necessary. The decision of the arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect

a decision to be issued within fifteen (15) days after the conclusion of the hearing. The arbitrator's expenses shall be borne equally by the parties. Each party shall bear the cost of its own representation.

#### **24.04 Firefighter Procedural Bill of Rights Act**

During the period of this Memorandum of Understanding, the City and Association agree to adopt and comply with the Firefighter Procedural Bill of Rights, codified at California Government Code §§ 3250-3262, effective January 1, 2008.

#### **SECTION 25.00 – WRITTEN REPRIMANDS**

A written reprimand may be issued by an employee's supervisor if an employee has violated a City rule, provision of the M.O.U., or if his/her performance is in need of improvement. Written reprimands shall be placed in the employee's personnel file. An employee shall have the right to prepare a written response to the reprimand and have said response placed in his/her personnel file. An employee may appeal the supervisor's decision to issue a written reprimand to the Fire Chief by filing an appeal to the Fire Chief within five (5) working days of receipt of the reprimand. The Fire Chief's decision regarding the written reprimand shall be final.


#### **SECTION 26.00 – SEVERABILITY**

This Memorandum is subject to all current and future applicable Federal and State laws, State regulations, California Constitution, and City of Santa Cruz Charter, Resolutions, or Ordinances.


Should any of the provisions herein contained be rendered or declared invalid by reason of any State or Federal legislation or court action, such invalidations of such part or portions of this Memorandum shall not invalidate the remaining portions hereof and they shall remain in full force and effect insofar as such remaining portions are severable.

DATED: 8/10/19


**FIRE MANAGEMENT ASSOCIATION  
OF THE CITY OF SANTA CRUZ**

  
Robert Young, Fire Battalion Chief


  
Josh Coleman, Fire Battalion Chief

  
Robert Davis, Fire Battalion Chief  
Analyst

**CITY OF SANTA CRUZ**

  
Lisa Murphy, Human Resources  
Director

  
Timothy Davis, Chief Negotiator

  
Joe McMullen, Principal HR

POLICY TITLE        DISCRIMINATION, HARASSMENT, RETALIATION, AND  
RESPECTFUL WORKPLACE CONDUCT POLICY

POLICY STATEMENT

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and to provide all current and prospective employees, Councilmembers, contractors, unpaid interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (all of which are later referred to as “Protected Categories”), or any other consideration made unlawful by local, State or Federal law.

This policy pertains to all aspects of employment with the City or the application for employment with the City including, but not limited to, recruitment, selection, placement, assignment, compensation, benefits, training, transfer, promotion, evaluation, discipline, and termination.

This policy prohibits unlawful harassment, discrimination, and retaliation by supervisors, managers, co-workers, and third parties such as vendors or customers.

**Definitions:**

Discrimination as used in this policy is defined as the treatment or consideration of, or making a distinction in favor of or against, an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) basing an employment decision on a job applicant’s or an employee’s protected status;
- b) treating an applicant or employee differently with regard to any aspect of employment because of their protected status;
- c) offering an employment benefit in exchange for sexual favors;
- d) threatening negative consequences if an employee declines a sexual advance;
- e) engaging in harassment, as more specifically defined below; and
- f) taking adverse employment action (i.e., demotion, transfer, discipline, or termination) against an employee based on the employee opposing discrimination in the workplace; assisting, supporting, or associating with a member of a protected category who complains about discrimination, or assisting in an investigation of discrimination.

Harassment as used in this policy is defined as the persistent disturbance or irritation of an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) verbal harassment such as epithets, derogatory comments, or slurs, including on social media;
- b) physical acts such as assault or impeding or blocking movement;
- c) visual insults such as derogatory posters, drawings, or photographs;

- d) unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature; and
- e) sending sexually-related emails or text messages.

Abusive Conduct as used in this policy is defined as conduct in the workplace or on social media, undertaken with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests; it may include repeated infliction of verbal abuse, 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 the sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Employee as used in this policy is defined as an individual performing business activities under direct supervision of another City employee and includes full-time, part-time, and temporary employees, contractors, unpaid interns, and volunteers.

Equal Employment Opportunity Committee (EEOC) as used in this policy is an advisory body to the City Council consisting of nine (9) members, including representatives from the community appointed by the City Council, employees appointed by the City Manager, and employees appointed by various labor groups.

Responsibilities:

1. The City of Santa Cruz shall take reasonable steps to prevent abusive conduct, discrimination, harassment, and retaliation from occurring in the workplace environment, including the following:
  - a) affirmatively raising the subjects of abusive conduct, discrimination, harassment and retaliation;
  - b) expressing strong disapproval;
  - c) maintaining and developing appropriate sanctions;
  - d) informing employees of their right to raise and how to raise the issues of abusive conduct, discrimination, harassment, and retaliation under City policy and/or the law; and
  - e) maintaining and developing methods to sensitize all concerned.

Such behavior shall not be tolerated, condoned, or trivialized. The City is committed to take action against any person violating this policy which will end the prohibited conduct. City employees who violate this policy shall be subjected to appropriate discipline, including possible dismissal, upon consideration of the findings and recommendations of the City Manager or their representative.

2. The City Manager shall fully accept and support the City's commitment to prevent abusive conduct, discrimination, harassment, and retaliation as a means to assure full equal employment opportunity for all prospective and current employees, contractors, unpaid interns, and volunteers including the following:
  - a) defining and assigning specific responsibilities throughout the organization for the development, implementation, and monitoring of this policy;
  - b) appointing one (1) department head and three (3) employee representatives to the EEOC;
  - c) ensuring all department heads support this policy;
  - d) reviewing the recommendations of the Human Resources Director on the resolution of complaints appealed under the Administrative Procedure Order (APO) Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and making final decisions in each such complaint; and
  - e) ensuring that an EEO Report is completed and submitted annually to the City Council.

3. The Human Resources Department (HR) Director shall be responsible for:
  - a) ensuring that this policy, including its definition of abusive conduct, discrimination, harassment, and retaliation and the complaint procedures are disseminated to all employees;
  - b) providing guidance, training sessions, and assistance to department heads, managers, supervisors, and employees within their areas of responsibility;
  - c) investigating, resolving, and making findings and recommendations on complaints that are reported according to established informal and formal grievance procedures as set forth in the Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure APO and the Respectful Workplace Conduct APO;
  - d) coordinating the annual EEO report, to include data on the make-up of the City workforce and the representation of protected classes, and distributing the report to the City Council, City staff, the public, and Federal and state agencies as requested or required;
  - e) regularly reviewing and revising personnel policies, procedures, and practices to eliminate non-job-related criteria, minimize the opportunity for discrimination and harassment, and ensure compliance with all legal requirements for equal employment opportunity;
  - f) designing, implementing, and monitoring a recruitment program to draw all qualified applicants; and
  - g) designating an EEO Coordinator, who will assist the HR Director with EEO-related activities and staff the EEOC.
  
4. Department Heads, Managers, and Supervisors shall all be responsible for:
  - a) giving their full support to this policy through active cooperation, leadership, and personal example;
  - b) informing employees in their respective departments or areas of responsibility of their rights and responsibilities regarding abusive conduct, discrimination, harassment, and retaliation under this policy;
  - c) ensuring that their employees have equal access to training and promotional opportunities;
  - d) acting to prevent abusive conduct, discrimination, harassment and retaliation from occurring; and
  - e) cooperating with the HR Director in resolving complaints involving employees in their respective departments.
  
5. Employees of the City shall be responsible for lending their personal support and cooperation in maintaining equal employment opportunities in the City. Employees shall cooperate fully with all investigations of abusive conduct, discrimination, harassment, and retaliation and implementation of remedial measures and shall not retaliate against complainants or witnesses.
  
6. The EEOC shall act in an advisory capacity to the City Council in all matters pertaining to EEO and be responsible for serving as a communication channel between City employees, the community, the City Manager, and the EEO Coordinator on any EEO activities and concerns.

Additional Applications and Considerations:

- Complaints may be filed by any individual (or a representative of their choice, on their behalf) who feels a violation of this policy has occurred. The procedures for resolving complaints alleging violation of this policy are set forth in APO Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure and APO Respectful Workplace Conduct.

- Contracts with the City of Santa Cruz which contain an equal employment opportunity/non-discrimination clause shall also include language which requires those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in their companies.
- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of this policy.
- All Memoranda of Understanding entered into by the City and any employee organization shall contain an appropriate non-discrimination/harassment clause.
- In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy. Nothing in these regulations may be construed as limiting the City's right to take reasonable disciplinary measures which do not discriminate on a basis identified in this policy.
- Discrimination/harassment/retaliation prevention (including prevention of abusive conduct), and cultural diversity awareness training, is mandatory for all City employees and City Councilmembers.
- All City employment announcements, brochures, procedures, advertisements, and application forms will state that the City is an Equal Opportunity Employer. The Human Resources Department will also inform all outreach recruitment and referral sources of the City's Discrimination and Harassment Policy and request that sources actively recruit and refer qualified applicants from all sectors of the community.
- In support of recruitment and retention efforts, City management shall consider the viability of participating in or developing supportive programs in such areas as: job-related skill training and education, job development, career counseling, transportation, day care, and health care.
- Where groups of employees are featured in the City's publications and communications (i.e., text and photographs), insofar as possible, the materials should illustrate that the City's workforce is as diverse as the populace it serves.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

**HISTORY:**

Revision by Resolution No. NS-28,533 July 24, 2012  
 Revision by Resolution No. NS-28,823 September 9, 2014  
 Revision by Resolution No. NS-29,220 April 4, 2017



City of Santa Cruz  
Administrative Procedure Order  
Section II, #1A (Revised April 2017)

II-1A

TO: Department Heads

SUBJECT: DISCRIMINATION/HARASSMENT/RETALIATION POLICY  
IMPLEMENTATION AND COMPLAINT PROCEDURE

PURPOSE

The purpose of this document is to confirm the City’s commitment to prohibit and prevent unlawful discrimination, harassment, and retaliation in employment, and provide a City complainant an investigation procedure to resolve complaints of alleged discrimination, harassment, or retaliation in violation of the law or City Council Policy 25.2 (*Discrimination, Harassment, and Respectful Workplace Conduct Policy*).

POLICY

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from discrimination, harassment, and retaliation, and to provide all current and prospective employees, contractors, interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (later referred to collectively as “Protected Categories”) or any other consideration made unlawful by local, State, or Federal law.

This policy is promulgated in recognition of the fact that conduct of the type prohibited by this policy, if allowed to exist, not only violates Federal, State, and municipal law, but also serves to undermine employee integrity, create low employee morale, reduce employee productivity, and cause skilled and valuable workers to leave their City employment. All of this, in turn, is detrimental to the general health and welfare of the community, which depends upon a highly motivated and skilled body of City employees to deliver essential municipal services.

The City Council acknowledges and understands that in order to implement a policy of this type, it is essential that all persons who witness or experience discrimination, harassment, or retaliation report it immediately in order to facilitate early, effective, efficient, and impartial investigation and intervention by the City. Accordingly, any retaliation against a person for filing a complaint, reporting discrimination, harassment, or retaliation which he or she has witnessed, or assisting in an investigation is strictly prohibited. Employees found to have participated in retaliatory action in contravention of this policy shall be subject to disciplinary action up to and including termination.

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.

### DISSEMINATION OF POLICY AND TRAINING

All employees, supervisors, and managers shall receive a copy of this Administrative Procedure Order and City Council Policy 25.2 and shall also attend sexual harassment and cultural diversity training according to the following schedule:

- 1) All New Employees – Harassment/Discrimination/Retaliation Prevention Training, and Cultural Diversity Training, within the first year of hire.
- 2) Supervisors – Cultural Diversity Training within the first year of hire, Harassment/Discrimination/Retaliation Prevention Training within six months of gaining supervisory responsibilities, and refresher training no less frequently than every two years.

Posters explaining local, State, and Federal non-discrimination laws will be prominently displayed in the Human Resources Department.

### REASONABLE ACCOMMODATION FOR DISABILITY (in accordance with Title II of the *Americans with Disabilities Act of 1990, and as amended by the ADA Amendments Act of 2008*)

Disability is defined as: a) a physical or mental impairment that substantially limits one or more major life activities, b) having a documented record of such an impairment, or c) being regarded as having such an impairment.

Accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. It means modifications or adjustments to: a) a job application process to enable an individual with a disability to be considered for the position, b) the work environment in which a position is performed so that a person with a disability can perform the essential functions of the position, and c) enable individuals with disabilities to enjoy equal benefits and privileges of employment as employees without disabilities enjoy.

#### **I. Inclusions**

Accommodation includes making existing facilities and equipment used by employees readily accessible to and usable by individuals with disabilities. Accommodation applies to: a) all employment decisions and to the job application process, b) all services and programs provided in connection with employment, c) non-work facilities provided in connection with employment, and d) known disabilities only.

#### **II. Exclusions**

Accommodation is not required if: a) it eliminates essential functions of a position from the person's job, or b) adjustments or modifications requested are primarily for the benefit of the person with a disability. The law does not require an accommodation that imposes an "undue

hardship” on the operation of the City. Undue hardship means significant difficulty or expense incurred in the provision of accommodation relative to the operation of the City’s program and includes, but is not limited to, financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. The following factors will be considered in determining whether an accommodation would create undue hardship: a) the nature and cost of the accommodation, b) the financial resources of the City, c) the number of employees, and d) the type of operations of the City, including the composition and functions of its workforce.

### **III. Determining the Appropriate Accommodation**

Where a particular accommodation would result in an undue hardship, the City must determine if another accommodation is available that would not result in an undue hardship. If a qualified individual with a disability requests the provision of a reasonable accommodation, the City shall engage in an informal, interactive process with the person with a disability which identifies the precise limitations resulting from the disability and potential accommodations that could overcome those limitations. The accommodation process shall generally involve five (5) steps.

- First, the City shall analyze the particular job at issue and determine its purpose and essential functions.
- Second, the City shall consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual’s disability.
- Third, the City shall consult with the individual with a disability and, if desired by the agency, the appropriate rehabilitation or ergonomics consultant to identify potential accommodations and the necessary modifications.
- Fourth, the City shall assess the effectiveness of each potential accommodation with regard to enabling the individual to perform the essential functions of the position.
- Finally, the City shall consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.

### **DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURE**

This complaint procedure is available to City of Santa Cruz employees and individuals who believe that they have been subjected to discrimination, harassment, and/or retaliation in relation to employment with the City of Santa Cruz.

Complainants, and employees alleged to have engaged in discrimination, harassment, or retaliation, may choose to be represented at any or all steps in the complaint process.

#### **I. Filing a Complaint**

Complaints may be submitted to an employee’s immediate supervisor, any supervisor or manager within or outside the department, the department head, or Human Resources Department within one (1) year of the date the alleged action occurred. Any City of Santa

Cruz supervisor, manager, or department head who receives a discrimination or harassment complaint shall notify the Human Resources Department immediately upon receipt of the complaint. Complaints may be presented orally or in writing.

Written complaints should include the following information:

- The name, address, and telephone number of the complainant.
- The basis for the alleged discrimination or harassment (protected category and/or retaliation).
- The specific discriminatory practice(s) or incident(s) that have occurred.
- The names of any persons thought to be responsible for the discrimination/harassment.
- 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.

If complainants wish to file the complaint in person and receive assistance, they may contact the Human Resources Department to schedule an appointment with a staff investigator.

## II. **Investigation and Resolution**

After reviewing the complaint, the Human Resources Director shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint by a qualified person. The complainant will be contacted by the investigator upon the investigator's receipt of the complaint and will be kept apprised of the status of the investigation. The investigation will be documented and tracked for reasonable progress and appropriate due process. Every effort will be made to conclude the investigation within one hundred and twenty (120) calendar days of receipt of the complaint.

The Human Resources Director will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the protected categories or if a nexus cannot be established between the alleged act(s) and discrimination based on any of the protected categories.

When the investigation is completed, the Human Resources Director will determine if there is sufficient evidence to substantiate a violation of the City's Discrimination, Harassment, and Retaliation Policy and if remedial action is necessary to resolve the issues of the complaint. The complainant, alleged perpetrator/harasser, and department head(s) will be notified of the Human Resources Director's determination. If discipline is imposed, the discipline will not be communicated to the complainant.

If it would present a conflict (or the appearance of such) for the review and investigation of a complaint to be conducted by the Human Resources Department, the City Manager will be responsible for this process.

**III. City Manager Review**

Complainants who are not satisfied with the Human Resources Director's determination may request a review by the City Manager (or his/her representative), in writing, within ten (10) workdays following receipt of the Human Resources Director's determination. The City Manager (or his/her representative) shall review the complainant's written appeal and the investigative findings and shall render a written decision within thirty (30) workdays following the review.

**IV. Additional Remedies**

Current City employees covered by a memorandum of understanding that includes arbitration as the final step in the grievance process may request that the matter be taken to arbitration in accordance with the specific procedures contained in the applicable memorandum of understanding.

In addition, all complainants may file complaints of discrimination, harassment, or retaliation with the State of California Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission, whether or not complainants choose to use the City of Santa Cruz' complaint procedure. Time limits for filing complaints with State and Federal compliance agencies vary, and those agencies should be contacted directly for specific information. The addresses and telephone numbers (as of the revision date of this procedure) are:

California Department of Fair Employment and Housing  
Bay Area Regional Office  
39141 Civic Center Drive, Suite 250  
Fremont, CA 94538  
Phone: (800) 884-1684  
For Persons with a Hearing Impairment: (800) 884-1684 or TTY at (800) 700-2320  
E-mail: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

United States Equal Employment Opportunity Commission  
San Jose Local Office  
96 North Third Street, Suite 250  
San Jose, CA 95112  
Phone: (800) 669-4000  
Fax: (408) 291-4539  
TTY: (800) 669-6820  
ASL Video Phone: (844) 234-5122

# Exhibit C

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1B (Effective April 2017)

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, Commissioners, customers, and 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. 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 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*).

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 an employee's work performance.

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.

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; and
- 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, and 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.

- a. Anyone who believes 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 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 the alleged action 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. Written complaints should include the following information (it is recommended but not required to use the "Respectful Workplace Conduct Complaint Form");



- The name, address, and telephone number of the complainant.
- 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 his or her 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 employees are protected from further violations.
- b. Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
- 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.
- d. Employees 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 employee 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 employee subject to the investigation will be notified of the appropriate disciplinary action that will be taken.

- 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 employee 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 reasons 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 in confidence by the Human Resources Department.

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 or employee 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 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.

## 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, 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) City Council of Santa Cruz 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, 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.



# RESPECTFUL WORKPLACE CONDUCT COMPLAINT FORM

## 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.)

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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 this 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: \_\_\_\_\_

**2019 – 2023**

**MEMORANDUM OF UNDERSTANDING**

**CITY OF SANTA CRUZ**

**AND**

**SANTA CRUZ POLICE MANAGEMENT ASSOCIATION**

**2019 – 2023**  
**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ AND**  
**SANTA CRUZ POLICE MANAGEMENT ASSOCIATION**

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**2019 – 2023**  
**MEMORANDUM OF UNDERSTANDING**  
**CITY OF SANTA CRUZ AND**  
**SANTA CRUZ POLICE MANAGEMENT ASSOCIATION**

**SECTION 1.00 - TERM**

The term of this Memorandum of Understanding shall commence on September 2, 2019 and shall expire March 3, 2023.

This Memorandum is entered into by the City of Santa Cruz (hereinafter referred to as the City) and the Santa Cruz Police Management Association (hereinafter referred to as the Association). For the purpose of this Memorandum, employee shall mean a regular, full-time employee employed in the classifications listed in Exhibit A (Police Management Classifications). This memorandum is subject to Sections 3500-3510 of the Government Code of the State of California, the City of Santa Cruz Charter and Municipal code, and Article II (Representation Proceedings) of the City of Santa Cruz Personnel Rules and Regulations, Appendix A (Employee Relations Resolution).

**SECTION 2.00 - NO ABROGATION OF RIGHTS**

The parties acknowledge that the City's responsibilities and rights, and management responsibilities and rights, as indicated in current Article 1 (General Provisions), Section 1 (Statement of Purpose) of the City of Santa Cruz Personnel Rules and Regulations Appendix A (Employee Relations Resolution) and all applicable State or Municipal laws and rights of the City Council, are neither abrogated nor made subject to the meet and confer process by the adoption of this Memorandum

**SECTION 3.00 - NO DISCRIMINATION**

The Association and the City agree to adhere to the City Council policies pertaining to equal employment opportunity, and the prevention of discrimination, harassment, and disrespectful workplace conduct as listed in Exhibits B (Council Policy 25.2 *Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy*), C (Administrative Procedure Order II-1a *Discrimination/Harassment Policy Implementation and Complaint Procedure*), and D (Administrative Procedure Order II-1b *Respectful Workplace Conduct*), as well as applicable Federal and State discrimination laws.

**SECTION 4.00 - EMPLOYEE RIGHTS**

Unit employees shall have the right to form, join, and participated in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-

employee relations pertaining to wages, hours, and other terms and conditions of employment. Unit employees shall have the right to refuse to join or participated in the activities of the Association and shall have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against by the City of Santa Cruz or by any employee organization because of the exercise of these rights.

## **SECTION 5.00 - RECOGNITION AND PAYROLL DEDUCTION**

### **5.01 Recognition**

Pursuant to the Meyers-Milias-Brown Act and the City's Personnel Rules and Regulations, the Association is certified as the recognized employee organization representing regular status employees listed in Exhibit A (Police Management Classifications).

### **5.02 Payroll Deduction**

The City shall deduct Association membership dues and any other mutually agreed upon payroll deductions, to the extent permitted by law, from the monthly pay of each member employee. The Association will provide the City with information regarding the amount of dues deductions and the list of Association member employees who have affirmatively consented to or authorized dues deductions.

The City shall remit the deducted dues and any other mutually agreed payroll deduction, to the extent permitted by law, to the Association as soon as possible after the deduction.

The City agrees to direct each member employee to the Association with regard to any questions or concerns related to membership dues or any other mutually agreed payroll deduction, to the extent permitted by law.

The Association is responsible for providing the City with timely information regarding changes to member employees' dues and any other lawful Association-related payroll deduction.

### **5.03 Association's Certification**

The City shall make payroll deductions in reliance on the Association's certification certifying that the Association has and will maintain an authorization, signed by each member employee who affirmatively consents to pay Association membership dues. Similarly, The City shall only cancel or modify any membership dues or any other mutually agreed payroll deduction, to the extent permitted by law, for any member employees in reliance on the information provided by the Association.

The City shall not request the Association to provide a copy of any member employees' authorization unless a dispute arises about the existence or terms of the authorization.

### **5.04 Indemnification**

The Association shall indemnify, defend, protect and hold harmless the City and its elected and appointed officials, officers, employees, officers and agents (collectively hereafter the "Indemnitees") from and against any and all claims, liabilities, losses, damages, fines, penalties, claims, demands, suits, actions, causes of action, judgments, costs and expenses (including, but

not limited to, reasonable attorneys' fees and court costs) arising from the application of any provisions under Sections 5.02 and 5.03, including, but not limited to, any claims made by any member employees for the membership dues deductions the City made in reliance on the Association's certification, and any claims made by any member employees for any deduction cancellation or modification the City made in reliance on the information provided by the Association.

In the event any such action or proceeding is brought against the City by reason of any such claim, the Association, upon notice from the City, covenants to defend such action or proceeding by counsel reasonably satisfactory to the City. Further, the Association agrees to indemnify and hold harmless the Indemnitees for any loss or damage arising from the Association's actions or inactions under Sections 5.02 and 5.03.

## **SECTION 6.00 - PERSONNEL ACTIONS**

### **6.01 Personnel Files**

Employees shall have the right to review their personnel file or authorize, in writing, review by their representative. No adverse material will be placed in an employee's personnel file without prior notice and a copy given to the employee. Employees may cause to be placed in their personnel file responses to adverse material inserted therein.

### **6.02 Performance Evaluations**

It is compulsory that all regular employees receive an annual written performance evaluation from their supervisor. Employees serving six-month probation will be evaluated at the completion of their sixth month of service. Employees serving a twelve month probationary period will be evaluated at the completion of their sixth and twelfth month of service. All regular employees will be evaluated on their merit review date. Evaluations are intended to be a summary of the employee's performance over the course of the evaluation period. Evaluations are also to be used as a tool to motivate the employee to work at their highest capacity and to communicate and document the employee's level of performance. To this end, the supervisor and the employee will meet and discuss work responsibilities, job standards and objectives, review progress, and plan for the employee's future development prior to the evaluation being placed in the employee's personnel file.

Any additions, corrections, deletions, or changes on the original evaluation form require initialing by the maker of the amendment and the employee to indicate that the changes have been discussed and understood. No evaluation shall be made on hearsay statements. Employees may also choose to discuss performance evaluations with the Chief of Police and/or the Director of Human Resources and formally enter a response to the evaluation in their personnel file. Disputes regarding performance reviews shall not be subject to the grievance process.

### **6.03 Probationary Period**

All new employees shall serve a probationary period of twelve (12) months. Promoted employees shall serve six (6) month probation. Any time spent by an employee on unpaid status or workers' compensation leave shall not be counted as qualifying service toward completion of the probationary period.

#### **6.03.01 Objective of Probationary Period**

The probationary period shall be regarded as part of the selection process and shall be utilized for training the new employee on work assignments and standards, and observing and evaluating the employee's performance.

#### **6.03.02 Rejection of Probationary Employee**

During the probation period, an employee may be rejected at any time by the appointing authority without the right of appeal. Notification of rejection shall be served to the probationary employee in writing.

Any promoted employee who is rejected during the probationary period shall be reinstated to the position from which the promotion occurred; unless the rejection is due to discharge in which case no reinstatement shall occur.

#### **6.03.03 Extension of Probation**

All efforts will be made to sufficiently evaluate the probationary employee during the assigned period. An extension of the probationary period may, however, be recommended by the appointing authority when good cause exists. Such extensions shall be for a specific period of time not to exceed three (3) months. The employee shall be informed in writing of the reasons for the period of the extension at least seven (7) calendar days prior to the scheduled end of the probationary period.

#### **6.03.04 Elimination of Position(s)**

In the event the City eliminates a currently filled position, the laid off employee will have the right to bump into a previously held position in the department, if the laid off employee has more seniority than the employee in the previously held position. The laid off employee will retain all seniority and any seniority attained will be transferred into the new position. The laid off employee will be placed at the highest salary step held in the previous position.

## **SECTION 7.00 - WORK ASSIGNMENTS**

### **7.01 Rotation/Reassignments**

It is understood and agreed that employees covered by this memorandum are expected to rotate among shifts and are subject to periodic assignments. These changes are a normal part of their work and are not disciplinary or subject to the grievance process.

## **SECTION 8.00 - PAY RATES AND PRACTICES**

### **8.01 Salary Steps**

Each classification in the bargaining unit shall be assigned a salary range that increases by 5% between steps.

#### **8.01.01 Salary Rates Upon Appointment**

**New employees** shall be hired at the first step of the classification's salary range; unless a higher starting step is recommended by the appointing authority based on the employee's advanced qualifications for the position and such recommendation is approved by the Director of Human Resources and City Manager.

**Promoted employees** shall be appointed to the first step in the salary range for the new classification. However, if such employee is already being paid at a rate equal to or higher than the first step of the higher range, she/he shall be placed at the next higher step in the new range of at least a 5% increase.

#### **8.01.02 Advancement within the Range**

- A. Advancement within a classification's salary range shall normally be granted on the employee's scheduled merit review date. Such advancements shall be based solely on meritorious job performance as documented by a satisfactory performance evaluation submitted by the department head and approved by Human Resources.
- B. All employees shall be eligible for their first merit increase upon successful completion of six (6) months of service. The employee shall be eligible for subsequent merit increases after each full year on paid status from the last merit review date, continuing until the top of the salary range is attained.
- C. Merit increases shall be from one pay step to the next higher pay step.
- D. A merit increase may be denied by the department head when an employee's job performance falls below the acceptable work standards for the duties assigned. The department head may, in such a case, recommend

that the employee's work performance be reviewed again at a specific time before the next review date. If a merit increase is granted at that time, the employee's original review date shall change and they shall be eligible for the next merit increase after one year in paid status from the new review date.

- E. An employee's schedule merit review date shall be adjusted for any time spent by the employee on unpaid status.
- F. When an employee's position is reclassified to a classification with a higher salary range, the employee's new pay shall be set at the first step of the new range or the next higher step in the new range that provides the employee with a salary increase of at least 5%. This increase shall have no effect on the employee's original merit review date.

## **8.02 Salary Compensation**

- A. Effective September 2, 2019 the salary for all bargaining unit members shall be increased by two percent (2%).
- B. Effective September 5, 2020, the salary for all bargaining unit members shall be increased by two percent (2%).
- C. Effective September 4, 2021, the salary for all bargaining unit members shall be increased by three and one-half percent (3.5%).

## **8.03 Total Compensation Survey**

The City shall complete a total compensation survey in time for bargaining over a successor MOU. The scope, methodology, and comparators used to complete the total compensation survey shall be determined at the City's discretion, with consideration of bargaining unit input.

## **8.04 Retirement/P.E.R.S.**

### **8.04.01 Employees Hired on or Before September 2, 2011 (Tier I)**

This section 8.04.01 shall apply to all employees hired on or before September 2, 2011, who are contributing members of CalPERS.

- A. **Final Compensation Based on the Single Highest Year**  
For purposes of determining a retirement benefit, final compensation for employees covered by this section 8.04.01 shall be based on the single highest year.
- B. **3.0% @ 50 Pension Formula**  
The 3.0% @ 50 pension formula shall be available to all employees covered by this section 8.04.01 who are contributing members of



CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 8.04.01.

- C. Required Employee Contribution  
Members covered by this section 8.04.01 will contribute the employee contribution amount established by CalPERS for the 3.0% @ 50 pension formula. The required contribution amount was 9.0% as of the date of this MOU.
- D. Additional Required Employee Contribution  
In addition to the required employee contribution, starting with the pay period containing September 2, 2014, members covered by this section 8.04 will contribute an additional 4.0% (total 13.0%) as of the date of this MOU.

8.04.02 Employees Hired on or After September 3, 2011 (Tier II)

This section 8.04.02 shall apply to all employees hired on or after September 3, 2011 and before January 1, 2013 who are contributing members of CalPERS.

- A. Final Compensation Based on Three Year Average  
For purposes of determining a retirement benefit, final compensation for employees covered by this section 8.04.02 shall be based on the employee's highest three year average.
- B. 3.0% @ 55 Pension Formula  
The 3.0% @ 55 pension formula shall be available to all employees covered by this section 8.04.02 who are contributing members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 8.04.02.
- C. Required Employee Contribution  
Members covered by this section 8.04.02 will contribute the employee contribution amount established by CalPERS for the 3.0% @ 55 pension formula. The required contribution amount was 9.0% as of the date of this MOU.
- D. Additional Required Employee Contribution  
In addition to the required employee contribution, starting with the pay period containing September 2, 2014, members covered by this section 8.04.02 will contribute an additional 4.0% (total 13.0%) as of the date of this MOU.

8.04.03 Employees Hired On or After January 1, 2013 (Tier III)

This section 8.04.03 shall apply to all employees hired on or after January 1, 2013 who are contributing members of CalPERS.

A. **Final Compensation Based on Three Year Average**  
For purposes of determining a retirement benefit, final compensation for employees covered by this section 8.04.03 shall be based on the employee's highest three year average.

B. **2.7% @ 57 Pension Formula**  
The 2.7% @ 57 pension formula shall be available to all employees covered by this section 8.04.03 who are contributing new members of CalPERS. Additionally, the City provides the Pre-Retirement Optional Settlement 2W Death Benefit to employees covered by this section 8.04.03.

Employees covered by this section 8.04.03 who are classic members as defined by CalPERS may be eligible for a different pension formula.

C. **Required Employee Contribution**  
Members covered by this section 8.04.03 will contribute the employee contribution amount established by CalPERS for their pension formula.

The required contribution amount for the 2.7 @ 57 pension formula was 12.25% as of the date of this MOU.

In the event employee contribution rates are adjusted by CalPERS during the term of this MOU, the employee contribution will be recalculated based upon the updated required employee contribution rate established by CalPERS.

D. **Additional Required Employee Contribution**  
In addition to the required employee contribution, starting with the pay period containing September 2, 2014, members covered by this section 8.04.03 will contribute an additional 4.0% (total 16.25%) as of the date of this MOU.

8.04.04 Retirement, All Employees

The City will maintain the IRS 49(h)(2) provision allowing employees to defer State and Federal income taxes on their CalPERS contributions.

**8.05 Tuition Reimbursement**

The City shall reimburse employees the cost of tuition and books for job-related college or university courses when approved by the Chief of Police and Director of Human Resources prior to enrollment. Payment shall be made upon successful completion of

each course. This provision shall be limited to six (6) units per semester at a state college or two thousand dollars (\$2,000) per fiscal year at a state or private university.

#### **8.06 Training Allowance**

Employees attending P.O.S.T.-sponsored courses and meetings shall be reimbursed for expenses incurred at the P.O.S.T.-established rates.

#### **8.07 Uniform Allowance and Replacement**

The Association agrees that the appearance and cleanliness of unit employees shall be maintained in keeping with departmental standards. To this end the department will maintain a uniform purchase for new hires, replacement and cleaning program. The department will maintain administrative procedures for the purchase and replacement of uniforms. In addition, the City and Association agree unit employees will comply with departmental standards with regard to appearance and cleanliness. The City will maintain an account at a dry cleaning establishment located within the City of Santa Cruz. For its part, the Association agrees its members will (a) deliver and retrieve uniforms from the dry cleaning establishment, and (b) not to do so while in uniform or driving a marked vehicle. The City agrees to consider the use of a pickup and delivery cleaning service if it is cost effective.

The City agrees to replace uniforms on an as-needed basis, as determined by the Chief of Police. It shall be the responsibility of each unit employee to arrange for purchasing, fitting, pick up, delivery, return, repair and control of uniform items.

The parties agree that for PERS reporting purposes, the value of the uniform and cleaning service is five hundred and twenty dollars (\$520). Employees shall pay the employee PERS cost of the value of cleaning service. Such payment shall be made through a payroll deduction out to her-his paycheck each pay period. The amount of the deduction shall be determined by multiplying the employee's PERS contribution rate by twenty dollars (\$20).

#### **8.08 Personal Property**

Should a unit employee, while in the line of duty, damage his or her watch, prescription eyeglasses or other personal property authorized for use by the department, the City agrees to reimburse employee for the cost of repair or replacement (in kind) up to a reasonable amount.

#### **8.09 Bilingual Pay**

Upon the recommendation of the Chief of Police and approval of the Director of Human Resources, the City shall provide a monthly allowance of two hundred dollars (\$200) for bilingual speaking skills. To qualify for this compensation, employees must be certified by the Director of Human Resources as conversant in a foreign language utilized frequently in the line of duty.

## **8.10 Longevity**

Upon completion of ten (10) years of continuous regular service, employees shall receive a four and one-half percent (4.5%) longevity pay increase. Upon completion of fifteen (15) years of continuous regular service, employees shall receive an additional four percent (4%) longevity pay increase – eight and one-half percent (8.5%) total. The total longevity pay increase available to a single employee is 8.5 %.

## **8.11 Special Duty Pay**

The Lieutenant acting as the Emergency Services Unit (ESU) Dive Team, Tactical Team or Hostage Team commander in the line of active duty when it is not during their regularly scheduled work day (not training) and on an unplanned and unscheduled incident shall be compensated at one and one-half times (1.5) their hourly rate, for a minimum of four (4) hours. When on duty in the above described situation, members will receive an additional one-half (0.5) times their hourly rate, for a minimum of four (4) hours. Planned and scheduled events are not eligible for special duty pay.

## **8.12 Off-Duty Employment**

Represented employees will notify, but not be required to seek approval from, the Chief of Police to accept outside employment provided the employment falls within the provisions outlined in Santa Cruz Police Department Police Manual Section 1040 (Off-Duty Employment).

## **8.13 Special Events**

A special event is defined as an assignment in which the City is reimbursed by an event's sponsor, not the City, through the Finance Department, for police services. For special event assignments not filled within ten (10) days of the event, a Lieutenant may sign up for the overtime and will be compensated at one and one-half times (1.5) their base hourly rate effective 1/1/2020, and shall do all of the work associated with the event.

## **8.14 Education Incentive**

Employees covered by this Memorandum of Understanding are eligible for the following education incentive compensation for the possession of a BA/BS Degree or POST Management Certificate:

- Effective September 2, 2019:
  - One percent (1.0%) of base pay.
- Effective September 5, 2020:
  - An additional one percent (1.0%) of base pay [total two percent (2.0%)]
- Effective September 4, 2021:
  - An additional three percent (3.0%) of base pay [total five percent (5%)].

The education incentive is reportable as income to PERS.

## **SECTION 9.00 - HOLIDAYS**

Employees shall accrue up to one hundred four (104) hours of paid holiday leave per fiscal year and be credited with one hundred four (104) hours on the first day of the pay period that includes July 1 of each year. Accumulation of holidays shall not exceed one hundred four (104) hours in a fiscal year. The holiday pay bank was developed based on the following holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

The holiday pay bank was agreed to with the understanding that employees shall not receive specific holidays, including but not limited to those days referenced above, as days off with pay, and in lieu of receiving specific days off, shall accrue up to one hundred four (104) hours, as described above.

The holiday hours shall be taken by the employee within the fiscal year in accordance with the department policy.

### **9.01 Holiday Accrual**

Holiday accrual shall be prorated for new hires (accrued at the equivalent of 8.67 hours per month. Employees will be permitted to use up to the maximum amount available provided they have equivalent hours in another leave bank (i.e. compensatory time or vacation).

### **9.02 Eligibility**

To qualify for holiday pay, an employee must be on paid status on their last scheduled work day before the holiday and their first scheduled day after the holiday.

## **SECTION 10.00 - VACATION**

### **10.01 Accrual**

Vacation accrual will be on a monthly basis beginning at date of hire; no vacation time may be taken until a new employee has successfully completed the probationary period. Annual vacation accrual shall be based on continuous service, as follows:

Up to five (5) years:	Eighty (80) hours
Six (6) to ten (10) years:	One hundred twenty (120) hours
Eleven (11) or more years:	One hundred twenty (120) hours, plus eight (8) hours for each year of service after ten (10) years, to a maximum of one hundred sixty (160) hours.

An employee must be on paid status for at least fifty percent (50%) of the working hours of a pay period to earn vacation for that pay period.

**10.02 Accrual Limit**

Accumulation of vacation time shall not exceed four hundred eighty (480) hours. This increase in the vacation accrual limit is a result of collective bargaining and, in exchange, employees forfeit their ability to receive temporary approval to exceed the accrual limit.

**SECTION 11.00 - SICK LEAVE**

**11.01 Definition**

The purpose of this article is to provide paid leave time to be used by employees in the event of a non-work related illness, injury, preventative healthcare, care of an existing health condition, as victims of domestic violence, sexual assault or stalking or other medical necessity.

**11.02 Accrual**

Full-time employees in paid status shall accrue sick leave at the rate of eight (8) hours per month. An employee must be on paid status for at least fifty percent (50%) of the working hours of a pay period to earn sick leave credit for that pay period.

When accrued sick leave must be used, an employee will notify their immediate supervisor of the leave and its probable duration if known within one hour after the regular scheduled starting time. When the employee’s need to use sick leave is foreseeable, the employee must provide reasonable advance notice.

Sick leave shall not be granted unless such report or advance reporting has been made; provided, however, that the Chief of Police may grant an exception to this policy when it is determined that the employee’s failure to notify was due to extreme circumstances beyond the control of the employee.

**11.02.01 Family Sick Leave**

Up to forty-eight (48) hours of accrued sick leave per fiscal year may be used when the employee’s personal attendance is required to care for an immediate family member who is ill or injured. For the purposes of this provision,

immediate family is defined as a spouse, registered domestic partner, son, daughter, parent, sibling, step-parent, parent-in-law, grandparent, grandchild, or other close relation residing in the employee's household. This forty-eight (48) hour limitation may be extended by the City Manager with good cause.

### **11.03 Limitations**

The Chief of Police may require an employee to submit verification of an illness or injury from a licensed medical practitioner prior to any use of sick leave being authorized.

In cases of chronic absenteeism or medical work restrictions, the Director of Human Resources may have an employee examined by a City-selected physician. The City shall pay the cost of any such medical exam.

### **11.04 Sick Leave Incentive Program**

On the last pay day in June each year, employees who have accumulated more than four hundred (400) hours of sick leave will "bank" all hours in excess of four hundred (400), as described below. If employees choose to receive a cash pay-off or convert hours in excess of four hundred (400) to vacation hours, as described below, they must notify Payroll by June 1st.

1. To receive a cash pay-off, or equivalent vacation hours, of all hours in excess of four hundred (400) at the rate of thirty-three percent (33%) of their current rate of pay.
2. To "bank" all hours in excess of four hundred (400). Banked hours may not later be converted to cash and will be used as sick leave only when all other sick leave is exhausted.

Employees who have an excess of four hundred (400) hours of unbanked sick leave at the time of separation from the City will receive a payoff of all hours over four hundred (400) hours at the rate of thirty-three percent (33%) of the employee rate of pay.

Employees who retire and are eligible for retiree health coverage, pursuant to Section 13.03 (Retiree Medical Incentive) of this agreement, shall be eligible to receive the equivalent dollar credit for retiree health coverage at the rate of thirty-three percent (33%) of their current rate of pay for all unused sick leave hours, including banked hours, maintained by the City for the reimbursement of retiree health coverage. Employees may elect to use a portion of their sick leave towards CalPERS service credit and a portion towards the retiree medical incentive.

### **11.05 Emergency Illness Leave**

Pursuant to Side Letter Agreements dated March 2009 and August 2010, current PMA employees who were employed as of March 10, 2009 were provided one-hundred-four (104) hours of *Emergency Illness Leave* with the following two restrictions:

1. *Emergency Illness Leave* hours could be used only when all other sick leave is exhausted, and
2. In accordance with CalPERS rules and regulations, *Emergency Illness Leave* is non-reportable compensation and cannot be converted to cash.

During the term of this MOU, restriction #1 above is rescinded and restriction #2 remains in place.

## **SECTION 12.00 - LEAVES OF ABSENCE**

### **12.01 Military Duty**

An employee who is a member of the National Guard or any reserve component of the armed services of the U.S. shall be granted up to thirty (30) days per year of paid leave for any active duty scheduled during the employee's regular work hours. The employee must give their supervisor forty-eight (48) hours advance notification of the need for such leave and must present a copy of the "notice" for such duty. All other military leaves shall be granted pursuant to relevant state and federal statutes.

### **12.02 Medical or Personal Leave**

Leave of absence without pay may be granted to an employee in a case of extended illness or disability, personal emergency or other situation where such absence would not be contrary to the best interests of the City. Such unpaid leave will only be granted after an employee has depleted all appropriate paid leaves. The department head may grant a leave of absence of up to thirty (30) consecutive calendar days; additional leave may only be granted by the City Manager. No vacation, holidays, sick leave, or any other paid benefit shall be accrued or earned during such leave. All requests for unpaid leaves of absence must be made in writing and include specific begin and end dates for the leave.

Denials of unpaid leaves of absence shall be given in writing and contain the reason therefore.

### **12.03 Pregnancy Disability Leave**

An employee may take a leave of absence of up to four (4) months in length for the purpose of pregnancy disability leave. The City may request a licensed medical practitioner's opinion regarding any work restrictions that may exist prior to or after the birth.

Requests for maternity leave must be made in writing to the Chief of Police at least thirty (30) days in advance of the anticipated starting date. Such requests must include specific begin and end dates for the leave. Starting dates should be as accurate as possible barring any unforeseen medical issues related to the pregnancy or earlier or later birth than anticipated. Any requests for extension of pregnancy disability leave must be made in writing to the Chief of Police at least ten (10) calendar days prior to the scheduled end of the existing leave.



The employee may elect to use any appropriate paid leave either before or after an approved pregnancy disability leave, within the use limitations of those leave provisions. No combination of pregnancy disability leave, family leave, sick leave, or vacation may exceed one year total or seven (7) months post-partum.

Any additional post-partum leave, not to exceed one (1) year total, may be approved by the City Manager or his designee after consideration of the nature of the request and the operational needs of the department.

Upon return to work, the employee shall be assigned to the same classification but not necessarily to the same assignment.

#### **12.04 Family Leave**

In accordance with the Federal Family and Medical Leave Act and the California Family Rights Act, the City will grant job protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks, (continuous or cumulative), per twelve-month period using the “rolling” twelve (12) month period measured backward method to establish the twelve (12) month period. Family leave may be taken as described in 29 C.F.R. § 825.200(b)(4), for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve-month period following the child’s birth of placement with the employee); or
- B. In order to care for an immediate family member (spouse, domestic partner, child, or parent) of the employee if such immediate family member has a serious health condition; or
- C. The employee’s own serious health condition that makes the employee unable to perform the functions of their position.
- D. Military family leave.

Conditions covering the leave shall include the following:

- E. Eligible employee means have been employed by the City for twelve (12) months and has worked for at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the commencement of the leave;
- F. Medical verification is required for employee or ill family member for medical leave period;

- G. Employees are required to give at least thirty (30) days written notice in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much written notice as is practicable.
- H. Employees are required to use accrued vacation as a part of the family leave period. Use of sick leave is not required, but may be used pursuant to the applicable provisions of this Memorandum of Understanding.
- I. Pregnancy disability is not covered under this section and is covered by the California Fair Employment and Housing Act which allows up to four (4) months of leave depending on the actual disability (see Section 12.03).
- J. Employees retain “employee” status while on family care leave. The leave does not constitute a break in service for purposes of longevity, and/or seniority. Upon return to work, employees will be reinstated to an equivalent position with equivalent pay and benefits.
- K. Any request for additional leave may be made pursuant to Section 12.02. Requests for leave time using multiple time off provisions may not exceed the total amount allowed pursuant to Section 12.02.
- L. Any other conditions or interpretations of this leave shall be based upon the Federal Family and Medical Leave Act and the California Family Rights Act.

### **12.05 Bereavement Leave**

The purpose of this section is to provide paid leave for employees when they are bereaved at the death of a family member and this loss has had a temporary effect on their ability to continue their daily work performance.

A leave of absence with pay of up to forty (40) hours per incident may be granted an employee by the Chief of Police in the event of a death in the employee’s immediate family which shall for the purpose of this section include spouse, parent, child, grandparent, sibling, parent-in-law, grandchild of the employee or spouse, child-in-law, grandparent-in-law, sibling-in-law, registered domestic partner, or other close relation residing in the employee’s household. In rare cases when the individual has no other legal relationship other than a foster or step parent, the Human Resources Director or City Manager has the discretion to approve that leave upon application.

### **12.06 Continuation of Insurance Benefits During Unpaid Leaves of Absence**

City-sponsored insurance benefits may be continued during unpaid leaves of absence under the following conditions:

12.06.01 Personal Leave

The City shall continue to pay benefit premiums during a personal leave of less than thirty (30) calendar days.

For leaves of more than thirty (30) calendar days, the following shall apply:

The employees may continue premium payments at their own cost, in accordance with appropriate PERS medical plan provisions.

12.06.02 Medical Leave

The City shall continue to pay benefit premiums during the entire length of a medical leave of absence.

12.06.03 Family Leave

Benefit premiums shall be made in accordance with the Federal Family and Medical Leave Act and the California Family Rights Act. Under the current law, the City will continue to maintain coverage under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

**SECTION 13.00 - BENEFITS**

**13.01 Medical Plan**

The City shall provide a medical insurance plan to employees and eligible dependents through the California Public Employees' Retirement System (CalPERS). The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA).

In accordance with IRS Code Section 125, the City will provide a flexible benefits plan ("cafeteria plan") to all eligible employees. If an employee elects to participate in a medical plan, the maximum monthly City contribution to the cafeteria plan is the cost of the Blue Shield HMO Plan (for the Bay Area/Sacramento region; Region 1 area regional pricing, effective January 1, 2020) less the following employee contribution amounts:

Employee Only:	\$0
Employee & One Dependent:	\$37.80
Family:	\$45.00

In no event will the maximum monthly City contribution exceed the premium for the plan in which the employee is enrolled. In no event will employees receive cash back based on the plan chosen. Employees who are currently receiving cash back will continue to receive the payment and, should they change their benefit plan, the cash back amount may decrease or cease (depending on the plan chosen) but will never increase. Should a

change in plan eliminate the cash back payment, the elimination is permanent regardless of future benefit plan choices.

Through the cafeteria plan, employees may enroll in the following optional benefits and elect to pay premiums on a pre-tax basis:

1. Medical reimbursement account (MRA)
2. Dependent care assistance plan (DCAP)
3. Cancer and Critical Illness Protection Insurance

Employees may also enroll in the following optional benefits and elect to pay premiums on a post-tax basis:

1. Additional life insurance
2. Accident protection insurance
3. Long Term Care insurance

Employees may elect to waive City medical coverage and receive a cash benefit. In order to receive the medical waiver benefit, the employee must provide proof to the City of other current medical coverage. Full-time employees who waive medical coverage are eligible to receive two hundred dollars (\$200) per month; part-time employees shall receive a pro-rated amount based upon their full-time equivalency (FTE). The medical waiver amount may be applied toward the purchase of any pre-tax or post-tax optional benefits, or paid as a taxable cash benefit.

Employee receiving the medical waiver benefit must notify the Human Resources Department if they cease to be covered by any other medical plan, thereby making them ineligible for the medical waiver benefit.

### **13.02 Retiree Medical Plan**

Covered employees, who retire under the provisions of the City's contract with CalPERS, are currently eligible to continue CalPERS medical coverage. The City will contribute a monthly amount to CalPERS pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA), adjusted annually by CalPERS.

### **13.03 Retiree Medical Incentive**

In addition to the PEMHCA minimum monthly contribution amount pursuant to Government Code Section 22892 that the City contributes for all employees in a CalPERS medical plan, employees currently on the City's retiree medical plan and future covered employees who receive a regular service retirement from PERS and have at least five (5) years of continued service with the City and are at least fifty (50) years of age, will receive a retiree medical benefit in the amount of \$139 per month. This benefit will continue as long as the employee continues PERS medical coverage through the City of

Santa Cruz and until such time the retiree is eligible for Medicare or other Federal or State health programs, solely on account of age.

Employees who retire with more than twenty (20) years of City service will have their medical incentive increased to 75% of the cost of employee-only coverage of the second highest PERS HMO plan from only among those plans available in Santa Cruz County at the time of ratification of this agreement (less the contribution listed in Section 13.02 (Retiree Medical Plan) of this Memorandum). This incentive will continue as long as the employee continues PERS medical coverage through the City of Santa Cruz and until such time the retiree is eligible for Medicare or other Federal or State health programs, solely on account of age.

**13.04 Dental and Vision Program**

The City shall provide a dental plan for employees and their eligible dependents at no premium cost to employees with the following minimum coverages:

	<u>In-Network</u>	<u>Out-of-Network</u>
Annual Deductible	\$25/person, \$75/family	\$25/person, \$75/family
Annual Maximum	\$1,500/person	\$1,700/person
Preventive	100%	80%
Basic Restoration	80%	80%
Major Restoration	50%	50%
Orthodontia	50% up to \$2,000 lifetime	50% up to \$2,000 lifetime maximum/person (up to age 23) maximum/person (up to age 23)

The City shall provide a vision plan for employees and their eligible dependents at no premium costs to employees with the following minimum coverages:

Co-Pays	\$15 (does not apply to contacts)
Exams	100%, every 12 months
Prescription Lenses	100%, every 12 months
Frames	100% up to \$115 plus 20% off any out-of-pocket costs, every 24 months
Contacts	100% (in lieu of glasses) up to \$105, every 12 months

**13.05 Long Term Disability**

The City shall contribute full cost of the City-sponsored long-term disability program.

### **13.06 Life Insurance**

The City shall contribute full cost toward the following City-sponsored term life insurance program:

Basic Life: \$25,000

The City shall make a voluntary term life insurance policy available to unit employees.

## **SECTION 14.00 - MANAGEMENT BENEFITS**

### **14.01 Management Vacation**

In the pay period that includes January 1 of each year all management employees will be credited with eighty (80) hours additional vacation time in addition to their normal authorized vacation allowance. This additional vacation shall be designated as management vacation. Employees shall have the option of being paid for up to forty (40) hours of this management vacation in the last full pay period in December of each year. Employees who do not use all of their management leave prior to the last full pay period in December each year will only be credited at the start of the subsequent year with sufficient hours to maintain an eighty (80) hour balance. Employees who use all of their management vacation prior to the year's end and who leave City service during this year will have the monthly pro-rated share of the management vacation subtracted from their other unused vacation accrual.

Any changes to this benefit granted to the City's general mid-management bargaining unit will be incorporated into this section.

### **14.02 Optional Management Benefit**

In recognition of unscheduled and special assignments performed by management employees and night meetings they occasionally attend, the City will contribute one thousand three hundred dollars (\$1,300) for employees with less than ten (10) years of service and one thousand five hundred dollars (\$1,500) for employees with ten (10) or more years of service to an optional management benefit plan. Payment for this benefit shall be made on the last pay date in July of each year for the previous fiscal years' service.

Employees may select the following options for use of the benefit:

1. Payment to deferred compensation (not as an "employer contribution");
2. Purchase of additional vacation leave, not to exceed the Vacation Accrual Limit in Section 10.02 (Accrual Limit);
3. Direct payment to the employee.

This benefit will be prorated for new hires and terminated employees.

Any changes to this benefit granted to the City's general mid-management bargaining unit will be incorporated into this section.

### **14.03 Deputy Chief Vehicle Allowance**

The City shall provide the Deputy Chiefs with a vehicle allowance of four hundred dollars (\$400) per month. In consideration of a vehicle allowance, employees agree to maintain their vehicles in suitable condition to respond to emergencies and shall follow the requirements and procedures set forth in the city's Administrative Procedure Manual.

## **SECTION 15.00 - GRIEVANCE PROCEDURE**

### **15.01 Purpose**

To assure prompt and fair treatment of employee grievances related to employment. Any employee covered by this Memorandum may file a grievance.

### **15.02 Definition**

A grievance is defined as an alleged violation, misinterpretation or misapplication of the provisions of this memorandum, the City's Personnel Rules and Regulations or the department's general orders.

### **15.03 Limitations**

1. A grievant may be represented by any representative of his or her choosing in preparing and presenting a grievance.
2. No reprisal shall result against any employee who presents a bona fide grievance under this procedure.
3. Time limits may be extended by written mutual agreement of the parties.
4. A grievance shall be considered settled in favor of the other party, if at any step, a decision is not rendered or appealed within the specified time limit.
5. Only upon mutual written agreement between the parties may Step I of the grievance procedure be waived.

### **15.04 Procedures**

#### **15.04.01 Step I**

The grievant will first attempt to resolve the grievance through informal discussions with successive levels of supervision beginning with their immediate supervisor through the chain of command exclusive of the Chief of Police. These discussions must be initiated within ten (10) working days following knowledge of the incident upon which the grievance is based. Every attempt will be made by the parties to settle the issue at this level.

#### 15.04.02 Step II

If the grievance is not resolved through the informal discussions the employee may, within ten (10) workdays after the informal discussion, submit a written appeal to the Chief of Police.

The written appeal must contain in clear, factual and concise language:

1. A brief statement as to the date of the occurrence on which the grievance is based and the facts as the grievant sees them.
2. The rule, regulation, act or law enforcement code of ethics on which the grievance is based.
3. The action the grievant believes will resolve the grievance.
4. Signature of the employee.

The Chief of Police shall have ten (10) workdays following receipt of the appeal to review the matter and prepare a written response. Copies shall go to the parties involved and the Human Resources Department.

#### 15.04.03 Step III

If the grievance is not resolved, the grievant may, within five (5) workdays following receipt of the Chief's response, appeal to the City Manager or their representative, stating in writing the basis for the appeal.

The City Manager or their representative shall set a hearing within ten (10) working days of receiving the appeal. The grievant, their representative and other parties summoned by the City Manager or representative shall attend the hearing to present testimony or evidence concerning the grievance. The parties may bring a reasonable number of witnesses to the hearing.

The City Manager or their representative shall render a written decision to all parties directly involved within fifteen (15) working days following the hearing.

#### 15.04.04 Step IV

If the grievance is not resolved to the satisfaction of the grievant at the conclusion of Step III, the grievant may appeal the decision of the City Manager to a neutral arbitrator, provided they so inform the City in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately thereafter jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.



If such a list is requested from the State Mediation and Conciliation Service, the parties within five (5) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the Arbitrator. If one person is not mutually agreed upon, the parties shall within five (5) days after receipt of the list of names to alternately strike two (2) names from such list with the last remaining name to be the person serving as Arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The Arbitrator shall have no authority to add to, detract from, alter, amend or modify any provision of this Agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in the Agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to them by the parties in the presence of each other and in post-hearing briefs, if necessary. The decision of the Arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued within fifteen (15) days after the conclusion of the hearing. The Arbitrator's expenses, if any, shall be borne equally by the parties. Each party shall bear the cost of its own representation.

## **SECTION 16.00 - DISCIPLINARY APPEAL PROCEDURE**

### **16.01 Definition**

For the purposes of this article, disciplinary action shall mean suspension (as authorized by FLSA), reduction of leave balances, demotion, disciplinary reduction in salary or discharge.

The appeal procedure described herein shall apply to cases of disciplinary action affecting regular employees. It shall not be applicable to probationary employees. Employees have the right to representation at any or all stages of the appeal process.

### **16.02 Pre-Action Procedure**

#### **16.02.01 Step I**

Prior to imposing disciplinary action, the supervisor shall first provide the employee a preliminary written notice of the proposed action stating the effective date and the specific grounds and particular facts upon which the action will be taken. The employee shall have access to any known written materials, reports, or documents upon which the action is based.

The employee shall have the right to respond to the charges within five (5) working days from receipt of the notice either orally, in writing, or both, to the Chief of Police. If the Chief of Police is personally involved in the initial investigation and notice process, the City Manager or Director of Human Resources shall appoint a designee to hear the response.

The employee may request an extension of the time to respond for justifiable reasons. Failure to respond within the time specified will result in the employee's waiver of their procedural rights and final action will be taken.

#### 16.02.02 Step II

Following a review of a proposed disciplinary action, the Chief of Police, within five (5) working days of receiving employee's response, shall render a written decision and send it by registered mail or personal delivery to the employee. A copy shall also be mailed to the employee's representative. The written decision will include the effective date of the disciplinary action.

The employee has the right, within five (5) working days after receiving the decision, to file a request for appeal with the City Manager. The appeal shall be a written statement, signed by the appellant, explaining the matter appealed from, stating the action desired by the appellant, with their reason(s) therefore, and stating that the pre-action procedures have been exhausted.

### **16.03 Post-Action Appeal**

#### 16.03.01 Step III

If the employee files a timely appeal, the City Manager shall, within five (5) working days after receiving the appeal, designate a hearing officer who shall schedule a hearing not less than five (5) working days from the date the appeal was received.

The hearing officer may conduct such independent investigation of the matter as they deem necessary. The appellant shall be given the opportunity to answer or present evidence in opposition to the findings of this independent investigation.

The appellant shall appear personally at the scheduled hearing unless physically unable to do so. The appellant or their representative may produce relevant oral or documentary evidence at the hearing.

Within fifteen (15) working days following the hearing, the hearing officer shall render a written decision to all parties involved. The hearing officer has the authority to affirm, repeal or modify the disciplinary action.

For discipline equivalent to the severity of suspension (as authorized by FLSA) of one (1) week or less, or leave balance reduction of one (1) week or less, there shall be no appeal beyond Step III and the City Manager's decision shall be final.

#### 16.03.02 Step IV

If the appeal (except as exempted above) is not resolved to the satisfaction of the appellant at the conclusion of Step III, the employee may appeal the decision of the City Manager to a neutral arbitrator, provided it so informs the City Manager in writing within ten (10) working days following receipt of the City Manager's decision.

Within ten (10) working days from the date of receipt of the appeal, the parties may mutually agree on a neutral party from an independent source to serve as an arbitrator. In the event the parties fail to agree on the neutral party, they shall immediately, thereafter, jointly request the California State Mediation and Conciliation Service to submit to them a list of five (5) persons qualified and available to act as arbitrator.

If such a list is requested from the State Mediation and Conciliation Service, the parties within five (5) working days of receipt of the list, shall mutually agree upon the person on the list who shall be the arbitrator. If one person is not mutually agreed upon, the parties shall within five (5) days after receipt of the list of names alternately strike two (2) names from such list with the last remaining name to be the person serving as arbitrator. The party having first choice to strike a name from the list shall be determined by lot.

The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any provision of this agreement, or impose on any party hereto a limitation or obligation not explicitly provided for in this agreement, or to alter any wage rate or wage structure. The decision of the arbitrator shall be rendered after the evidence and arguments are presented to him/her by the parties in the presence of each other and in post hearing briefs, if necessary. The decision of the arbitrator shall be final and binding upon the parties.

The arbitrator is requested to expedite the decision as the parties normally expect a decision to be issued with fifteen (15) days after the conclusion of the hearing. The arbitrator's expenses shall be borne equally by the parties. Each party shall bear the cost of its own representation.

#### **SECTION 17.00 - WRITTEN REPRIMANDS**

A written reprimand may be issued by an employee's supervisor if an employee has violated a City rule, provision of the M.O.U., or if their performance is in need of improvement. Written reprimands shall be placed in the employee's personnel file and shall be removed after five (5) years, in accordance with Section 17.01 (Purging Written Reprimands) of this Memorandum. An employee shall have the right to prepare a written response to the reprimand and have said response placed in their personnel file. An employee may appeal the supervisor's decision to issue a written reprimand to the Chief of Police by filing an appeal to the Chief of Police within five (5) working days of receipt of the reprimand. The Chief of Police's decision regarding the written reprimand shall be final.

### **17.01 Purging of Written Reprimands**

Written reprimands will be purged from employees' personnel files after a five year period from the date the reprimand was issued with the following exception:

In the event a like offense is documented in the form of a written reprimand prior to the initial reprimand's five year expiration, the Chief of Police shall maintain the option of retaining the initial written reprimand in an employee's personnel file. The retained record will be purged consistent with the purging of the subsequent written reprimand.

### **SECTION 18.00 - LOSS OF POSITIONS**

The City agrees that, during the term of this MOU, the structure of the Police Management Association will not fall below seven (7) positions.

### **SECTION 19.00 - SEVERABILITY**

This memorandum is subject to all current, future and applicable Federal and State laws, State regulations, the Santa Cruz Charter, and the State Constitution.

Should any of the provisions herein contained be rendered or declared invalid by reason of State or Federal legislation or court action, such invalidations of such part or portions hereof shall not invalidate the remaining portions hereof and they shall remain in full force and effect, insofar as such remaining portions are severable.

**SANTA CRUZ POLICE  
MANAGEMENT ASSOCIATION**

**CITY OF SANTA CRUZ**

Date:

Date:

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Bernie Escalante, Police Lieutenant

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Lisa Murphy, Human Resources  
Director

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Dan Flippo, Deputy Police Chief

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Tim Davis, Chief Negotiator



**City of Santa Cruz**  
 California  
 Human Resources  
**Salary Compensation Plans**

Sorted by: Grade Description

Grade Code	Description	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I
<b>Police Management</b>										
550	DEPUTY POLICE CHIEF	12,974	13,623	14,304	15,019	15,770				
		74.8500	78.5942	82.5231	86.6481	90.9808				
552	POLICE LIEUTENANT	12,930	13,576	14,255						
		74.5962	78.3231	82.2404						

POLICY TITLE        DISCRIMINATION, HARASSMENT, RETALIATION, AND  
RESPECTFUL WORKPLACE CONDUCT POLICY

POLICY STATEMENT

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and to provide all current and prospective employees, Councilmembers, contractors, unpaid interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (all of which are later referred to as “Protected Categories”), or any other consideration made unlawful by local, State or Federal law.

This policy pertains to all aspects of employment with the City or the application for employment with the City including, but not limited to, recruitment, selection, placement, assignment, compensation, benefits, training, transfer, promotion, evaluation, discipline, and termination.

This policy prohibits unlawful harassment, discrimination, and retaliation by supervisors, managers, co-workers, and third parties such as vendors or customers.

**Definitions:**

Discrimination as used in this policy is defined as the treatment or consideration of, or making a distinction in favor of or against, an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) basing an employment decision on a job applicant’s or an employee’s protected status;
- b) treating an applicant or employee differently with regard to any aspect of employment because of their protected status;
- c) offering an employment benefit in exchange for sexual favors;
- d) threatening negative consequences if an employee declines a sexual advance;
- e) engaging in harassment, as more specifically defined below; and
- f) taking adverse employment action (i.e., demotion, transfer, discipline, or termination) against an employee based on the employee opposing discrimination in the workplace; assisting, supporting, or associating with a member of a protected category who complains about discrimination, or assisting in an investigation of discrimination.

Harassment as used in this policy is defined as the persistent disturbance or irritation of an employee on the basis of any of the above-listed protected categories including, but not limited to, any of the following forms:

- a) verbal harassment such as epithets, derogatory comments, or slurs, including on social media;
- b) physical acts such as assault or impeding or blocking movement;
- c) visual insults such as derogatory posters, drawings, or photographs;

- d) unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature; and
- e) sending sexually-related emails or text messages.

Abusive Conduct as used in this policy is defined as conduct in the workplace or on social media, undertaken with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests; it may include repeated infliction of verbal abuse, 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 the sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Employee as used in this policy is defined as an individual performing business activities under direct supervision of another City employee and includes full-time, part-time, and temporary employees, contractors, unpaid interns, and volunteers.

Equal Employment Opportunity Committee (EEOC) as used in this policy is an advisory body to the City Council consisting of nine (9) members, including representatives from the community appointed by the City Council, employees appointed by the City Manager, and employees appointed by various labor groups.

Responsibilities:

1. The City of Santa Cruz shall take reasonable steps to prevent abusive conduct, discrimination, harassment, and retaliation from occurring in the workplace environment, including the following:
  - a) affirmatively raising the subjects of abusive conduct, discrimination, harassment and retaliation;
  - b) expressing strong disapproval;
  - c) maintaining and developing appropriate sanctions;
  - d) informing employees of their right to raise and how to raise the issues of abusive conduct, discrimination, harassment, and retaliation under City policy and/or the law; and
  - e) maintaining and developing methods to sensitize all concerned.

Such behavior shall not be tolerated, condoned, or trivialized. The City is committed to take action against any person violating this policy which will end the prohibited conduct. City employees who violate this policy shall be subjected to appropriate discipline, including possible dismissal, upon consideration of the findings and recommendations of the City Manager or their representative.

2. The City Manager shall fully accept and support the City's commitment to prevent abusive conduct, discrimination, harassment, and retaliation as a means to assure full equal employment opportunity for all prospective and current employees, contractors, unpaid interns, and volunteers including the following:
  - a) defining and assigning specific responsibilities throughout the organization for the development, implementation, and monitoring of this policy;
  - b) appointing one (1) department head and three (3) employee representatives to the EEOC;
  - c) ensuring all department heads support this policy;
  - d) reviewing the recommendations of the Human Resources Director on the resolution of complaints appealed under the Administrative Procedure Order (APO) Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and making final decisions in each such complaint; and
  - e) ensuring that an EEO Report is completed and submitted annually to the City Council.



3. The Human Resources Department (HR) Director shall be responsible for:
  - a) ensuring that this policy, including its definition of abusive conduct, discrimination, harassment, and retaliation and the complaint procedures are disseminated to all employees;
  - b) providing guidance, training sessions, and assistance to department heads, managers, supervisors, and employees within their areas of responsibility;
  - c) investigating, resolving, and making findings and recommendations on complaints that are reported according to established informal and formal grievance procedures as set forth in the Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure APO and the Respectful Workplace Conduct APO;
  - d) coordinating the annual EEO report, to include data on the make-up of the City workforce and the representation of protected classes, and distributing the report to the City Council, City staff, the public, and Federal and state agencies as requested or required;
  - e) regularly reviewing and revising personnel policies, procedures, and practices to eliminate non-job-related criteria, minimize the opportunity for discrimination and harassment, and ensure compliance with all legal requirements for equal employment opportunity;
  - f) designing, implementing, and monitoring a recruitment program to draw all qualified applicants; and
  - g) designating an EEO Coordinator, who will assist the HR Director with EEO-related activities and staff the EEOC.
  
4. Department Heads, Managers, and Supervisors shall all be responsible for:
  - a) giving their full support to this policy through active cooperation, leadership, and personal example;
  - b) informing employees in their respective departments or areas of responsibility of their rights and responsibilities regarding abusive conduct, discrimination, harassment, and retaliation under this policy;
  - c) ensuring that their employees have equal access to training and promotional opportunities;
  - d) acting to prevent abusive conduct, discrimination, harassment and retaliation from occurring; and
  - e) cooperating with the HR Director in resolving complaints involving employees in their respective departments.
  
5. Employees of the City shall be responsible for lending their personal support and cooperation in maintaining equal employment opportunities in the City. Employees shall cooperate fully with all investigations of abusive conduct, discrimination, harassment, and retaliation and implementation of remedial measures and shall not retaliate against complainants or witnesses.
  
6. The EEOC shall act in an advisory capacity to the City Council in all matters pertaining to EEO and be responsible for serving as a communication channel between City employees, the community, the City Manager, and the EEO Coordinator on any EEO activities and concerns.

Additional Applications and Considerations:

- Complaints may be filed by any individual (or a representative of their choice, on their behalf) who feels a violation of this policy has occurred. The procedures for resolving complaints alleging violation of this policy are set forth in APO Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure and APO Respectful Workplace Conduct.

- Contracts with the City of Santa Cruz which contain an equal employment opportunity/non-discrimination clause shall also include language which requires those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in their companies.
- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of this policy.
- All Memoranda of Understanding entered into by the City and any employee organization shall contain an appropriate non-discrimination/harassment clause.
- In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy. Nothing in these regulations may be construed as limiting the City's right to take reasonable disciplinary measures which do not discriminate on a basis identified in this policy.
- Discrimination/harassment/retaliation prevention (including prevention of abusive conduct), and cultural diversity awareness training, is mandatory for all City employees and City Councilmembers.
- All City employment announcements, brochures, procedures, advertisements, and application forms will state that the City is an Equal Opportunity Employer. The Human Resources Department will also inform all outreach recruitment and referral sources of the City's Discrimination and Harassment Policy and request that sources actively recruit and refer qualified applicants from all sectors of the community.
- In support of recruitment and retention efforts, City management shall consider the viability of participating in or developing supportive programs in such areas as: job-related skill training and education, job development, career counseling, transportation, day care, and health care.
- Where groups of employees are featured in the City's publications and communications (i.e., text and photographs), insofar as possible, the materials should illustrate that the City's workforce is as diverse as the populace it serves.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

**HISTORY:**

Revision by Resolution No. NS-28,533 July 24, 2012

Revision by Resolution No. NS-28,823 September 9, 2014

Revision by Resolution No. NS-29,220 April 4, 2017

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1A (Revised April 2017)

II-1A

TO: Department Heads

SUBJECT: DISCRIMINATION/HARASSMENT/RETALIATION POLICY  
IMPLEMENTATION AND COMPLAINT PROCEDURE

### PURPOSE

The purpose of this document is to confirm the City's commitment to prohibit and prevent unlawful discrimination, harassment, and retaliation in employment, and provide a City complainant an investigation procedure to resolve complaints of alleged discrimination, harassment, or retaliation in violation of the law or City Council Policy 25.2 (*Discrimination, Harassment, and Respectful Workplace Conduct Policy*).

### POLICY

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from discrimination, harassment, and retaliation, and to provide all current and prospective employees, contractors, interns, and volunteers with equal opportunity in employment regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military and veteran status (later referred to collectively as "Protected Categories") or any other consideration made unlawful by local, State, or Federal law.

This policy is promulgated in recognition of the fact that conduct of the type prohibited by this policy, if allowed to exist, not only violates Federal, State, and municipal law, but also serves to undermine employee integrity, create low employee morale, reduce employee productivity, and cause skilled and valuable workers to leave their City employment. All of this, in turn, is detrimental to the general health and welfare of the community, which depends upon a highly motivated and skilled body of City employees to deliver essential municipal services.

The City Council acknowledges and understands that in order to implement a policy of this type, it is essential that all persons who witness or experience discrimination, harassment, or retaliation report it immediately in order to facilitate early, effective, efficient, and impartial investigation and intervention by the City. Accordingly, any retaliation against a person for filing a complaint, reporting discrimination, harassment, or retaliation which he or she has witnessed, or assisting in an investigation is strictly prohibited. Employees found to have participated in retaliatory action in contravention of this policy shall be subject to disciplinary action up to and including termination.

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.

### DISSEMINATION OF POLICY AND TRAINING

All employees, supervisors, and managers shall receive a copy of this Administrative Procedure Order and City Council Policy 25.2 and shall also attend sexual harassment and cultural diversity training according to the following schedule:

- 1) All New Employees – Harassment/Discrimination/Retaliation Prevention Training, and Cultural Diversity Training, within the first year of hire.
- 2) Supervisors – Cultural Diversity Training within the first year of hire, Harassment/Discrimination/Retaliation Prevention Training within six months of gaining supervisory responsibilities, and refresher training no less frequently than every two years.

Posters explaining local, State, and Federal non-discrimination laws will be prominently displayed in the Human Resources Department.

### REASONABLE ACCOMMODATION FOR DISABILITY (in accordance with Title II of the *Americans with Disabilities Act of 1990, and as amended by the ADA Amendments Act of 2008*)

Disability is defined as: a) a physical or mental impairment that substantially limits one or more major life activities, b) having a documented record of such an impairment, or c) being regarded as having such an impairment.

Accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. It means modifications or adjustments to: a) a job application process to enable an individual with a disability to be considered for the position, b) the work environment in which a position is performed so that a person with a disability can perform the essential functions of the position, and c) enable individuals with disabilities to enjoy equal benefits and privileges of employment as employees without disabilities enjoy.

#### **I. Inclusions**

Accommodation includes making existing facilities and equipment used by employees readily accessible to and usable by individuals with disabilities. Accommodation applies to: a) all employment decisions and to the job application process, b) all services and programs provided in connection with employment, c) non-work facilities provided in connection with employment, and d) known disabilities only.

#### **II. Exclusions**

Accommodation is not required if: a) it eliminates essential functions of a position from the person's job, or b) adjustments or modifications requested are primarily for the benefit of the person with a disability. The law does not require an accommodation that imposes an "undue

hardship” on the operation of the City. Undue hardship means significant difficulty or expense incurred in the provision of accommodation relative to the operation of the City’s program and includes, but is not limited to, financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. The following factors will be considered in determining whether an accommodation would create undue hardship: a) the nature and cost of the accommodation, b) the financial resources of the City, c) the number of employees, and d) the type of operations of the City, including the composition and functions of its workforce.

### **III. Determining the Appropriate Accommodation**

Where a particular accommodation would result in an undue hardship, the City must determine if another accommodation is available that would not result in an undue hardship. If a qualified individual with a disability requests the provision of a reasonable accommodation, the City shall engage in an informal, interactive process with the person with a disability which identifies the precise limitations resulting from the disability and potential accommodations that could overcome those limitations. The accommodation process shall generally involve five (5) steps.

- First, the City shall analyze the particular job at issue and determine its purpose and essential functions.
- Second, the City shall consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual’s disability.
- Third, the City shall consult with the individual with a disability and, if desired by the agency, the appropriate rehabilitation or ergonomics consultant to identify potential accommodations and the necessary modifications.
- Fourth, the City shall assess the effectiveness of each potential accommodation with regard to enabling the individual to perform the essential functions of the position.
- Finally, the City shall consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.

### **DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURE**

This complaint procedure is available to City of Santa Cruz employees and individuals who believe that they have been subjected to discrimination, harassment, and/or retaliation in relation to employment with the City of Santa Cruz.

Complainants, and employees alleged to have engaged in discrimination, harassment, or retaliation, may choose to be represented at any or all steps in the complaint process.

#### **I. Filing a Complaint**

Complaints may be submitted to an employee’s immediate supervisor, any supervisor or manager within or outside the department, the department head, or Human Resources Department within one (1) year of the date the alleged action occurred. Any City of Santa

Cruz supervisor, manager, or department head who receives a discrimination or harassment complaint shall notify the Human Resources Department immediately upon receipt of the complaint. Complaints may be presented orally or in writing.

Written complaints should include the following information:

- The name, address, and telephone number of the complainant.
- The basis for the alleged discrimination or harassment (protected category and/or retaliation).
- The specific discriminatory practice(s) or incident(s) that have occurred.
- The names of any persons thought to be responsible for the discrimination/harassment.
- 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.

If complainants wish to file the complaint in person and receive assistance, they may contact the Human Resources Department to schedule an appointment with a staff investigator.

## II. **Investigation and Resolution**

After reviewing the complaint, the Human Resources Director shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint by a qualified person. The complainant will be contacted by the investigator upon the investigator's receipt of the complaint and will be kept apprised of the status of the investigation. The investigation will be documented and tracked for reasonable progress and appropriate due process. Every effort will be made to conclude the investigation within one hundred and twenty (120) calendar days of receipt of the complaint.

The Human Resources Director will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the protected categories or if a nexus cannot be established between the alleged act(s) and discrimination based on any of the protected categories.

When the investigation is completed, the Human Resources Director will determine if there is sufficient evidence to substantiate a violation of the City's Discrimination, Harassment, and Retaliation Policy and if remedial action is necessary to resolve the issues of the complaint. The complainant, alleged perpetrator/harasser, and department head(s) will be notified of the Human Resources Director's determination. If discipline is imposed, the discipline will not be communicated to the complainant.

If it would present a conflict (or the appearance of such) for the review and investigation of a complaint to be conducted by the Human Resources Department, the City Manager will be responsible for this process.

**III. City Manager Review**

Complainants who are not satisfied with the Human Resources Director's determination may request a review by the City Manager (or his/her representative), in writing, within ten (10) workdays following receipt of the Human Resources Director's determination. The City Manager (or his/her representative) shall review the complainant's written appeal and the investigative findings and shall render a written decision within thirty (30) workdays following the review.

**IV. Additional Remedies**

Current City employees covered by a memorandum of understanding that includes arbitration as the final step in the grievance process may request that the matter be taken to arbitration in accordance with the specific procedures contained in the applicable memorandum of understanding.

In addition, all complainants may file complaints of discrimination, harassment, or retaliation with the State of California Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission, whether or not complainants choose to use the City of Santa Cruz' complaint procedure. Time limits for filing complaints with State and Federal compliance agencies vary, and those agencies should be contacted directly for specific information. The addresses and telephone numbers (as of the revision date of this procedure) are:

California Department of Fair Employment and Housing  
Bay Area Regional Office  
39141 Civic Center Drive, Suite 250  
Fremont, CA 94538  
Phone: (800) 884-1684  
For Persons with a Hearing Impairment: (800) 884-1684 or TTY at (800) 700-2320  
E-mail: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

United States Equal Employment Opportunity Commission  
San Jose Local Office  
96 North Third Street, Suite 250  
San Jose, CA 95112  
Phone: (800) 669-4000  
Fax: (408) 291-4539  
TTY: (800) 669-6820  
ASL Video Phone: (844) 234-5122

City of Santa Cruz  
Administrative Procedure Order  
Section II, #1B (Effective April 2017)

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, Commissioners, customers, and 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. 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 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*).

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 an employee's work performance.

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.

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; and
- 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, and 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.

- a. Anyone who believes 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 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 the alleged action 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. Written complaints should include the following information (it is recommended but not required to use the "Respectful Workplace Conduct Complaint Form");

- The name, address, and telephone number of the complainant.
- 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 his or her 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 employees are protected from further violations.
- b. Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
- 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.
- d. Employees 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 employee 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 employee subject to the investigation will be notified of the appropriate disciplinary action that will be taken.

- 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 employee 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 reasons 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 in confidence by the Human Resources Department.

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 or employee 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 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.

## 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, 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) City Council of Santa Cruz 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, 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.



# RESPECTFUL WORKPLACE CONDUCT COMPLAINT FORM

## 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.)

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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 this 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: \_\_\_\_\_





## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Human Resources

SUBJECT: Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Police Department and Fire Department (HR)

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RECOMMENDATION: Resolution amending the Classification and Compensation Plans for the FY 2020 Budget Personnel Complement by implementing the addition of three (3) unfunded Police Officer positions, and one (1) Fire Fighter position.

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BACKGROUND: In 2013, the City Council authorized the Police Department to add five unfunded Police Officer positions to the Police Department's budgeted personnel authorization. This was a strategy to help the Police Department maintain staffing levels based on the anticipation of vacancies due to turnover such as retirements, and the lengthy time in which applicants go through the background hire process as well as the Police Academy training.

Once again, due to multiple anticipated vacancies from retirements, injuries and turnover, the Police Department is requesting the City Council approve additional unfunded Police Officer positions, for a total of eight unfunded Police Officer positions.

The Fire Department is also requesting the Council to approve adding one unfunded Fire Fighter position for similar reasons as the Police Department; anticipated retirements, and length of the hiring and training process.

DISCUSSION: Police Department: 15 sworn personnel meet the minimum qualification to be eligible to retire in the next two years, and potentially more through resignations for the private sector or other law enforcement agencies. The Police Department requests the City Council to authorize the addition of three (3) unfunded Police Officer positions as over-hire positions. Replacing an Officer can take up to 18 months from interview to becoming a self-sufficient, solo Police Officer. The failure rate for officers attending the academy and field training can be as high as 30%. Additional Officers would allow the department to maintain staffing levels to avoid a staffing crisis such as the one experienced last year, which compelled the Chief to order staff onto 12-hour shifts.

Fire Department: Our hiring practices are not immediate in response to vacancies that occur because of the annual Fire Academy that starts in January. This is a regional academy that is a collaborative effort between all fire agencies, the County, as well as Cabrillo College. There is

currently one open budgeted position with several employees out on long-term medical leaves, one of which is anticipated to become a retirement. Vacancies cause significant overtime costs to the City, as well as impact operational capacity. Adding one unfunded position will allow the Department to preemptively fill the anticipated vacancies. Through attrition, the City will not exceed the authorized staffing levels.

FISCAL IMPACT: The over-hire positions will be funded from salary savings in the General Fund. While not anticipated, if additional funding was required, Council would need to approve a budget adjustment.

Prepared by:  
Lisa Murphy  
Human Resources Director

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING THE CLASSIFICATION AND COMPENSATION PLANS – POLICE AND FIRE DEPARTMENTS, BY ADDING THREE UNFUNDED POLICE OFFICER POSITIONS AND ONE UNFUNDED FIRE FIGHTER POSITION

WHEREAS, the Police Department has a staffing shortage due to retirements and turnover which has caused the Police Chief to order 12 hour shifts and cancel vacation requests; and

WHEREAS, the Fire Department is anticipating multiple vacancies due to pending retirements and because of the length of time to fill a vacancy is up to one year and a new academy is starting in January is requesting the authorization to over-hire one additional Fire Fighter position; and

WHEREAS, City-Council has determined that in anticipation of multiple retirements and turnover, that over hiring three additional Police Officers and one additional Fire Fighter will help maintain staffing levels; and

WHEREAS, the authority to fill the unfunded positions will be done within the existing department budget authorization; and

BE IT FURTHER RESOLVED by the City Council of the City of Santa Cruz, as follows:

That, effective October 8<sup>th</sup>, 2019, the City of Santa Cruz Classification and Compensation Plans be modified to:

<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u>
Add: 504-xx Qty: 3 (Unfunded)	2103	Police Officer	\$6,292- \$8,854
Add: 607-xx Qty: 1 (Unfunded)	2202	Fire Fighter	\$6,179-8,766

PASSED AND ADOPTED this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Human Resources

SUBJECT: Executive Employees Compensation and Benefits Plan (HR)

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RECOMMENDATION: Resolution adopting the Compensation and Benefits Plan for Executive Unrepresented Employees.

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BACKGROUND: The Compensation and Benefits Plan establishes the compensation, benefits, and terms and conditions of employment for Executive Unrepresented Employees (Executives). The Executive group are at-will, are exempt from the Fair Labor Standards act and serve at the pleasure of the City Manager.

DISCUSSION: Consistent with the Memorandum of Understanding that was recently approved with the Mid-Manager Employee Group, for Council approval is a three year agreement for compensation increases for the Executives. The increases are as follows: Year One a 3% increase; Year Two a 4% increase, and in Year Three a 3% increase.

FISCAL IMPACT: These expenditures were included in the FY 2020 budget and there are no additional fiscal impacts generated by final approval.

Submitted by:  
Lisa Murphy  
HR Director

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
Resolution  
Exhibit A

RESOLUTION NO. NS-29,

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ APPROVING A  
COMPENSATION AND BENEFITS PLAN FOR EXECUTIVE UNREPRESENTED  
EMPLOYEES

WHEREAS, the Executive Unrepresented Employees are at will, are exempt from the Fair Labor Standards act and serve at the pleasure of the City Manager; and

WHEREAS, Title 2 of the California Code of Regulations, section 570.5 requires the governing body must approve and adopt a pay schedule detailing the pay rates for each position; and

WHEREAS, the Compensation and Benefits Plan has been entered into by the respective parties and agreed upon by the Executive Unrepresented Employees which lists all classifications, salaries and benefits; and

WHEREAS, the terms of the Compensation and Benefits Plan for salary increases are as follows: Year One a 3% increase; Year Two a 4% increase, and in Year Three a 3% increase and are attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that the City Council hereby approves Executive Employees Compensation and Benefits Plan effective October 5<sup>th</sup>, 2019.

PASSED AND ADOPTED this 8<sup>th</sup> day of October 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

# EXHIBIT A

## City of Santa Cruz Compensation and Benefits Plan

Assistant City Manager, Department Directors,  
Deputy City Manager, Chiefs of Police & Fire

Effective October 5, 2019

### Purpose and Intent

This Compensation and Benefits Plan (Plan) is intended to establish compensation, benefits and terms and conditions of employment for Assistant City Manager, Deputy City Manager, Department Directors and the Chiefs of Police and Fire. The City Manager has the authority to hire the Assistant City Manager, Deputy City Manager, Department Directors and the Chiefs, and to adjust their compensation consistent with this Plan. These positions are exempt from the Fair Labor Standards Act (FLSA), are at will employees, serve at the pleasure of the City Manager and can be terminated with or without notice or cause and with no rights of appeal.

### 1) SALARY SCHEDULE

- a) This Plan covers positions in the job classes and salary schedule set forth in Attachment A, incorporated in and made a part of this document.
- b) Longevity: Directors, Assistant City Manager & Deputy City Manager: 2.5% base pay increase following 10 full years of employment. Police Chief: 2.5% completion of 10 years, 2% completion of 15 years, 2% completion of 20 years ~~(same as PMA implementation for 20-yr)~~. Fire Chief: 2.5% completion of 10 years, 2% completion of 15 years, 2% completion of 20 years and 2% completion of 25 years. ~~(same as FMA implementation for 20 and 25 yr)~~. It is understood that the longevity pay will be considered as "additional compensation" for the purposes of PERS and tax computations.

### 2) MANAGEMENT VACATION

In the first full pay period in January of each year, employees will be credited with 80 hours of vacation time. The ability to cash out vacation will be limited to 20 hours and shall occur in the last full pay period of December. Employees who do not use all of their Management Vacation prior to the first full pay period in January of each year will only be credited at the start of the subsequent year with sufficient hours to maintain an 80 hour balance. Upon separation, employees shall receive the value of their unused accrued management vacation. This benefit will be pro-rated for new hires.

### 3) VACATION

- a) Vacation Accrual:

Years of Employment	Vacation Hours
Up to five years	80 Hours
Six to ten years	120 Hours

Eleven years or more	120 Hours plus 8 hours for each year of service after 10 yrs. To a maximum of 160 hours
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- b) The City Manager has the authority to place a new employee at a specific accrual rate.
- c) Upon termination, payment will be made for all accumulated vacation to the separation date, at a rate equal to 100% of the current hourly pay rate.
- d) Vacation Cap: Accumulation of vacation time shall not exceed twice the annual rate of accrual without prior authorization.

4) SICK LEAVE

Sick leave will accrue at a rate of 8 hours per month. Assistant City Manager, Deputy City Manager and Department Directors are entitled to the same benefits as the Mid-Management MOU Section 14.00. Police Chief is entitled to the same benefits as the Police Management MOU Section 11.00. Fire Chief is entitled to the same benefits as the Fire Management MOU Section 14.00.

5) OPTIONAL MANAGEMENT BENEFIT

The City will contribute \$1,300 for employees with less than 10 years of service and \$1,500 for employees with 10 or more years of service. Payment for this benefit shall be made on the last pay date in July of each year for the previous years' service. In lieu of direct payment, employees may select one of the following options for use of this benefit: 1) payment to deferred compensation or 2) purchase of additional vacation leave, not to exceed the Vacation Accrual Limit. This benefit will be pro-rated for new hires and terminated employees.

6) VEHICLE ALLOWANCE

Employees shall receive a vehicle allowance in the amount of \$107 per month. In lieu of a vehicle allowance, the City will provide the Fire Chief and Police Chief with a vehicle.

7) SPECIAL PROJECT/ASSIGNMENT PAY

A special project/assignment is a specific and unique assignment which exceeds the normally assigned duties and responsibilities of the employee's job classification. An employee, so assigned by the City Manager, shall receive 5% of his/her base pay while actually working on the project or in the assignment. Special project pay does not affect, nor is it included in sick and vacation or other leaves of absence. These assignments will be included in PERS computations.

8) FLEXIBLE SPENDING ARRANGEMENT CONTRIBUTIONS

- a) Employees are entitled to the same benefits as the Mid-Management MOU Section 16.00 – Benefits.
- b) Medical & Dental: Employees are eligible to enroll in a CalPERS medical plan, Dental and Vision Plan. The City makes a contribution on behalf of each qualified employee based on 90% of the cost of the highest medical premium between the Blue Shield Access+HMO and PERSChoice PPO. Employees will make an additional contribution of \$50.00 per pay period towards the cost of health care benefits. Vision & Dental: employees are entitled to the same benefits as the Mid-Management MOU Sections 16.02 & 16.03



- c) Cash Out: Employees who can verify to the City's satisfaction that: they have equivalent health coverage for medical, which will remain in effect until the next enrollment date; will receive \$200 month.

## 9) FLEXIBLE SPENDING ACCOUNTS

The City offers a Healthcare Spending Account with an annual election limit of \$2,400 and a Dependent Care Spending Account with annual election limit of \$5,000.

## 10) RETIREMENT

### a) CalPERS Retirement Benefits for Classic Members:

- i) Non-Sworn Tier 1: For all eligible employees hired on or before May 11, 2012: Benefit of 2.0% @ 55 with the single highest year option. The employee's contribution amount is 12% of reportable salary (7% employee share + 5% employee paid employer share). The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).
- ii) Non-Sworn Tier 2: For all eligible employees hired on or after May 12, 2012, Benefit of 2% @ 60 with employees highest three year average. The employee's contribution amount is 12% of reportable salary (7% employee share + 5% employee paid employer share). The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).
- iii) Police Sworn Tier 1: For all eligible employees hired on or before September 2, 2011: Benefit of 3% @ 50 with the single highest year option. The employee's contribution amount is 14% of reportable salary (9% employee share + 5% employee paid employer share). The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).
- iv) Police Sworn Tier 2: For all eligible employees hired on or after September 3, 2011: Benefit of 3% @ 55 with the employees highest three year average. The employee's contribution amount is 14% of reportable salary (9% employee share + 5% employee paid employer share). The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).
- v) Fire Tier 1: For all eligible employees hired on or before September 2, 2011: Benefit of 3% @ 50 with the single highest year option. The employee's contribution amount is 11% of reportable salary, (9% employee share + 5% employee paid employer share). The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).
- vi) Fire Tier 2: For all eligible employees hired on or after September 3, 2011: Benefit of 3% @ 55 with employees highest three year average. The employee's contribution amount is 11% of reportable salary (9% employee share + 5%) employee paid employer share). The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).

### b) CalPERS: NEW Members:

- i) Individuals that have never been a member of any public retirement system prior to January 1, 2013, or
- ii) Individuals who moved between retirement systems with more than a six month break in service; and

- iii) In compliance with the California Public Employees' Pension Reform Act of 2013, (PEPRA), new members will receive a Local Miscellaneous benefit formula of 2% @ 62, Sworn/Safety (Police & Fire) will receive a benefit of 2.7% @ 57. Employees will contribute 50% of the normal cost as determined by CalPERS (12.25% for sworn and 6.75% for Misc.). Final compensation, for purposes of calculating the retirement benefit, is calculated on the highest average pensionable compensation earned by a member during a period of 36-consecutive months. This is also referred to as the 3-year average. The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2).

In addition to the required employee contribution, Chief Police and Chief Fire Sworn members will contribute an additional 5.0%, and Miscellaneous will contribute an additional 5.0%.

#### 11) HOLIDAYS

Ten, eight (8) hour holidays and Two, four (4) hour holidays per calendar year as defined by the City Council. The four (4) hour holidays are granted only when Christmas Day or New Year's Day is on a Tuesday-Saturday.

Accrual and Usage rules are in accordance with those in Section 12.00 of the mid-management MOU.

#### 12) FLOATING HOLIDAYS:

The Assistant City Manager, Deputy City Manager, Department Directors and Chiefs shall accrue up to twenty-four hours of floating holidays per fiscal year in accordance with the Mid-Management MOU Section 12.02.

#### 13) INSURANCE

The City provides long-term disability insurance as well as term life insurance in the amount of \$25,000.

Adopted: 2/9/16  
Amended: 6/28/16  
Adopted: 10/8/19

**ATTACHMENT A**

**ASSISTANT CITY MANAGER, DEPARTMENT DIRECTORS, DEPUTY  
CITY MANAGER, CHIEFS OF POLICE & FIRE**

**JOB CLASSES AND SALARY SCHEDULE**

EFFECTIVE OCTOBER 5, 2019

**Positions & Salary Schedule Effective October 5, 2019**

<b>POSITION</b>	<b>Minimum</b>	<b>Maximum</b>
Assistant City Manager	14,195	18,116
Chief of Police	14,195	18,116
Chief of Fire	14,195	18,116
Director of Public Works	13,597	17,349
Director of Water	13,597	17,349
Director of Planning	12,941	16,512
Director of Finance	12,941	16,512
Director of Human Resources	12,941	16,512
Director of Information Technology	12,941	16,512
Director of Libraries	12,941	16,512
Director of Parks & Recreation	12,941	16,512
Director of Economic Development	12,941	16,512
Deputy City Manager	10,783	14,713

**Salary: Cost of Living Adjustment (COLA)**

1. COLA: Cost of Living Adjustment shall be as follows:

- Effective October 5, 2019, employees will receive a cost of living increase of 3.0%
- Effective October 3, 2020 employees will receive a cost of living increase of 4.0%.
- Effective October 2, 2021, employees will receive a cost of living increase of 3.0%.



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Human Resources

SUBJECT: Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Finance Department (HR)

---

**RECOMMENDATION:** Resolution amending the Classification and Compensation Plans and the FY2020 Budget Personnel Complement by approving the deletion of one Purchasing Manager position and adding two Finance Manager positions.

---

**BACKGROUND:** The Finance department has been making organizational changes over the prior fiscal year with one remaining outstanding classification change. This change will more accurately reflect current job responsibilities.

The Finance Department Purchasing Manager position was recently vacated due to the retirement of a long-term employee. After a review of this classification's job specification and the current needs of the department, it was determined that a Finance Manager classification would result in a more efficient use of resources. The Finance Manager characteristics include accounting, budget administration, and other management responsibilities which are not present in the Purchasing Manager classification. In addition, the Finance Manager classification is more versatile and provides more flexibility in the assignment of duties as needs change in the future. Both positions are at the same salary level and there is no additional cost to the General Fund.

The above changes will not result in any overall net position adds in the Finance Department.

**DISCUSSION:** The Finance and Human Resources Departments are recommending adding two Finance Manager positions to the current budget. The Purchasing Manager position will be deleted in the current budget. After one of the Finance Manager positions is filled, an anticipated vacant position will be deleted in the new FY21 budget.

**FISCAL IMPACT:** There is no cost impact to the General Fund for the position and classification changes as it is supported by the deletion of an anticipated future vacant position and a previously approved funding of a reclassification of an Accountant position which did not occur.

Prepared by:  
Cathy Bonino  
Principal HR Analyst

Submitted by:  
Lisa Murphy  
HR Director

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
Resolution

RESOLUTION NO. NS-29,

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
AMENDING THE CLASSIFICATION AND COMPENSATION PLANS – FINANCE  
DEPARTMENT

WHEREAS, staff has recommended certain modifications to the Classification and Compensation Plans.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, as follows:

That, effective October 18, 2019 the City of Santa Cruz Classification and Compensation Plans be modified to:

	<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u> <u>(New Classifications)</u>
<b><u>FINANCE</u></b>				
Add two (2) Positions	775-xxx	1241	Finance Manager (1.0 FTE)	
Delete Position	773-001	1241	Purchasing Manager (1.0 FTE)	

PASSED AND ADOPTED this 8<sup>th</sup> day of October 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Parks and Recreation

SUBJECT: Adoption of Biarritz, France as a Friendship City (PR)

---

RECOMMENDATION: Resolution approving the adoption of Biarritz, France as a Friendship City and establish a formal relationship with the City of Santa Cruz.

---

BACKGROUND: In March 2019, during an official visit in Santa Cruz, the French Consul General met two members of the Sister City committee and suggested Biarritz as a candidate. A formal query was sent via the French State Department (Ministère des Affaires Etrangères), and the mayors from Vannes and Biarritz responded positively. The Sister Cities Committee agreed to explore both candidate cities, and formed a sub-committee headed by Committee Member Isabelle Tuncer. The sub-committee evaluated each candidate city according to the Sister Committee guidelines established by Santa Cruz and recommend that City Council establish formal relations with Biarritz, France for the following reasons:

1. It is a world-class resort community sharing significant commonalities including:
  - A. Access to extensive academic resources such as ocean research labs, programs in Agroecology, Engineering, Biology, Chemistry and Environment Sciences;
  - B. Highly prized ocean front community;
  - C. Active surfing community;
  - D. Tourism destination;
2. Possesses an international image with greater visibility than Santa Cruz
3. Developing technology hub (See the list tech companies featured during G7)
4. Possibility of developing economic and intellectual value:
  - A. Strong support from the Santa Cruz surfing community
  - B. Strong support from UCSC

DISCUSSION: At its September 2019 regular meeting, the Sister Cities Committee deliberated on the item and unanimously voted in favor of including Biarritz as a Friendship City. The attached report from the exploratory subcommittee provides further context for the decision by the Sister Cities Committee to move forward with establishing a Friendship City including economic, academic and cultural similarities with Santa Cruz.

Included, for further consideration, are the current guidelines and policies for establishing Friendship and Sister Cities as well as letters of support from Mayor Martine Watkins and Prof. Donaldson from the University of California, Santa Cruz.

FISCAL IMPACT: Minimal. There will be some additional staff involvement with the addition of a new Friendship City and the Sister Cities Committee budget may need to be amended to allow for the potential for future cultural exchanges in FY20. Also note that the support arm of the Sister Cities Committee may raise additional funds to offset expenses incurred by formal exchanges. Sister Cities Support is nonprofit partner in advancing cultural exchange for Santa Cruz Sister Cities.

Prepared by:  
Douglas Hull  
Committee Member

Prepared by:  
Isabelle Tuncer  
Committee Member

Prepared by:  
Tremain Hedden-Jones  
Department Clerk

Submitted by:  
Tony Elliot  
Director of Parks & Recreation

Approved by:  
Martín Bernal  
City Manager

**ATTACHMENTS:**

Resolution

Exhibit A

Sister Cities Subcommittee Report

Letter from Mayor Martin Watkins

Letter from Prof. Bryan Donaldson, University of California, Santa Cruz

Policy for Friendship City Adoption



RESOLUTION NO. NS-

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA CRUZ  
DESIGNATING THE CITY OF BIARRITZ, FRANCE AS A FRIENDSHIP CITY OF THE  
CITY OF SANTA CRUZ

WHEREAS, the Sister Cities Committee of the City of Santa Cruz, pursuant to the “Friendship and Sister City Adoption Policy,” designated Biarritz, France as a Friendship City; and

WHEREAS, said “Adoption Policy” states that a ‘Friendship City’ shall be for two years, at which time a committee-wide evaluation shall be made to see whether the sponsoring group met the “Adoption Policy” as a condition prior to the granting of full Sister City status; and

WHEREAS, on September 9, 2019, the Sister Cities Committee of the City of Santa Cruz reviewed a report from its Friendship City exploratory subcommittee on Vannes, France and Biarritz, France, in which the subcommittee requests that the Sister Cities Committee grant Friendship City status to Biarritz, France for reasons stated in said report; and

WHEREAS, the Sister Cities Committee finds further that activities from the community support group connected with advancing the cause for Friendship City status closely adhered to the mission of Sister Cities International, Exhibit A, which is hereby made part of this resolution; and

BE IT THEREFORE RESOLVED: that the Sister Cities Committee of the City of Santa Cruz hereby approves the City of Biarritz, France, as a Friendship City of the City of Santa Cruz, and recommends to the City Council its next regular meeting receive this resolution and officially designate Biarritz, France as a Friendship City of the City of Santa Cruz; and

BE IT FURTHER RESOLVED: that the City Council of the City of Santa Cruz upon receipt of a reciprocal resolution from the Mayor and City Council of the city of Biarritz consider the Biarritz/Santa Cruz Friendship City status to be consummated.

RESOLUTION NO. NS-29,XXX

PASSED AND ADOPTED this 8<sup>th</sup> day of October 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



**SisterCities**  
INTERNATIONAL

Connect globally. Thrive locally.

**RESOLUTION NO. NS-29,XXX  
EXHIBIT A**

**SISTER CITIES INTERNATIONAL, INCORPORATED  
A DISTRICT OF COLUMBIA NONPROFIT CORPORATION IN THE UNITED STATES  
OF AMERICA**

**MISSION**

The Mission of the Sister Cities International is to promote peace through mutual respect, understanding and cooperation – one individual, one community at a time.

This shall include enhancing world peace by promoting and servicing sister relationships between local, municipal, county, state, provincial, territorial, regional, national and/or international governments as may be done between the United States of America and similar governments around the world, with the object of developing closer understanding and cooperation between people of all cultures.

This shall be done to encourage the people of the world to learn, through sister relationships and programs, about the traditions, history, way of life, and ideals of the United States of America, and to assist the American people in a similar manner, utilizing exchanges of people, information and activities in all aspects of contemporary life.

# Sister City

Recommendation: Biarritz



Biarritz Friendship City proposal: Potential engagement from surfing community

The surfing community in Santa Cruz wishes to participate in the development of formal Sister City relations with the city of Biarritz.

Specifically, leaders in that community including Bob Pearson, CEO Arrow Boards, Tyler Fox, publisher Santa Cruz Waves, and Laurence Bedford, owner Rio Theatre, are ready to engage other surfing personalities to draft a list of suggested events and programs for review by their counterparts in Biarritz.

Programs and events of interest include: competitions, exchanges, and festivals.

Events-

- Santa Cruz-Biarritz invitational, a surfing competition rotating every two years between each city to include long board, and X;
- Surfing star panels and movies at the Rio during the invitational (bid to show recent French surfing movie rights is in process);
- Topical articles surfing in Santa Cruz and Biarritz and their history;
- Santa Cruz-Biarritz water folly: SUP's, windsurfs, surf boards and other non-motorized water sport devices all used in a single race (triathlon-like) by each contestant;

Programs-

- Tourism packages for public from each city during invitational (hospitality, viticulture, restaurants, surf shops, board factories);
- Business ambassadors to facilitate contacts and implantation at respective locations with chambers of commerce and administrations;
- Education -instructor exchanges between each city; joint videos;

Festivals-

- Santa Cruz-Biarritz Currents: Ocean health and research showcase of respective initiatives, efforts and results (synchronized displays between the two cities during a selected weekend); surfers involvement;
- Other

The leadership will gather input and suggestions from the Santa Cruz surfing base, and is happy to discuss implementation with designated agents from the Biarritz surfing community.



# Biarritz

## Brief history and profile

Built on prehistoric grounds, Biarritz was a village in the middle ages, home to farmers and whalers. The last whale was caught in March 1686, after which the fishermen joined pirate ships, or Irish and Nova Scotia fishing fleets. Though its mild winters and balmy summers were “discovered” by Victor Hugo in 1843, it remained a modest town until Empress Eugénie made it her vacation home in 1854 and her husband, Napoléon III, built her a summer palace. European royalty followed, including queen Victoria in 1889, and the thermal baths became its signature when the queen of Serbia inaugurated them in 1893. Coco Chanel opened her third boutique in Biarritz in 1915.



In 1956, filmmaker Peter Viertel shot "The Sun also Rises" in Biarritz with his wife Deborah Kerr and surfed with a board flown in from California. The Biarritz surf club, Waikiki, was founded in 1959. The first international competition took place the following year. In 1963, Bill Cleary, editor of Surf Guide, came to visit and came back the following year with thirty students.



Home to 25,000 residents, Biarritz remains an elegant beach city with direct access to 2.5 miles of creeks and fine sand beaches. It is 13.5 miles from the Spanish border. Its average temperature is 57F, and it experiences 58 inches of precipitation per year. Biarritz is served by a small international airport (BIQ) and a major train station accommodating high-speed trains. It twinned with Augusta, GA, USA (1992); as well as Cascais, Portugal (1986); Ixelles, Belgium (1958); and Jerez de la Frontera, Spain (1996). The closest university campus is in Bayonne, 5 miles away, which is part of the University of Pau (12,000 students, 100 diplomas,



78 miles away). The Bayonne campus offers business degrees and sport management degrees.



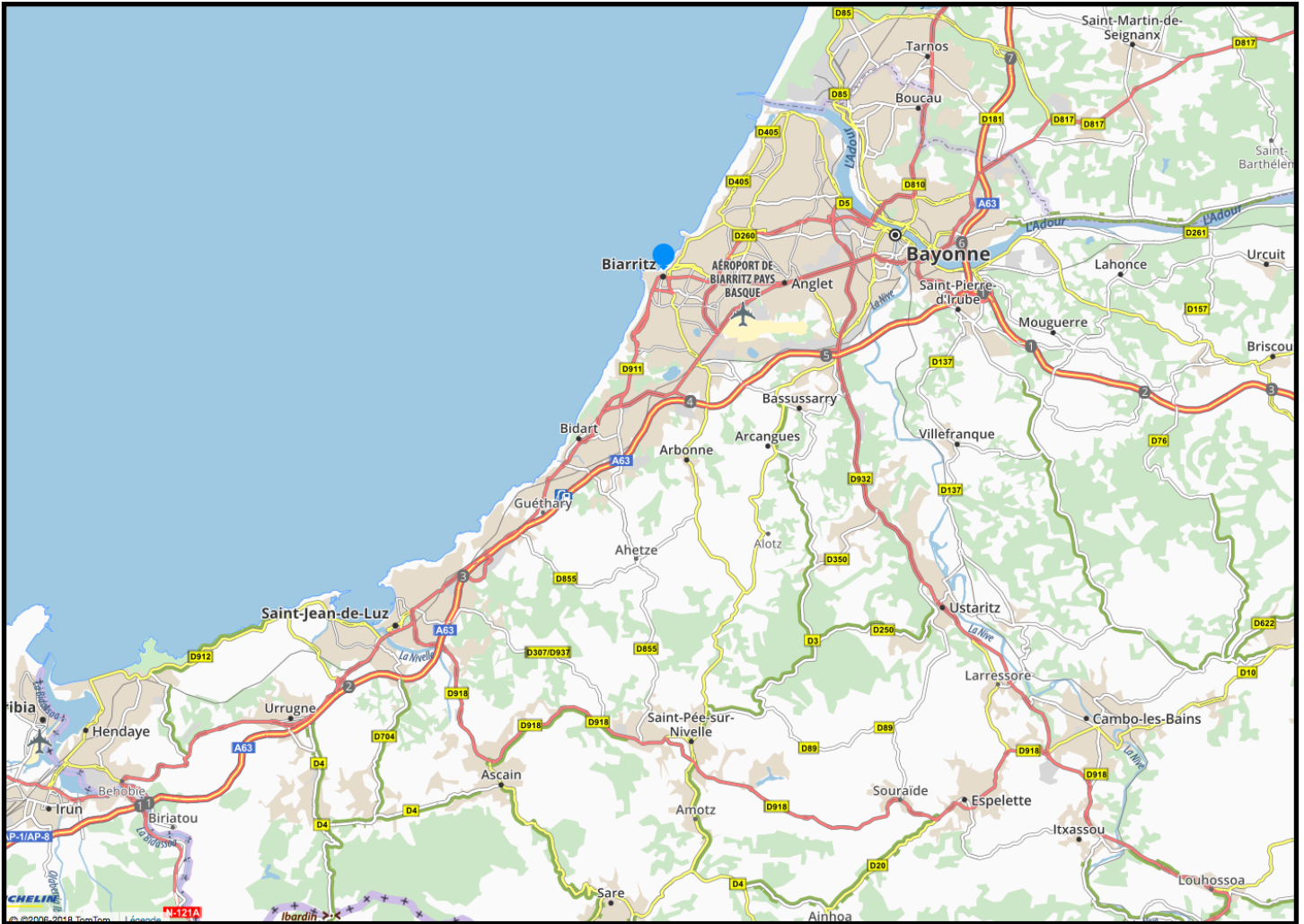
Biarritz caters to affluent tourists, retirees and surfers. It hosts one of the world's top long board competition. In August, it hosted the annual G7 meeting.





# FRANCE





	2015	%	2010	%
<b>Ensemble</b>	<b>24 457</b>	<b>100,0</b>	<b>25 306</b>	<b>100,0</b>
0 à 14 ans	2 314	9,5	2 626	10,4
15 à 29 ans	2 995	12,2	3 344	13,2
30 à 44 ans	3 565	14,6	4 085	16,1
45 à 59 ans	4 517	18,5	4 996	19,7
60 à 74 ans	5 735	23,5	5 294	20,9
75 ans ou plus	5 330	21,8	4 960	19,6

Demographics:

<https://www.insee.fr/fr/statistiques/2011101?geo=COM-64122>

Population by age group

## Occupation by gender and age group

	#	#	%of population		
	Men	Women	15 to 24	25 to 54	55 +
Total	9,491	12,646	100	100	100
Active Farmers	3	3	0	0.1	0
Artisans, shop keepers and business owners	705	419	1.1	10.6	2.4
Managers and Professionals (lawyers, doctors, dentists, professors)	1,020	826	2.8	17.0	4.0
Non supervisory professionals (nurses, artists, sales)	1,120	1,364	8.8	25.1	3.3
Salaried employees	797	2,004	16.0	25.4	4.5
Blue collar workers	963	190	6.2	10.7	1.8
Retired	3,791	6,099	0	0.3	78.2
Others w/out occupation	1,101	1,741	65.0	10.8	5.9

## Housing profile 2015

	#	%	# occupants
Total	13,881	100	24,012
Owners	7,876	56.7	13,921
Renters	5,569	40.1	9,305
Free housing	436	3.1	786

## Hospitality profile 2019

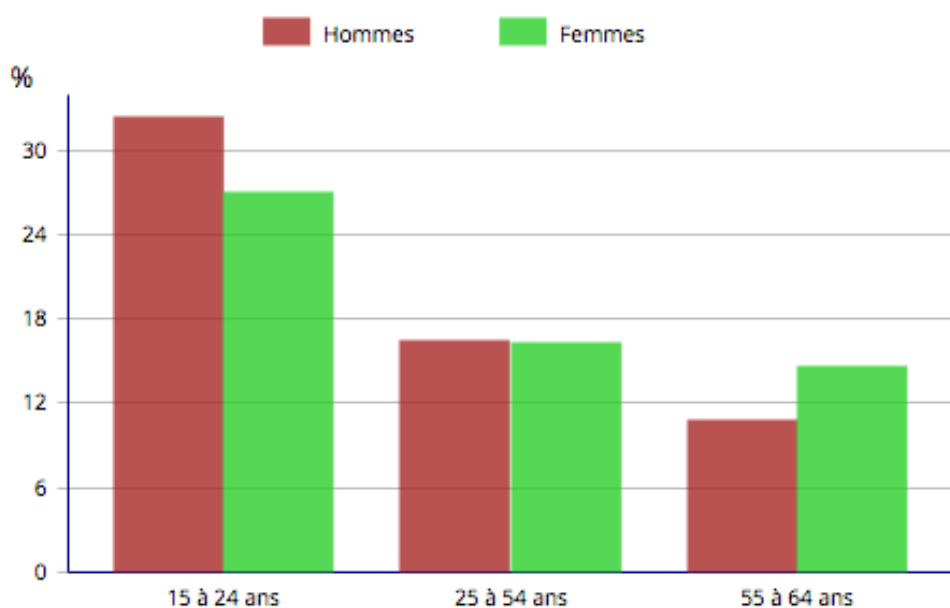
	Hotels	Rooms
Total	51	1825
1 star	0	0
2 stars	6	98
3 stars	26	729
4 stars	11	534
5 stars	4	346
Not ranked	4	118

## Median 2015 revenues in Euros

	2015
Median revenues per capita	22,103
Lowest decile	11,192
Highest decile	47,361

## Unemployment by gender and age group

**EMP G2 - Taux de chômage (au sens du recensement) des 15-64 ans par sexe et âge en 2015**







OFFICE OF THE CITY MANAGER

July 16, 2019

Michel Veunac  
Maire de Biarritz  
12 , Avenue Edouard VII  
Biarritz, 64200

Re: Invitation to explore a Jumelage with Biarritz

Dear Michel,

As the Mayor, I am excited and delighted to hear that Biarritz would like to explore becoming a Sister City/Twinning with Santa Cruz. Our cities share many attributes: As a beautiful seaside city, Santa Cruz is a popular tourist destination; it has a very active surfing community with a long history, including the very beginning of surfing; the university (University of California at Santa Cruz) is known for its groundbreaking work in gene mapping, organic farming, astrophysics; and a thriving music and arts community continues to attract talent from around the world. Of course, there is a lot more to learn about each other. I see strength and vitality for this association based on the common interests and values of established organizations, schools, businesses, and individuals.

Many in our city have expressed enthusiasm for supporting and developing a relationship with Biarritz. This includes key representatives of our surfing community (several who have surfed in Biarritz), faculty from our university, members of our community with strong links to France, and our official Santa Cruz's Sister City Committee, which is appointed by our City Council.

I want to thank France's Consul in San Francisco, Emmanuel Lebrun-Damiens, for initially suggesting the possibility of this relationship.

Once we hear from you, our Sister Cities Committee will contact your office to discuss how we should proceed. We look forward to engaging with you and members of your staff. Until then, I wish you the very best.

Sincerely,

Martine Watkins, Mayor  
Santa Cruz

cc: Emmanuel Lebrun-  
Damiens  
Linda Snook

Douglas Hull  
Isabelle Tuncer  
Michele Peregrin

Leo Jed  
Anita Wood  
Rachel Kaufman

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SANTA BARBARA • SANTA CRUZ

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218 COWELL COLLEGE  
VOICE: (831) 459-2054  
WEB: <http://language.ucsc.edu>  
FAX: (831) 459-5108

UNIVERSITY OF CALIFORNIA, SANTA CRUZ  
1156 HIGH STREET  
SANTA CRUZ, CALIFORNIA 95064

June 10, 2019

Mr. Douglas Hull  
Alliance Française Silicon Valley

Dear Mr. Hull,

I am writing to express interest and enthusiasm, on the part of the Department of Languages and Applied Linguistics at UC Santa Cruz, for the project to initiate discussions of a sister cities agreement between Santa Cruz, CA, and Biarritz, France.

In particular, as Chair of the Department of Languages and Applied Linguistics, I write to affirm our interest in exploring possibilities for exchanges or other types of contact between our department and the Université de Pau et des Pays de l'Adour (UPPA), the closest major university to the city of Biarritz. Possibilities include student exchanges, faculty-led programs, faculty exchanges, or student participation in UPPA summer French-language programs.

The Department of Languages and Applied Linguistics is the primary locus for instruction in foreign languages and cultures at UC Santa Cruz, and French is one of the languages with the largest undergraduate enrollments. Our students of French often study abroad or spend time in France in other capacities. Two of our faculty members in French (Donaldson, Rohmer) have existing professional connections with the UPPA.

To judge interest at the UC Santa Cruz campus level, I spoke with Becky George, Director of the International Education Office and Assistant Vice Provost of the Division of Global Engagement. She echoed my interest in exploring and evaluating possibilities for exchanges and other contacts.

Please do not hesitate to contact me if you have questions. I wish you success in this initiative and look forward to hearing from you as it progresses.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bryan Donaldson".

Bryan Donaldson  
Associate Professor and Chair

cc: Becky George, Director of International Education, Assistant Vice Provost of Global Engagement  
Carolyn Stevens, Department Manager, Languages and Applied Linguistics

# **Santa Cruz Friendship and Sister City Adoption Policy**

*The intent of this document is to define the circumstances, criteria, and processes to nominate and adopt Friendship Cities and recommend to the Santa Cruz City Council the adoption of Sister Cities. Additionally, a process to reconsider existing relationships is outlined.*

## **Mission and Purpose**

The City of Santa Cruz desires to establish relationships with towns and localities abroad to provide opportunities to build friendships, learn about other cultures, and foster international understanding. To this end, the City of Santa Cruz has established the Santa Cruz Sister Cities Committee, a volunteer group of ordinary citizens who, with the support of local elected officials, form long-term relationships with people and organizations in cities abroad. Through people-to-people relationships, the committee pursues activities and exchanges in thematic areas that are important to both communities, including municipal, business, trade, educational, and cultural exchanges.

## **I. Defining Friendship and Sister Cities**

- A. **A Friendship City** is a designated relationship for two years, where both cities have the opportunity to explore the potential for becoming sister cities. Both cities enter into an agreement to develop and strengthen relationships through a variety of activities, including but not limited to:
- Youth programs/exchanges
  - Visitor exchanges
  - Cultural and business exchanges
  - School affiliations/pen pals (adult & children)
  - Humanitarian projects
- B. **A Sister City** relationship is a broad-based, long-term partnership between two communities in two countries. This relationship is officially recognized after the highest elected or appointed official from both communities sign an agreement. A city can have multiple sister cities, with community involvement by volunteers, civic organizations, nonprofits, municipal governments, the private sector, and others. Exchange possibilities are as described above for Friendship Cities.

## **II. Friendship City Selection Criteria & Process**

### **A. Selection Criteria:**

Friendship Cities should ideally meet three sets of criteria:

- Criteria related to structural similarities associated with compatibility;
- Pre-existing or easily developed constituencies; and
- Geographic balance.

These criteria are described below.

## **Santa Cruz Friendship and Sister City Adoption Policy**

### **1. *Structural Similarities:***

Potential Friendship Cities should ideally share certain structural commonalities with the City of Santa Cruz to better ensure compatibility and hence the circumstances needed for a long-lived and thriving relationship.

These structural criteria include:

- Population size
- Key industries
- Geographic characteristics
- Institutions of higher learning

For the City of Santa Cruz, a comparable city would be a university town of about 60,000 people located near the ocean or other large body of water with a municipal wharf or working harbor and served principally by tourism, technology, and agricultural industries.

While successful relationships are based, in part, on shared experiences that derive from structural similarities, the City of Santa Cruz should not insist on an exact match. In evaluating structural criteria, the committee should look for cities that share most, rather than all, of the above criteria.

### **2. *Existing or easily developed constituencies:***

The City of Santa Cruz should enter into Friendship City relationships only with cities for which a local base of support exists or can readily be developed. Support can take many forms. For example:

- Expatriate and ethnic ties
- Art and cultural relationships and exchanges
- Educational linkages, including alumni ties
- Service organization activities
- Economic and business relationships
- Youth organization activities

In choosing a Friendship City, the committee should take cognizance of the number, variety, and depth of relationships that already exist. The more existing ties the stronger the relationship will likely prove to be and the greater the likelihood that relationship will successfully transition to a Sister City. In the absence of a preexisting base, the potential to develop a broad base of support, can and should be considered. However, given that the Santa Cruz Sister Cities Committee is a volunteer organization, the committee should prefer those cities which already have local constituencies. The committee should avoid entering into Friendship City relationships with cities where the burden of developing interest among the community will not only fall primarily on its members' shoulders but also be difficult to develop.



## **Santa Cruz Friendship and Sister City Adoption Policy**

### **3. Geographic Balance:**

The committee should seek geographic balance for its Friendship Cities. Ideally, selected cities should be spread out across the globe rather than clustered in one geographic region. Currently, the City of Santa Cruz has Sister and Friendship Cities dispersed as follows:

- I. North America:
  - Jinotepe, Nicaragua
  - Chivirico, Cuba (Friendship City)
- II. South America:
  - Puerto la Cruz, Venezuela
- III. Europe:
  - Sestri Levante, Italy
  - Alushta, Crimean Peninsula
- IV. Africa:
  - Kasese, Uganda (Friendship City)
- V. Asia:
  - Shingu, Japan

Future Friendship Cities would ideally be located in South America, Africa, Asia, and Australia/Oceania for geographic balance and a truly global network.

### **B. Process for Adding a Friendship City:**

The Santa Cruz Sister Cities Committee will frequently be faced with requests to establish Sister City relationships with cities abroad. As a rule, the committee should seek to preserve quality over quantity. Committee members' time and energy are limited, and should be focused on preserving, deepening, and expanding already existing Sister City relationships. However, excellent matches will come along, and the committee should be prepared to identify them. The following process will help the committee do so.

1. Upon receiving a request to establish a Friendship City relationship, the Committee shall seek a volunteer champion from the Committee membership to actively shepherd the request through the Committee's process. The champion will be a volunteer position only—neither the Chair nor the committee can summarily name a champion. If such a volunteer is not identified from the Committee membership, the Friendship City request will not be processed. The Parks and Recreation staff liaison cannot fulfill this responsibility.
2. Requests for establishing Friendship City relationships may originate from other cities, members of the public, or committee members.
3. If at all possible, Santa Cruz and the candidate Friendship City should attempt to exchange delegations prior to a formal designation. Its purpose is to explore and determine all initial exchange possibilities.

## **Santa Cruz Friendship and Sister City Adoption Policy**

4. The champion will prepare a written report to include:
  - a. A profile of the city under consideration that details the structural characteristics of the city (population size, geographic location, presence of universities, key industries). Moreover, the profile should also detail the languages spoken in the area, give a brief introduction to the structure of the local government, provide a short history of the area, and describe any logistical challenges to travelling to and from the city under consideration.
  - b. A profile of the existing or likely constituencies for the Friendship City candidate in Santa Cruz.
  - c. A profile of the existing or likely constituencies in the city under consideration.
  - d. A description of potential focus areas for activities and exchanges with the Friendship City candidate, including a delineation of those potential activities and exchanges. This section of the report should describe how entering into a Friendship City relationship will benefit both cities.
  - e. Once the report is complete, the champion will request the staff liaison and/or Committee Chair to put the report's delivery on the next agenda and formally notify the City Council of this proposal; and If the City Council formally acts to object to the proposal, the process will be terminated. If there is no formal objection by the City Council within 45 days, the process shall proceed.
  - f. At a subsequent committee meeting, the committee will vote on whether or not to adopt the candidate city as a Friendship City.

### **III. Capacity**

#### **A. Ceiling:**

There can be a maximum of two Friendship Cities at a time.

#### **B. Length of Friendship City Status:**

Friendship City status runs for a two-year term.

#### **C. Possibility of Extending Term:**

Under unusual and unexpected circumstances, the committee at its option may extend Friendship City status for an additional year.

### **IV. Sister City Selection Criteria & Process**

## **Santa Cruz Friendship and Sister City Adoption Policy**

### **A. Selection Criteria**

At the conclusion of the Friendship City term, the city may be advanced to candidacy for sister city status, provided it meets the following additional criterion:

1. At least one bilateral exchange of delegations must have occurred after Friendship City status had been granted. That is, a delegation from the friendship city must have visited Santa Cruz, and a delegation from Santa Cruz must have visited the friendship city.

Selected delegates on the outbound delegation will have done the following:

- a. They shall present to the full committee before the delegation departs an outline of what they hope to learn and accomplish while abroad.
- b. They shall solicit questions from committee members to be investigated while abroad.
- c. Upon return, they shall report their findings to the committee and make recommendations.

### **B. Process:**

If the Friendship City meets the additional above criterion, then the committee will consider recommending the Friendship City to the City Council for Sister City status. While the city is being considered for Sister City status, its Friendship City status will be automatically renewed until the process is completed. The process for granting Sister City status is as follows:

1. Prior to the end of friendship term, the chair of the subcommittee for the Friendship City seeking Sister City status will prepare a report that informs the members of the Santa Cruz Sister Cities Committee of the current scope of the relationship and its potential for growth. The report will contain at a minimum the following information:
  - a. A profile of the city under consideration that details the structural characteristics of the city (population size, geographic location, presence of universities, key industries). Moreover, the profile should also detail the languages spoken in the area, give a brief introduction to the structure of the local government, provide a short history of the area, and describe any logistical challenges to travelling to and from the city under consideration.
  - b. A detailed profile of the existing constituencies for the sister city candidate in Santa Cruz. A profile of likely future constituencies should also be provided if the subcommittee intends to involve more segments of the community in the relationship.

## **Santa Cruz Friendship and Sister City Adoption Policy**

- c. A detailed profile of the existing constituencies for making Santa Cruz a sister city in the city under consideration. A profile of likely future constituencies should also be provided if the subcommittee knows of its counterpart's plans to expand the relationship to other communities in the candidate city or if the subcommittee has plans to reach out to other community groups in the candidate city.
  - d. A description of the activities and exchanges that have occurred already involving the sister city candidate. This section should not only include a description of the inbound and outbound delegations, but also descriptions of other activities and exchanges in which the two cities have engaged.
  - e. A description of the activities and exchanges that are anticipated for the next five years. With regard to exchanges, the five-year plan should provide a realistic description of their type, frequency, and method.
  - f. A description of how a permanent relationship will be of mutual benefit.
  - g. A recommendation for or against Sister City status.
2. At the last committee meeting before friendship term expires, the chair of the subcommittee will deliver the report to the full committee.
  3. The committee will hear and discuss the report only; no action will be taken.
  4. At a subsequent committee meeting, the committee will vote to recommend to the City Council the extension of Sister City status to the candidate city.

### **V. Active, Inactive, and Emeritus Sister Cities**

The activity level of our relationships will vary. While active relationships with all sister cities would be ideal, the reality is that some relationships will become dormant. To deal with this situation, the Santa Cruz Sister Cities Committee needs a mechanism for distinguishing between active and inactive relationships. Sister Cities International has such a mechanism: inactive sister cities can be formally transitioned to an emeritus status.

For our committee's purposes, an intermediate step between active and emeritus should be added. This step would be an informal inactive status which Sister Cities International would not be informed about. It would be for our committee's use only.

In practice, the committee should deem those Sister Cities for which there have been no interactions for 5 years to be inactive. All cities that are deemed inactive can be managed by one subcommittee. Once added to this subcommittee, they can return to active status, but until then, they will be less of an administrative burden on the committee.

In distinguishing between active and inactive Sister Cities, the committee's online presence (City website, Facebook page) can list the active relationships as our Sister Cities and include

## **Santa Cruz Friendship and Sister City Adoption Policy**

a section mentioning our inactive Sister Cities. By doing so, the committee can trumpet its active relationships and while also ensuring that inactive cities remain visible to the curious who might be inspired to help us restore these dormant relationships.

Sister Cities on the inactive list that have not had any significant interaction for 10 years can be considered for formal emeritus status. Sister Cities International would be informed of this change in status.



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

October 17, 2019

The Honorable Michel Veunac  
Maire de Biarritz  
12, Avenue Edouard VII  
Biarritz, 64200  
FRANCE

RE: Invitation to Enter into a Jumelage with Biarritz

Dear Mayor Veunac:

At its meeting on October 8, 2019, the Santa Cruz City Council adopted the attached resolution designating the City of Biarritz, France, as a Friendship City. I can now officially extend the City's invitation to proceed, and I am delighted to do so.

Upon the City's receipt of a reciprocal resolution from you and your City Council, the Biarritz/Santa Cruz Friendship City will be formalized.

I look forward to receiving your city's resolution and working on developing our Friendship City relationship.

Sincerely,

Martine Watkins  
Mayor

Attachment

cc: City Clerk

P:\CMAD\Word(Wpfiles)\SUZANNEU\Mayormw 2018-2019\Letters\Veunac.docx



## CITY COUNCIL AGENDA REPORT

DATE: 10/1/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Police

SUBJECT: Office of Traffic Safety Selective Traffic Enforcement Program – Grant Acceptance (#PT20168) (PD)

---

**RECOMMENDATION:** Resolution authorizing the acceptance of funds from the Office of Traffic Safety for the Selective Traffic Enforcement Program. The City Manager is hereby authorized and directed to execute the contact and agreements associated with the acceptance of this grant.

---

**BACKGROUND:** The Office of Traffic Safety (OTS) issued a call for projects to fund various traffic safety programs. Funding for strategic traffic enforcement, including police overtime hours, equipment, and increased training are eligible projects. This program does not require a local funding match and is 100% reimbursable.

In 2018-2019, Santa Cruz Police Department was also awarded this grant, resulting in a 31% increase in traffic citations, ten widely-publicized traffic safety awareness and enforcement campaigns, and five officers in the department attended California Traffic College. All of these measures have been proven to increase roadway safety. This grant award will fund additional traffic enforcement hours for 2019-2020.

Enforcement is a key tool to achieve improved roadway safety.

**DISCUSSION:** The Santa Cruz Police Department requests the City Council to authorize the City Manager to accept and appropriate funds from the Office of Traffic Safety (OTS) grant program. The funding will be used to pay for police department overtime hours, traffic safety equipment, and travel and training expenses. Council Policy 14.3 allows for the applications of grants to be submitted without Council approval when approval has previously been granted for the same project or program.

Like many cities, we frame our efforts to improve roadway safety using the 5 E's: Education, Encouragement, Engineering, Evaluation, and Enforcement. The City of Santa Cruz has been highly successful at implementing improvements in Education, Encouragement, Engineering, and Evaluation to improve roadway safety. We've been fortunate to receive grant funding to implement these projects and programs through the Active Transportation Program, Highway Safety Improvement Program, State Transportation Improvement Program, and others.

On the final E, Enforcement, the City of Santa Cruz has not been able to fully staff the Traffic Division in the Police Department to provide a high level of proactive enforcement. At this time, there are three full time officers in the Traffic Division. When fully staffed, the Traffic Division has seven full time officers, but this level of staffing has not been reached for least the past seven years, despite extensive efforts. While the Department has been working to add additional officers to the Traffic Division, there is insufficient staff time available to conduct proactive enforcement without the addition of overtime staffing.

This grant funding will be used to fund overtime hours for traffic enforcement. This enforcement will focus on school zones surrounding bell times, strategic enforcement at locations with a high history of collisions, and nighttime enforcement during weekends targeting driving under the influence (DUI). This grant funding will provide support equipment, including speed enforcement and DUI testing equipment. Finally, this funding will fully fund sending three officers to Traffic Enforcement College.

FISCAL IMPACT: A total of \$75,000 in grant funds is awarded, with no local match required.

Prepared by:	Submitted by:
Patricia Dodge	Andrew Mills
Principal Management Analyst	Chief of Police

ATTACHMENTS:  
Resolution  
Budget Adjustment



City of Santa Cruz  
BUDGET ADJUSTMENT REQUEST

<input checked="" type="radio"/> Council Approval .....	Resolution No. _____
<input type="radio"/> Successor Agency .....	Resolution No. _____
<input type="radio"/> Administrative Approval	

<input checked="" type="radio"/> Current Fiscal Year
<input type="radio"/> Prior Fiscal Year

TO: FINANCE DIRECTOR  
FROM: Police Department

DATE: 09/26/2019

<u>ACCOUNT</u>	<b>REVENUE</b> EDEN ACCOUNT TITLE	
g202001-112-2121-0	CA OTS Selective Traffic Enforcement Program Grant	75,000
101-20-22-2104-43110	State operating grants and contributions	
<b>TOTAL REVENUE</b>		<b>75,000</b>

**City of Santa Cruz  
BUDGET ADJUSTMENT REQUEST**

DATE: 09/26/2019

TO: FINANCE DIRECTOR  
FROM: Police Department

<u>ACCOUNT</u>	<b>EXPENDITURE EDEN ACCOUNT TITLE</b>	
g202001-100-2010-0	Labor	66,161
101-20-22-2104-52122		
g202001-100-2020-006	Travel	4,600
101-20-22-2104-52302		
g202001-100-2020-278	Equipment: Radar Device	3,051
101-20-22-2104-53105		
g202001-100-2020-279	Equipment: PAS Device/ Calibration Supplies	1,188
101-20-22-2104-53105		
<b>TOTAL EXPENDITURE</b>		<b>75,000</b>

**NET: \$ \_\_\_\_\_ 0**

Purpose:  
OTS Safety Selective Traffic Enforcement Program.

REQUESTED BY	DEPARTMENT HEAD APPROVAL	ACCOUNTING APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Patricia Dodge <small>Digitally signed by Patricia Dodge Date: 2019.09.26 13:10:52 -0700</small> 09/26/19	Andrew G. Mills <small>Digitally signed by Andrew G. Mills DN: cn=Andrew G. Mills, o=Police Department, ou=PD/AD, email=amills@cityofsantacruz.com, c=US Date: 2019.09.26 14:17:27 -0700</small> 09/26/19	Tracy Cole <small>Digitally signed by Tracy Cole DN: cn=Tracy Cole, o=City of Santa Cruz, ou=Finance Department, email=tracyc@cityofsantacruz.com, c=US Date: 2019.09.26 16:48:48 -0700</small> 09/26/19	Cheryl Fyfe <small>Digitally signed by Cheryl Fyfe DN: cn=Cheryl Fyfe, o=Finance Department, ou=City of Santa Cruz, email=chfyfe@cityofsantacruz.com, c=US Date: 2019.09.30 12:14:14 -0700</small>	



## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Public Works

SUBJECT: Cedar Street Rehabilitation Project (c400809) – Contract Change Order No. 1 and Notice of Completion (PW)

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**RECOMMENDATION:** Motion to accept Contract Change Order No. 1 and the work of Granite Rock Company (San Jose, CA) as completed per plans and specifications and authorizing the filing of a Notice of Completion for the Cedar Street Rehabilitation Project (c400809).

---

**BACKGROUND:** At its June 13, 2017 meeting, City Council approved a motion to authorize the City Manager to execute a contract with the lowest responsive and responsible bidder as authorized by Resolution No. NS-27,563. On August 9, 2018, the project was awarded to the lowest responsive and responsible bidder, Granite Rock Company (San Jose, CA). During construction, the Public Works Department determined that the original quantities included in the project were not sufficient to meet the department's goal of a high quality and long lasting pavement along the project limits. Also, the contractor needed to perform extra construction work, not included in the contract, due to unforeseen subsurface conditions. The project improved existing pavement, curb ramps, driveways, sidewalks, and curb and gutters in Cedar Street from Church Street to Laurel Street and on Laurel Street from Blackburn Street to Walti Street.

**DISCUSSION:** The original quantities for the pavement rehabilitation on Cedar Street and Laurel Street were not sufficient to improve the overall deteriorating conditions of existing pavement within the project's limits so the areas that needed pavement rehabilitation were increased. The contractor and City staff have developed a change order for the additional work performed. The project was inspected by the staff and was completed in accordance with the plans and specifications.

**FISCAL IMPACT:** This change order of \$233,952.43 will increase the contract amount to \$2,494,787.93 and is slightly over the 10% construction contingency. The additional funds requested for this project come from funds already allocated for pavement rehabilitation. There is no impact to the general fund. This project was included in the FY 2019 Capital Improvement Program (c400809).

Prepared by:  
Ricardo Valdes  
Associate Civil Engineer

Submitted by:  
Mark R. Dettle  
Director of Public Works

Approved by:  
Martín Bernal  
City Manager

ATTACHMENTS:  
Notice of Completion  
Change Order No.1

RECORDED AT THE REQUEST OF  
City of Santa Cruz, Public Works  
Ricardo Valdes

WHEN RECORDED MAIL TO:  
CITY CLERK'S DEPARTMENT  
809 CENTER STREET, ROOM 9  
SANTA CRUZ, CA 95060

(Space above for Recorder's use only)

This instrument is being recorded for the benefit of the City of Santa Cruz. No recording fee is required pursuant to Government Code §27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Section 8182 of the California Civil Code, of the completion on October 8, 2019 of the Cedar Street Rehabilitation Project (c400809).

The City of Santa Cruz has the following interest in said property described above: City Right-Of-Way.

Said modifications undertaken on said property pursuant to a contract with Granite Rock Company, 5225 Hellyer Avenue, Suite 220, San Jose, CA 95138.

DATED \_\_\_\_\_

\_\_\_\_\_  
Mark R. Dettle  
Director of Public Works  
City of Santa Cruz

STATE OF CALIFORNIA )ss  
COUNTY OF SANTA CRUZ)

I am the Director of Public Works, City of Santa Cruz. I have read the foregoing Notice of Completion and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on \_\_\_\_\_ at Santa Cruz, California.

\_\_\_\_\_  
Mark R. Dettle  
Director of Public Works  
City of Santa Cruz

The filing of this Notice of Completion was authorized by Santa Cruz City Council Minute Order of October 8, 2019.



PUBLIC WORKS DEPARTMENT

809 Center Street, Room 201, Santa Cruz CA 95060 • 831 420-5160 • Fax: 831 420-5161

**CONTRACT CHANGE ORDER NO. 1  
Cedar Street Rehabilitation Project (No. c400809)**

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**TO: Granite Rock Company**

You are directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications of this contract. All new work herein described shall be done in accordance with the applicable provisions of the plans and specifications except as specifically modified by this contract change order.

**NOTE:** This change order is not effective until approved by the City of Santa Cruz, or until an authorized field order is executed.

**CHANGE INITIATED BY CITY**

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**DESCRIPTION OF CHANGE:**

1. **Extra work on 10/16/18.** Delay on excavation work due to unmarked utility line during new sewer line installation. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 1.0** from Granite Rock Company dated February 22, 2019 for an **additional \$683.84**.
2. **Extra work on 10/29/18.** Construction crew had to spend extra time to shore up next to two unknown steel lines during new sewer line installation. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 2.0** from Granite Rock Company dated February 22, 2019 for an **additional \$822.94**.
3. **Extra work on 11/05/18.** Hand digging around existing water line during sanitary sewer laterals installation on Elm Street. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 3.0** from Granite Rock Company dated February 22, 2019 for an **additional \$3,053.09**.
4. **Extra work on 11/16/18.** Pothole around water thrust block for Dry Cleaners future sanitary sewer lateral work. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily**

- Extra Work Report number 5.0** from Granite Rock Company dated February 22, 2019 for an **additional \$1,321.00.**
5. **Extra work on 11/19/18.** Dug out 5 feet to tie in 6-inch existing sewer to new 8-inch from new main line at end of run at Cathcart Street and Cedar Street. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 6.0** from Granite Rock Company dated February 22, 2019 for an **additional \$3,888.17.**
  6. **Extra work on 11/20/18.** Construction crew had to hand dig around water line thrust block during sanitary sewer lateral installation for Dry Cleaners. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 7.0** from Granite Rock Company dated February 22, 2019 for an **additional \$2,059.52.**
  7. **Extra work on 12/06/18.** Construction crew work was delayed due to clogged existing water line. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 11.0** from Granite Rock Company dated February 22, 2019 for an **additional \$709.74.**
  8. **Extra work on 12/07/18.** Construction crew had to wait for Water Department and PG&E to figure out if unknown lines in conflict with storm drain were live. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 12.0** from Granite Rock Company dated February 22, 2019 for an **additional \$1,699.12.**
  9. **Extra work on 12/17/18.** Construction crew encountered slurry and more existing pipes that were not shown on plans. Crew had to chip out slurry and hand dig around existing pipes. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 13.0** from Granite Rock Company dated February 22, 2019 for an **additional \$2,545.96.**
  10. **Extra work on 12/18/18.** Construction crew had to wait for Water Department and PG&E to figure out if unknown lines in conflict with storm drain were live. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 14.0** from Granite Rock Company dated February 22, 2019 for an **additional \$1,272.99.**
  11. **Extra work on 1/10/19.** Pour concrete channel on existing sanitary sewer manhole at Elm Street. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 15.0** from Granite Rock Company dated February 22, 2019 for an **additional \$3,578.47.**
  12. **Extra work on 2/05/19.** Core drill to find concrete panel under asphalt concrete on Cedar Street and Front Street. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 16.0** from Granite Rock Company dated March 11, 2019 for an **additional \$4,669.50.**

13. **Extra work on 1/04/19.** Paving Cedar Street from Church Street to Walnut Avenue, as soon as possible, due to no concrete under the asphalt pavement. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 17.0** from Granite Rock Company dated April 19, 2019 for an **additional \$33,691.69**.
14. **Extra work on 1/10/19.** Extra work to winterized Cedar Street due to unforeseen trenches. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 18.0** from Granite Rock Company dated April 19, 2019 for an **additional \$17,678.17**.
15. **Extra work on 6/27/19.** Extra work to ground areas left by grinder along Laurel Street from Blackburn Street to Walti Street. Payment shall be in accordance with the **Cedar Street Rehabilitation Project Daily Extra Work Report number 19.0** from Granite Rock Company dated August 7, 2019 for an **additional \$4,037.78**.
16. Addition of 13 working days due to rain.
17. Addition of 54 working days due to winter season work suspension from January 28, 2019 to April 15, 2019.
18. Addition of 57 working days due to additional work requested by the City.
19. **Final contract quantities.** Adjust the final quantity and contract amount for the following contract items with a total contract **addition of \$357,770.95**:

Item	Item Description	Unit	Final Quantity	Amount to be Adjusted	% of Original Contract
1	Mobilization	LS	1.00	\$0.00	100%
2	Water Pollution Control	LS	1.00	\$0.00	100%
3	Traffic Control System and Construction Area Signs	LS	1.00	\$0.00	100%
4	Changeable Message Signs	EA	2.00	\$(5,600.00)	50%
5	Remove Thermoplastic Markings, Striping, and Lane Markers	LS	1.00	\$0.00	100%
6	Retrofit Existing Curb Ramp (Revocable Item)	SF	24.00	\$(4,050.00)	31%
7	Remove and Replace Concrete Curb Ramps	SF	3,113.25	\$(15,470.00)	89%



8	Remove and Replace Concrete Driveway (Revocable Item)	SF	995.80	\$52,848.00	866%
9	Remove and Replace Concrete Sidewalk	SF	1,815.78	\$60,631.20	605%
10	Remove and Replace Concrete Curb and Gutter (Revocable Item)	LF	314.95	\$36,541.50	315%
11	Remove and Replace Parking Meter Post	EA	1.00	\$0.00	100%
12	Storm Drain Pipe - Install 8" Diameter ADS Pipe	LF	0.00	\$(10,650.00)	0%
13	Storm Drain Pipe - Install 10" Diameter ADS Pipe	LF	71.00	\$0.00	100%
14	Storm Drain Pipe - Remove existing 16" Diameter Storm Drain Pipe and Replace with new 15" Diameter PVC Pipe	LF	64.00	\$0.00	100%
15	Storm Drain Manhole - Remove Existing Manhole and Replace with New 4' Diameter Manhole	EA	1.00	\$0.00	100%
16	Storm Drain Manhole - Remove Existing Storm Drain Manhole	EA	1.00	\$0.00	100%
17	Storm Drain Manhole - Remove Existing Storm Drain Manhole to 6" Below Grade Fill with 2 Sack Slurry	EA	3.00	\$0.00	100%
18	Catch Basin - Remove Existing Catch Basin	EA	1.00	\$0.00	100%
19	Catch Basin - Install Type B Catch Basin	EA	5.00	\$0.00	100%
20	Remove Existing 6" Sewer Pipe	LF	515.00	\$(75.00)	99%
21	Install 8" SDR 26 Sewer Pipe	LF	515.00	\$(1,650.00)	99%
22	Remove and Replace Sanitary Sewer Manholes	EA	2.00	\$0.00	100%
23	Remove Sanitary Sewer Manhole	EA	1.00	\$0.00	100%
24	Realign and Reconnect Sanitary Sewer Laterals	EA	8.00	\$45,500.00	267%
25	Replace Sewer Lateral with New Cleanout	EA	6.00	\$(18,200.00)	75%
26	Final Sewer Pipe Video Inspection	LF	515.00	\$(10.00)	99%
27	Modify Existing Manhole to receive new 8" SS pipe	EA	1.00	\$0.00	100%
28	Over-Excavation (Revocable)	CY	0.00	\$(12,000.00)	0%
29	Full Depth Base Repair AC Sections (6-Inch Depth)	SY	625.40	\$13,519.80	133%
30	Full Depth Base Repair PCC Sections (6-Inch Depth)	SY	901.81	\$(89,592.75)	69%

31	Mill 3" of Existing AC to Top of Existing Concrete	SY	4,968.70	\$(2,459.10)	93%
32	Class 2 Aggregate Base (For Paving)	CY	673.60	\$32,790.00	148%
33	Roadway Excavation and Grading	CY	1,576.00	\$92,200.00	141%
34	PCC Pavement - Rapid Strength Concrete (8 Inches)	SY	4,041.10	\$165,137.50	149%
35	Hot Mix Asphalt Pavement - Type A Leveling Course (1") 3/8" aggregate	TON	280.00	\$0.00	100%
36	Hot Mix Asphalt Pavement - Type A Overlay (3") 1/2" aggregate	TON	1,031.73	\$14,490.30	115%
37	Pavement Reinforcing Fabric (TruPave)	SY	0.00	\$(4,256.00)	0%
38	Thermoplastic Traffic Stripe - Detail 2	LF	1,296.00	\$(20.00)	99%
39	Thermoplastic Traffic Stripe - Detail 15	LF	209.00	\$238.00	232%
40	Thermoplastic Traffic Stripe - Detail 22	LF	924.00	\$1,869.00	307%
41	Thermoplastic Traffic Stripe - Detail 38A	LF	149.00	\$158.00	213%
42	Thermoplastic Traffic Stripe - Detail 39	LF	3,074.00	\$734.00	114%
43	Thermoplastic Traffic Stripe - Detail 39A	LF	1,032.00	\$44.00	102%
44	Thermoplastic Continental Crosswalk (White)	LF	2,862.00	\$2,860.00	125%
45	Thermoplastic Limit Line	LF	221.00	\$(150.00)	88%
46	Thermoplastic Pavement Markings (White)	SF	877.50	\$2,222.50	203%
47	Thermoplastic Parking "T" Marking	EA	137.00	\$245.00	105%
48	Thermoplastic International Symbol of Accessibility (ISA) Marking	EA	1.00	\$0.00	100%
49	Type D Blue Retroreflective Markers	EA	2.00	\$(75.00)	40%
			Total	\$357,770.95	

**ADJUSTMENT IN CONTRACT AMOUNT:**

**Project Cost**

Original Contract Base Amount (without contingency)	\$2,055,305.00
Adjustment due to Extra Work	\$81,711.98
Adjustment due to Final Quantities	\$357,770.95
<b>Total Project Cost</b>	<b>\$2,494,787.93</b>

**Contract**

Original Contract Base Amount (with contingency)	\$2,260,835.50
Previous Contract Change Orders	\$ 0.00

Current Contract	\$2,260,835.50
<b>This Change Order</b>	<b>\$233,952.93</b>
<b>New Contract Amount</b>	<b>\$2,494,787.93</b>

**ADJUSTMENT IN CONTRACT COMPLETION:**

By reason of this order the time of completion will be adjusted as follows:

Original Contract	70 working days
Original Completion Date	January 18, 2019
Previous Extensions, Weather Days and R.O.W. Delays	0 working days
Current Completion Date	January 18, 2019
This Extension	124 working days
New Duration	194 working days
New Completion Date	July 17, 2019

This change order constitutes full and complete compensation for all labor, equipment, materials, overhead, and profit required to perform the described change.

ACCEPTED BY:

\_\_\_\_\_ DATE: \_\_\_\_\_  
Granite Rock Company

APPROVED BY:

\_\_\_\_\_ DATE: \_\_\_\_\_  
Christophe J. Schneiter, Assistant Director  
Department of Public Works

If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest within the time therein specified.



## CITY COUNCIL AGENDA REPORT

DATE: 9/30/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Public Works

SUBJECT: Pacific Gas and Electric Request for Easements or Licenses at City Corporation Yard Related to Electric Vehicle Charging Infrastructure (PW)

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**RECOMMENDATION:** Motion authorizing the City Manager to enter into easement agreements with Pacific Gas and Electric to allow construction of electrical infrastructure for up to 16 electric vehicle charging stations at the City Corporation Yard, 1125 River Street.

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**BACKGROUND:** The City successfully applied for the Pacific Gas and Electric (PG&E) Electric Vehicle Charge Network (EVCN). This program provides all infrastructure for installation of electric vehicle charge stations at no cost to the City. PG&E is in the design process for this project at this time. This will require trenching across a portion of the Corporation Yard property. PG&E is proposing to acquire a permanent easement from Golf Club Drive to the charger locations. Charging stations are not included and will be purchased separately by the City.

The City is committed to expanding its electric and plug-in hybrid vehicle fleet. It also encourages City employees to purchase electric or hybrid vehicles to reduce the carbon footprint of their commute to work. This project furthers those goals. The charging stations will be used for both City and employee vehicles.

**DISCUSSION:** PG&E plans to construct infrastructure for up to 16 electric vehicle charging stations on City property at 1125 River Street (Corporation Yard). The tentative design calls for installation of switch gear, underground conductors, and a new meter. The work extends approximately 250 feet onto the site. PG&E seeks a permanent easement to construct, inspect, maintain, use, or repair the necessary infrastructure.

The area where PG&E proposes to locate their equipment and underground conduit is shown in the attachment. This portion of the Corporation Yard is currently used for surplus or evidence vehicle storage or is within the travelled way. The easement will result in limitations on future use of that property within the easement area. No buildings may be placed on the easement area and no equipment penetrating the surface may be installed. As the use of part of the area for traffic circulation will not be limited, and as the storage area will be re-purposed for parking and charging vehicles, these limitations will not adversely affect activities at the site.

Determination of Values: No value is assigned to this easement as the City derives substantial benefit from the installed facilities with no capital investment.

Upon completion of the work, PG&E will be required to restore the property (including any damage to streets) to its original condition. They will indemnify the City against any loss or damage and will be required to obtain all necessary permits and follow all regulations.

PG&E hopes to initiate construction by mid-November 2019.

FISCAL IMPACT: There is no direct fiscal impact of approval of the permanent easement. The City's only cost will be installations of charging stations. These will be phased in as the City's electric vehicle fleet grows and will be paid for out of operating funds or grants if available.

Prepared by:  
Michael Hopper  
Public Works Operations Manager

Submitted by:  
Mark R. Dettle  
Director of Public Works

Approved by:  
Martín Bernal  
City Manager

ATTACHMENTS:  
Sample Easement  
Easement Map

**RECORDING REQUESTED BY AND RETURN TO:**

***PACIFIC GAS AND ELECTRIC COMPANY  
245 Market Street, N10A, Room 1015  
P.O. Box 770000  
San Francisco, California 94177***

Location: City of Santa Cruz

Recording Fee \$ \_\_\_\_\_

Document Transfer Tax \$ 0

This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911)

Computed on Full Value of Property Conveyed, or

Computed on Full Value Less Liens

& Encumbrances Remaining at Time of Sale

Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

\_\_\_\_\_  
Signature of declarant or agent determining tax

LD# 2311-02-

**EASEMENT DEED**

THE CITY OF SANTA CRUZ, a municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Santa Cruz, County of Santa Cruz, State of California, described as follows:

(APN 008-021-28)

The parcel of land described in the deed from Philip Fridley and Ethel G. Fridley to The City of Santa Cruz dated September 19, 1952 and recorded in Volume 892 of Official Records at page 202, Santa Cruz County Records.

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; electric vehicle charging supply equipment, bollards and/or curbs or other associated safety equipment, associated signage; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the strip of land of the uniform width of 10 feet, lying 5 feet on each side of the alignment of the facilities as initially installed hereunder. The approximate location of said facilities are shown upon Grantee's Drawing Number 11-2W-78S attached hereto and made a part hereof.

Grantee agrees that on receiving a request in writing, it will at Grantor's expense, survey, prepare and record a "Notice of Final Description" referring to this instrument and setting forth a description of said strip of land.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

In the event upon termination of the electric vehicle charging station contract as set forth in said terms and conditions, Grantee shall upon written demand therefor execute and deliver to Grantor a good and sufficient quitclaim of said easement and right of way or such portion thereof conveyed in this document, at Grantor's expense.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

In exercising its easement rights hereunder, Grantee shall not unreasonably interfere with, disrupt, or materially adversely affect Grantor's business operations or access rights at the property owned by Grantor.

Dated: \_\_\_\_\_, \_\_\_\_\_.

THE CITY OF SANTA CRUZ, a municipal corporation,

By \_\_\_\_\_  
Anthony Condotti, City Attorney

By \_\_\_\_\_  
Martin Bernal, City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
Here insert name and title of the officer

personally appeared \_\_\_\_\_  
\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Seal)

**CAPACITY CLAIMED BY SIGNER**

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other \_\_\_\_\_



Business Doc Type: Easements

MTRSQ: 23.11.02.12.42

FERC License Number: N/A

PG&E Drawing Number: 11-2W-78S

Plat No.: O1309

LD of Affected Documents: N/A

LD of Cross Referenced Documents: N/A

Type of interest: Electric Underground Easements (4)

SBE Parcel: N/A

% Being Quitclaimed: N/A

Order or PM: 31427452 0070

JCN: N/A

County: Santa Cruz

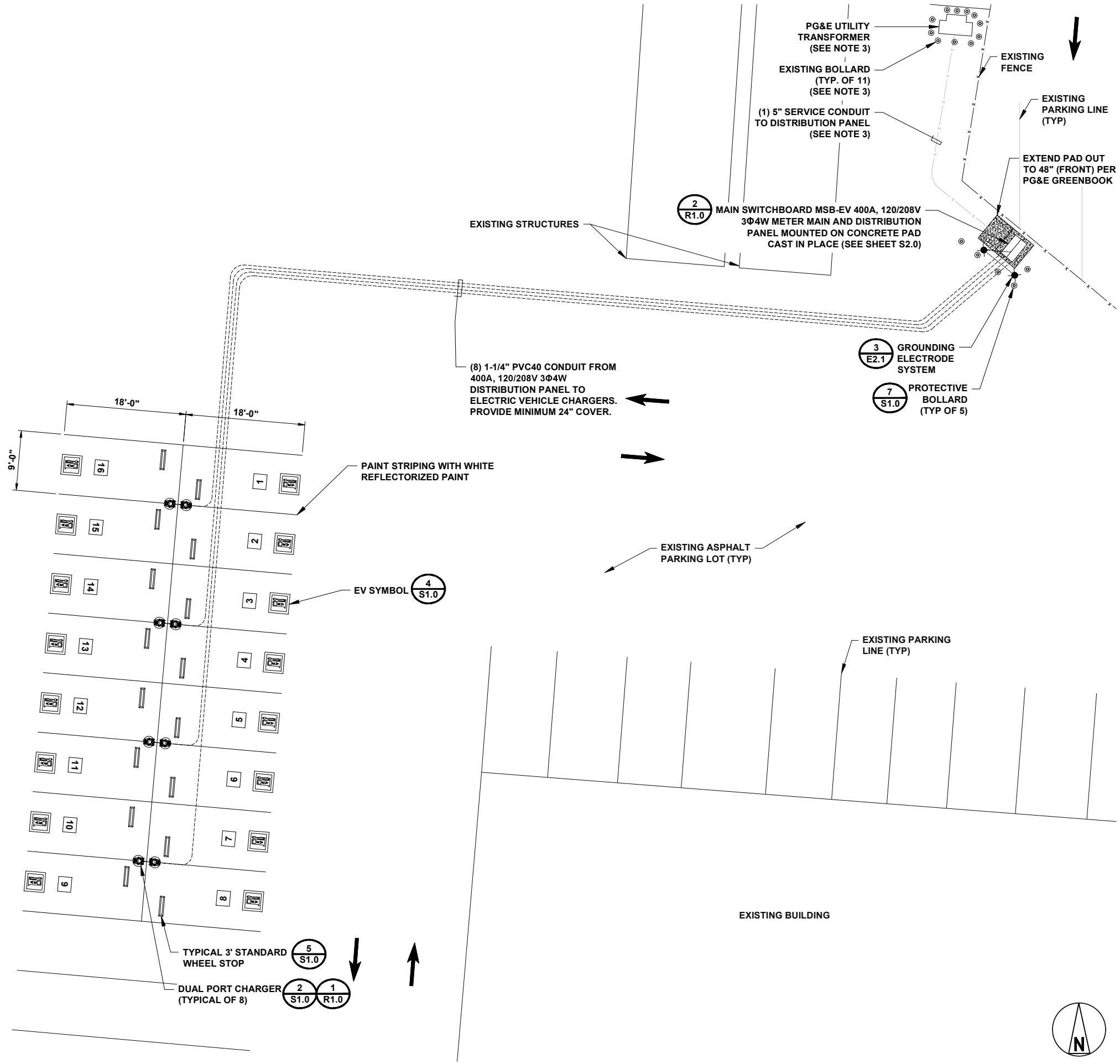
Utility Notice Number: N/A

851 Approval Application No: N/A ; Decision: N/A

Prepared By: TDMH

Checked By: KECE

SAMPLE



- NOTES**
1. CONDUIT ROUTING IS DIAGRAMMATICALLY SHOWN ON PLANS AND ARE ONLY APPROXIMATIONS. THE EXACT LOCATION AND ROUTING PATHS SHALL BE FIELD VERIFIED AND INSTALLED PER JURISDICTIONAL REQUIREMENTS.
  2. ALL ELECTRICAL WORK AND RELATED ACTIVITIES PERFORMED ONSITE SHALL BE DONE IN ACCORDANCE WITH CALIFORNIA ELECTRICAL CODE (CEC) STANDARDS BEING ENFORCED BY ALL APPLICABLE JURISDICTIONAL REQUIREMENTS AT TIME OF CONSTRUCTION.
  3. THE UTILITY TRANSFORMER AND SECONDARY CONDUITS AND WIRING ARE SHOWN IN THIS DRAWING SET FOR REFERENCE ONLY AND ARE NOT PART OF THIS PERMIT SCOPE. THIS WORK WILL BE COMPLETED BY PG&E UNDER CPUC REGULATIONS. PM# 31427452
  4. ALL EQUIPMENT, FEEDERS AND DEVICES PROVIDED UNDER THIS SCOPE OF WORK IS NEW AND SHOWN IN BOLD UNLESS OTHERWISE NOTED.
  5. POWER CONDUITS: NO MORE THAN THE EQUIVALENT OF FOUR 90 DEGREE BENDS (360 DEGREES TOTAL) BETWEEN PULL POINTS PER CEC 358. PROVIDE PULL BOXES WITH MINIMUM SIZE REQUIREMENTS PER CEC 314.
  6. PERFORM LINE AND LOCATE SURVEY PRIOR TO DIGGING.
  7. CONTACT YOUR LOCAL PG&E INSPECTOR AND COORDINATOR TO DETERMINE ANY ADDITIONAL PAD AND/OR BARRICADE REQUIREMENTS

EV CHARGER SPECIFICATIONS	
EV CHARGER	CHARGEPOINT
CURRENT (A)	32
VOLTAGE (V)	208

TOTAL EV CHARGER CONNECTED LOAD	
CURRENT (A)	POWER (KVA)
296	107
SERVICE SIZE (A)	400

BRANCH CIRCUIT LENGTHS				
AC PANEL	EV CHARGER PORT	LINEAR PATH LENGTH (FT)	*ESTIMATED LENGTH (FT)*	WIRE SIZE
MSB-EV	1/2	161	167	#6
MSB-EV	3/4	179	185	#4
MSB-EV	5/6	198	204	#4
MSB-EV	7/8	216	222	#4
MSB-EV	9/10	219	225	#4
MSB-EV	11/12	201	207	#4
MSB-EV	13/14	182	188	#4
MSB-EV	15/16	164	170	#6

\* AC CONDUCTOR: 6 FEET IS ADDED TO HORIZONTAL RUN LENGTH TO ACCOUNT FOR VERTICAL DEPTH AND INSTALLATION LOSSES.

PACIFIC GAS AND ELECTRIC COMPANY  
P.O. BOX 997300  
SACRAMENTO, CA 95899-7300

CUPERTINO ELECTRIC INC.  
CUPERTINO ELECTRIC INC  
1132 N 7TH ST  
SAN JOSE, CA 95112

PROJECT NO:	19-5338
DRAWN BY:	GV
CHECKED BY:	BP/EM

REV	DATE	DESCRIPTION
0	09/13/2019	ISSUED FOR PERMIT

THESE DRAWINGS AND SPECIFICATIONS HAVE BEEN PREPARED BY CUPERTINO ELECTRIC INC FOR THEIR EXCLUSIVE USE IN ACCORDANCE WITH SEC. 6737.3 OF THE PROFESSIONAL ENGINEERS ACT OF THE STATE OF CALIFORNIA  
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

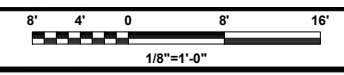
PG&E ACCEPTANCE STAMP

PG&E PROJECT # 31427452  
SANTA CRUZ  
STREET MAINTENANCE  
1125 RIVER ST.  
SANTA CRUZ, CA

SHEET TITLE  
**ELECTRICAL PLAN**

SHEET NUMBER  
**E1.1**

**ELECTRICAL PLAN**





## CITY COUNCIL AGENDA REPORT

DATE: 10/3/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Public Works/Planning

SUBJECT: 1<sup>st</sup> Reading of Ordinance No. 2019-11 (adding SCMC Ch. 15.38) and 2nd Reading of Ordinance No. 2019-06 (amending SCMC section 24.12.1400) Regarding "Small Cell" Wireless Facilities in the Public Right of Way (PW/PL)

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RECOMMENDATION: The first reading of Ordinance 2019-11 is continued to the November 26, 2019 Council meeting and will not be discussed. The second reading of Ordinance 2019-06 will be further continued to align with the second reading of Ordinance 2019-11 and will not be discussed.

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## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019

DEPARTMENT: City Council / Economic Development

SUBJECT: Resolution Declaring October Co-Op Month in the City of Santa Cruz and Providing City Support for Development and Growth of Local Worker Cooperatives (CN/ED)

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RECOMMENDATION: Motion to: 1) adopt a resolution declaring October Co-Op Month in the City of Santa Cruz; and 2) provide direction to the Economic Development Department regarding the development of recommendations favorable to the success and sustainability of worker-owned businesses.

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BACKGROUND: A worker cooperative is a business that is owned and controlled by its employees who frequently have representation on the board of directors and participate actively in the financial success of the business. Celebrated every October for over a half century, Co-Op Month provides an opportunity for cooperative businesses and their supporters to reflect on cooperative principles and to provide education and outreach about the value of co-ops to communities and economies. Worker cooperatives are emerging as an important strategy for retaining local business through succession planning and building a healthy and vibrant local economy. These businesses are owned and democratically governed by their members, provide wages and benefits above industry average, develop leadership and management skills for worker-owners, and build wealth and an improved quality of life for low to moderate income community members.

Co-Op Month has been nationally recognized since 1964 when former Minnesota Governor and then U.S. Labor Secretary, Orville Freeman, proclaimed October Co-op Month. More than half a century later, cooperative businesses, community supporters, and public agencies continue to celebrate the contribution of co-ops to our economy. As of 2019, there are more than 40,000 cooperative businesses in the United States with 350 million members, generating \$514 billion in revenues and \$25 billion in wages annually (<https://mce.uwcc.wisc.edu/>).

Co-op Santa Cruz, a community organization dedicated to supporting cooperative businesses in the Santa Cruz County area, has been organizing events to educate community members about the co-op movement and the resources available to facilitate the establishment of cooperative businesses and the transition of existing local businesses to cooperatives.

DISCUSSION: Recognizing October as Co-Op Month in the City of Santa Cruz is a first step for supporting the co-op movement locally. The City can also help community members interested

in pursuing cooperative business development, transition, and/or expansion through current technical assistance and other programming and referrals to existing City, regional, and national resources. Through partnership with local organizations, event co-sponsorship, internal and external education regarding cooperative businesses, and other promotional materials, the City can proactively support local education and outreach efforts.

FISCAL IMPACT: There is no fiscal impact to the City's General Fund for this project. Support will be in the form of dedication of staff time and available resources to help facilitate the development of outreach activities and technical assistance for the worker co-operative movement in Santa Cruz.

Prepared by:  
Sandy Brown  
Councilmember

Submitted by:  
Sandy Brown  
Councilmember

Submitted by:  
Justin Cummings  
Councilmember

Submitted by:  
Cynthia Mathews  
Councilmember

Submitted by:  
Bonnie Lipscomb  
Director of Economic Development

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
Resolution

RESOLUTION NO. NS-29,XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ SUPPORTING  
THE DEVELOPMENT AND GROWTH OF WORKER COOPERATIVES

WHEREAS, Santa Cruz County is the country's least affordable metro area for renters and ranks second highest in poverty rate (23.8%) in the state of California; and

WHEREAS, Almost 2,500 businesses, representing over 17,000 jobs in Santa Cruz County, are estimated to be owned by baby boomers at or near retirement age.”; and

WHEREAS, The vast majority of business owners do not have a succession plan in place, and as baby boomer business owners retire our local business landscape is poised to go through a dramatic shift.” ; and

WHEREAS, Locally owned businesses are building community wealth, circulating three to four times more money back into the local economies than absentee-owned firms or chain businesses; and

WHEREAS, Worker cooperatives are owned and democratically governed by their members, provide wages and benefits above industry average, develop leadership and management skills for worker-owners, and build wealth and an improved quality of life for low to moderate income community members; and

WHEREAS, Worker-owned businesses have higher productivity, efficiency and lower worker turnover than conventional businesses and are only one-third as likely to fail; and

WHEREAS, worker cooperatives are a way to build democratic ownership and are vehicles for marginalized groups to participate in the economy and build wealth; and

WHEREAS, Worker cooperatives are emerging as an important strategy for retaining local business through succession planning and building a healthy and vibrant local economy; and

WHEREAS, Workers cooperatives in Santa Cruz, Silicon Valley, and the Bay area have grown significantly in recent years with the Bay Area having the most worker cooperatives of any metropolitan area; and

WHEREAS, The United Nations declared 2012 the International year of Cooperatives and encouraged governments “to establish policies, laws, and regulation conducive to cooperative formation and growth”; and

WHEREAS, the Main Street Employee Ownership Act, signed into law in 2018, was the first federal-level bipartisan legislation to spotlight worker cooperatives, giving the Small Business Administration (SBA) the tools it needs to support worker cooperatives;

RESOLUTION NO. NS-29,XXX

NOW THEREFORE BE IT RESOLVED: That the Santa Cruz City Council celebrates the tremendous benefits of worker cooperatives for the City of Santa Cruz and supports the development and growth of worker cooperatives throughout the region; and

BE IT FURTHER RESOLVED: That the Council directs the Economic Development Department to make recommendations favorable to the success and sustainability of worker owned businesses for Council review no later than January, 2020, including but not limited to:

1. Include local worker cooperatives in the City's local preference policy for city contracts and procurement of goods and services.
2. Update the business permit application include identification as a worker cooperative.
3. Provide tailored resources created by community organizations and make referrals to technical assistance providers for individuals seeking to launch new worker cooperatives or convert conventional businesses to worker ownership.
4. Coordinate with local community partners (e.g. Santa Cruz Community Ventures, El Pajaro CDC, Small Business Development Center at Cabrillo College. etc.) in the development and support of small business resources for worker cooperatives potentially including the development or expansion of a grant, loan program or other related resources.
5. Consider the creation of business tax and land use incentives to encourage worker cooperatives.
6. Support the development of educational materials and training opportunities for staff and community on worker cooperatives in coordination with community stakeholder organizations and include related outreach materials and resources on the City website.
7. Support the transition of locally-owned single-owner businesses to worker cooperatives through technical assistance and connection to resources.
8. In participation with community stakeholder organizations, including but not limited to Santa Cruz Community Ventures, El Pajaro CDC, Small Business Development Center, Think Local First, the Santa Cruz Chamber of Commerce and the Santa Cruz Business Council, develop and host an annual worker cooperative workshop or training focused on education and technical assistance, and

BE IT FURTHER RESOLVED: That henceforth, October will be declared Cooperative Month and the City will make its best efforts to publicly promote Cooperative Month every year.

RESOLUTION NO. NS-29,XXX

PASSED AND ADOPTED this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



## Rosemary Balsley

---

**From:** Garrett <garrettphilipp@aol.com>  
**Sent:** Monday, October 07, 2019 1:25 PM  
**To:** City Council  
**Subject:** 10/8/19 Agenda Item #15 "Worker Co-op month"

Re: 10/8/19 Agenda Item #15 "Worker Co-op month"

Dear Council,

Once again I see the council is preoccupied with yet another resolution that is too far left of American values.

Also the litany of WHEREAS are just statements which give no credible evidence. Such as comparing worker owned co-operatives being more efficient than other businesses, etc. Really , it reads like your just making stuff up.

You assign no fiscal impact to the directives, but staff time is valued, and certainly the development or expansion of a grant, loan program or other related resources you mention is with cost.

The real cost though is once again, and there are many examples of this, the council wants to put it's finger on the scale to prioritize collectives over non-collective entities. It is similar to the often heard phrases of unions, etc.

I want to to hear one thing, and this one thing VERY clearly. Membership in a collective is ALWAYS voluntary in the United States. Well, it better be.

Collective have advantages/disadvantages. I personally own a condo in an association and would never have been able to afford a property with a swimming pool, tennis court, club house, etc without such. I pay a price though, by losing my control over decisions made. It is the same with unions. there are advantages for some people, not for others, and union members lose control of wage negotiations and working conditions and bow to the collective will.

I would mention as a country we have nuclear missiles armed and ready to destroy Communist countries all over the world. This is because they are our enemy because they do not believe in American individual sovereign rights and principals.

Therefore, Including local worker cooperatives in the City's local preference policy for city contracts and procurement of goods and services sound suspiciously like you are now to favor such over other forms of business tilting this voluntary mechanism at public cost.

Therefore, considering the creation of business tax and land use incentives to encourage worker cooperatives also threatens this voluntary mechanism at public cost.

And so for with the entire rest of you resolution and directive.

Now if you had instead replaced ALL that stuff with a directive to ensure "equal opportunity" of worker collectives with other kinds of business, to ensure and encourage fair competition, without the heavy hand of a "pick winner or loser" kind of government, I'd be with you.

A is, nope, more leftist too far left typical of this council.

File with all the other globalist , collectivist stuff.

Gee, I wonder if Looker spread any of that \$2.6 B around town? Not such a bad thing.

Garrett Philipp

Once again I see the council is preoccupied with yet another resolution that is too far left of American values.

The litany of WHEREAS justifications are just statements which give no credible evidence of such as stating worker owned co-operatives are more efficient than other kinds of businesses, etc. Really? It reads like your just making stuff up.

You assign no fiscal impact to the directives, but staff time is valued, and certainly the development or expansion of a grant, loan program or other related resources you mention is with cost.

I would love the idea if the council intends to make it easier to start a business in Santa Cruz generally, but if the council wants to put its considerable big toe in the water to prioritize collectives over non-collective business entities, it has fallen in and off the mainland drifting leftwards. It is similar to the often heard unequal praises of unions, labor, and numerous resolutions favoring globalist ideas.

I want you to hear one thing, and this one thing VERY clearly. Membership in a collective is ALWAYS voluntary in the United States. Well, it better be.

Collectives have advantages and disadvantages. I personally own a condo in an association with amenities I would never have been able to afford. I pay a price though, by losing my control over decisions made or liabilities assumed. It is the same with unions. There are advantages for some people, perhaps not for others, and union members lose control of wage negotiations and working conditions and bow to the collective executive will. These worker owned business would be the same, and I doubt ownership or control would ever really be equal, as if that really means anything anyway in a country based on individual liberty. The government should always neutrally stay out of the business of taking sides favoring collectives over individuals, partnerships, and corporations, but encourage prosperity, a word I never hear used here.

Therefore, including local worker cooperatives in the City's local preference policy for city contracts and procurement of goods and services it quite explicitly would now favor such over other forms of business tilting this voluntary mechanism at public cost. That is quite un-American and wrong.

Therefore, also considering the creation of business tax and land use incentives to encourage worker cooperatives this also threatens this voluntary mechanism at public cost and as well so forth with the entire rest of your resolution and directive.

I would mention as a country we have nuclear missiles armed and ready to destroy totally collective Communist countries all over the world. This is because they are our enemy that does not believe in American individual sovereign rights and principals.

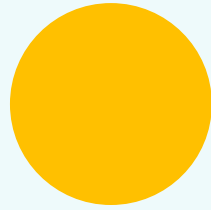
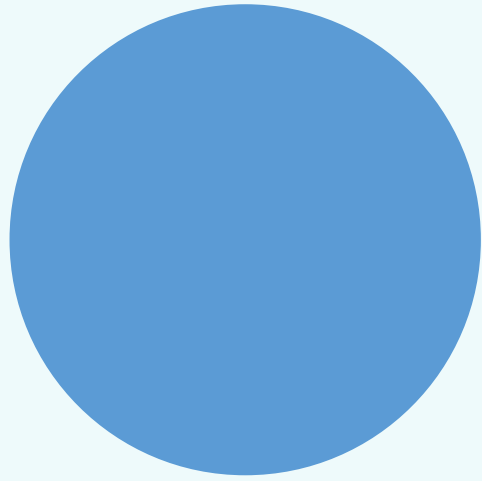
Now if you had instead replaced ALL that stuff with a directive to ensure "equal opportunity" of worker collectives with other kinds of business, to ensure and encourage fair competition, without the heavy hand of a "pick winner or loser business ownership" kind of government, I'd be with you.

As is, nope, more leftist too far left typical of this council.

File with the other entire globalist, collectivist stuff.

Gee, I wonder if Looker spread any of that \$2.6 B around town. Not such a bad thing.

Garrett Philipp



# Supporting the Growth of Worker Cooperatives

Presentation to the  
City of Santa Cruz City Council  
By Co-op Santa Cruz  
October 8, 2019





## October is National Co-op Month.

Cooperatives are community-born, community-led organizations. Co-ops across the country serve 140 million co-op members.

# Silver Tsunami – Challenge



- In Santa Cruz County, 2,410 businesses owned by Baby Boomers.
- Employees: 17,360

# Silver Tsunami – Challenge



- “Silver Tsunami” of retirements as Baby Boomer business owners retire, local economy will go through dramatic shifts.
- Over 85% of business owners lack succession plans.



# Silver Tsunami – Opportunity



- Keep locally-owned and retain heritage businesses.
- How? By helping transition to employee ownership.
- Small businesses circulate 3x more money back into local economy than absentee-owned businesses and corporate chains.

## Local businesses circulate 3x more money back into the local economy





IN THE HOUSE OF REPRESENTATIVES

Ms. VELÁZQUEZ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To expand opportunities available to employee-owned business concerns through Small Business Administration loan programs, and for other purposes.

15.14

Federal – Main Street  
Employees Ownership Act of  
2018

- U.S. Small Business Administration
- Finance transition of existing businesses to worker-owned.
- Training, education and tracking

## Effective City Tools

---

Provide Business Tax and Land Use Incentives

Tailor Services & Technical Assistance

---

Education & Awareness

---

Seek Grants (such as Economic Development Fellowship (SEED) from National League of Cities and Democracy at Work Institute)

# Partners Locally and Regionally:

---

Santa Cruz Community Ventures

---

Project Equity

---

Democracy at Work Institute

---

Sustainable Economies Law Center

---

Hub for Sustainable Living

---

County Workforce Development Board

---

With the City of Santa Cruz!

Thank you !



Sustainable  
Economies  
Law Center





## CITY COUNCIL AGENDA REPORT

DATE: 9/28/2019

AGENDA OF: 10/8/2019  
DEPARTMENT: Economic Development  
SUBJECT: Chinatown Bridge Naming and Public Art Proposal (ED)

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RECOMMENDATION: Motion to approve the naming of the pedestrian bridge “Chinatown Bridge” and approve the Chinatown Public Art project, as proposed by the Coastal Watershed Council.

---

BACKGROUND: Located near the San Lorenzo River where the Galleria currently stands, the last of multiple chinatowns in Santa Cruz was destroyed during the December 1955 flood. Except for a plaque in the Galleria courtyard, there is little visible recognition of former residents and the culture of a community who played a prominent role in shaping Santa Cruz.

The Coastal Watershed Council (CWC) is a local non-profit organization whose primary mission is to preserve and enhance the San Lorenzo River to make it a community destination and asset in Santa Cruz. In June of 2018, CWC brought the idea to the Santa Cruz City Council to name the pedestrian bridge “Chinatown Bridge.” Council approved the motion per the meeting Action Agenda of June 26, 2018:

"8. Naming the Pedestrian Bridge at San Lorenzo Park and Installation of a Memorial Marker or Public Art Display (CN)

Motion carried to direct the Parks and Recreation Commission to consider the naming of the San Lorenzo Park pedestrian bridge “Chinatown Bridge;” explore, with the involvement of the Historic Preservation Commission, installation of a memorial marker, interpretive signage or public art to educate the community about the story of the Chinese residents who helped build the Santa Cruz community, and make recommendations to the City Council for action on both issues."

Per City Council direction, the proposal was reviewed by three commissions. The Parks and Recreation Commission unanimously approved the naming of the bridge on September 9, 2019; the Arts Commission unanimously approved the public art element on September 11, 2019; and the Historic Preservation Commission unanimously approved the naming of the bridge on September 18, 2019.

DISCUSSION: Through conversations between CWC and George Ow Jr., an idea developed for a public art piece to be located in front of the ramps of the pedestrian bridge (see photo that

follows) consisting of a non-traditional Chinese style gate with a mosaic tiled water dragon on top of it. The art piece is intended to beautify the Santa Cruz Riverwalk, draw attention to the renamed bridge, and educate and inspire passers-by with the story of Santa Cruz's Chinatown residents.

CWC and George Ow Jr. brought the public art piece proposal to the Arts Commission at the September 11, 2019 meeting. The piece will primarily be funded by the Ow family, with a \$10,000 dollar supplement from the Public Art Program to enhance the ramps of the bridge with mosaics, pay for signage and educational elements and provide enhanced landscaping. The funding is available in the Public Art budget. The proposal was reviewed and endorsed by the Arts Commission.

#### Community outreach:

CWC coordinated a public meeting in June at the Museum of Art and History. Staff was pleased at the number of people that came to the public meeting with 27 members of the public in attendance— some with expertise in Chinese history and others just interested in public art generally. One woman, who is Chinese-American and coordinates the Walk of Remembrance for Chinese history in Carmel, attended and provided constructive feedback. The discussion, facilitated by artist Kathleen Crocetti, was thoughtful and collaborative. Staff will coordinate with CWC on future press releases and additional community outreach as needed.

#### Artist Selection Approach:

This project was brought to the Arts Commission for evaluation as an unsolicited proposal, and is primarily funded by the Ow family. George Ow, Jr. chose to collaborate with these artists because he worked with Tom Ralston on a similar Chinese art gate at the Evergreen Cemetery (see photos in Unsolicited Proposal Application) and he has long-admired Kathleen Crocetti's mosaics which are all along the San Lorenzo River and nearby bridges.

The City Arts Manager and Parks and Recreation Director have talked about the possibility of a phase 2 for this project placing additional art or signage on the opposite side of the bridge near San Lorenzo Park or even some kind of treatment to the pedestrian bridge. A phase 2 could provide opportunities for other artists. Phase 2 would continue the Chinese history in Santa Cruz and could provide an opportunity for more involvement by Chinese and Chinese-American artists.

#### Equity, Inclusivity and Environmental Justice focus:

The Santa Cruz Arts Commission has affirmed a commitment to Equity, Inclusivity and Environmental Justice as a focus for our projects and programs. Staff believes this project fits well within that focus. The history of Chinese people in Santa Cruz has been mostly ignored and/or unknown in more recent decades though the Chinese have contributed greatly to Santa Cruz and the economy of the Bay Area and California. Chinese peoples were marginalized and discriminated against and were the victims of violence. We are fortunate to have an incredible photo archive from George Ow Jr. of this specific Chinatown that existed in Santa Cruz and the people that lived there. Signage with the public art piece will depict photos of the actual Chinatown and people and tie in stewardship for the River.

CWC hopes to incorporate Chinese and Chinese-American musicians at a dedication celebration and envision this piece and perhaps the San Lorenzo Park being a gathering place for Chinese celebrations – drawing people from around the region.

Maintenance and Longevity:

Staff is confident in the durability of the materials and methods proposed for the artwork. Both artists are highly experienced and have installed hundreds of works without major maintenance problems. The archway will be concrete, the lettering will be powder-coated steel, and the mosaic is incredibly durable. The City will maintain the piece as part of the public art inventory.

FISCAL IMPACT: The Arts Commission supported a \$10,000 contribution which was included in the current fiscal year City Arts budget. The Coastal Watershed Council is seeking a grant from Arts Council Santa Cruz County. The balance needed to complete the project will be donated by George Ow Junior.

Prepared by:  
Beth Tobey  
Arts Program Manager

Submitted by:  
Bonnie Lipscomb  
Director of Economic Development

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:

CWC Unsolicited Sponsorship Project Application





CITY OF SANTA CRUZ CITY ARTS PROGRAM

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- **SLIDE OR PHOTOS LIST** describing the 10 slides or photos, including artist’s name, title, media, dimensions, date of completion and location, if public art

I/we understand that I/we must (1) Participate in the City Arts Review Process which may include presentations to other appropriate boards, commissions and/or neighborhood associations in accordance with the City’s *Unsolicited Works Of Art* Policy.



8/18/2019

Proposer Signature

Date

**NARRATIVE PROPOSAL**

Background

Santa Cruz is surf city. It also used to be a river town. We used to feel an emotional connection to the San Lorenzo River, an identity with it. Part of reconnecting Santa Cruz to the river includes relearning many of the forgotten stories related to the river. The Coastal Watershed Council is mobilizing the community to transform the San Lorenzo River into a community asset and destination that Santa Cruz is drawn to and proud of. Improving water quality, restoring fish and wildlife habitat, bringing youth science classes to the river and hosting family-friendly events is CWC's focus. They're also reconnecting the community to the cultural history of the river. Santa Cruz's last Chinatown was right next to the river until the 1955 flood. Too many residents have forgotten or never knew this important story and other rich histories of San Lorenzo neighborhoods.

In June of 2018, CWC petitioned the City of Santa Cruz to rename the San Lorenzo Park pedestrian bridge as the Chinatown Bridge, honoring the nearby Chinatown. City Council favorably received the recommendation and directed City staff to come back with a formal recommendation after consulting with the Arts, Historic Preservation and Parks and Recreation Commissions. CWC is working with local artists (Kathleen Crocetti and Tom Ralston) and Santa Cruz philanthropist George Ow, Jr., to develop a piece of public art to be placed near the bridge. George Ow, Jr. grew up in the Santa Cruz area and lived in Chinatown as a young boy. George and the entire Ow family are a link to this rich history and have kept the story of Chinatown alive by supporting books chronicling Chinatown such as *Chinese Gold*, *Chinatown Dreams* and *Santa Cruz is in the Heart*, among others. George Ow, Jr. has also shaped the community for decades as a commercial property developer and philanthropist supporting a variety of local causes. George has committed funds to cover the majority of the costs to make the Chinatown Bridge Public Art Project a reality. This art piece would beautify the Santa Cruz Riverwalk and draw attention to the history of Chinatown while informing and enriching those who walk or bike the Riverwalk or pass by the site.

Public Art Piece

The naming of the pedestrian bridge is one aspect of this project. The other is an eye-catching art piece consisting of a non-traditional Chinese-style gate with a mosaic-tiled water dragon on top of it. The gate and dragon will be built on City property (within the Santa Cruz Riverwalk) just past the west end of the bridge. The art piece will beautify the Santa Cruz Riverwalk, draw attention to the renamed bridge and educate and inspire passers-by with the story of Santa Cruz’s last Chinatown. Lettering on the gate will be created by a native-Chinese speaker and will be made from letters of cut-out steel that are powder-coated red for durability. Other involvement by the Chinese community includes the public outreach effort tied to the recent Chinese art and history exhibit at the MAH, a Chinatown history walk from the MAH to the river and planned events such as a dedication event and annual celebrations of the Chinese New Year at the bridge involving Chinese musicians.

## CITY OF SANTA CRUZ CITY ARTS PROGRAM

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A bronze plaque at the art piece, no larger than 18" by 18", will inform observers of the art piece about the history of Chinatown, the role its inhabitants played in shaping the region and the significance of the water dragon and its connection to the ghosts of Chinatown's inhabitants, an important theme for many Chinese-Americans. The message on the plaque will be vetted with local historians (such as Geoffrey Dunn, Sandy Lydon, MAH, etc.) for accuracy and cultural relevance. Draft suggested language is: *As you watch it flowing, imagine the San Lorenzo River as a water dragon with many moods and energies. Doing so honors the inhabitants of Santa Cruz's last Chinatown, which was near where you now stand until the Christmas Flood of 1955 destroyed it. Caring for the river and remembering this rich history feed the hungry ghosts of these Chinese immigrants who contributed so much to Santa Cruz and to many parts of California.*

### Artists

Tom Ralston is the owner of Ralston Concrete, a local business, as well as an artist. He blends the two in that many of his work projects are much more artistic than some might expect in concrete projects. Or, if they're used to Tom's work, they actually do expect it. Photos included in this application demonstrate that creativity approach Tom brings, using his mastery of concrete to include unique shapes, lighting, color and more. He is committed to using his business and his talents to improve and beauty the Santa Cruz community. A notable example of that commitment is Tom's role in an art project at the Evergreen Cemetery. Tom's involvement in that project make him an ideal choice for this Chinatown Bridge work. As one of the first photos in this application packet shows, because of Tom and others, the cemetery now has grave markers, a Chinese style arch and a moving poem that commemorates the lives of many Chinese immigrants buried in the cemetery. Until that project was completed, many of those individuals had been forgotten. In many ways, the Chinatown Bridge project is an extension and continuation of that work. Tom is ideal for this project because of the bonds he has built with the community on that cemetery project and because he can build a structure that incorporates both beauty and strength, a sturdy structure that can age well and continue to serve the community into the future.

The other lead artist, Kathleen Crocetti, has shaped the Santa Cruz Riverwalk arguably more than any artist in the history of Santa Cruz. Lamp posts on multiple bridges spanning the river include Kathleen's work; the short wall along the Riverwalk near the Chinatown Bridge/Trader Joe's area include her work and the Tannery Arts Center has unique installations by Kathleen. All of those examples demonstrate her mastery of using vibrant and colorful mosaic tile to represent the birds, fish, insects and other creatures of the river in eye-catching ways. She commonly utilizes a community build process and regularly brings students from Mission Hill Middle School into the process, where she is an art instructor. Kathleen has also just launched a monumental community art effort in Watsonville that will last five years and result in mosaic tile works covering the exterior of a parking garage. She has formed a company called Community Arts & Empowerment as part of that launch. Her resume clearly demonstrates that she is the ideal candidate to bring the water dragon atop the gate to life with mosaic tile. Kathleen also excels at community facilitation to ensure that the public's wishes are demonstrated in a public art project such as this.

### Progress & Timeline

A community meeting at the Santa Cruz Museum of Art & History on June 18, 2019, included 27 participants sharing ideas about the overall idea and possible public art piece. Artists have used this input to advance their concepts, shown in sketches included with this application. The art project would be a slight twist on a traditional Chinese gate, with a mosaic-covered water dragon on top of it, high enough to be safely out of reach to protect against any vandalism.

The dragon shape has been well researched, as well as the details such as number of toes, horns and shape of snout. The Chinese text to be included in the project is the same as that currently on the Evergreen Cemetery Chinese style gate, which was also a project by Tom Ralston. In many ways, this current project is an extension or continuation of that Evergreen Cemetery project, involving some of the same principal actors. Some of the text included in the art piece will also be the same as that used for the Evergreen Cemetery art piece. Some text will change, however, such as the text at

## CITY OF SANTA CRUZ CITY ARTS PROGRAM

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the top of the Chinatown gate, which will indicate the name of Chinatown's location. As with the cemetery effort, care will be taken so that the text is well researched before any castings are made. Photos of the Evergreen Cemetery project are included for reference. Timeline for construction and installation dependent upon permitting approval and weather, likely within 24 weeks of approval date.

**Santa Cruz Chinatown Bridge Public Art Project - Project Budget**

						Project Total		Committed		Pending
Chinatown gate, dragon base & surrounding area improvements						Cash	In-kind	Cash		
Item #	Item & description	Quantity	Unit Price	Cost						
1	Safety Fencing and Monitoring: safety near pedestrian and vehicular traffic thru completion			\$ 2,500	\$	2,500	\$ -	\$ -		
2	Concept/Design and Design modification/supervision as required by Tom Ralston: Pro-Bono = \$7,500			\$ 7,500	\$	-	\$ 7,500	\$ -		
3	Layout and Mock-ups/Pours with Special Formwork/Designer Concrete development			\$ 12,500	\$	12,500	\$ -	\$ -		
4	Traffic Control as needed for installation/pours etc.			\$ 4,500	\$	4,500	\$ -	\$ -		
5	Piers, Steel Cages, Fabrication, on-site Installation			\$ 4,500	\$	4,500	\$ -	\$ -		
6	Formsetting Columns & Bases w/ Plaque Allotment			\$ 8,500	\$	8,500	\$ -	\$ -		
7	Landscaping around base: red poppies, etc., to match art			\$ 600	\$	-	\$ -	\$ 600		
8	Purchase & install tiles at existing concrete at base of gate			\$ 3,500	\$	-		\$ 3,500		
9	Rebar Cages at Columns and Install			\$ 8,500	\$	8,500	\$ -	\$ -		
10	Formsetting, handling and installation of Arch			\$ 9,500	\$	9,500	\$ -	\$ -		
11	Rebar Cage fabrication and installation at Arch			\$ 6,500	\$	6,500	\$ -	\$ -		
12	Budgetary allotment for solar to light bronze monument and TBD Safety/Aesthetic Lights in Column			\$ 8,500	\$	8,500	\$ -	\$ -		
13	Setting Forms in Place on Site			\$ 8,500	\$	8,500	\$ -	\$ -		
14	Interpretive signage, including concrete for footings			\$ 8,000	\$	-		\$ 8,000		
15	Scaffolding, rental, set up/break down			\$ 1,500	\$	1,500	\$ -	\$ -		
16	Place and Finish Concrete with Pump, Special Concrete with Additives/Color possible 2-pours			\$ 12,500	\$	12,500	\$ -	\$ -		
17	Strip Forms/Sack and Patch columns as needed			\$ 3,500	\$	3,500	\$ -	\$ -		
18	Budgetary Bronze Plaque and light frames (bronze deterrents TBD for climbing on column allotment)			\$ 5,500	\$	5,500	\$ -	\$ -		
19	Added Design & Development/ Unforeseen Contingencies			\$ 11,500	\$	11,500	\$ -	\$ -		
<b>Chinatown gate &amp; dragon base subtotal</b>					<b>\$ 128,100</b>	<b>\$ 108,500</b>	<b>\$ 7,500</b>	<b>\$ 12,100</b>		
<b>Dragon</b>										
Item #	Item & description	Quantity	Unit Price	Cost						
1	Plan: Research, Drawing & Consultation	1	\$ 350	\$ 350	\$	350	\$ -	\$ -		
2	Stainless Steel: Stainless Steel armature	1	\$ 50	\$ 50	\$	50	\$ -	\$ -		
3	Foam: 3 blocks 18" x 18" x 8'	3	\$ 50	\$ 150	\$	150	\$ -	\$ -		
4	Mortar Admix: 5 gallons Mortar Admix (#3701 Laticrete)	5 gal.	\$ 179	\$ 179	\$	179	\$ -	\$ -		
5	Cement: 4x94 lb bags of sand	4 bags	\$ 10	\$ 40	\$	40	\$ -	\$ -		
6	Fiberglass I: 20 rolls alkali-resistant self adhesive fiber tape (2" or 4" wide)	20 rolls	\$ 5	\$ 100	\$	100	\$ -	\$ -		
7	Fiberglass II: HFM-10 heavy duty mesh 40" wide	1 roll	\$ 75	\$ 75	\$	75	\$ -	\$ -		
8	Clay: High Fire Sculpture Clay 200 lbs. (8 bags)	8 bags	\$ 15	\$ 120	\$	120	\$ -	\$ -		
9	Glaze: High Fire (8 quarts)	8 quarts	\$ 15	\$ 120	\$	120	\$ -	\$ -		
10	Tiles: 14 sq.ft. glass tiles for dragon underbelly	14 sq.ft.	\$ 30	\$ 420	\$	-	\$ -	\$ 420		
11	4 Kiln runs: cost of electricity to run kiln	4	\$ 70	\$ 280	\$	280	\$ -	\$ -		
12	Artist time consulting w/Tom on construction of Body & head, tile fabrication, installation (480 hrs.)	480 hrs.	\$ 60	\$ 28,800	\$	28,800	\$ -	\$ -		
13	Assistant: 300 hrs. various support	300 hrs.	\$ 40	\$ 12,000	\$	12,000	\$ -	\$ -		
14	Insurance	1	\$ 150	\$ 150	\$	150	\$ -	\$ -		
15	Lift rental: Two 19' scissor lift rentals plus delivery	2	\$ 200	\$ 400	\$	400	\$ -	\$ -		
16	Artist Fee/Incidentals: 10%; not billed if not used.			\$ 4,300	\$	4,300	\$ -	\$ -		
<b>Dragon subtotal</b>					<b>\$ 47,534</b>	<b>\$ 47,114</b>	<b>\$ -</b>	<b>\$ 420</b>		
<b>Artists' time and materials totals</b>					<b>\$ 175,634</b>	<b>\$ 155,614</b>	<b>\$ 7,500</b>	<b>\$ 12,520</b>		
<b>Project management, permitting support and community engagement (15%)</b>					<b>\$ 26,345</b>	<b>\$ 5,000</b>	<b>\$ 21,345</b>	<b>\$ -</b>		
<b>Project total</b>					<b>\$ 201,979</b>	<b>\$ 160,614</b>	<b>\$ 28,845</b>	<b>\$ 12,520</b>		

**Budget notes:**

Pending requests totalling \$12,520 are to be mostly covered by this \$10,000 request from the City of Santa Cruz Arts Commission and a grant proposal in the planning stages for a \$2500 request from Arts Council Santa Cruz County. Arts Commission funds will be used for mosaic tile purchase and artists' time for installing them; interpretive signage at the base of the gate and landscaping to integrate the art piece into the existing space.

Tom Ralston Concrete, P.O. Box 2310, Santa Cruz, CA 95063  
Phone: (831) 426-0342, Email: tomr@tomralstonconcrete.com, Website: www.tomralstonconcrete.com

**G a t e &** **Dragon China Town Bridge Gate Design & Construction:** Wooden mock ups on site and concrete mock ups at the TRC shop. TRC custom colored concrete samples and mock up for Chinese Bridge columns and gate. Construct 12'6" columns anchored by concrete piers drilled into the ground with rebar cages to connect column and gate with monolithic pour(s). Fabricate and install cages. Column bases to include angled space for bronze memorial (perhaps lit for aesthetics and night reading the interpretive signage). Manage all design modifications.

**b a s e** **Time Frame:** Allow 24 weeks after approval of design for fabrication and installation. Installation may be delayed due to weather conditions. Artist will photo document all phases/photos available upon request. Clients are welcome to visit the studio and job site as well as interface and provide input for any and all design modifications.

**Draft Budget:** As per below with design work pro-bono as well as Tom Ralston's design consultation for aesthetics and structural integrity of China Town Bridge Gate as the project develops in concept or in field.

Kathleen Crocetti, 240 Maple Ave., Watsonville, CA 95076  
Phone: (831) 724 5981, Email: crocetti@rocketmail.com, web: www.kathleencrocetti

**D r a g o n** **Dragon China Town Bridge Gate:** 14' long dragon to be attached to the top horizontal beam of a cement gate being designed, fabricated and poured by Tom Ralston. The dragon will have a tile surface adhered to a cement body, the interior structure will be foam and stainless steel.

**Time Frame:** Allow 24 weeks after approval of design for fabrication and installation. Installation may be delayed due to weather conditions. Artist will send photos of progress on a monthly basis, clients are welcome to visit the studio.

**Draft Budget:** Preliminary design work has been pro-bono, design fee assumes current design will need to be changed after client consults with constituents. Design fee will be waived if current drawings are approved. Materials and labor costs assume the dragon will be approximately 14' long and 18" in diameter.



# Chinatown Bridge Renaming and Public Art Proposal

Proposed by:

George Ow, & Greg Pepping (CWC),  
with Lead Artists Kathleen Crocetti & Tom Ralston

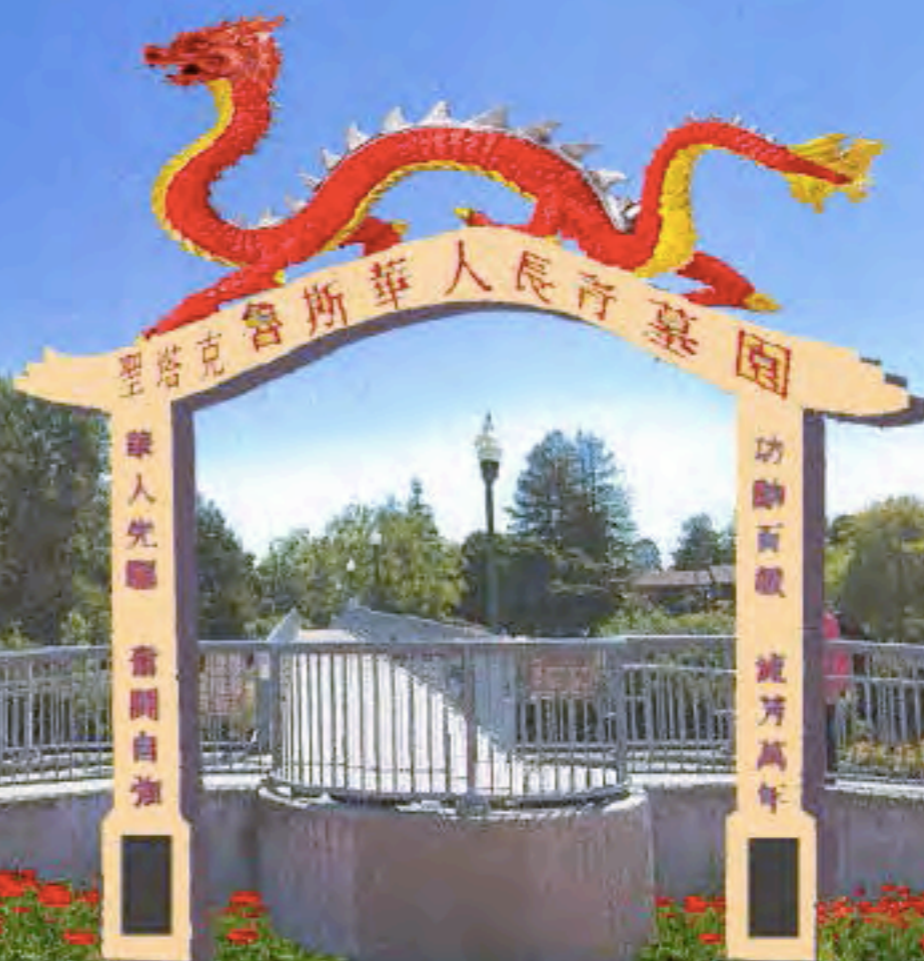
Public Art Components:

Colored concrete gate: 14' x 14' x 18"

- Bronze lettering, powder-coated red
- similar to lettering at Evergreen Cemetery
- Two plaques at the bases with commemoration text

Chinese Dragon on Top: 12' x 5' x 14"

- Foam interior, concrete skin
- Mosaic scales



**Kathleen Crocetti Resume**  
**www.kathleencrocetti.com**

240 Maple Ave.  
Watsonville, CA 95076  
(831) 724-5981  
crocetti@rocketmail.com

**Public Art Installations**

- 2018 "Birds of the San Lorenzo River" Community Mosaic, Santa Cruz
- 2017 "Celebrating the Diversity of Labor" Sidewalk Mosaics, Watsonville, CA
- 2017 "We're All Downstream" Sculptural Installation, Tannery Campus, Santa Cruz, CA
- 2017 "Macroinvertebrates of the San Lorenzo River" Community Mosaic, Santa Cruz
- 2016 "Mission State Historic Park" Community Mosaic, Santa Cruz, CA
- 2016 "Creativity Tree" Community Mosaic, Live Oak Boys & Girls Club, CA
- 2016 "Mission Street Stairs" Community Mosaic, Santa Cruz, CA
- 2015 "Ebb & Flow" Sculptural Installation, Tannery Campus, Santa Cruz, CA
- 2015 "We are Seacliff" Sculptural Installation, Seacliff County Park, Aptos, CA
- 2014 "New Day" Mosaic Mural for Homeless Services Center Santa Cruz, CA
- 2014 "Hope" Mosaic Mural for Homeless Services Center Santa Cruz, CA
- 2014 "Barson Street Stairs" Community Mosaic, Santa Cruz, CA
- 2013 "Laurel St. Bridge Mosaics" Santa Cruz, CA
- 2012 "Soquel Ave. Bridge Mosaics" Santa Cruz, CA
- 2011 "Water Street Bridge Mosaics" Santa Cruz, CA
- 2010 "1111 Soquel Ave. Mural" Santa Cruz, CA
- 2010 "Free Gaza Mural" UN Building Gaza City, Gaza
- 2009 "Corralitos Cultural Center Mural" Corralitos, CA
- 2009 "Counting Lives Lost" De Anza Community College, Cupertino
- 2009 "PI Mural" Mission Hill Middle School, Santa Cruz, CA
- 2008 "Counting Lives Lost" Resurrection Catholic Church, Aptos, CA
- 2008 "Community Mural" Mission Hill Middle School, Santa Cruz, CA
- 2006 "Counting Lives Lost" Installation at Sierra Azul Nursery, Watsonville, CA
- 2004 "River of Wishes" Interactive installation for First Night Santa Cruz
- 2002, '01, '00, '99, '98 Interactive Installation for First Night Santa Cruz
- 2001, '00, '99, '98, 97, '96, '95 Interactive Installation for First Night Monterey
- 2000, '99, '97 MCOE-TV Life in the Arts, Guest Artist, Salinas, CA
- 1996 Migrant Education Mural Project, Cal State University Monterey Bay
- 1996 "Plate Project" Interactive Art Installation, Live on KPTV-MCOE, Salinas, CA
- 1996 "Rebirth" Interactive Sculpture Event, Asilomar State beach, CA

**One and Two Person Exhibitions**

- 2017 "Color & Light" Santa Cruz County Bank Branches, Santa Cruz, Scotts valley, Aptos, Capitola, Watsonville CA
- 2017 "Dashes and Dots" Michelangelo Gallery, Santa Cruz, CA
- 2014 "Luminous Color" Shimo Gallery, Sacramento, CA
- 2014 "Luminous Color" Felix Kulpa Gallery, Santa Cruz CA
- 2014 "Luminous Color" Carmel Art Association, Carmel, CA
- 2012 "California Luminescence" Santa Barbara Botanic Gardens, Santa Barbara, CA



2010 "Un-Wearable" Cabrillo College Gallery, Aptos, CA  
 2008 "Sticks and Stones" Lauryn Taylor Gallery, Carmel, CA  
 2007 Infestation, Carl Cherry Foundation, Carmel, CA  
 2004 Gallery Show Case Artist, Carmel Art Association  
 2000 "An Inordinate Fondness for Insects" Benicia Public Library, Benicia, CA  
 2000 "Longings" an Installation at Carmel Art Association, Carmel, CA  
 1999 "Curious Collection" Carmel Art Association, Carmel, CA  
 1998 "Using Resources" CSUStanilaus, Turlock, CA  
 1997 "Light & Form" Chemeketa Community College, Salem, OR  
 1996 "MFA: A Transformative Process" Wood Gallery, Vermont College, VT  
 1996 "MFA: A Transformative Process" Pacific Grove Art Center, CA  
 1995 "People Without Voices" Public Installation for World AIDS Day, Seaside, CA  
 1994 "Silenced" Carmel Art Association, Carmel, CA  
 1992 "Glass Constructions" Pacific Grove Art Center, Pacific Grove, CA  
 1990 "Introduction Show" Hudson-Northcross Gallery, Medford, OR  
 1990 "Crocetti & Long" Carmel Art Association, Carmel, CA  
 1988 "Colburn & Crocetti" Fort Ord Fine Arts Gallery, Fort Ord, CA  
 1984 "Senior Exhibition" Dorothy Van Winkle Memorial Gallery, UMW, VA

### Selected Juried Shows

2013 "Luminescence", PVAC, Watsonville, CA  
 2012 "Visual Politics", Santa Cruz Art League, CA  
 2012, '11, '10, '09, '08 "Sculpture Is, in the Garden" Sierra Azul, Watsonville, CA  
 2009 "In This House That I Call Home", PVAC, Watsonville, CA  
 2008 "Sculpture Collective", CAA, Carmel, CA  
 2008 "Collision", Hide Gallery, Santa Cruz, CA  
 2008 "Sculpture Within", Sierra Azul, Watsonville, CA  
 2007 "The Human Condition", PVAC, Watsonville, CA  
 2006 "Sculpture Is", PVAC, Watsonville, CA  
 2005 "Inspired" Teacher as Artist Exhibit, PVAC, Watsonville, CA  
 2002 "The Putty Project" Gallery without Walls, Santa Cruz, CA  
 2002 "Members Exhibit" Santa Cruz Art League, CA  
 2001 "Art & Technology" Santa Cruz Art League, CA  
 2000 "An Inordinate Fondness for Insects" Government Building, Santa Cruz, CA  
 2000 "Gallery Showcase" Carmel Art Association, CA  
 1997 "California Works" California State Fair, Sacramento, CA  
 1997 "Assemblage & Collage, Juried by Philip Linhares, Arts Benicia, CA  
 1997 "June Juried Show" Juried by Marion Parmenter, Gallery One, Pt. Reyes, CA  
 1997 "Pacific Rim Sculptors at Cooper/Molera State Park", Monterey, CA  
 1996 "Pacific Rim Sculptors Group Annual Juried Show" San Francisco, CA  
 1996 "Bay Area graduating Student Survey" Contract Design Center, SF, CA  
 1996 "Regional Artists Juried Show" Monterey Peninsula Museum of Art, CA  
 1995 "28<sup>th</sup> Annual Small Figure Show" Armory Center for the Arts, Miami, FL  
 1995 "I Know Why the Caged Bird Sings" Galleria Tartanzia, San Juan Bautista, CA



1995 "29<sup>th</sup> Annual Juried Show" Seaside Arts Commission Gallery, Seaside, CA  
1994 "Neon's A Gas" 101 Bush Street, San Francisco, CA  
1993 "Fine Crafts" Matrix Gallery, Sacraments, CA  
1990 "Heaven" Carl Cherry Foundation", Carmel  
1989 "Landscapes" Pacific Grove Arts Center, CA  
1987 "Juried Regional Show" Santa Cruz Art League, CA

### Selected Special Projects & Performances

2017, '16, '15 '14, '13,'12 '11, '10. '09 FashionART, Santa Cruz, CA  
2005, 04, 03, 02, '01,'00, '99 "Seventh Sense Fashion Show" Santa Cruz  
2005 Richoette, a collaborative project, Santa Cruz Institute for Contemporary Art  
2003, '01, '99, '97, '96 Open Studio Artist, Sponsored by Santa Cruz Cultural Council  
2000, '99, '97 MCOE-TV Life in the Arts, Guest Artist, Salinas, CA  
1998 Artist In Residence at Cal State University Stanislaus, Turlock, CA (April)  
1998 Member of Design Team 5 for Santa Cruz "Imagine Project  
1997 Consultant for partnership on Youth and Family in Monterey, Mural Project  
2017 "We're All Downstream" Sculptural Installation, Tannery Campus, Santa Cruz, CA  
1994 Artist Interview on MPI-TV

### Selected Group Shows

1998 "Pacific Rim at Cooper Molera" Monterey  
1998 "Imagine Santa Cruz" Santa Cruz Museum of Art and History  
1996 "Pacific Rim Sculptors in the Gold Country" Sonora  
1994 16 Sculptors, Carmel Art Association, Carmel  
1993 "Neon '93" Academy of Art College, San Francisco  
1993 "Essential Sculpture" Academy of Art College, San Francisco  
1992 "Group Sculpture Show" Carmel Art Association, Carmel

### Awards

2019 Best Community Project, 18th Annual Mosaic Arts International Juried Exhibition.  
2017 Rydell Fellow, Santa Cruz Community Foundation  
2013 Innovation Award, Santa Cruz Education Foundation  
2010 Officer Jim Howes, Community Service Award, City of Santa Cruz  
2010 Gail Rich Award, Santa Cruz Arts Council  
2009 California Middle School Art Educator of the Year, awarded by CAEA  
2006 Northern California Distinguished Art Teacher of the Year, awarded by CAEA  
1997 "Award of Merit" California Works, CA State Fair, Sacramento  
1995 "Award of Merit" California Works, CA State Fair, Sacramento  
1995 1<sup>st</sup> Place, 29<sup>th</sup> Annual Juried Show, Seaside Arts Commission, Seaside  
1984, '83, Mary Cate Carrol Excellence in Sculpture Award, MWC

**Michelle Williams**, Executive Director,  
michelle@artscouncilsc.org  
Arts Council Santa Cruz County  
1070 River St. // Santa Cruz CA 95060 (Kron House - Tannery Arts Center Campus)  
831.475.9600 x14  
(Projects: Ebb & Flow, and "We're All Dwonstream")

**María Esther Rodríguez**  
[maria.esther.rodriguez@cityofwatsonville.org](mailto:maria.esther.rodriguez@cityofwatsonville.org)  
Assistant Director / City Engineer  
Public Works and Utilities Department  
City of Watsonville  
250 Main Street  
Watsonville, CA 95076  
(831) 768-3112  
(Project: "Celebrating the Diversity of Labor")

**Kathy DeWild**  
[Kathy.DeWild@santacruzcounty.us](mailto:Kathy.DeWild@santacruzcounty.us)  
Public Art Program Coordinator  
County of Santa Cruz Dept. of Parks,  
Open Space & Cultural Services  
831-454-7933  
(Project: "We Are Seacliff")

**Crystal Birns.**  
cbirns@gmail.com  
Former City Arts Program Manager,  
831-431-0792 cbirns@gmail.com  
(Projects: Water Street Bridge, Laurel Street Bridge, Soquel Ave. Bridge, Barson St.  
Stairs, 1111 Soquel Ave.)

**Beth Tobey**  
City Arts Program Manager  
337 Locust Street, Santa Cruz, CA 95060  
[btobey@cityofsantacruz.com](mailto:btobey@cityofsantacruz.com)  
City of Santa Cruz Economic Development Office  
(831) 420-5154 |  
(Projects: Mission State Park Mural, & "Macro-Invertebrates" Levee Mural)

**Bonny Hawley**, Executive Director  
[Bonny@thatsmypark.org](mailto:Bonny@thatsmypark.org)  
Friends of Santa Cruz State Parks  
[www.ThatsMyPark.org](http://www.ThatsMyPark.org)  
831-325-1504  
(Project: Mission State Park Mural)

## Photo List Chinatown Bridge Proposal

01. Tom Ralston; *Evergreen Cemetery Gate*, concrete installation, 2018, Public Art, Evergreen cemetery, Santa Cruz
02. Kathleen Crocetti; *Soquel Ave. Bridge Mosaics*, 112 student designed and generated mosaics, 119" x 30", 2014, Public Art on the San Lorenzo River (One of three bridges )
03. Kathleen Crocetti; *Barson Street Stairs*, community mosaics, 15.5' x 19', 2014, Public Art on the San Lorenzo River
04. Kathleen Crocetti; *Ebb & Flow*, 116 feet of mosaics 3 steel trees, with 33 fused glass medallions, and 2 mosaic covered picnic tables, 2015, Public Art at the Tannery (concrete work by Tom Ralston)
05. Kathleen Crocetti; *We are Seacliff*, 38 concrete pylons with community generated mosaics, 22" x 14" x 14" 2015, Public Art Seacliff Village Park, Seacliff
06. Kathleen Crocetti; *Mission State Historic Park*, mosaics, 90' of student mosaics on the retaining wall by the staircases and 80" of student and community designed and generated mosaics on the retaining walls near Mission St., 2016, Public Art Mission St. just up from the clock tower in Santa Cruz
07. Kathleen Crocetti; *Macro Invertebrates of the SLR*, 98 individual mosaics by students, 120' x 30", 2017 additional 120' completed in 2018, Public Art on the San Lorenzo River
08. Kathleen Crocetti, lead artist on the Downstream Team; *We're All Downstream*, steel canoe, mural on the electrical shed, river of reproduced images by Tannery artists, illuminated sculpture of a girl in the canoe and "fish egg" seating underneath, 2017, Public Art at the Tannery
09. Kathleen Crocetti; *Celebrating the Diversity of Labor*, 16 mosaics, 43" x 43", 2017 Public Art Mains Street in downtown Watsonville
10. Kathleen Crocetti; *Mission Hill Mavericks*, 3 concrete benches (made by Kathleen) mosaics designed and fabricated by students at Mission Hill Middle School 48" x 8' x 30" each 2019, Public Art, Mission Hill Middle School Santa Cruz
- 11-20. Additional examples of Tom Ralston's works of art employing concrete and other media.



聖塔克魯斯華人長青墓園

華人先驅  
奮鬥自強

功勳百載  
流芳萬年

16.16

Tom Ralston; Evergreen Cemetery Gate, concrete installation, 2018, Public Art, Evergreen cemetery, Santa Cruz



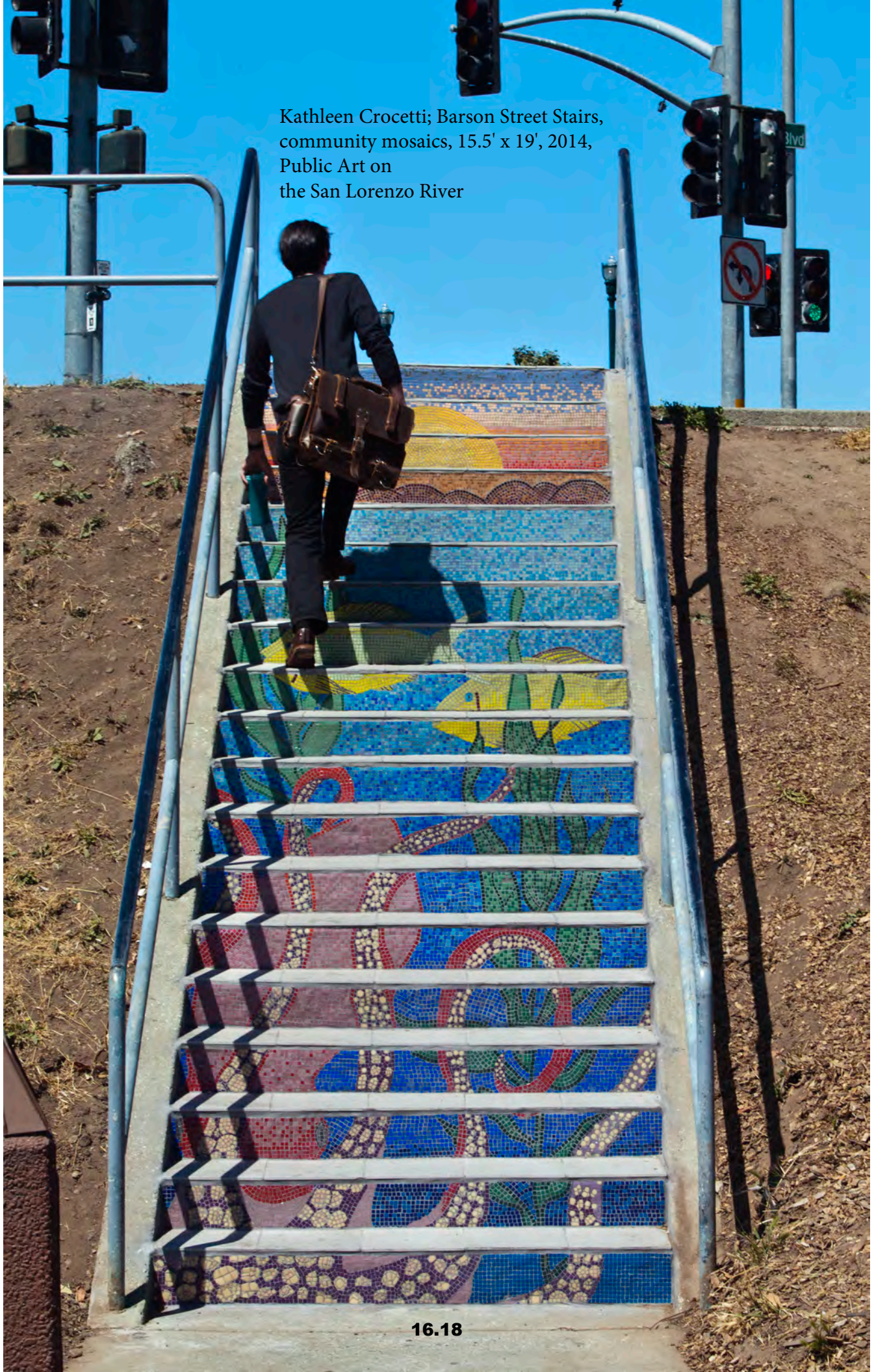


Kathleen Crocetti; Soquel Ave. Bridge Mosaics, 112 student designed and generated mosaics, 119" x 30", 2014, Public Art on the San Lorenzo River (One of three bridges )





Kathleen Crocetti; Barson Street Stairs,  
community mosaics, 15.5' x 19', 2014,  
Public Art on  
the San Lorenzo River





Kathleen Crocetti; Ebb & Flow, 116 feet of mosaics 3 steel trees, with 33 fused glass medallions, and 2 mosaic covered picnic tables, 2015, Public Art at the Tannery (concrete work by Tom Ralston)







Kathleen Crocetti; We are Seaciff, 38 concrete pylons with community generated mosaics, 22" x 14" x 14" 2015, Public Art Seaciff Village Park, Seaciff





Kathleen Crocetti; Mission State Historic Park, mosaics, 90' of student mosaics on the retaining wall by the staircases and 80" of student and community designed and generated mosaics on the retaining walls near Mission St., 2016, Public Art Mission St. just up form the clock tower in Santa Cruz





Kathleen Crocetti; Macro Invertebrates of the SLR, 98 individual mosaics by students, 120' x 30", 2017 additional 120' completed in 2018, Public Art on the San Lorenzo River



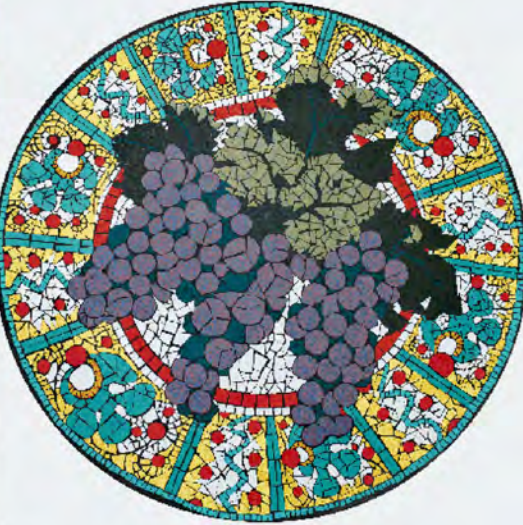


Kathleen Crocetti, lead artist on the Downstream Team; We're All Downstream, steel canoe, mural on the electrical shed, river of reproduced images by Tannery artists, illuminated sculpture of a girl in the canoe and "fish egg" seating underneath, 2017, Public Art at the Tannery





Kathleen Crocetti; Celebrating the Diversity of Labor, 16 mosaics, 43" x 43", 2017 Public Art  
Mains Street in downtown Watsonville







Kathleen Crocetti; Mission Hill Mavericks, 3 concrete benches (made by Kathleen) mosaics designed and fabricated by students at Mission Hill Middle School 48" x 8' x 30" each 2019, Public Art, Mission Hill Middle School Santa Cruz



16.26



Photo showing construction of existing art piece in Evergreen Cemetery by Tom Rabin and others, as referenced in application.



Photo of existing concrete art piece by Tom Ralson





Photo of existing concrete art piece by Tom Ralson





Photo of existing concrete art piece by Tom Ralson



16.29



Photo of existing concrete art piece by Tom Ralson





Photo of dedication ceremony at Evergreen Cemetery for Chinese gate and grave markers art piece by Tom Rablton, et al.



16:31





16.32





© Jeffrey Lisher

© Tom Rabston

16.33

© Levy Media Works





16.34







## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Tuesday, October 08, 2019 8:50 AM  
**To:** City Council  
**Subject:** FW: Letter of support for Chinatown Bridge Naming

*Bonnie Bush, CMC*

City Clerk Administrator  
City of Santa Cruz  
831-420-5035

Public Records Requests may be submitted online via the Public Records Request form, by or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

**From:** Louise Leong Illustration [mailto:louleo.illustration@gmail.com]  
**Sent:** Tuesday, October 8, 2019 8:42 AM  
**To:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Subject:** Letter of support for Chinatown Bridge Naming

Hello Bonnie,

Please pass this on to City Council regarding the naming project of the Chinatown Bridge on today's agenda.

Thank you,  
Louise

--

Councilmembers,

My name is Louise Leong and I serve on the Santa Cruz City Arts Commission and am the current chair. I'm writing to share my personal enthusiastic support of the project of naming the pedestrian footbridge at Soquel Ave, the "Chinatown Bridge." I'm especially heartened by supporting this project as it was presented at our same meeting that the Arts Commission officially adopted a written statement of our Commitment to Equity, Inclusivity, and Environmental Justice.

I learned about Santa Cruz's Chinatown many years ago but there is nothing like learning history directly from someone who lived it. It was powerful to hear about the last Chinatown directly from George Ow, Jr. who lived there. There is little public knowledge or signage to commemorate the Chinese community who lived here. It gives the impression that they were never here at all. We must remember the communities that were here and are still here and amplify the stories that their elders have to tell while we still have time.

I also want to publicly acknowledge and appreciate the Coastal Watershed Council as thoughtful, considerate, and dependable community collaborators especially when it comes to public art projects. The Arts Commission

has supported a number of their initiatives in this last year and they have impressed me with their commitment to community input and involvement.

Most recently, the CWC has worked with the Arts Commission to coordinate the installation of for three murals that have drawn attention to neighborhood impact of the San Lorenzo River via storm drains. The CWC worked with artists to solicit input from the immediate neighborhood with community events and door-knocking and the paintings were completed by the same people living surrounding those sites.

It is empowering for communities to be able to speak for themselves and have stewardship over the land they live, but particularly places like the Latinx Beach Flats Community (1 of the sites of the new storm drain mural) and other communities of color. These communities have faced historical inequity and have been pushed to the geographic margins of cities, facing the threat of climate crisis such as flood and pollution at their front door and not in the abstract. The Santa Cruz Chinatown was destroyed in a flood, after all.

George Ow, Jr. is one of the last people alive today who lived in the Chinatown community. I find it imperative to keep this history alive to honor the loss and life of those who aren't here to tell it themselves.

Thank you,  
Louise Leong



Louise Leong  
*prints and objects of amusement*  
[www.louleo.com](http://www.louleo.com)  
t: 650.745.5424



Dear Council,

Thank you for approving\* item 16  
in regards to the Chinatown Bridge.  
I have known Mr. Ow and Ms. Crocetti  
for many years and fully support their  
collaboration and the rest of the team  
they've put together for this project.

Kindly,

Nick Morris

\*since I barely missed the item due to traffic.

# Chinatown Bridge Renaming and Public Art Proposal

Proposed by:

George Ow, & Greg Pepping (CWC),  
with Lead Artists Kathleen Crocetti & Tom Ralston

Public Art Components:

Colored concrete gate: 14' x 14' x 18"

- Bronze lettering, powder-coated red
- similar to lettering at Evergreen Cemetery
- Two plaques at the bases with commemoration text

Chinese Dragon on Top: 12' x 5' x 14"

- Foam interior, concrete skin
- Mosaic scales







## CITY COUNCIL AGENDA REPORT

DATE: 9/26/2019

AGENDA OF: 10/8/2019

DEPARTMENT: Planning and Community Development

SUBJECT: Residential Rental Inspection Services Update and Options for  
Modifications (PL)

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**RECOMMENDATION:** Accept the Residential Rental Inspection Services update and provide direction to prepare an ordinance that requires a real property report be prepared prior to the sale or exchange of any residential building, provide direction to expand the tenant outreach programs in the community to include other City departments and external partner agencies to inform the community of various tenant protections, and provide feedback on a potential temporary amnesty program for unpermitted units that do not currently have the potential to be legalized.

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**BACKGROUND:** The Residential Rental Inspection Services (RRIS) is the City's self-funded, proactive inspection program for residential rental units that was enacted in August 2011. This stemmed in part from the September 2008 comprehensive settlement agreement between the City, County of Santa Cruz, University of California Santa Cruz (UCSC) and other parties as a means to help ensure maintenance of a healthy and safe residential rental housing stock in the City. The program was created to protect the most vulnerable in the community, regardless of their income, social economic status or legal residency, particularly given the known problem of deferred maintenance for an ageing housing stock with an average age of nearly 50 years old in 2010. The July 20, 2010 City Council Agenda Report analyzing the code amendments that established the RRIS is included as Attachment 1 to this report.

Prior to and since its inception, the RRIS has been included as part of the City's certified Housing Elements. The City's prior certified 2007-2014 Housing Element called for the City to "Consider developing a self-funding, pro-active inspection program for rental units in conjunction with code enforcement," which it did with the adoption of RRIS code amendments in 2010. The prior certified Housing Element also called for the City to "Consider developing and staffing a self-funding pre-sale inspection program of for-sale units in conjunction with code enforcement." The last progress report on the prior Housing Element implementation indicated that "The City has determined that it does not currently have the resources to develop a pre-sale inspection program." An objective in Sections 3.5 (Student Housing) and 5.2 (Residential Rental Inspection Program) of the City's current certified 2015-2023 Housing Element is to "Continue to administer the City's Rental Inspection Program to ensure maintenance of a healthy and safe rental housing stock within the City."



The RRIS program works to assure tenants are not living in substandard conditions and requires that a minimum level of health and safety conditions are met. Attachment 2 provides a checklist of the health and safety items that RRIS inspectors verify. The program has been very effective at improving living conditions for tenants, as has been regularly described in many of the recent City Manager’s weekly reports to City Council. The RRIS program has over 11,400 registered dwelling units. This past fiscal year, 2019, the program conducted approximately 3,715 inspections to confirm compliance with the health and safety checklist. Of the inspections conducted, approximately 14 percent passed inspection the first time, while 86 percent required a correction notice. Only one “Notice to Vacate” was issued due to RRIS inspections during fiscal year 2019.

During budget discussions on May 9, 2019, the City Council directed staff to come back to Council with information for a discussion on the RRIS to include the following:

- Shift program to complaint based only
- Codify SB 1226 that was adopted last year allowing for enforcement of codes in effect at the time of construction
- Maintain landlord fees to fund program
- Bring structure(s) up to code at the point of sale

DISCUSSION: Per the Council’s request, an evaluation of the identified items is provided herein. In addition, an evaluation of various programs in other cities is included.

*Shift program to complaint based only (changing the RRIS from proactive to reactive)*

The RRIS provides substantial health and safety benefits to tenants on a daily basis. By virtue of the program being mandatory, all tenants in non-exempt units are provided the inspection services. Tenants who have been found to live in substandard or hazardous conditions informed RRIS staff that they did not complain due to fear of retaliation from landlords. Tenants who have limited financial ability to find alternative housing, tenants who are undocumented, and tenants who fear eviction may be reluctant to complain about their unit. These fears will likely remain even if, as expected, AB 1482 – The Tenant Protection Act of 2019 becomes law. While this law will provide some tenants with caps on rental rate increases and just cause eviction protections, the most vulnerable tenants in our community, such as those mentioned above, will likely still be very reluctant to file a complaint, especially knowing that their landlord will likely expect that any complaint filed would come from the tenant. Modifying the RRIS program to be a reactive, complaint-based program would leave the most vulnerable tenants in the community without RRIS protections, which could mean they remain living in substandard conditions or potentially hazardous situations. The RRIS program is an advocate for tenants to assure the minimum habitable requirements are met, and staff strongly recommends that the service not be converted to complaint-based only.

*Codify SB 1126 that was adopted last year allowing for enforcement of codes in effect at the time of construction.*

At the inception of the RRIS, it was anticipated that discovery of unpermitted dwelling units would occur during RRIS inspections. Likewise, the City acknowledges that legalization of these units would require a certain level of commitment on the part of the property owner with respect to time and expense. As such, an unpermitted dwelling unit legalization program was created by staff in an effort to assist property owners in legalizing their units and to help ensure that unpermitted units that meet basic life-safety requirements are not needlessly taken out of the

City's housing stock. While in the legalization program, if no imminent health or safety issues are identified, the tenant may remain on the property while the property owner is assisted through the process by Code Compliance, Planning, Building, Water, Fire, and Public Works staff. The program has six steps, scheduling initial consultation, consultation with City staff, preparation for site visit, site visit, plans submittal, and inspections. Once the inspections have been completed and the permit is signed off, the permit will act as the Certificate of Occupancy and the unit will be legal.

To date, approximately 450 unpermitted dwelling units have been identified, and 158 of those units are in some stage of the legalization program. Of these 158 units, 32 have completed the permit process and are now legal, 15 have been abated (converted back to its permitted use and configuration) and 17 have been issued building permits. The other 94 are in various stages of permit processing. This leaves approximately 300 unpermitted units that have been identified but have not formally entered the legalization program. While the goal is to retain as many housing units that meet minimum health and safety standards, an unfortunate reality is that even with the ongoing relaxation of zoning codes by the City and building codes by the State, the cost of legalization deters some property owners from moving forward with legalization of their units.

One such change to State law that can simplify compliance with building codes for existing, unpermitted residential uses seeking to become legal is SB 1226, which took effect on January 1, 2019. SB 1226 is now part of the State Health & Safety Code (H&S 17958.12) which, on a case-by-case basis, allows modifications to the building code where there are practical difficulties involved in carrying out the provisions of the building code, provided the modification does not lessen structural, health, life and safety. No changes to the City's Municipal Code are needed to effectuate H&S 17958.12, as this is State law and therefore being implemented by the Building & Safety Division.

#### *Maintain Landlord Fees to Fund Program*

The City collects revenue from all rental property owners who participate in the RRIS, and that revenue covers the expenses for two Code Compliance Specialists and one Code Compliance Technician. Revenues also cover a portion of the costs for our Code Compliance Manager and administrative staff who dedicate some but not all of their time towards the RRIS. The Department is updating the cost allocations for the Code Compliance Manager and streamlining many of the administrative functions of the RRIS. Properties participating in the RRIS will continue to pay for services, and the Department will continue to evaluate those fees in relation to cost recovery.

#### *Bring structure(s) up to code at the point of sale*

Requiring residential properties to legalize unpermitted construction prior to or within a specified timeframe following sale could offer a number of benefits, particularly to purchasers and future renters of properties. A purchaser would know the legal status of all improvements on a property, and an owner-occupant or a renter of the property would be more likely to have a safe and healthy home.

However, implementation of a program where properties must meet applicable codes prior to sale poses challenges. Legalization of unpermitted dwelling units or construction can take significant periods of time. Plans must typically be prepared by design professionals, destructive testing may be needed (e.g., to inspect electrical or plumbing that is not visible due to finished

construction), and improvements are usually needed. This process can be lengthy, and it may not fit within the timeframe in which a seller needs to sell or move from their home.

Requiring the new owner to legalize any unpermitted construction within a certain timeframe following sale would be another option that, while it brings its own implementation challenges, would offer more flexibility in terms of timing. For example, if a new owner were diligently pursuing legalization and unforeseen circumstances arise, such as unsafe electrical work discovered during destructive testing, the timeframe for legalization could be extended.

If the City implements regulations that result in lower sales prices, that should have the beneficial effect of lowering rents, particularly over the long term. Multiple studies have shown that filtering rates (the rate at which rental housing becomes more affordable over time) have an inverse relationship with home price inflation. In other words, owners who pay more for homes will subsequently have to rent them for more money in order to cover their mortgage, taxes, and other expenses.

It is unclear whether requiring legalization of unpermitted construction *prior to sale* would result in significant price changes. Certainly, sellers would have to spend money to legalize the unpermitted construction. However, that may or may not result in price escalation. Some purchasers may value the properties under the assumptions: that unpermitted construction is legal; that the City will not enforce and require unpermitted construction to get permits, thus they would bear no additional costs for legalization; or that legalization will not be costly, perhaps because the seller indicates that the construction met applicable codes when it was built, even if it was not permitted at the time. In such instances, a buyer may value a property the same whether the structures and uses thereon are legal or not.

That said, disclosing unpermitted construction and requiring buyers to legalize said construction within a certain timeframe *after the sale* would likely reduce sales prices. For the reasons noted above, some buyers may see inherent value in unpermitted construction. However, if the buyer is aware of the unpermitted status of construction and the requirement to legalize said construction within a certain timeframe, they would be more likely to more thoroughly investigate the costs and timeframes associated with said legalization. With a better understanding of those costs and timeframes, the buyer could then see the unpermitted construction as more of a liability and less of an asset. For that reason, such a regulation could have the potential to reduce sales price inflation, which in turn could support a higher filtering rate, meaning more affordable rental pricing over time. Of note, it is possible that just the disclosure of the legal status of construction and the City's awareness about the nature of any unpermitted construction could lead to price deflation, even if legalization within a certain timeframe was not mandated. That would be another alternative that the Council could direct staff to further explore.

During the calendar years of 2016 to 2018, the number of properties that changed hands in the City ranged from 478 to 552 per year. The scope of the program that Council directs staff to explore would dictate the amount of staff time that is dedicated to a point-of-sale report and whether existing staff would need to be augmented to support the effort. Several process streamlining efforts are underway that could provide additional capacity to dedicate towards the research needed for a point-of-sale reporting program such as this, so that will also ultimately factor into the staffing needs. Any such program would be expected to be cost recovery, with the cost of the services being paid for through a fee charged to the seller.



Several other Monterey Bay jurisdictions require a residential building report or similar disclosure at point of sale. Below are brief summaries of city programs found in Salinas and Seaside.

### City of Salinas Residential Building Report Ordinance

In 1994, the Salinas City Council approved a Residential Building Report ordinance, which requires that prior to entering into an "agreement of sale" or exchange of any residential building, the property owner is to obtain from the City of Salinas Community Development Department a report of the residential building that shows the authorized use, occupancy, zoning classification and any planning, building and code enforcement activity for the property. A processing fee is charged for the Residential Building Report. The report is required to be delivered by the property owner to the buyer of the residential building prior to the close of escrow. This is typically incorporated in the escrow documents, and a copy signed by the buyer is delivered to the City of Salinas Community Development Department by the title company.

The purpose of the Residential Building Report is to provide zoning, building and code enforcement information to the buyer of a residential building prior to purchase. The ordinance does not require an inspection by the City.

- §           Pros:
- Adds to buyer awareness.
  - Assists real estate industry in meeting disclosure requirements.
  - Reduces public records requests from real estate industry.
  - Increases code compliance and closing of open building permits.
  - Can reduce price inflation related to unpermitted units, thereby lowering sale prices, which in turn can lead to lower rents for the property.
- §           Cons:
- Staff costs would need to be passed on to buyers/sellers.
  - Potential opposition from real estate industry

### City of Seaside Real Property Disclosure Report

The City of Seaside City Council adopted a requirement that a Real Property Disclosure Report be obtained prior to the sale of any real property. The report is similar to the City of Salinas report, with the exception that a physical inspection of the property by a city Building Inspector is required and violations found are required to be corrected within a specified time after sale.

- §           Pros:
- Same as for the City of Salinas program above, plus the field inspection results in a more accurate and thorough depiction of the current status of the property.
- §           Cons:
- Staff costs would need to be passed on to buyers/sellers.

- Likely opposition from the real estate industry.

Based on the real potential for a point-of-sale inspection, reporting, and legalization requirement to provide lower sales prices and ultimately reduce rental rates over the long-term through filtering, staff is recommending that the Council provide direction to pursue an ordinance modification to implement said requirements. Because a physical inspection would provide a more thorough and accurate understanding of site conditions, staff recommends that the inspection be a part of the requirements. Should Council provide such direction, staff recommends that legalization of any unpermitted construction or uses be completed either before sale or within specified timeframes (to be determined) following the sale.

*Additional options related to unpermitted unit legalization*

In addition to the information specifically requested by the Council, other related options may also be of interest to the Council. Various current Councilmembers have expressed concerns about the RRIS's potential to remove dwelling units from the market. As discussed above in the SB 1226 section, when unpermitted units are discovered, existing tenants are allowed to remain in those units if no imminent life safety or health hazards are identified. The unit then enters the queue for the unpermitted dwelling unit legalization program. The RRIS itself technically does not remove any units from the market. Rather, the inability to meet planning requirements (e.g., zoning and general plan criteria) and/or the inability to meet or infeasible costs associated with meeting building code requirements create a situation in which the unit is removed from the market. If a top priority for the Council is to keep unpermitted units on the market, then removal of barriers related to planning and building requirements could allow certain units to be legalized that otherwise could not be permitted.

The City does not have the ability to reduce building code standards below those adopted by the State. However, as noted above, with the adoption of SB 1226, the City has the ability to exercise some discretion in the application of earlier building codes. This will, in some instances, reduce costs associated with legalization and thereby encourage property owners to complete the legalization process.

The City has wide discretion in its ability to modify planning standards to allow for legalization of unpermitted dwelling units. In an initial review of the units in the unpermitted dwelling unit legalization program, approximately 30 units have been identified that do not meet current zoning or general plan requirements. Absent regulatory changes at the State or local level, those units would eventually need to be removed from the market. Below are some options that could be used to address units' inconsistency with planning regulations.

County of Santa Cruz Safe Structure Program.

In 2014, the SCC Board of Supervisors authorized implementation of a "Legalization Assistance Permit Program" (LAPP) to establish an incentivized process for owners of property with unpermitted improvements to pursue building permits and inspections necessary to legalize construction. LAPP was conducted over a two-year period, from August, 2014, through the end of August 2016 and the Board of Supervisors received an update on the program in January 2017. The program had very limited success, and as a result, the Board authorized that the program be modified into a Limited Immunity Amnesty Program which has subsequently been retitled the "Safe Structure Program."

The purpose of the Safe Structure Program was to facilitate safety upgrades and continuing occupancy of structures that the County has determined cannot be fully legalized through the standard building and zoning permit process. The property is inspected for compliance with a special inspection checklist. A building permit may be issued to correct unsafe items found during the special inspection; however, the permit would, in some instances, apply only to the area of work and for only the work being carried out and not necessarily the whole structure. Once the required remedial work is completed and finalized, the property owner records a “Statement of Acknowledgement Regarding Limited Liability” at the Recorder’s Office, and the County Planning Department issues a Certificate of Limited Immunity to the property owner. Essentially, the program results in the department offering limited immunity from code enforcement action against the unpermitted unit until the property sells, while aiming to pass on liability for the safety of the occupants to the property owner. The program also precludes property owners from having to provide relocation assistance to tenants who must vacate the unit upon sale of the property.

Below is an initial assessment of the pros and cons of the County’s Safe Structure Program:

- §           Pros:
- Does not eliminate housing due to zoning regulations.
  - Tenant may stay on the property.
  - Minimum habitable conditions are met.
- §           Cons:
- Can be regarded as unfair to those who obtained permits through the legalization program or had to remove an unpermitted improvement due to zoning or building regulations.
  - The unpermitted units would ultimately need to be abated with change of ownership.
  - Concerns regarding the structural integrity of the unit.
  - Health and safety concerns related to permit issuance being applicable to a single area of work and not the remainder of the structure.

Because this program does not result in the legalization of the unit, ultimately requires removal of the unit from the market, and poses concerns with regards to permit issuance for only a portion of a structure, staff does not recommend this option. However, as described below, Council may want to consider an alternative that is similar to but expands upon the County’s program.

Amnesty Program for Unpermitted, Non-Conforming Dwelling Units

Currently the City has a legalization program for unpermitted units that are able to meet applicable planning and building requirements. While the City has been relaxing zoning regulations to facilitate legalization of unpermitted dwelling units, particularly accessory dwelling units, many unpermitted units still do not meet applicable zoning requirements and thus would not be able to be legalized under current requirements. Over 30 of those units have currently been identified. The City continues to recognize impediments to legalization and bring forward code changes that would facilitate legalization of additional units. However, if a top priority of the Council is to legalize unpermitted units, the Council could consider instituting a



temporary amnesty program that would allow for deviations from otherwise applicable zoning and general plan requirements.

Through the amnesty pilot program, an unpermitted unit that does not conform to planning regulations has the potential of being legalized. That could occur through either just the building permit process, or it could involve a planning permit process and the building permit process. In either instance, the unit could be subject to fewer planning restrictions or no restrictions at all. An amnesty program could preserve the non-conforming, unpermitted units that otherwise would be lost with the current planning requirements.

As an option, in exchange for allowing deviations from planning regulations, the Council could consider requiring affordability restrictions for the unit being legalized. A tiered approach could be required, where each deviation could trigger deeper levels of affordability. While this approach could help accomplish multiple goals, an affordability restriction could discourage participation, particularly if the City is unaware of the unit in question. In such an instance, an owner may choose to continue receiving market rate rents in the hopes that their unit is never discovered by the City.

An amnesty program could create concerns from or have implications for the surrounding community. For example, units that do not meet density requirements (such as a property with many units in a single-family zoning district) could be legalized or uses that do not meet parking requirements could be waived. Depending on the approach pursued, the surrounding community may or may not have the ability to weigh in on the legalization, which would mean a discretionary planning action that may discourage participation.

§ Pros:

- Dwelling units could be retained.
- The tenant could potentially stay on the property.
- Units that cannot currently be legalized due to inconsistencies with planning regulations would have the potential to become legal in perpetuity, including with the Building and Safety Division's application of SB 1226 on a case by case basis.
- Owners may voluntarily come forward to permit units that the City is not aware of, and that could improve the safety of units and health of occupants.

§ Cons:

- Can be regarded as unfair to those who obtained permits through the legalization program or had to remove an unpermitted improvement due to planning regulations.
- If a public hearing or otherwise appealable planning process is required, the cost, time, and uncertainty associated with that discretionary process could discourage participation.
- Only 31 units have currently identified could benefit from an amnesty program, though it is expected that other units would qualify.
- Affordability restrictions could significantly limit owner participation.
- With the potential for the State's SB 50 to be passed next year (which could allow up to four units on every single-family property in the State),

individuals may wait to see what allowances the State may institute within the next year that would not necessarily have affordability restrictions.

As illustrated by the pros and cons noted above, this potential program requires the Council to carefully examine and weigh their values. If Council provides direction to explore such an amnesty program, the analysis will need to conduct community outreach and consider issues such as the duration of the program, what planning regulations could qualify for a waiver, whether to apply affordability restrictions to the unit, what the affordability restrictions would be, and would affordability restrictions vary based on the type or number of waivers. As this work would fall to our Advance Planning team, it would need to be balanced with other Council priorities.

#### *Additional Tenant Protections*

Enhanced RRIS Tenant Outreach and Education. The RRIS team currently attends two housing events each year at UCSC to educate students about the RRIS and its role in promoting safe and healthy off-campus housing. While approximately 500 of students attend each of these events, this represents a small and limited number of the overall tenants in the City. RRIS staff also attends the bi-annual neighborhood clean-ups in the Lower Ocean and Beach Flats areas as part of their outreach to tenants, but individuals who are not interested in the clean-up do not benefit from contact with the RRIS team.

To reach more tenants and to provide information a wider range of tenant resources, the RRIS team could conduct more proactive engagement efforts. Initially, it is anticipated that the team could annually conduct three additional engagement events: one in the Beach Flats, one in Lower Ocean, and one for the general tenant community. In addition to educating the tenants about the role and benefits of the RRIS, the engagement events could be expanded to discuss the City's many relocation assistance requirements due to large rent increases or evictions due to illegal units/unsafe conditions caused by the landlord; the many programs run through the Housing Division of our Economic Development Department, such as down payment assistance, emergency rental assistance, and Section 8 landlord incentives; and could even invite various partner organizations such as the California Rural Assistance League to provide information on the tenant services they offer.

#### *Conclusion*

The RRIS operates in a self-funded manner, and the RRIS team continually strives to better assist tenants and property owners. For example, the RRIS website is being updated, along with various handouts, to better serve tenants and owners. The RRIS team is also currently working with the Information Technology Department to provide an online rental registration service with the ability to pay online, obtain yearly statements, rental checklists and affidavits. The new process will be more efficient and environmentally conscious.

While the RRIS currently provides a very valuable service that protects tenants and helps to ensure they have safe and healthy homes, additional improvements are always possible. The range of options presented herein represents a small portion of the potential modifications to the RRIS and focuses on addressing the topics requested by the Council and directly related topics. Based on the evaluations contained herein, staff would recommend that the Council provide direction to:

1. Prepare an ordinance to enhance the RRIS program with a point-of-sale reporting process for residential property transfers and
2. Enhance the RRIS community outreach program.

In addition, it is requested that Council provide direction on a potential temporary amnesty program for unpermitted units that do not meet current planning regulations.

**FISCAL IMPACT:** The work associated with a point-of-sale reporting process for property transfers would be funded through a charge paid for by the applicant (typically the seller of a property), so the program should be fiscally neutral once it is implemented. Some software programming costs could be needed to customize the City's permit tracking system as part of the point-of-sale program implementation. If new staff are needed to implement such a point-of-sale reporting program, the additional costs associated with that position would be funded through fee revenue. A potential temporary amnesty program would have fees associated with the requisite permits, so the implementation of such a program would bring in revenues to cover staff time. Enhanced community outreach through the RRIS can be achieved with current staffing levels and would not result in a fiscal impact.

While not necessarily direct fiscal impacts, various other departments may need to assist with development or implementation of the service ideas herein. For example, the City Attorney's Office would assist with ordinance preparation, Economic Development would assist with community outreach to inform tenants of the many assistance programs they offer, and Information Technology staff could be utilized to assist in the programming for a new point-of-sale reporting process.

Prepared by:

Laura Landry  
Code Compliance Manager

Submitted by:

Lee Butler, AICP  
Director of Planning and  
Community Development

Approved by:

Martín Bernal  
City Manager

**ATTACHMENTS:**

1. City Council Agenda Report of July 20, 2010 Establishing the RRIS Ordinance
2. City of Santa Cruz RRIS Inspection Checklist





## CITY COUNCIL AGENDA REPORT

DATE: 7/14/2010

AGENDA OF: 7/20/2010

DEPARTMENT: Planning and Community Development

SUBJECT: Amendments to Title 21 of the Santa Cruz Municipal Code adding Chapter 21.06 regarding a citywide rental inspection program. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, applicant).

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RECOMMENDATION: Introduction of an ordinance for publication amending Title 21 of the Santa Cruz Municipal Code adding Chapter 21.06 regarding a citywide residential rental inspection and maintenance program.

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BACKGROUND: For many years there has been increasing concern about the City of Santa Cruz's aging housing stock. As well, there is concern about illegal units and unpermitted construction which could pose health and safety, and neighborhood compatibility problems. The current Housing Element adopted by the City Council in 2009 states that the City should make "a concerted effort to encourage maintenance, rehabilitation, and improvement of housing and to promote sustainable, livable neighborhoods." The implementation of Goal 5.2 of the Housing Element calls for the City to "consider" a self-funding, pro-active inspection program for rental units. This Goal was a carryover from the 2002 Housing Element.

As part of the September 2008 comprehensive settlement agreement between the University of California at Santa Cruz (UCSC), the City of Santa Cruz, the County of Santa Cruz, CLUE and other individuals, it was agreed that the City would more closely regulate residential rental housing in the City. The language from the agreement is as follows:

"2.7(c) The City agrees to propose and enforce City-wide ordinance(s) or municipal code(s) to regulate residential rental properties including, but not limited to, boarding, lodging, or rooming houses. In the event the City does not enact such legislation within two years of the approval of this agreement, UCSC's housing capacity commitment set forth in Section 2.1b above shall be reduced by 450 beds. The City, in consultation with UCSC, further agrees to review with three years of the effective date of this Agreement any such City-wide ordinance(s) or municipal code(s) for effectiveness in regulating residential rental properties and, if necessary, to consider revisions" and

“2.9 In recognition of City-wide zoning, building and municipal code violations in the City’s residential neighborhoods attributable to deficient landlord oversight of rental housing (UC and non-UC affiliated), the City and UCSC agree to jointly and equally fund through 2013 a pilot program for two City Code enforcement positions as a means of improving rental property safety and standards. The pilot program will be reviewed after the first 3 years. After review and mutual agreement, the program may be modified. UCSC’s commitment to fund its 50% share of the program will not accrue until the City enacts and enforces City-wide ordinance(s) or municipal code(s) consistent with Section 2.7(c), above.”

Finally as part of efforts to address code enforcement and nuisance property issues within the City of Santa Cruz, staff and the City Attorney’s Office at the direction of City Council, working with neighborhood groups, have brought forth ordinances over the past few years that the City Council has adopted. While successful in some ways these ordinances have not sufficiently addressed all aspects of the problem. A rental housing inspection ordinance is seen as another tool toward dealing with problems associated with some code enforcement, health and safety, and nuisance property issues.

DISCUSSION: The average age of the housing stock in the City of Santa Cruz is increasing with nearly 50 percent of the City’s housing 50 years or older. Deferred maintenance and code enforcement on some of the City’s rental housing properties are becoming significant issues. The 2000 Census indicated that 53 percent of the City’s population was renters and there were approximately 11,500 rental units in the City. The current reactive code enforcement efforts have proven to be insufficient to address the problems. As stated above it is important at this time that the City take proactive steps to ensure the maintenance and improvement of its rental housing.

The proposed rental housing inspection and maintenance program is relatively simple and requires owners of multiple rental dwelling units within the City of Santa Cruz to register their units with the City. With their registration the owners will be given a choice of signing up to have their units annually inspected by the City or to apply for the self-certification program. Staff anticipates that most owners will apply for self-certification. To qualify for self-certification a property shall not have existing violations of building, housing and sanitation codes or ordinances nor past violations of building, housing and sanitation codes or ordinances within the last three (3) year period.

If a property does not qualify for self-certification the properties/units will be required to be inspected annually to insure they are being maintained. If the properties are maintained without violation for three (3) years they will then qualify for self-certification.

For properties that are eligible for self-certification, the owner/operator will conduct an annual self-inspection of all the residential rental dwelling units, including exterior conditions and site conditions, and certify under penalty of perjury that the conditions at the property achieve the minimum standards listed on the Self-Certification Program Checklist. The City rental inspectors will review the checklist in the office and sign-off on the self-certification for that year. The properties under self-certification may be inspected but the inspections will be limited in a five (5) year period to twenty (20) percent of the total units or to one-unit total in residential rental dwelling units consisting of three (3) units, including multiple single family dwellings at separate locations, provided the residential rental dwelling units’ conditions do not deteriorate during that

five (5) year time period to the extent that the property would no longer meet the property eligibility standards.

When the City rental inspectors visit properties/units, they will be inspecting for compliance with state and local laws involving housing, building and zoning codes and property maintenance. A checklist would be followed similar to the self-certification checklist; a draft example of which is attached. Interior and exterior inspections would be conducted with the owner or operator. The owner/operator will coordinate with tenants for access to the units. Tenants are welcome to be home for the inspection but not required to be there. Once the inspection is completed, the owner/operator will be notified of any deficiencies found and asked to correct them in a timely manner. Structures and units will be required to be maintained at a level consistent with the codes of the period in which they were constructed. However, construction of new improvements or unpermitted construction must coincide with current codes as adopted by the City of Santa Cruz. It is important to note that existing codes allow for certain exceptions for qualifying projects under the Historic Building Code.

If the inspection reveals no building, housing or sanitation code or ordinance violations, or permit violations, a rental housing inspection certification will be issued. If the inspection reveals there are building, housing or sanitation code or ordinance violations, or permit violations, on the property the owner will be notified of the specific code violations which prevent the City rental inspector from issuing a rental housing inspection certification. The notification will provide a specific time period in which the violations are to be corrected. The City rental inspectors will be available to answer any questions of the owner/operator to help them successfully complete the repairs. The City rental inspectors will return on the stated correction date to re-inspect the property to verify compliance. If corrections have not been made the owner/operator will be charged for the additional staff time and expense in handling the violations.

Upon the successful completion of the initial inspection, subsequent inspection or re-inspection of the residential rental dwelling unit establishing that the property and its occupancy are in compliance with all applicable building, housing and sanitation code and ordinance requirements, the City will issue to the owner or operator a rental housing inspection certification. The certificate indicates code/ordinance compliance and specifies the time period during which the certification will remain valid and during which the residential rental dwelling unit will not be scheduled for a subsequent inspection. The rental housing inspection certification shall not preclude code enforcement or investigation on the property, if during the rental housing inspection certification period, a code violation on the property is reported to the City or otherwise observed by the City on the property.

In developing the attached rental inspection ordinance described above staff reviewed dozens of existing rental housing inspection ordinances enacted by other cities and counties in California. Staff also has met with interested parties such as the Board of Realtors, California Apartment Association Tri-County Chapter, Property Managers, rental property owners and Santa Cruz Neighbors representatives. The ordinance being proposed is substantially different from earlier drafts. This reflects the substantial input staff received from these groups. That being said there is still concern by some about the need, the cost and other aspects of the program.



The need of the program has been discussed above. It has been suggested that the creation of a rental inspection program would reduce property values and increase rents because of the costs. The proposed fees for the program are outlined as follows along with a breakdown of what the costs would be yearly and monthly for a variety of rental projects:

- The annual registration fee for each applicable property would be \$45.
- With the initial registration fee payment property owners may apply for Self-Certification Program. If accepted the annual self-certification fee would be an additional \$20 per unit for 20 percent of the units at each property. The annual self-certification fee covers review of the self-inspection form(s) and inspection by the City of 20 percent of the units during the five (5) year period.
- If not accepted in the Self-Certification Program the annual inspection fee would be an additional \$20 per unit at each property. This annual fee will cover the first inspection of each unit and one re-inspection if a correction notice is issued.
- If further re-inspections are required the fee is \$120 per hour.
- Continued failure to correct any noticed violations will be dealt with through administrative civil penalties found under Title 4 of the SCMC.

Cost Examples:

1 single family rental home or condo –

Yearly cost - \$45 plus \$20 = \$65 (Monthly cost - \$5.42)

3 single family rental homes -

Yearly cost under Self-Certification - \$135 (\$45 per property x 3) plus \$20 x 1 unit = \$155  
(Monthly cost per unit - \$4.30)

Yearly cost for non-Self-Certification - \$135 (\$45 per property x 3) plus \$20 x 3 units = \$195  
(Monthly cost per unit - \$5.42)

Fourplex –

Yearly cost under Self-Certification - \$45 plus \$20 x 1 unit = \$65 (Monthly cost per unit - \$1.35)

Yearly cost for non-Self-Certification - \$45 plus \$20 x 4 units = \$125 (Monthly cost per unit - \$2.60)

15 unit apartment building –

Yearly Cost under Self-Certification - \$45 plus \$20 x 3 units = \$105 (Monthly cost per unit - \$0.58)

Yearly Cost for non-Self-Certification - \$45 plus \$20 x 15 units = \$345 (Monthly cost per unit - \$1.91)

40 unit rented condos (under single ownership) –

Yearly cost under Self-Certification - \$45 plus \$20 x 8 units = \$205 (Monthly cost per unit – \$.43)

Yearly cost for non-Self-Certification - \$45 plus \$20 x 40 units = \$845 (Monthly cost per unit - \$1.76)

240 apartment units

Yearly cost under Self-Certification - \$45 plus \$20 x 48 unit = \$1005 (Monthly cost per unit - \$.35)

Yearly cost for non-Self-Certification - \$45 plus \$20 x 240 units = \$4845 (Monthly cost per unit - \$1.68)

As the above numbers indicate the monthly cost per unit is not excessive especially if an owner was in the self-certification program. Many cities throughout California have rental inspections programs with no sign of excessive rent increases and loss of property values. Some cities such as Pasadena and Santa Ana have had inspection programs for 20 years and the programs have been a success for tenants and property owners.

To help the program have a successful start and deal with some of the concerns of property owners, during the first three (3) years of the Residential Rental Inspection Program compliance inspections by City rental inspectors will be conducted only on residential rental dwelling units which are in violation of building, housing or sanitation codes or ordinances or on residential rental dwelling units requested for inspection by the owner. During this three (3) year initial phase of the Program all other provisions of the ordinance, including but not limited to registration requirements, Program fees, self-certification procedures will be in effect. No inspections of self-certified units would begin until 2014 unless complaints were received about the property or units. The hope with this three (3) year Program initial phase roll out is to develop a complete and accurate data base of the relevant rental properties in the City and focus on the properties that do not qualify for self-certification and that currently are known problem properties.

**CONCLUSION:** The proposed ordinance takes the City of Santa Cruz to the next level of protection and promotion of public health, safety and welfare. A well run program will enable the City to maintain safe housing stock and increase the quality of life in neighborhoods and the community.

**ENVIRONMENTAL REVIEW:** The proposed ordinance has been determined to be exempt from the California Environmental Quality Act (CEQA) in that the activity is covered under the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. The ordinance is consistent with and serves to implement a goal of the Housing Element of the City's General Plan. In fact, the ordinance strengthens current provisions of the Municipal Code relating to code enforcement and housing and provide better protection to the citizens of the City of Santa Cruz. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA per Section 15061 (b)(3). Additionally, establishing fees for the purposes of meeting operating expenses by a public agency is statutorily exempt per CEQA Section 15273. And inspections activities are categorically exempt from CEQA per Section 15309.

**FISCAL IMPACT:** Staffing of this ordinance will require two full time inspectors and one full time administrative assistant, as well as supervisory support and support from staff from other departments (such as Finance and Fire). The direct staffing and operating costs are expected to be approximately \$322,000. This expenditure breakdown is follows:

Two building inspectors or code enforcement specialists =	\$200,000
One Administrative Assistant =	\$64,000
Capital outlay =	<u>\$58,000</u>
Expenditure Total =	\$322,000

As part of the UCSC/City agreement both parties agreed to jointly and equally fund the Program through the first three (3) years. After that period of time the joint funding would be subject to further discussion. Both the City and UCSC have included their share of the above expenditures in their FY 2011-12 budgets. The estimated annual revenue from the program with the \$45 registration fee per property and \$20 per unit for both annual registration and self-certification would be approximately \$327,000. Depending upon capital outlay after the first year the program may be very close to being self-supporting. Staff will monitor the revenues and expenditures to be sure the program is self-supporting and the fees are appropriate.

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ATTACHMENTS:  
Draft Rental Inspection Ordinance  
Sample inspection checklist





City of Santa Cruz

**DRAFT**

**RESIDENTIAL RENTAL DWELLING UNIT INSPECTION MAINTENANCE PROGRAM  
INSPECTION CHECKLIST**

Planning and Community Development Department  
831-420-5100

**\*Exterior Inspection – PART I: Unit Identification** (Print legibly)

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

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

**Check the box next to each item ONLY if the item is found to be in compliance**

<i>Exterior Checklist</i>	<i>Comments</i>
<p><b><u>Legible and Visible address number and unit identification</u></b> (Minimum 4 in. high – numbers and letters)</p>	
<p><b><u>Storage of Junk and rubbish and/or overgrown vegetation</u></b> (Household trash, tires, scrap wood, scrap metal, other items not intended for outdoor use – Property must be clear from any overgrown vegetation and/or weeds)</p>	
<p><b><u>Dumpsters</u></b> (Must be properly enclosed and free from trash overflow)</p>	
<p><b><u>Inoperable/Unregistered Vehicles</u></b> (Inoperable vehicles must be stored within a fully enclosed structure)</p>	
<p><b><u>Foundation Vent Screens/Crawl Space Covers</u></b> (Spaces must be properly covered. Screens must be in good working condition)</p>	
<p><b><u>Roof/Ceiling</u></b> (Must be free from any holes, leaks, etc.)</p>	
<p><b><u>Stairways – Landings/treads/risers/balusters</u></b> (Must not be rotting, deteriorating, loose, etc.)</p>	
<p><b><u>Fire Extinguishers – Multi-Family Only</u></b> (Must be properly serviced, labeled, and stored – minimum size 2A10-BC)</p>	
<p><b><u>Fire Sprinkler System</u></b> (Inspection required every 5 years – certification provided)</p>	
<p><b><u>Exterior Lighting</u></b> (Must function properly and must have cover/no exposed wiring)</p>	
<p><b><u>Infestation of vectors or rodents</u></b> (Property must be clear of all vector or rodent infestations)</p>	
<p><b><u>Electrical/Gas Meters – Multi-Family Only</u></b> (Must have proper labeling, be properly protected, and must not be tampered with. Utilities in an exterior closet or room may require signage)</p>	
<p><b><u>Electrical Panel</u></b> (Must have a panel cover and be labeled with appropriate identification)</p>	
<p><b><u>Exterior Walkways/Exit Passageways/Common Areas</u></b> (Must remain clear at all times and in a safe and sanitary condition)</p>	
<p><b><u>Water Heaters</u></b> (Must have proper strapping, proper drain lines, venting, and a finalized building permit)</p>	
<p><b><u>Existing Fire Lanes clearly marked</u></b> (Signage or paint or both needed)</p>	

\* Zoning Code issues may be identified during the inspection

I certify that I have inspected the aforementioned unit and that the information above is true and correct to the best of my knowledge. (Please provide a copy of this form to the tenant and keep a copy for your files.)

Name (Please print): \_\_\_\_\_ Signature: \_\_\_\_\_

Relationship to the Property: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date: \_\_\_\_\_



**\*Interior Inspection – PART II: Unit Identification** (Print legibly)

Property Name:	
Property Address:	Unit Number:
Tenant Name:	Phone Number:

**Check the box next to each item ONLY if the item is found to be in compliance**

<b>Interior Checklist</b>	<b>Comments</b>
<p><b><u>Hot/Cold Running Water</u></b>            (Unit must have hot and cold running water)</p>	
<p><b><u>Electrical Power</u></b>            (Unit must have electrical power)</p>	
<p><b><u>Heat</u></b>            (Unit must have a functioning adequate heating source – This excludes portable heating units)</p>	
<p><b><u>Sewage System</u></b>            (Unit must have a proper sewage system and must be clear of any surfacing sewage indoors or outdoors)</p>	
<p><b><u>Entry Doors</u></b>            (Must be in good condition – Locks on doors must not exceed 48” in height, unless otherwise allowed. There must not be any double key locks on any doors throughout the unit)</p>	
<p><b><u>Exits</u></b>            (One door per unit or window per room)</p>	
<p><b><u>Vector Infestation or Rodent Harborage</u></b>            (Unit must be clear of any infestations)</p>	
<p><b><u>Smoke Detectors</u></b>            (Must be working and located in hallways leading to rooms used for sleeping or installed and maintained in compliance with Code in effect at time of installation)</p>	
<p><b><u>Mechanical</u></b>            (All mechanical equipment in the unit must properly function including: appliances, venting systems, thermostats, smoke detectors, air conditioning unit – if provided, etc.)</p>	
<p><b><u>Electrical</u></b>            (All wiring must be in good working condition – no spliced wiring, no exposed wiring, and all outlets and switch plates must have appropriate coverings/GFCI in bath and kitchen)</p>	
<p><b><u>Plumbing</u></b>            (Unit must have proper plumbing throughout unit – no leaks, must have P-traps, must have proper caulking, toilets must be secured to ground and sinks must be secured to walls, etc.)</p>	
<p><b><u>Counter and Sink Surfaces</u></b>            (Are required)</p>	
<p><b><u>Windows</u></b>            (All windows must have proper weather protection, be in good condition, have proper locking mechanisms and properly function without use of key or special knowledge* - this includes window bars and screens)</p>	
<p><b><u>Flooring</u></b>            (Floors must be in good condition, free from holes, missing pieces)</p>	
<p><b><u>Foundation/Sub-flooring</u></b>            (Must be in good condition, must not be buckling or sagging)</p>	
<p><b><u>Walls</u></b>            (Walls must be clear of holes, missing sections, etc.)</p>	
<p><b><u>Roof/Ceiling</u></b>            (Must be free from holes and in good repair, must not be collapsing, buckling or sagging)</p>	

\* Zoning Code issues may be identified during the inspection

ORDINANCE NO. 2010-\_\_\_\_

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 21.06  
TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO REGULATION OF  
RESIDENTIAL RENTAL INSPECTION AND MAINTENANCE PROGRAM

BE IT ORDAINED By The City Of Santa Cruz As Follows:

Section 1: Chapter 21.06 is hereby added to the Santa Cruz Municipal Code to read as follows:

Chapter 21.06  
Residential Rental Dwelling Unit Inspection and Maintenance Program

Sections:

- 21.06.010 Findings and Purpose.
- 21.06.020 Definitions.
- 21.06.030 Scope.
- 21.06.040 Residential Rental Dwelling Unit Inspection Program Registration.
- 21.06.050 Residential Rental Dwelling Unit Inspection Program Initial Phase.
- 21.06.060 Residential Rental Dwelling Unit Inspection Program Fees.
- 21.06.070 Inspections.
- 21.06.080 Self-Certification Program.
- 21.06.090 Refusal to Permit Inspection.
- 21.06.100 Retaliatory Eviction.
- 21.06.110 Change of Ownership.
- 21.06.120 Public Nuisance.
- 21.06.130 Regulations Nonexclusive.
- 21.06.140 Appeals.
- 21.06.150 Conflicts.

21.06.010 Findings and Purpose. The City Council finds and declares that there exist in the City substandard, over-crowded and/or unsanitary residential rental buildings and dwelling units, the physical conditions and characteristics of which violate state and local building, housing and sanitation codes and ordinances and render them unfit or unsafe for human occupancy and habitation. These buildings and units are detrimental to or jeopardize the health, safety, and welfare of their occupants and of the public and serve to seriously compromise the integrity and residential quality of City neighborhoods through such factors as deferred property maintenance, overcrowding, a proliferation of vehicles attributable to the multiple tenants who rent these properties and the accumulation of excess trash and debris on or about the properties.

The City Council further finds and declares that the existence of such substandard residential buildings and dwelling units threatens the social stability and economic integrity of the neighborhoods which host these buildings; necessitates disproportionate expenditures of public funds for code enforcement and remedial action; impairs the efficient and economical exercise of governmental powers and functions; and disrupts peaceful and quiet enjoyment of residential areas and neighborhoods.



The City Council further finds and declares the desire to safeguard the stock of decent, safe and sanitary rental housing in the City through a partnership of owners, tenants, the City and the community.

The purpose of this chapter is to proactively identify such substandard and unsafe residential buildings and dwelling units and to ensure the rehabilitation or elimination of those buildings and dwelling units that do not meet minimum building code and housing code standards, or are not safe to occupy or do not comply with zoning codes. It is intended that structures will be required to be maintained at the level consistent with the codes of the period in which they were constructed. However, unpermitted additions and alterations must coincide with current codes adopted by the City of Santa Cruz unless otherwise allowed by the Historic Building Code. This chapter is further intended to preserve and enhance the quality of life for residents living in such buildings and dwelling units and the neighborhoods which host these structures.

21.06.020 Definitions.

As used in this chapter, the following terms and phrases are defined as follows:

A. "Building, housing and sanitation codes or ordinances" shall refer to: the current adopted codes specified in Title 18 of the Santa Cruz Municipal Code, the California Fire Code and International Fire Code, all as modified, adopted and codified in the Santa Cruz Municipal Code. The phrase "building, housing and sanitation codes or ordinances" shall also refer to the City of Santa Cruz Zoning Ordinance as codified at Title 24 of the Santa Cruz Municipal Code, the City of Santa Cruz Subdivision Ordinance as codified at Title 23 of the Santa Cruz Municipal Code, and all provisions of California statutory law and the Santa Cruz Municipal Code pertaining to property-related sanitation, health, safety and nuisance, as well as state regulations promulgated pursuant to California statutory law, for which the City has enforcement authority.

B. "Director" shall refer to the City's Director of Planning and Community Development.

C. "Owner" shall mean any person who owns one (1) or more residential rental dwelling units.

D. "Person" means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. The terms "person", "owner", "operator," and "landlord" may herein be used interchangeably.

E. "Residential Rental Dwelling Unit" shall mean a building or portion of a building that is rented or leased to tenants for residential purposes on a non-transient basis (when one or more tenants reside on the property or rents or leases the property for thirty consecutive days or longer) and which is owned in whole or in part by a landlord. This shall include but not be limited to single family residences, duplexes, triplexes, apartment houses, townhouse dwellings, condominiums, boarding houses, lodging houses, rooming houses, single room occupancy units, small ownership units, hotel and motel units, sober living facilities, fraternities, sororities, and dormitories in the City of Santa Cruz.

21.06.030 Scope.

A. The provisions of this Chapter shall apply to all owners of one (1) or more residential rental dwelling units located within the City of Santa Cruz.

B. The provisions of this Chapter shall not apply to: legal accessory dwelling units; rooms rented to single individuals in an owner-occupied single family residence; hotel or motel units subject to the transient occupancy tax ordinance codified at Chapter 3.28 of this Code; units inspected by another governmental authority for housing and safety standards; newly constructed multiple dwelling units (including townhouse dwelling groups and condominiums projects that are rented) for a period of five (5) years from the issuance of Certificate of Occupancy; and mobile home parks.

21.06.040 Residential Rental Dwelling Unit Inspection Program Registration.

A. Each owner or operator, on behalf of the owner, shall initially register for the residential rental dwelling unit inspection program on a form provided by the City's Planning and Community Development Department. Initial registration of residential rental dwelling units which are subject to this Chapter shall be due within sixty (60) days of January 1, 2011. Registration of residential rental dwelling units which become subject to this Chapter after the effective date of this Chapter shall be due within sixty (60) days of the date that the residential rental dwelling unit was acquired or converted into a residential rental dwelling unit after January 1, 2011.

B. All registrations shall be subject to verification by the Director. All information on said registrations shall be submitted under penalty of perjury. Any person who makes a false statement in the registration or submits false information in connection with a registration shall be guilty of an infraction.

C. Each owner or operator, on behalf of the owner, may apply for the Residential Rental Dwelling Unit Inspection and Maintenance Self-Certification Program ("Self-Certification Program") on a form provided by the City's Planning and Community Development Department.

21.06.050 Residential Rental Dwelling Unit Inspection Program Initial Phase. During the first three (3) years of the Residential Rental Dwelling Unit Inspection Program compliance inspections by City inspectors will be conducted only on residential rental dwelling units which are in violation of any building, housing or sanitation codes or ordinances consistent with Section 21.06.030 above, or on residential rental dwelling units requested for inspection by the owner. During this three (3) year Program Initial Phase all other provisions of this Chapter, including but not limited to registration requirements, Program fees, Self-Certification procedures will be in effect.

21.06.060 Residential Rental Dwelling Unit Inspection Program Fees.

A. Each annual registration for the residential rental dwelling unit inspection program shall be accompanied by a non-refundable fee in the amount established by resolution of the City Council. The fee shall be used to defray the costs of the administration and enforcement of this Chapter.

B. If a residential rental dwelling unit is approved in the Self-Certification Program an annual non-refundable fee in the amount established by resolution of the City Council will be required. The fee shall be used to defray the costs of the administration and enforcement of the Program. If a residential rental dwelling unit is not approved in the Self-Certification Program an annual non-refundable fee for an annual inspection in the amount established by resolution of the City Council will be required. The annual inspection fee includes the cost of the annual inspection and one compliance reinspection, if necessary. If the owner fails to correct any found violations by the first compliance reinspection, the owner shall pay a reinspection fee for the second and subsequent compliance reinspections in the amount established by resolution of the City Council.

C. The annual residential rental dwelling unit program fee shall be levied for the calendar year and each applicant must pay the full fee for the calendar year upon submission of the application for that year's residential rental dwelling unit registration. For residential rental dwelling units which become subject to this Chapter after July 1 of the calendar year, program fees shall be reduced by one-half.

D. The residential rental dwelling unit program fee required by this Chapter is in addition to and not in lieu of any general business license tax that might be required by Chapter 5.04 of this Code.

E. Penalty.

1. Failure to Pay Annual Fee. In addition to any remedies the City may elect to pursue pursuant to Title 4 of this Code, for failure to pay the annual residential rental dwelling unit program fee when due, the Director of Finance shall add a penalty of twenty (20) percent of the permit fee on the first day of the month following the due date and ten (10) percent for each month thereafter while the fee remains unpaid, provided that the amount of the penalty shall not exceed fifty (50) percent of the amount of the fee due.

2. Failure to Register. If an owner fails to register for the residential rental dwelling unit inspection program as required by this Chapter the fee due shall be that amount due and payable from the first date when the person engaged in the residential rental business in the City after the effective date of this Chapter, together with the penalty prescribed in subsection (D)(1).

21.06.070 Inspections.

A. In accordance with the requirements of this Section the City shall be authorized to periodically conduct an inspection of residential rental dwelling units to assure compliance with all applicable building, housing and sanitation codes and ordinances. Owners shall provide access to all required areas of a residential rental property for inspection within twenty-one (21) calendar days of an inspection request from the City's Planning and Community Development Department. This time period may be extended upon the approval of the Director or his or her designee. If the residential rental dwelling unit is legally occupied by a tenant or other occupant, the owner shall notify the tenant or occupant and request that the tenant or occupant allow the



inspection. The owner shall not be in violation of this Section if the tenant or occupant refuses to allow the inspection.

B. Frequency of Inspections.

1. Initial Inspections.

a. It is the intent of the City that all residential rental dwelling units subject to this Chapter as of the effective date of this Chapter and not eligible for the Self-Certification Program will receive an annual inspection, subject to the twenty-one (21) day notice required by subsection A., commencing the first year of program after January 1, 2011.

b. Well-maintained properties eligible to participate in the Self-Certification Program will have reduced inspections as outlined in Section 21.06.080 for a period of five (5) years as long as the residential rental dwelling units' condition do not deteriorate during that time to the extent that the property would no longer meet the Self-Certification eligibility standards.

c. Any residential rental dwelling unit which becomes subject to this Chapter after January 1, 2011 shall receive an inspection within ninety (90) days of the date of registration, if not eligible for Self-Certification Program.

2. Subsequent Inspections.

a. If during the inspection or any subsequent inspection there are building, housing or sanitation code or ordinance violations, or permit violations, on the property which prevent the City inspector from issuing a rental housing inspection certification one or more reinspections of the property may be required before a rental housing inspection certification is issued.

C. Code Enforcement. When during an inspection a building, housing or sanitation code or ordinance violation is noted, as a courtesy prior to undertaking formal code enforcement action, the City inspector shall document the violation, advise the owner or operator of the violation and of the action which must be undertaken and completed in order to remedy the violation and schedule a re-inspection to verify correction of the violation. If upon re-inspection the violation has not been corrected, the City inspector may report the violation for code enforcement pursuant to Title 4 of this Code. If upon receipt of the courtesy notice from the City inspector, the owner or operator advises that he or she will not proceed to correct the violation, the violation shall then be immediately reported for code enforcement.

D. Rental Housing Inspection Certification. Upon the successful completion of an inspection, subsequent inspection or re-inspection of the residential rental dwelling unit establishing that the property and its occupancy are in compliance with all applicable building, housing and sanitation code or ordinance requirements, the City shall issue to the owner or operator a rental housing inspection certification verifying code/ordinance compliance and specifying the time period during which the certification will remain valid and during which the residential rental dwelling unit shall not be subject to a subsequent inspection. Notwithstanding the foregoing a rental housing inspection certification shall not preclude code enforcement or

investigation on the property if during the rental housing inspection certification period a code violation on the property is reported to the City or otherwise observed by the City on the property.

21.06.080 Self-Certification Program

A. Well-maintained properties with no existing violations of building, housing and sanitation codes or ordinances or no past violations of building, housing and sanitation codes or ordinances within the past three (3) year period may qualify to participate in the Residential Rental Dwelling Unit Inspection and Maintenance Self-Certification Program (“Self-Certification Program”).

B. For qualifying participants, the number of inspections will be limited to twenty (20) percent of the total units on each property or limited to an inspection of one-unit total in residential rental dwelling units consisting of three (3) units, including multiple single family dwellings at separate locations, for a period of five (5) years, provided the residential rental dwelling units’ conditions do not deteriorate during that time to the extent that the property would no longer meet the property eligibility standards. If violations are found, more or all of the owner’s units may be inspected. The owner shall be required to pay an annual non-refundable Self-Certification Fee and conduct an annual self-inspection of each residential rental dwelling unit as discussed below.

C. Upon receipt of the request to participate in the Self-Certification Program, the Director shall determine if the residential rental dwelling units have not had any code violations over the past three (3) years. If the application qualifies the owner or operator, on behalf of the owner, shall pay the Self-Certification Program annual non-refundable fee and the Director shall schedule the reduced inspections as outlined in B. above for the next five (5) years.

D. In order to maintain eligibility in the Self-Certification Program, the owner or operator, on behalf of the owner, shall conduct an annual self-inspection of all the residential rental dwelling units, including exterior conditions and site conditions, and certify under penalty of perjury that the conditions at the property achieve the minimum standards listed on the Self-Certification Program Checklist. All information on said Self-Certification Checklist shall be submitted under penalty of perjury. Any person who makes a false statement in the Self-Certification Checklist or submits false information in connection with a Self-Certification Checklist shall be guilty of an infraction.

E. If the Director determines that a residential rental dwelling unit is not eligible to participate in the Self-Certification Program, then all the residential rental dwelling units on a same property shall be inspected and the owner shall be assessed the full annual inspection fee established by resolution of the City Council.

F. Each owner or operator, on behalf of the owner, shall be required to maintain a copy of the annual signed and dated Self-Certification Program Checklist for each unit for the five (5) year period and provide said list within seventy-two (72) hours upon request of the Director or his/her designee. Failure to maintain complete signed checklists may result in disqualification from the Self-Certification Program for all rental properties of that owner for a period of up to three (3) years. A copy of the annual signed and dated Self-Certification Program

Checklist shall also be provided to the tenant(s) of each residential rental dwelling unit inspected at the time of submittal to the City of the Self-Certification Program Checklist.

G. Nothing in the Self-Certification Program shall be construed or interpreted as limiting the City's authority to investigate and compel the abatement of any building, housing and sanitation codes or ordinance violations.

H. Any property that participates in the Self-Certification Program may be removed from the program for three (3) years, at any time if that property fails to meet all of the interior and exterior standards designated on the Self-Certification Program Checklist or fails to meet building, housing and sanitation codes or ordinances as defined in this Chapter. Each owner or operator, on behalf of the owner, will be given reasonable time by the Director to correct the violations and remain in the Self-Certification Program. Upon removal from the program, the difference between the Self-Certification Program fee and full annual program fee shall be due and payable.

#### 21.06.090 Refusal to Permit Inspection.

A. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises, including but not limited to securing an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 through 1822.57. The inspector shall provide notice that a warrant has been issued to both the owner/operator and the tenant or occupant at least twenty-four (24) hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary under the circumstances shown.

B. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the residential rental dwelling unit is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the inspector shall have the right to immediately enter and inspect the premises and may use any reasonable means required to effect the entry and make an inspection.

21.06.100 Retaliatory Eviction. It shall be unlawful for a landlord to recover possession of a residential rental dwelling unit in retaliation against a tenant for exercising his or her right to file a complaint with the City advising that a building, housing or sanitation code or ordinance violation or permit violation may exist on the property.

21.06.110 Change of Ownership. When ownership of a residential rental dwelling unit changes, either the prior owner shall notify the Director of this event prior to the consummation of the sale or recordation of an instrument of conveyance with the Santa Cruz County Recorder's office or the new owner within sixty (60) days after consummation of the sale or recordation of an instrument of conveyance with the Santa Cruz County Recorder's office. If the Director is not so notified, the existing rental housing inspection certification for the residential rental dwelling unit shall automatically terminate and be null and void. The new owner will not have to pay the program fees until the following calendar year provided all fees were paid by for the residential rental dwelling unit.



21.06.120 Public Nuisance. Any residential rental dwelling unit operated, conducted, or maintained in violation of the provisions, requirements, and regulations of any building, housing or sanitation codes or ordinances, or any permit conditions, shall be, and the same is hereby declared to be harmful to the public health and safety, unlawful and a public nuisance. The City may, in addition to or in lieu of prosecuting a criminal action, commence an action or proceeding for the abatement, removal, and enjoinder thereof, in the manner provided by law, and may take such other steps to obtain the relief necessary to abate or remove such violations and restrain and enjoin any person from operating, conducting, or maintaining a residential rental property contrary to the provisions, requirements, or regulations of said building, housing or sanitation codes or ordinances, or permit conditions. The remedies prescribed herein are in addition to, not in lieu of, any other remedies provided for in state or federal law or in this Code including, but not limited to, Title 4 of this Code.

21.06.130 Regulations Nonexclusive. The provisions of this Chapter regulating residential rental dwelling unit are not intended to be exclusive and compliance with this Chapter shall not excuse noncompliance with any other applicable provision, requirement, or regulation of this Code or any applicable state and federal law. Nothing in this Chapter shall limit or preclude inspection conducted by the Fire Department inspectors for compliance with Fire Codes.

21.06.140 Appeals.

A. Any appeal of a decision by a City inspector or other City official that a residential rental dwelling unit is in violation of a building, housing or sanitation codes or ordinances is appealable pursuant to the procedures set forth in this subsection. The appeal must be in writing and filed within ten (10) calendar days from the date of the decision with the appeal fee established by resolution of the City Council. The appeal shall specifically identify the decision which is the subject of that appeal and the reasons why, in the appellant's opinion, the decision is clearly erroneous. Failure of the Director to receive a timely notice of appeal constitutes a waiver of the right to contest any such decision. In this event, the decision is final and binding. Appeals under this subsection shall be heard as follows:

1. The hearing shall be conducted by an Administrative Hearing Officer in accordance with the procedures outlined in Chapter 4.20 and 4.22 of this Code. The Hearing Officer shall consider all relevant evidence including, but not limited to, applicable staff reports, and objections or protests relative to the decision. The appellant shall be burdened to demonstrate that the decision was clearly erroneous.

2. Upon the conclusion of the hearing, the Hearing Officer shall, on the basis of the evidence presented at the hearing, determine whether the decision should be upheld, or whether the decision was clearly erroneous and therefore should be modified or reversed. The determination of the Hearing Officer shall be final.

3. A copy of the Hearing Officer's decision shall be served upon the owner or operator of the residential rental dwelling unit by United States mail or by personal delivery.

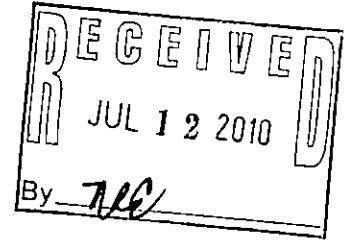
B. Any appeal of technical building or fire code decisions or determination made by a City inspector or other City official after consultation with the chief building official and/or fire







SPACE FOR COURT CLERK'S FILING STAMP



# Proof of Publication

(2015.5 C.C.P.)

STATE OF CALIFORNIA] SS  
COUNTY OF SANTA CRUZ]

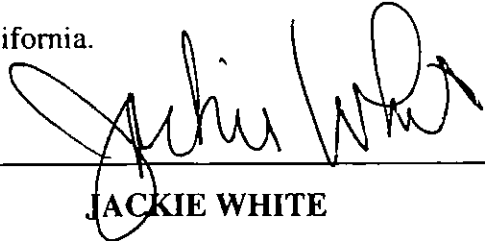
## Public Notice

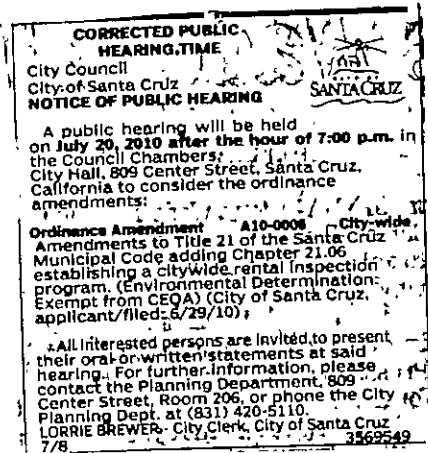
### I, THE UNDERSIGNED, DECLARE:

That I am over the age of eighteen and not interested in the herein-referenced matter; that I am now, and at all times embraced in the publication herein mentioned was, a principal employee of the printer of the Santa Cruz Sentinel, a daily newspaper printed, published and circulated in the said county and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 25794; that the advertisement (of which the annexed is a true printed copy) was published in the above-named newspaper on the following dates, to wit: **July 8, 2010**

I DECLARE under penalty of perjury that, the foregoing is true and correct to the best of my knowledge.

This 8th day of July, 2010, at Santa Cruz, California.

  
\_\_\_\_\_  
JACKIE WHITE





Owner Information (Please print legibly)					
First Name:		Last Name:		OWN ID: (found on letter)	
Property Address (Please use one form per address / unit)					
Street Address:				Unit #:	
Item #	Part I: Exterior Inspection	Pass	Fail	N/A	Comments
1.1	<b>Legible and Visible Address Number and Unit Identification</b> (Address numbers clearly visible from street/number or letters for units- minimum 4 in high, if new)				
1.2	<b>Roof</b> (Must be free from any visible holes or penetrations that allows outside elements - rain & cold - in and heated air out.)				
1.3	<b>Storage of Junk and Rubbish and/or Overgrown Vegetation</b> (Household trash, tires, scrap wood, scrap metal, etc. shall be stored and protected in an orderly fashion as to not be an attractive nuisance – Property must be clear from any overgrown/dry vegetation and/or weeds capable of being ignited and endangering the property)				
1.4	<b>Dumpsters/Trash Cans</b> (Must be in enclosure if provided/stored out of public right-of-way/ free from trash overflow)				
1.5	<b>Inoperable/Unregistered Vehicles</b> (Inoperable vehicles must be stored out of the front yard or exterior side yard and on a paved surface)				
1.6	<b>Foundation Vent Screens/Crawl Space Covers</b> (Spaces must be properly covered. Screens must be in good working condition)				
1.7	<b>Stairways – Landings/Treads/Risers/Balusters</b> (Should be in good condition/free from visible structural defects (loose threads, missing balusters or handrails, rotting or deteriorating materials) and anything that could cause a trip or fall hazard.)				
1.8	<b>Exterior Walkways/Exit Passageways/Common Areas</b> (Must remain clear at all times and in a safe and sanitary condition)				
1.9	<b>Exterior Lighting</b> (Approved lighting fixtures at entrance/exiting doors, all exterior hallways, as applicable)				
1.10	<b>Electrical Panel</b> (Must have a panel cover and breakers labeled with appropriate identification, as applicable)				
1.11	<b>Water Heaters</b> (Must have proper strapping, proper drain lines, and venting)				
1.12	<b>Required Covered Parking</b> (Garage doors operable, parking available if needed, not in front yard or exterior side yard)				
1.13	<b>Infestation</b> (Property must be clear of all infestations - insect, rodent, etc.)				
For Multi Family (3+ units) Only					
1.14	<b>Fire Extinguishers</b> (Must be properly serviced, labeled, and stored – minimum size 2A10-BC)				
1.15	<b>Fire Sprinkler System</b> (If provided – Certification of 5 year inspection required )				
1.16	<b>Electrical/Gas Meters</b> (Must have proper labeling, be properly protected, and must not be tampered with. Utilities in an exterior closet or room may require signage)				
1.17	<b>Existing Fire Lanes Clearly Marked</b> (Signage or paint or both needed)				

I certify and declare under penalty of perjury that I have inspected the aforementioned unit and the information above is true and correct to the best of my knowledge.

Name (Please print): \_\_\_\_\_ Relationship to Property: \_\_\_\_\_

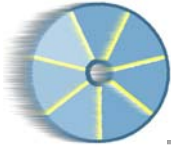
Phone Number: \_\_\_\_\_ Date: \_\_\_\_\_

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



Owner Information (Please print legibly)					
First Name:		Last Name:		OWN ID: (found on letter)	
Property Address (Please use one form per address / unit)					
Street Address:					Unit #:
Item #	Part II: Interior Inspection	Pass	Fail	N/A	Comments
2.1	<b>Hot/Cold Running Water</b> (Unit must have hot and cold running water)				
2.2	<b>Electrical Power</b> (Unit must have electrical power)				
2.3	<b>Heat</b> (Unit must have a functioning adequate heating source – This excludes portable heating units)				
2.4	<b>Sewage System</b> (Unit must have a functioning sewage system and must be clear of any surfacing sewage indoors or outdoors)				
2.5	<b>Entry Doors</b> (Must be in good condition – Locks on doors must not exceed 48” in height, unless otherwise allowed. No double key lock on entry door)				
2.6	<b>Exits</b> (One main door per unit & escape/rescue window per bedroom. There must not be any double key locks on any exit doors throughout the unit)				
2.7	<b>Infestation</b> (Unit must be clear of any infestations – insect, rodent, etc.)				
2.8	<b>Smoke Alarms</b> (Must be working, in good condition and properly installed in each room used for sleeping, hallways leading to rooms used for sleeping, and in all levels including basements.)				
2.9	<b>Carbon Monoxide Alarms</b> (Must be working, in good condition and properly installed at every level including basements)				
2.10	<b>Mechanical</b> (All mechanical equipment in the unit must properly function including; appliances, venting systems, thermostats, air conditioning unit – if provided, etc.)				
2.11	<b>Electrical</b> (All wiring and electrical components must be in good working condition – no spliced wiring, no exposed wiring, and all outlets and switch plates must have appropriate coverings/GFCI in bath and kitchen operational, if applicable)				
2.12	<b>Electrical Sub Panel</b> (All breakers must be properly labeled and identified, no open slots or exposed wires)				
2.13	<b>Plumbing</b> (Unit must have proper plumbing throughout unit – sink, toilet, bathtub or shower, no leaks, must have P-traps, toilets must be secured to ground and sinks must be secured to walls, etc.)				
2.14	<b>Counter and Sink Surfaces</b> (Are required in kitchens)				
2.15	<b>Windows</b> (All windows must have adequate weather protection – no broken glass/plastic coverings, etc. - be in good condition and have locking mechanisms that function without use of key or special knowledge. If window bars or screens are present they too must function without use of key or special knowledge.)				
2.16	<b>Flooring</b> (Floors must not be in a defective or deteriorating condition that could cause a trip or fall hazard or impact sub-flooring)				
2.17	<b>Sub-flooring</b> (Must be in good condition without buckling or sagging which suggests structural defects)				
2.18	<b>Walls</b> (Must be good habitable condition clear of large holes, missing sections, etc.)				
2.19	<b>Ceiling</b> (Must be in good repair, must not be collapsing, buckling or sagging suggesting structural defects or roof leakage)				





# Campaign for Sustainable Transportation

Rick Longinotti, Co-chair PO Box 7927, Santa Cruz, Ca. 95061

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October 4, 2019

Dear City Council Members,

I'm grateful that the Planning Department staff has recommended a course of action that would legalize unpermitted units. This will contribute towards the City's goal to protect affordable housing.

I would encourage the Council to affirm that a top priority is to facilitate legalization of unpermitted units and bedrooms. To that end I urge the Council to:

- Adopt the staff recommendation to prepare an ordinance that would facilitate legalization of unpermitted units at the point-of-sale.
- Ask staff to develop an amnesty program for legalization of unpermitted units along the lines discussed in the staff report.
- Remove the covered parking requirement in residential neighborhoods and legalize unattached bedrooms, as is done in the County.
- Enhance the RRIS community outreach program and broaden the scope to include education about tenant protections under state law.

Given the commitment of Governor Newsom to sign AB 1482 (rent cap and just cause eviction), there will soon be a need for more information to tenants than can be accomplished by the RRIS staff. Please put on a future agenda increased financial support for Tenant Sanctuary, in order to carry out tenant education.

Thank you,

## **Rosemary Balsley**

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**From:** Nancy Maynard <mtnmom3@gmail.com>  
**Sent:** Saturday, October 05, 2019 8:56 PM  
**To:** Martin Bernal; City Council  
**Subject:** No to housing code fees for housing sales

This is a terrible idea  
Nancy Maynard

## Rosemary Balsley

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**From:** Michelle Overbeck <michelleaoverbeck@gmail.com>  
**Sent:** Sunday, October 06, 2019 9:39 AM  
**To:** City Council  
**Subject:** No on Point of Sale Inspections

What are you thinking? This overreaching of power (that was turned down by many nearby councils already) will not only raise rents but also make buying a house even further out of reach for most. This is basic economics, I suggest you study up on it for yourselves.

Furthermore, I suggest you put your money where your mouths are? You allow homeless camps (including the Ross Camp) where there is no safe electricity, flushable toilets and camp stoves are in tents but are going after homes that were built to code (and inspected by the city) at the time they were built or remodeled?

Why don't you focus on cleaning up the safety of residents including transients that are living in unsafe conditions first?

You can barely hold a meeting but want to run a real estate market? That is absurd.

Maybe you should focus on the low hanging fruit before you screw up other things in our community.

No on Point of Sale Inspections.

Sincerely,

Michelle

Sent from my iPhone



## Rosemary Balsley

---

**From:** Eric Rowland <eric\_rowland@yahoo.com>  
**Sent:** Monday, October 07, 2019 1:06 PM  
**To:** City Council  
**Subject:** POS house fee/tax

SCCC members,

I am appalled that the city has surreptitiously attempted to bury a fee on all homeowners trying to sell, in an ordinance off a housing rental inspection program. (Item #17 on Tuesday's agenda) Selling a home has nothing to do with renting a home. If you want safe living spaces, you don't delay "safe" until a property is transferred. This is a blatant attempt to fill the city coffers with the \$\$ of home owners "because you can". It would have been bad on its own. Pretending it has something to do with rentals is abhorrent. The citizenry will not stand with this type of subterfuge. If you want to steal money from your constituents, at least do it forthrightly, without pretending it is something completely unrelated.

Regards,  
Eric Rowland  
Seabright

## Rosemary Balsley

---

**From:** John Harker <jharker@sbcglobal.net>  
**Sent:** Monday, October 07, 2019 1:03 PM  
**To:** City Council  
**Subject:** Point of sale code compliance is a terrible idea

I have to say that it is pretty obvious that the proposal for point of sale inspections requiring every property to be made code compliant after the sale will increase the cost of house purchases and reduce the supply of available housing in Santa Cruz. Basically the purchaser will not only need to have the cash to put down on a house, they will also have to have the cash to immediately bring it into compliance. No more buying less than perfect houses to fix them over time.

What do you have against young families trying to buy their first house?

I wish council members would stop bringing out ill-conceived poorly thought out proposals. For heavens sake, think it out first. Save everyone a lot of grief.

John Harker

## Rosemary Balsley

---

**From:** Eric Fisher <fisherinv@sbcglobal.net>  
**Sent:** Monday, October 07, 2019 12:45 PM  
**To:** City Council  
**Subject:** Point of Sale inspection proposal

To Whom it may concern,

Let me start by saying that this type of ordinance benefits no one except the bureaucracy of the City of Santa Cruz. If the attempt is to lower housing values, it will not as an owner attempting to sell the property will be forced into doing expensive improvements and will ultimately give up and hold the property or continue to occupy the property. This will manifest even less inventory for sale driving housing prices higher. If pricing is higher, then any investor that wants to hold a property expects to at least break even on the property (pay the mortgage) and with higher pricing of the house, the rental price will concomitantly increase as well. So no one wins here except for the cost of permit fees and inspections and those doing construction, but that increased cost will be tacked onto the buyer, again only increasing housing values.

Better approach is to address antiquated zoning laws, allowing SFR units to partition and create additional living units within. The other is the incorporation of tiny houses, trailers or fixed, to provide additional living spaces. This can be done on public land trusts available to the city. There are many other options but penalizing home owners is not a fix and will only backfire in the future.

If you understand the dynamics of the real estate market, it is a simple supply and demand equation. If you create an appropriate supply the demand will decrease and that will cause a lowering of the rental pricing. It is common sense, not what is being proposed by the council. There are already many landlords that are bailing out of Santa Cruz based on the prospects of rent control and other idiotic proposals like the point of sale inspection. This continues to squeeze the rental market and make rental housing even less affordable.

Finally, please table this proposal as it is not a viable solution for property owners or renters in Santa Cruz. If you really think about it, you will see the light on how ridiculous this proposal is.

Sincerely yours,

Eric Fisher

## Rosemary Balsley

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**From:** Nathan York <nathan.york@gmail.com>  
**Sent:** Monday, October 07, 2019 12:40 PM  
**To:** City Council  
**Subject:** City Council meeting 10/8/19, Item 17 — Residential Rental Inspection Services Update and Options for Modifications (PL)

Dear Councilmembers,

I am a resident and voter in the City of Santa Cruz.

It has come to my attention that modifications are being proposed to the Residential Rental Inspection Services (RRIS), including the addition of a mandatory property report at the point of sale for any real property within the City.

This proposed change was prompted by a request by Councilmember Krohn in the 5/8/19 budget meeting (<https://www.youtube.com/watch?v=jL8DuK8lgk&feature=youtu.be&list=PLo9N9AsVOVvRHxhltEBaP3eI7Rmz8ywBT&t=21381>) to revamp RRIS so it can “assist tenants” and alleviate perceived hardships caused by the RRIS. The specific hardships were never identified nor discussed, and what it means to “assist tenants” was never defined.

I respectfully request that City Council reject all changes to the RRIS until: a) the precise problem being addressed is identified; b) there is a process for public input from all stakeholders including renters, homeowners, and renters; and c) an analysis is done on the full implications of proposed changes is made.

Sincerely,  
Nathan York



## Rosemary Balsley

---

**From:** mercury\_miner@netzero.net  
**Sent:** Monday, October 07, 2019 12:32 PM  
**To:** City Council  
**Subject:** General Business Agenda Item 17 - 8Oct2019 - Rental Inspection Program

Dear Honorable City Council,

I am a worker in the City's housing and commercial property enterprise.

I do not think changing the apartment inspection program into a tenant protection and justice program (the original request from Council to Staff and now the motivation for the above referenced agenda item), is wise or necessary. The main issue is rental prices. No other issue is as significant. I do not think changing the inspection program will provide any meaningful rent relief. It will only increase costs, workloads, and delay. These, in turn, will put upward pressure on rents.

The apartment inspection program already ensures a uniform standard of habitability and it makes sure owners maintain the properties to these standards. Please do not try to make the apartment inspection program into something it was never designed to be. The inspection program was part of a legal settlement, so the city's right to unilaterally change it is in question.

Neither Salinas nor Seaside, cities referenced in the Staff report as having sale-based inspection programs, appears to do much more than a building file review and/or exterior viewing. The Staff report seems to be reaching for more, ways to force sellers to pay for upgrades so that buyers can pay less and therefore might not raise rents. City involvement in every residential property sale needs to be limited as far as possible. At the most, follow Seaside's approach and/or develop a City building file review and disclosure for apartment building sales where there has not been an inspection by the apartment program personnel in the last five years.

The musing in the Staff report about reviewing all residential sales against applicable code at the time the structure was built is clearly not feasible. Even if copies of the old codes and standards were available, what is the justification for assuming the standing building did not meet those codes and standards? Allegations of code violations are often merely a matter of opinion. And what if the structure predates any code? What then? Are inspectors to now to become historians, armed with copies of standard practices going back to the days before planning and land use departments even existed?

For decades, local zoning, planning, and building codes have reduced and nearly stopped housing construction, not just in Santa Cruz, but all over the state and the nation. The inventions to be discussed as part of Agenda Item 17 would seem to be on the curve of furthering restrictions and cost burdens on new housing. This will only serve to increase prices. While that might sit well with people who benefit or are against new construction, it is certainly contrary to freeing up a greater supply of housing and rentals.

The truth is, the dire housing shortage is a win-win on many levels for government and the housing supply chain. Government is the beneficiary of ever-increasing tax revenue thanks to ever-increasing property values and rents. Cities don't have to greatly expand community services. Property owners love being paper millionaires and making more gross rental income. The banks love the increased fees from loans for the inflated-value properties. The insurers love it too, and so do the real estate brokers, the contractors, and everyone that takes a piece of the real estate action. At the bottom of this money-making scheme is the renter.

Students should be in school studying, not playing “renter” and working multiple jobs to make rent. Folks in need should have the time to get services and assistance. They should not be choosing between living on the streets or working multiple jobs to pay rent. Students and lower-income people should be able to find appropriately-priced housing. What politician or sane person would argue against this?

I know government and UC are trying to undertake deliberate incremental actions to move students into housing. I know about the accessory dwelling unit program and the attempts to get builders and owners to fund reduced rent and increased amenities for renters. I know of government subsidies and assistance for those most in need. A lot exists, and this is good, but what about the rest of the picture, the supply-side?

Let’s really work on freeing up the ability of people to address supply. Supply will drop prices, and it won’t take much. Let’s continue to work on affordable student housing, so the next generation can study and learn well. Let’s work on getting families into single family homes rather than using those homes as multi-tenant apartment buildings.

Why exactly can’t UC partner with non-profit and private housing providers and come up with lower-cost higher-density housing affordable to students? Why can’t like-minded people come together and build cooperative and supportive modest-home communities that are ecologically more sound? Why is so little happening in the City in terms of housing construction and so much happening in terms of business and tourist-serving projects? These are questions at the heart of the supply side.

Please don’t try to make the apartment inspection program into a tenant justice program, or try to interfere with property sales in order to reduce prices and rent. These are foolish sentiments that will only deliver further price escalation to the people that can least afford it.

Thank you for reading.

Best regards,

Mike

Michael Cox  
PO Box 786, Soquel, CA 95073-0706

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## Rosemary Balsley

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**From:** Lauren Spencer <Lauren@laurens pencer.com>  
**Sent:** Monday, October 07, 2019 12:18 PM  
**To:** City Council  
**Subject:** Point of sale code inforcement

Dear City Council,

I am extremely concerned with your proposed point of sale ordinance that would require buyers to to get permits and bring homes up to current codes. With no discussion of grandfathering older homes into the equation, that would cause undue expense for proposed buyers, and would lesson their ability to purchase homes in Santa Cruz. That would affect values of real estate as well as endangering my livelihood as a real estate agent.

I would encourage you to vote no to any requirements for point of sale requirement.

Sincerely,

## Lauren Spencer

**Coldwell Banker President's Premier & Global Luxury Property Specialist**  
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## Rosemary Balsley

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**From:** Aimee Thayer-Garcia <aimee@serenogroup.com>  
**Sent:** Monday, October 07, 2019 11:45 AM  
**To:** City Council  
**Subject:** RE: Opposed to any point-of-sale inspection or code enforcement proposal

Strongly opposed to point-of-sale inspection or code enforcement.

This is a far overreach of City Council powers.

As is, in a normal transaction, there is a home inspector, pest inspector, and licensed appraiser. The City Council or City Staff don't have any qualifications whatsoever to be able to implement such an over-reaching policy. The City Council has no business inserting themselves into an arms-length transaction.

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**Aimee Thayer-Garcia**  
*Broker Associate*

Cell [831-435-9146](tel:831-435-9146)  
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[www.aimeeandangel.com](http://www.aimeeandangel.com)

DRE # 01846533



 Think before you print.



## Rosemary Balsley

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**From:** Mike Mellon <mmellon@cruzio.com>  
**Sent:** Monday, October 07, 2019 11:36 AM  
**To:** City Council  
**Subject:** Agenda Item 17, Oct 8 meeting, Residential inspections

Dear Council members:

While the staff report shown on the city website is not entirely clear and straightforward about whether this proposed action would affect sale of non-rental residential homes in Santa Cruz, I want to make it very clear that I am strongly opposed to such a requirement.

Buyers and sellers of homes always have the option of having a professional home inspection performed at their cost to uncover any undesirable aspects of a residence and in the vast majority of cases, they do so. Any further requirements is really overreach by the City and is not necessary, and would have the inevitable and detrimental effect of further expanding city staff at the time of very tight budgets and/or increasing the cost of housing in the City which is the last thing we need to do. Simplify, don't make more complex.

Please eliminate any provisions in this proposed action that would affect non-rental residential housing in the City.

Best regards,

Michael Mellon  
Santa Cruz, CA 95060

## Rosemary Balsley

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**From:** Debra Wallace <outlook\_C6CCB0BA72A18F51@outlook.com> on behalf of Debra Wallace <dwallace@karonproperties.com>  
**Sent:** Monday, October 07, 2019 11:32 AM  
**To:** City Council  
**Subject:** #17 Rental inspection modification

Dear Mayor Watkins & Council Members,

Regarding the re-appropriation of the rental inspection program to a point of sale program, it is not clear to me how 'owner occupant A' selling to 'owner occupant B' (who may incur significant permitting costs after purchasing the property) is going to lower anyone's rent. If anything, it would increase the cost of housing.

At the rate the City and State are pursuing more and more stringent regulations, very few, if any buyers will want to purchase rental property. The logic that adding permit costs to purchases will lower values and thereby lower rents is faulty.

Making the process of buying and selling more challenging by retroactively enforcing permit requirements may provide revenue for the City, but is highly unlikely to create any new affordable housing. It could price even more first time buyers who do not have the means to pay for retroactive permits out of the market.

Instead, please focus on increasing the housing supply.

Thank you for considering this proposal thoughtfully prior to any move toward implementation.

All the best,  
Debra

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Debra Wallace  
Broker Associate  
Karon Properties  
831.325.9948  
DRE# 01355665

## Rosemary Balsley

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**From:** Ace Estess <ace@dreamcatchproperties.com>  
**Sent:** Monday, October 07, 2019 11:09 AM  
**To:** City Council  
**Subject:** POINT OF SALE ORDINANCE

Hello,

I am reaching out as a Santa Cruz native, local business owner, and realtor to state that I am very against the proposal to perform point of sale code compliance inspections when houses are sold. There are better solutions to the housing issues in Santa Cruz. Let's find them. This will unreasonably hurt lower income people who are not able to bring their houses to code and will only home flippers looking to make money off those who have lived here all their lives but can't afford to update their older homes.

Sincerely,

Ace



**ACE ESTESS**

DRE #02028183

Cell: 831.419.5852

Ace@DreamCatchProperties.com

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## Rosemary Balsley

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**From:** laurie@lauriepetruzzi.com  
**Sent:** Monday, October 07, 2019 11:07 AM  
**To:** City Council  
**Subject:** Point of Sale Ordinance

PLEASE OPPOSE!!

<p><b>Laurie Petruzzi</b> REALTOR® DRE 01293614 <b>831.246.0344</b> laurie@lauriepetruzzi.com lauriepetruzzi.com</p>	
<p> <b>DAVID LYNG</b> REAL ESTATE 5522 Scotts Valley Dr Scotts Valley, CA 95066</p>	<p> <b>LUXURY</b>  <b>duPont</b> REGISTRY</p>



## Rosemary Balsley

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**From:** Britt Haselton <britthaselton@gmail.com>  
**Sent:** Monday, October 07, 2019 10:58 AM  
**To:** City Council  
**Subject:** Proposal to do POS compliance inspections

To Santa Cruz City Council Members and Staff,

I am a real estate broker and attorney in Santa Cruz County concerned with the Council's proposal to enforce code compliance during point of sale. The burden will far outweigh the benefit with this requirement:

1. In an effort to comply, owners will cut corners and accept the lowest bid which will result in low quality, even potential dangerous health threatening situations.
2. The requirement will adversely impact the most economically challenged home owners the most having the exact opposite result than was contemplated.
3. Home prices and rents will rise to cover the costs and delays from this compliance measure.
4. The City's costs will be higher as new inspectors will need to be hired and other enforcement costs will be necessary.
5. It is an unnecessary measure which is already being performed by private home inspections and the buyer and seller working out who will pay for those remediations.

Please do not implement this measure as its result will do much more harm than good.

Very sincerely,  
Britt Haselton

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Britt Haselton, Esq.  
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## Rosemary Balsley

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**From:** David Green Baskin <dgbaskin49@gmail.com>  
**Sent:** Monday, October 07, 2019 10:58 AM  
**To:** City Council  
**Cc:** Chris Krohn; Cynthia Mathews; Donna Meyers; Drew Glover; Justin Cummings; Martine Watkins; Sandy Brown  
**Subject:** 10/7/19 Council Agenda Item 17 - Residential Rental Inspection Services Update and Recommendations

This letter is to urge counsel not to establish a Point of Sale Code Compliance Requirement which would require the establishment of an expanded staff to perform pre-sale inspections, write reports and then re-inspect post sale to confirm compliance, or other similar functions.

As noted in the staff report, the proposed program would most directly benefit purchasers of residential real estate, a class of persons which does not need such protections. To the extent that the transactions involve residential rental real estate (whether for investment as rental property or personal occupancy), the purchasers of same are well able to have prospective purchases inspected and evaluated to determine cost of needed work. This is something that is typically done as part of consideration of purchase and can cause further negotiation of the purchase price during escrow. There is an extensive inspection service industry that provides this service. There is simply no need to have the government take over this function.

Further, the notion that such a program would result in lower rents is speculative and likely untrue. When there is a reduction of the purchase price to recognize the cost of needed repairs for safety and/or code compliance, or even just for functional obsolescence, the repair cost is fully considered when evaluating the capital investment in the property and evaluating the rate of return on capital to support the purchase price. An additional report from the government agency will at minimum increase cost of purchase by cost of the report. Purchasers will probably still hire their independent inspectors, contractors and engineers due to a lack of confidence that the government inspection report will be sufficient. Independent inspectors can be liable for negligence in inspections and identifying needed work. Government inspectors will have governmental immunity. As a result, purchasers are better protected by the private sector where inspectors can be liable if they miss conditions of substance needing repair. One way or another, the cost of compliance/correction/repair works into the total acquisition cost of the property and will be passed on to prospective tenants as a component of the rent level needed to provide a desired rate of return on capital.

Expansion of the Rental Inspection staff to accommodate these functions will be at significant expense which is better spent on other things where government can be more effective in bettering the community. This is not a function that needs to be added to the Rental Inspection Ordinance.

Respectfully Submitted,

David Green Baskin, Retired Real Estate Attorney and Member of the City of Santa Cruz Water Commission and City Representative on the Board of the Mid-County Groundwater Agency, writing as a private citizen, not on behalf of any government body.

## **Rosemary Balsley**

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**From:** Kaelin Wagnermarsh <kaelinwagnermarsh@gmail.com>  
**Sent:** Monday, October 07, 2019 10:41 AM  
**To:** City Council  
**Subject:** Against Point of Sale Inspections

I am writing to voice my concerns about a proposed point of sale ordinance that I believe will be detrimental to housing. Putting this point of sale inspection in place will hurt property owners and renters alike. In addition adding more bureaucracy to homeownership and sales will also cause more headaches, hiccups, and mistakes to the homeowners and renters expense. Please do not move forward with this.

All the best,

Kaelin Wagnermarsh  
831.419.6538



## Rosemary Balsley

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**From:** Charles Duppen - Broker <duppano@comcast.net>  
**Sent:** Monday, October 07, 2019 10:34 AM  
**To:** City Council  
**Subject:** Against Point of Sale code compliance inspections

I am a local realtor, property manager and homeowner in the City of Santa Cruz and I am very concerned about the idea of any sort of point of sale code compliance inspections. Not only will this lower property values and rental rates but it will also create needless additional bureaucracy and will ultimately create even more retirement costs for the additional City staff that will be needed. The City is already on the brink of catastrophic retirement costs that we already cant afford. Bringing on additional staff when there is already a City rental Inspection ordinance in effect makes no sense and just seems like another attack on home ownership and mom and pop investors. This is an old City with a rich history and many beautiful older homes. Enacting a point of sale ordinance on homes like these could be devastating to the owners because many of these homes would have to be rebuilt to bring them up to code. Rather than continuing to attack the hard working homeowners and mom and pop investors of this great City the City Council should focus more on relaxing building restrictions to allow more housing to be built.

Please do not enact any form of point of sale code compliance.

Sincerely,

Charlie Duppen  
Broker-Associate  
David Lyng Real Estate  
Cell: 831-588-1689  
129 Water Street  
Santa Cruz, CA 95060  
[duppano@comcast.net](mailto:duppano@comcast.net)  
[www.CharlesDuppen.com](http://www.CharlesDuppen.com)

## Rosemary Balsley

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**From:** Joe De Meo <joedblues1@gmail.com>  
**Sent:** Monday, October 07, 2019 10:20 AM  
**To:** City Council  
**Subject:** Rental inspection and adu

Hello council. I have 2 tenants in their 60,s. Both tell me they are annoyed with the intrusion into their homes. One of them self inspected the property and doesn't understand what this isn't sufficient. The other tenant feels the same. Why can't they as intelligent people fill out form and be done with it. Would you want people going thru your home?

Secondly all of you voice concern about housing shortage. Please legalize units that are found safe by the city. In the 90's San Francisco gave amnesty to their units which helped. By nature the rents on these units are less than most larger apartment buildings.

Regards Joe De Meo

## Rosemary Balsley

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**From:** shawn grona <shawngrona@gmail.com>  
**Sent:** Monday, October 07, 2019 10:11 AM  
**To:** City Council  
**Subject:** Residential Rental Inspection Services Update and Options for Modifications (PL)

Hello - I read the [document](#) and strongly disagree with this proposal - The proposal seems draconian, punitive and serves to create more bureaucracy.. What problem are you hoping to solve with mandating Real Estate code inspections at point of sale? How does this proposal relate to rental housing stock? What protections do you have in mind for owners of homes where unpermitted work was completed prior to current owner's stewardship (ie completed by some previous owners)? This proposal will serve to increase prices as home owners will need to raise prices to cover the cost of the additional city rules. How does this help affordable housing?

Shawn Grona  
N Branciforte Ave

## Rosemary Balsley

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**From:** eric grodberg <ericgrodberg@yahoo.com>  
**Sent:** Monday, October 07, 2019 7:10 AM  
**To:** City Council; Martine Watkins  
**Subject:** Residential Rental Inspection Services Update; FILTERING- Agenda Item 17

Dear Mayor Watkins and Council Members,

While it might sound reasonable to remedy all unpermitted work at Point of Sale, it would have many unintended, undesirable and perverse consequences. However, I will confine my comments to one aspect of the proposal - **filtering**.

I can guarantee that, if implemented, the PoS inspection and required remediation, **will not reduce rental rates** - one of the stated purposes.

First, the price of SFRs is **not driven by investors** in Santa Cruz. It is driven by owner-occupied purchasers.

Second, the total cost of purchase, including required remediation of unpermitted work, is likely to be greater than whatever the theoretical sales price drop due to PoS. This would also be true of Multi-residential properties.

Third and most importantly, this filtering theory assumes that the rental rate is driven by the acquisition cost of the property. This may be true in some places where there is excess supply of rentals and owners are competing for tenants, but that's not the case in Santa Cruz. In Santa Cruz there are insufficient rentals (as well as owner occupied housing) and if anything, this proposal will make that lack of supply even greater. **The high rents in Santa Cruz are driven by undersupply and high demand** and in particular, the truly exorbitant rents that UCSC charges, thereby pushing students into the City's relatively much cheaper rental housing. Nothing in this proposal will fix any of that.

Before accepting Staff's assertions regarding filtering and making policy decisions based on those assertions, Council should engage a qualified economist to do a rigorous analysis of the price drivers of the rental and for sale housing markets in Santa Cruz. Taking an academic concept and applying it without first understanding and analyzing 'on the ground' conditions will result in disaster.

Sincerely,





## Rosemary Balsley

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**From:** Peter Cook <peter@lighthouse Realty.net>  
**Sent:** Monday, October 07, 2019 7:00 AM  
**To:** City Council  
**Subject:** point of sale is lose lose for consumers

Dear Council,

Point of sale ordinances are lose lose for consumers. Sellers get less for their house and buyers end up with higher costs to purchase.

Your new sewer lateral ordinance is a great case study. Already I have sold several homes that had an additional \$5-15K cost in order to upgrade a sewer lateral that was working perfectly fine. Sometimes the seller pays for the work and sometimes the buyer gets stuck paying for it. In either case when the repairs being undone are unnecessary and not something the buyer wants (every often the case) you are just wasting money and driving up the cost of housing.

A point of sale ordinance will also lead to increased gentrification as first time buyers and buyers with a low-down payment are unable to compete when these additional costs and regulations are factored in. Because the repairs cannot be financed all cash buyers will have a significant advantage with POS rules in place.

The only winner for these sort of ordinances are bureaucracy, realtors (consumers need us to get them through the process) and wealthy investors who can afford to jump through all the extra hoops associated with point of sale repairs required.

Point of sale is a lose lose for the constituents you represent.

Sincerely,



## Rosemary Balsley

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**From:** Claire Castagna <castagna.claire@gmail.com>  
**Sent:** Monday, October 07, 2019 1:26 AM  
**To:** City Council  
**Subject:** No to requiring code inspections

Dear City Council,

I'm afraid you have some misguided and inexperienced idealists running our housing programs. I don't know which staff is recommending the ridiculous notion of requiring that all houses sold in SC be brought up to code—but I hope you do not follow their advice.

It seems that the good intentions of wanting lower rents in Santa Cruz is leading them to try "something!" "anything" without understanding the consequences. Have they ever owned an old house that has had many owners over many years? Do they understand that this is the norm in SC? Do they understand how increased bureaucracy discourages investment in property and therefore results in fewer rentals? Do they get that fewer rentals mean higher rents?

Please vote no on this and send them on a new mission to make life easier on home owners and renters rather than create more and more and more layers of bureaucracy.

If the city grandfathered in existing ADUs and assisted building of new ADUs—you'd see an increase in rental housing. If the Council supported the corridor plan and encouraged the building of more rental units—you'd see rents lowered.

Thank you.  
Claire Castagna  
Santa Cruz

## Rosemary Balsley

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**From:** Joe De Meo <joedblues1@gmail.com>  
**Sent:** Sunday, October 06, 2019 9:00 PM  
**To:** City Council  
**Subject:** Bring housing up to code at sale

Hello City council. One of the reasons for high prices in Santa Cruz is over regulation. One way for 1st time homeowners to get into housing is to buy a fixer upper (this is how I bought my house). The present laws are quite strict so that a potential homebuyer has to be told of any problems disclosure. The real estate agent and homeowner are both obligated under disclosure rules. Thus price of house is set and offer made. Some may think this rule may lower home prices. In fact it will raise them . There I'll be less options for fixer uppers. Also A burden on people that may need to sell for financial reasons. Please do not consider this path.

Regards Joe De Meo



## **Rosemary Balsley**

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**From:** Bonnie Faraola <bonfire\_sc@hotmail.com>  
**Sent:** Sunday, October 06, 2019 11:37 AM  
**To:** City Council  
**Subject:** Council Considering Law Requiring Code Inspections When Houses Are Sold

Wow, what is happening! We have rental inspections and yet you try and punish homeowners anyway you can with additional taxes and fees for permits, licenses and inspections and this and that!! All this will raise the cost of owning so up up goes rent! Why not focus on all that grant money for the homeless ! Stop all the studies that cost so much and go up in smoke. Use the money for the actual homeless! How about the crime issue?? What is happening! Leave the homeowners alone. Enough!

Frustrated  
Bonnie Faraola

## **Rosemary Balsley**

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**From:** Dennis Hagen <hagensipkin@gmail.com>  
**Sent:** Sunday, October 06, 2019 9:44 AM  
**To:** City Council  
**Subject:** Code compliance at point of sale

Dear City Council:

It is insanity to insert city building code compliance in the sale and purchase of a residence.

It will further restrict housing within the city, and may encourage the razing of existing structures at the point of sale.

The sale of a residence is an exchange between the buyer, the seller and their financial institutions. Period.

Dennis Hagen  
Santa Cruz

## Rosemary Balsley

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**From:** Teresa Mendoza <teresa@serenogroup.com>  
**Sent:** Monday, October 07, 2019 1:35 PM  
**To:** City Council  
**Subject:** NO point of sale code compliance

Dear Santa Cruz City Council:

I strongly object to the proposed "point of Sale Code Compliance Inspection" when houses are sold.

This will create a huge problem for buyers on a purchase transaction as they are trying to get a loan.

As a homeowner, I object to having to upgrade everything to today's code. My house is 45 years old and has many quirky items which are not in compliance to today's code even though they were ok when the home was built.

PLEASE vote NO on this proposed ordinance.



Teresa Mendoza, REALTOR/Broker Associate  
Serenogroup Real Estate  
720 Front St.  
Santa Cruz, CA 95060  
DRE # 00969697  
**vm text : [831.239.5252](tel:831.239.5252)**  
**efax: 888.675.3140**

## Rosemary Balsley

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**From:** Mary Hesketh <marygracepaints@gmail.com>  
**Sent:** Monday, October 07, 2019 2:22 PM  
**To:** City Council  
**Subject:** City Council meeting 10/8/19, Item 17 — Residential Rental Inspection Services Update and Options for Modifications (PL)

Subject: City Council meeting 10/8/19, Item 17 — Residential Rental Inspection Services Update and Options for Modifications (PL) Dear Councilmembers, I am a resident and voter in the City of Santa Cruz. It has come to my attention that modifications are being proposed to the Residential Rental Inspection Services (RRIS), including the addition of a mandatory property report at the point of sale for any real property within the City, and the requirement to bring all residences up to code immediately after sale.

What problem are you trying to solve with this modification? In the 10/8/19 agenda report, it states that your actual goal is to drive down the values of existing real estate in an attempt to make rentals “more affordable.” Have you even considered what then happens to the tax base if you succeed? Lower real estate values = a smaller tax base = less taxes going to fund all city programs and services.

Apparently, Councilmember Glover has ideas to make up the difference, as he states at the budget meeting on 5/8/19. In this meeting, Councilmember Glover asks a representative of the planning department if he has:

"...any analysis from your team as far as additional revenue that could be generated through leveed fees? Now, not taxes, because taxes of course have to go through the voter process. Potential revenues, opportunities through planning - that could be policy-driven through the council. That would be great to see." This proposed program is another bid by council to fund the city budget on the backs of homeowners, and to do so by fees, rather than taxes, so voters will have no say so!

This proposed program adds yet another financial burden to homeowners, either those selling, or those buying, in the form of the requirement to fund this point of sale inspection plan, and worse, to pay for any repairs or modifications necessary to immediately bring the home up to code.

Council is so concerned about affordability for renters, yet what happens if one of those renters finally scrapes together enough cash to make a down payment on a house in Santa Cruz? They are immediately faced with having to bring the house totally up to code! Most people who aren't rich have to buy a house that needs at least some updates. Usually, those updates get completed as the new owner scrapes together the money to do the work. With council's insistence on immediate remediation of code violations, new owners will have to have a pool of money immediately available to perform the work, a contractor ready to go, a place to stay while the house is being updated, and money for the already-high Santa Cruz permits and fees. Who has this kind of money lying around? Yes, the dreaded Rich People! You are placing hurdles that will cause those of us who aren't rich to be unable to ever buy a house here.

So I guess renter's can just stay renters forever, right?!?

My husband and I bought our house in Santa Cruz last year. And it's an old house that needs a lot of work. We put every dime into getting into the house. The more crazy ideas that City Council comes up with, the more I question that decision. We wanted to live here forever, but I feel our financial security is in jeopardy every time Council comes up with a new proposal, because **it's always homeowners that have to take it on the chin, for the sake of renters.** I would tell anyone planning to move into the Santa Cruz area to strongly consider living outside of the city, to avoid the constant barrage of onerous regulations, fees, and taxes imposed upon residents by the city. If you assess the situation prior to buying a home, and determine you can make the



money work, you're still never in the clear, because Council is working overtime to come up with ways to get more of your money, and evidently, to set up more hurdles for homeowners to jump over. Is this the reputation you want Santa Cruz to have?

Please stop the RRIS modification until you figure out what problems you are trying to address, and get input from the community on all of your proposals. This proposal will hurt our community!

Sincerely,

Mary G. Hesketh

## Rosemary Balsley

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**From:** Neal Langholz <neallangholz@gmail.com>  
**Sent:** Monday, October 07, 2019 2:22 PM  
**To:** City Council  
**Subject:** Fwd: council letter

Dear Mayor and Council Members,

[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

I support the idea of going to a complaint-based rental inspection program. After around 10 years many properties have already been inspected multiple times and are in compliance.

I oppose additional funding for Tenant Sanctuary. Taxpayers should not be required to pay for services that include political advocacy.

Last, I'm appalled at the lack of knowledge and experience your point-of-sale home inspection proposal demonstrates.

- 1.) Disclosures and title reports are currently an adequate method for people to understand properties.
- 2.) Requiring buyers to bring an older property completely up to code is a very extreme over-reach by this City Council. For example, stating that buyers face "destructive testing" to find items that are not code-compliant is absolutely crazy.
- 3.) 60% of voters are homeowners. They are not represented by Council members supporting this draconian plan to explicitly lower property values. You took an oath to represent everyone in the City, and then go in this direction?

How low can you go? You continue to erode confidence in City Council governance with yet another reckless, one-sided, and completely unreasonable proposal.

Sincerely  
Neal Langholz

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Cell: (831) 818-4822  
Neal Langholz  
Broker Associate  
Karon Properties  
BRE#00933904

## Rosemary Balsley

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**From:** Garrett <garrettphilipp@aol.com>  
**Sent:** Monday, October 07, 2019 2:20 PM  
**To:** City Council  
**Subject:** 10/8/2019 Agenda Item # 17 Rental Inspection Services Update

10/8/2019 Agenda Item # 17 Rental Inspection Services Update

Dear Council,

Doesn't everyone like the double talk of "self-funding, pro-active inspection programs"? No. Of course "self-funded" means somebody, not the city, pays. Individuals pay. Individuals who own rental property pay which ultimately means higher rents.

Of particular interest is the "Bring structure(s) up to code at the point of sale". Generally speaking, properties never have to be brought up to code unless they are re-modeled, and then only the re-modeled part, or if newly constructed. Unsafe or uninhabitable problems for practical reasons, i.e. the bank will never loan on such a property without repair first, are already part of the norm of real estate.

This has been the case basically forever although as time goes on, the government has encroached on this more and more, violating the sovereign private property rights of individuals.

It is kind of like illegal ex post facto laws (not the councils special understanding of at times) wherein something that was legal in the past cannot be made illegal retroactively. I'm not sure you know what I mean, but hey, I tried.

There is absolutely no practical difference who owns a property or when it is acquired. The property was code when it was built, it is allowed to exist in that state until it is re-modeled or town down.

Any attempts to change this are government interference in the rights of sovereign citizens.

The on-going rental inspection program assures properties remain habitable if they degrade.

Put me down as I could care less if non-citizen illegal aliens might be afraid to complain about conditions. That is no reason to do anything if you are a law respecting American citizen in that regard.

Now any such actual code upgrade improvements to properties will only make them more expensive to rent and buy. This is common sense.

Any additional cost to the seller will be paid by the buyer and result in more expensive housing and rents. This is common sense.

This is rather all rather counter to the councils desire that housing be more affordable, but then logic is not the councils strong point at times, ideological possession and special interest legislation whether the majority of citizens approve of your ideas or not is.

Nobody should care what select other cities do. They are their own cities, with their own special circumstances, electorate, and conditions. You may stop any time, let's say now and forever, with all further selective attempts to justify anything based on what other select cites do. The selection may be very biased (i.e. rent control, whatever) and all legislation must stand on it's own justifications for the here and now city of Santa Cruz.

Keepin it real,  
Garrett Philipp

## Rosemary Balsley

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**From:** Catherine Brennan <cathy.brennan@gmail.com>  
**Sent:** Monday, October 07, 2019 3:04 PM  
**To:** City Council  
**Subject:** RRIS proposal

Dear Councilmembers,

I am a long term resident, business owner and voter in the City of Santa Cruz.

It has come to my attention that modifications are being proposed to the Residential Rental Inspection Services (RRIS), including the addition of a mandatory property report at the point of sale for any real property within the City.

This proposed change was prompted by a request by Councilmember Krohn in the 5/8/19 budget meeting (<https://www.youtube.com/watch?v=jIL8DuK8lgk...>) to revamp RRIS so it can “assist tenants” and alleviate perceived hardships caused by the RRIS. The specific hardships were never identified nor discussed, and what it means to “assist tenants” was never defined.

I respectfully request that City Council reject all changes to the RRIS until: a) the precise problem being addressed is identified; b) there is a process for public input from all stakeholders including renters, homeowners, and renters; and c) an analysis is done on the full implications of proposed changes is made. It is costly to own a property here. Little development has occurred to improve the supply, as the demand and the population has grown. Sales of real estate are heavily regulated already. Adding another layer to the process is costly on many levels. Undermining the property values will decrease the tax revenue in the long run (if this is your goal). Thank you for your consideration.

Sincerely,  
Catherine Brennan



## Rosemary Balsley

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**From:** John McKelvey <jmac@cruzio.com>  
**Sent:** Monday, October 07, 2019 2:52 PM  
**To:** City Council; City Council  
**Subject:** As long as you're tabling things

Councilmembers, It has come to my attention that modifications are being proposed to the Residential Rental Inspection Services (RRIS), including the addition of a mandatory property report at the point of sale for any real property within the City. I find this curious as the program was created as part of the settlement of a lawsuit between UCSC and the City in order to rectify sub-standard dwellings with imminent health and safety challenges, and currently has some 300 units at risk of abatement in addition to those already lost under the program. This proposed change was prompted by a request from Councilmember Krohn in the 5/8/19 budget meeting (<https://www.youtube.com/watch?v=jL8DuK8lgk&feature=youtu.be&list=PLo9N9AsVOVvRHxhItEBaP3eI7Rmz8ywBT&t=21381>) to revamp RRIS so it can “assist tenants” and alleviate perceived hardships caused by the RRIS. The specific hardships were never identified nor discussed, and what it means to “assist tenants” was never defined. In any case, "assisting tenants" was never part of the stated objectives of the original program, and this proposal does absolutely nothing to that end. During the Measure M campaign, it was clearly demonstrated that even the prospect of additional burdens like those contemplated in this proposal resulted in the loss of over 200 homes for rent that were sold to new owner occupants, and the results under this proposal will be no different. The analysis offered by staff in regard to the effects on the for sale/rental market is completely unsupported by any data, and as such cannot be relied upon.

As a result, I implore the Council to table any and all changes to the RRIS until: a) the precise problem being addressed is identified; b) there is a process for public input from all stakeholders including both renters and homeowners; and c) an analysis of the full implications of proposed changes is made, hopefully by an outside consultant with expertise in such matters. The last thing the community needs is more legislation by anecdote.

Regards,

John McKelvey

## Rosemary Balsley

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**From:** Diane Molnar <diane.molnar@davidlyng.com>  
**Sent:** Monday, October 07, 2019 3:46 PM  
**To:** City Council  
**Subject:** Proposal for Point of Sale compliance inspections

To Santa Cruz City Council Members and Staff

I am a Realtor who has been working with Buyers and Sellers in Santa Cruz County for 30 years. I am concerned about the upcoming proposal to institute code compliance during point of sale. I believe that a policy of this nature will significantly harm the citizens who can least afford to pay for repairs and modifications to their homes. A great number of Sellers in our market are Seniors. Many of them are not wealthy people, often their only significant asset is their home. Often, their primary source of income is Social Security. Adding another layer of requirements and expenses will not only be a financial burden but It is difficult for many seniors to negotiate the bureaucracy let alone the expense and expertise to orchestrate repairs. When Buyers and Sellers enter into a contract to sell a home it is standard practice to conduct a Home Inspection and a Structural Pest Inspection As a result of these inspections the parties involved can negotiate the findings. Sellers are not required to bring an old house up to current codes, which would be a financial burden, but in many cases health and safety items are addressed. I believe that a strict Point of Sale code enforcement will actually result in fewer homes going on the market, reducing our already small inventory. This will not reduce the cost of housing ( rentals or purchases) for anyone. If anything, prices will go up to cover the cost of modifications for those home owners who do decide to sell.

The City will be taking on even more expenses by hiring inspectors to implement a policy for Point of Sale Code enforcement. Our City is already financially challenged. I believe money can be spent in better ways for the greater good.

Please do not go forward with this measure. I believe the result will have a negative impact on our community.

Sincerely,

Diane Molnar



[Email Me](#)  
[Website](#)

## Rosemary Balsley

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**From:** Jeff Barnett <jeff.barnett@compass.com>  
**Sent:** Monday, October 07, 2019 3:40 PM  
**To:** City Council  
**Subject:** RRIS

All this proposal will do is increase home prices, reduce inventory and price out the tenants even more. You really need to rethink this program. I am a homeowner in Santa Cruz County.

**Jeff Barnett**

**Executive Vice President-Regional Manager**

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## Rosemary Balsley

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**From:** CASHulman-Mora <casmora@yahoo.com>  
**Sent:** Monday, October 07, 2019 3:59 PM  
**To:** City Council  
**Subject:** Point of Sale Inspection

Dear City Council members,

As a property owner in the City of Santa Cruz, I have participated in the Rental Inspection Program for a number of years.

Reading the agenda for tomorrow's meeting (Oct 8), I was shocked to see a proposal to expand the program to include point of sale inspections and require remediation of any code compliance issues upon sale. This flies in the face of the Council's stated goals of increasing rental housing stock and will only serve to prevent sales in the city. Locking property owners into their houses will not serve the interests of anyone in this city. On its face, this proposal appears to be a money grab from hard working residents and should be rejected at all cost.

Thank you for your consideration,

Carol Shulman-Mora



## Rosemary Balsley

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**From:** Ed Jameyson <edjameyson@gmail.com>  
**Sent:** Tuesday, October 08, 2019 9:43 AM  
**To:** City Council  
**Subject:** Re: Point of Sale Real Estate Inspections --

Dear Council Members: I was horrified to read in this mornings Santa Cruz Sentinel that a proposal requiring City inspections of homes for sale in the city is coming before the Council. I also read in the article quotes that came from a letter written to you by David Greene Baskin, points that I agree with completely. I am a home owner in Santa Cruz & while I am not considering selling I do object to the City throwing more red-tape on a process that already is covered by private home inspection services. where any repairs needed/problems, including safety considerations, with the property are always considered in the selling price not to mention the required owners disclosures. And it is absurd to expect that this would lower the cost of rental units at some point in the future. The only thing that could *possibly* be lowered is a homes selling price thru the extra burden of navigating through another layer of un-neccessary City mandated red-tape.

I urge you that you not pass this.

thank you, Ed Jameyson

## Rosemary Balsley

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**From:** Elena N. Cohen <elenancohen@gmail.com>  
**Sent:** Monday, October 07, 2019 4:01 PM  
**To:** City Council  
**Subject:** Opposition to ordinance in #17; Support of Censure Resolution (#22) for Tomorrow's City Council Meeting

Dear City Councilmembers,

I am writing to express my views on two agenda items for the October 8, 2019, City Council Meeting: opposing portions of #17 and endorsing the censure resolution (#22).

**I oppose an ordinance requiring residential structures be up to code at the point of sale (#17)** without meaningful opportunity for community input (i.e., beyond input at City Council meetings) to better determine intended and unintended consequences. I note that this requirement is misleadingly included under an item about rental inspection, yet it could have significant impact on all residential property owners, even those who do not own rentals, therefore not providing them with adequate notice of the proposed ordinance

**I support the resolution to censure** Councilmember Krohn and Councilmember Glover for violation of the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy (**#22**). take this position based in large part on Susie O'Hara's testimony and the information described in the September 26, 2019 press release by the Santa Cruz City Council Commission for the Prevention of Violence Against Women (CPVAW). [https://gallery.mailchimp.com/16ee789a5f9d9474c1aa1a7dd/files/3916b9ec-df5f-4862-89e6-1ea34b42cc1c/CPVAW\\_Censure\\_Media\\_Announcement.pdf](https://gallery.mailchimp.com/16ee789a5f9d9474c1aa1a7dd/files/3916b9ec-df5f-4862-89e6-1ea34b42cc1c/CPVAW_Censure_Media_Announcement.pdf)

Thank you for your attention.

Sincerely,

Elena N. Cohen  
Santa Cruz, CA 95060

## Rosemary Balsley

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**From:** Chelsea Mele <chelseamele@gmail.com>  
**Sent:** Tuesday, October 08, 2019 8:53 AM  
**To:** City Council  
**Subject:** RRIS

From Chelsea Watson, a Small mom and pop apartment owner and home owner in the city limits.

To keep this brief, the RRIS real estate inspection requirement and disclosure is not a good idea as only two results come out of the requirement and one of them results in a higher sales price and a respective higher cost of housing.

There is a better less costly way to require disclosure to the city of illegal structures and that is to require the buyer and the seller sign a statement to the fact of what is there. As the disclosure of an illegal unit is already required. Plus the building record at the assessors office details what is legal or not. Requiring that what's on the building record and disclosure statement be disclosed to the city would have the same effect without adding the cost of a city inspection. None of this helps decrease the cost of housing.

The price of a property is not positively effected by an illegal structure. Understanding that it is illegal to include un-permitted structures in the description of a property. And the appraised value cannot include any value for an illegal structure. Thus the sales price is not effected.

So when the threat of it being disclosed to the city occurs, the economic outcomes becomes how much money the seller will end up with. And it is always less risky and more profitable for a seller to remove the illegal structure.

As such the choices become, the seller removes it or the buyer assumes the added cost to legalize the unit. The later adding to the overall cost of housing in the city.

So neither option helps reduce the cost of housing and one helps reduce the supply.

Chelsea Watson

## Rosemary Balsley

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**From:** Suzie Golden-Riley <sgriley61@gmail.com>  
**Sent:** Tuesday, October 08, 2019 8:40 AM  
**To:** City Council  
**Subject:** Agenda item on 10/8/19 meeting

Dear city council members,

I learned that you will be addressing an item at the 10/8 meeting regarding residential rental housing conditions at point of sale.

As I understand it, the document referenced has a section titled "Bring structure(s) up to code at the point of sale". I have serious concerns about this, as many of the properties in the city (mine included) were built long before the current building codes were in place. This would place an onerous and financial burden on either the buyer or seller to do this. This would dramatically impact the ability to buy or sell property in Santa Cruz and likely would drive up the cost of housing. With such potentially far reaching economic affects, this seems to be a matter that should be put before the voters rather than something that is decided by the city Council.

I am dismayed that the current city Council appears to be trying to legislate matters that should be brought before the voters. I urge you to not go down this road. The voters will be watching!

Suzie Golden-Riley  
City Resident and  
Property owner  
1425 Broadway  
Santa Cruz



## Rosemary Balsley

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**From:** Yvonne Feistman <yfeisty1@yahoo.com>  
**Sent:** Tuesday, October 08, 2019 8:39 AM  
**To:** City Council  
**Subject:** Point of sale requirements

Dear councilmembers,

I'm writing to ask you to please not change the rules for selling a home in Santa Cruz. The negative impacts on middle and lower income homeowners would be devastating. Consider somebody like me who struggles with two mortgages, making below \$50,000 a year and would like to sell my home in the next year or two. I would not be able to get funding to repair any major problems on my nearly 70-year-old house, and so would not be able to sell. All of these issues would normally come up during inspection, leaving the buyer fully aware of the problems that they may be purchasing.

How unfair for a 60-year-old person like myself to be stuck in a situation that is untenable!

How unfair for a young family to not be able to purchase a fixer-upper.

I'm a liberal, a trades person, and frankly struggling to find The sense in this. It would only make life difficult for somebody like me.

Yvonne Feistman

## Rosemary Balsley

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**From:** Richelle <richelle@baymoon.com>  
**Sent:** Tuesday, October 08, 2019 8:16 AM  
**To:** City Council  
**Subject:** POS proposal

Dear City Councilmembers,

Please tread very carefully on any policy you implement in regards to point of sale requirements for residential property. The reasons for not pursuing this policy are vast as well as the unintended consequences.

Buying and/selling a house is fraught with so many processes and details that adding any process that has to occur with local city government will make this experience even more frustrating and burdensome. Many people who need to sell quickly due to financial hardship or those who can only afford a fixer upper will be extremely hurt by any requirements added by the city.

There are practical considerations as well. We moved 2.5 years ago and it took six months to hire an electrician. We don't have the number of contractors needed today for the demand. Imagine what it would be like to sell your house but suddenly need someone to fix it before the sale can occur. For major work, it could take a year.

The process we have in place now requires disclosures and inspections. Buyers know what they are getting into when they purchase a home. I would prefer that you don't pass new policy for POS transactions, but if you do pursue this, please talk to people who work in this industry and home owners. This policy has the potential to wreck people's investments and lives.

Sincerely,  
Richelle Noroyan

Sent from my iPhone

## Rosemary Balsley

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**From:** Robin DeAlvarez <robindealvarez@yahoo.com>  
**Sent:** Tuesday, October 08, 2019 8:04 AM  
**To:** City Council  
**Subject:** Residential Rental Inspection

All,

When will the City get back to City Business? The initial Rental Inspection program that was set up has done nothing but decrease the local rentals. I personally know of 5 reasonable rentals that were taken off the market. Our downtown is an embarrassment, our local parks are unsafe. The City Council needs to get back to City business and quit Meddling in Citizens private business. Why would the City propose an inspection program on Code enforcement when a home sells? Who comes up with these ideas? Im a long time 50+years resident and homeowner , please do the job you were voted in to do, leave our private rights alone !

Robin De Alvarez  
118 Plum St  
Santa Cruz  
Sent from my iPhone

## Rosemary Balsley

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**From:** Sarah Munday <sarahmunday@outlook.com>  
**Sent:** Tuesday, October 08, 2019 7:51 AM  
**To:** City Council  
**Subject:** Rental inspections proposal

Dear City Council,

I am writing in regards to the proposal to impose rental inspections as part of home sales in the city.

I strongly oppose this. First, asking for homes to be brought up to code at the expense of the buyer is not only unjust, but will limit those who wish to buy and sell their homes. This will in turn reduce the number of home sales (thereby reducing city income on taxes and sales) and also reduce homes being bought as rentals (thereby reducing rental availability which is claimed to already be too low). Additionally, the city council states that home prices are too high, however asking home buyers to spend more money would seem to indicate that they do in fact have more money to spend and that the prices are not too high given the local economy and area market value.

Secondly, this proposal is entirely unclear and short sighted. To which code will the homes have to align with? If I plan to purchase my home in 2019 and I pay to get permits to bring it up to 2019 code under proposed changes, and then it doesn't sell until 2020 when a new code was enforced, what will be the ramifications? If a home is said to be up to code upon signing of the deed but then it is found to be not, what will be the ramifications and follow up for this?

Thirdly, has any city council member determined if there are enough trades people available to perform this massive of an update city wide? Given my experience within the city, this might lead to people seeking out trade workers from over the hill, which does not help the local economy.

And lastly, does the city council not think that MUCH larger issues such as drug addiction should be dealt with instead of mandating that potential home buyers (who the city has already repeatedly noted are too few given the high prices of homes and that prices need to be lower not higher for these purchasers) outlay even more money before being able to even participate in the home buying process?

This proposal does not work and should not be passed.

Thank you for reading this in entirety,  
Sarah Munday

Sarah Munday



## Rosemary Balsley

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**From:** ROBERT GALLAGHER <rcgfish86@aol.com>  
**Sent:** Tuesday, October 08, 2019 1:21 AM  
**To:** City Council  
**Subject:** Opposition to item 17 on tomorrow's agenda

Dear city council members,

We would call your attention to item 17 on the published city council agenda for 8 October 2019, titled “Residential Rental Inspection Services Update and Options for Modifications (PL).”

The document referenced has a section titled “Bring structure(s) up to code at the point of sale” that we find particularly challenging. Under current California law, the seller is already required to disclose any known adverse conditions affecting the property, including unpermitted construction.

Forcing either the buyer or seller to submit to an invasive inspection by the city of Santa Cruz, and to remedy any part of any property that is declared not up to current code, will create a logistical and economic nightmare for the real estate market in Santa Cruz. If the seller is required to do this work, it will dramatically drive real estate prices UP, further worsening the problem of affordable housing. If the buyer is required to do this work within some time period after a sale, the expense and disruption will most likely cause them to withdraw any potential rental units from the market – further worsening the problem of affordability.

Furthermore, many houses in Santa Cruz are quite old and have seen multiple renovations over many decades. Forcing a homeowner to undo or modify changes that took place before building codes even existed means the city could be trying to retroactively apply laws to construction that took place 100 or more years before these codes were even established.

It appears that the author of the document sees this approach as a way to somehow indirectly reduce rental prices in Santa Cruz. **The only way this will be achieved is by increasing the supply of housing in Santa Cruz, through higher-density housing and indeed just more housing in general.** The city should be wholeheartedly embracing proposals that increase the housing stock here, rather than undertaking invasive actions that will drive up sale prices and/or further reduce available rentals.

Finally, the document does little to address the significant additional costs associated with such a program. Simply saying that the costs would be covered by charging the sellers higher fees by the city represents an irresponsible and reckless approach to managing our money. Any new program should have hard, not-to-exceed cost figures, and the exact financial impact on the residents of the city should be quantified, discussed, and agreed by the people of Santa Cruz, all of whom would be impacted by this additional tax burden.

Regards,

Robert and Maureen Gallagher  
315 [Fair Avenue](#)  
[Santa Cruz](#) 95060

Sent from my iPad

## Rosemary Balsley

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**From:** Cliff Pearson <crpearson@me.com>  
**Sent:** Monday, October 07, 2019 11:12 PM  
**To:** City Council  
**Subject:** Real estate sale code inspection law

If you support this measure you will lose my vote and the vote of anyone I can use my power and influence to sway. Unless you are Kohn or Glover in which case I never supported you , and I am already exerting my power and influence to have you thrown out of office in disgrace.

Cliff Pearson  
Santa Cruz Hone Owner

Sent from my iPhone

## Rosemary Balsley

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**From:** Tina D'Angelo <tinamawla@gmail.com>  
**Sent:** Monday, October 07, 2019 9:53 PM  
**To:** City Council  
**Subject:** Re: the idea of forcing point of sale inspections requiring a property be brought to code

Dear Council:

Please consider these points.

∨  
Can the building department really handle such an added burden and are contractors so ready and available?? Is it fair/equitable to hold current homeowners responsible for the actions of all past owners and for the city's past lack of enforcement, when homeowners already paid more than they can afford for their home and when there are very few code-compliant homes to choose from in this city? Does this honor the reasonable expectation of people who purchased and perhaps invested their life savings in their homes, when they could have invested their saving elsewhere? Isn't it just as foreseeable that sellers will increase their list prices to cover this unanticipated expense? Is this premised on an un-nuanced stereotype that all homeowners are "rich" or worse, "rich, white people"? Some homeowners sell because they can no longer afford their mortgages and all these taxes every single year. Ironically the super "rich" people are the ones who can afford the expensive contractors, long carrying costs, and city fees. Is the cost to bring properties up to code even a known quantity at the time of sale? Does this council base its proposal on any kind of expert opinion and foundation (from economists, real estate professionals, attorneys, etc.) or does it just shoot from the hip and hope for the best?? For every complex problem there is an answer that is clear, simple, and wrong." HL Mencken

## Rosemary Balsley

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**From:** mark barbour <barbourmark@hotmail.com>  
**Sent:** Monday, October 07, 2019 9:23 PM  
**To:** City Council  
**Subject:** Against rental services update

As a life long resident of Santa Cruz, I am firmly AGAINST any further overreach into the lives of those homeowners who live in this town. This is crazy, not perhaps as crazy as some of the antics the Council has performed, but right up there in the top ten.

I am against-

[Residential Rental Inspection Services Update and Options for Modifications \(PL\)](#)

Thank you for voting no, and thwarting further government overreach.

Mark Barbour



## Rosemary Balsley

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**From:** Tamera Smith <tsmith@slvusd.org>  
**Sent:** Monday, October 07, 2019 9:19 PM  
**To:** City Council  
**Subject:** Inspections at point of sale

Inspections at point of sale for Santa Cruz real estate is an ill advised idea. I'm certain that our building department can not handle this proposal, and that many middle class or blue collar folks who own or would like to purchase a home will be priced out of the market. Whether the buyer or the seller is responsible it will drive up prices to pay for another layer of unnecessary burdens for the transfer of real estate. This will not help first time buyers nor will it increase rental stock. Please vote no. Tamera Smith

Sent from my iPhone

## **Rosemary Balsley**

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**From:** Joyce Marie <lexiegirl430@gmail.com>  
**Sent:** Monday, October 07, 2019 9:03 PM  
**To:** City Council  
**Subject:** Point of sale Code Enforcement

I am highly opposed of this new enforcement you are trying to impose on Property Owners who spend thousands of dollars in tax dollars each year and now you want to add more restrictions on what we can or cannot do to our property. Enough is enough, you are driving people out of this State by your impositions. You are making life for the American people miserable. STOP IT NOW.

**Rosemary Balsley**

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**From:** Pat Christie <pat.christie@gmail.com>  
**Sent:** Monday, October 07, 2019 7:00 PM  
**To:** City Council  
**Subject:** Point of sale code enforcement

*I want to voice my concerns regarding point of sale code enforcement . This is bad for home owners selling their property, buyers forced to correct missing code infractions no matter how old the home they are buying, the cost & urgency of the work repairs mandated.*

*Realtors care about home ownership, provide financial security through community real estate investments. We need to protect the real estate industry including that of persons in related fields of work. This broad brush concept is unfair. Oppose this point of sale code enforcement.*

*Pat Christie*

[Redacted]

[Redacted]

A

## Rosemary Balsley

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**From:** Laura Tobias <letoby@mac.com>  
**Sent:** Monday, October 07, 2019 6:58 PM  
**To:** City Council  
**Subject:** Opposition to Item 17 on Tomorrow's Agenda

Dear city council members,

I would call your attention to item 17 on the published city council agenda for 8 October 2019, titled “Residential Rental Inspection Services Update and Options for Modifications (PL).”

The document referenced has a section titled “Bring structure(s) up to code at the point of sale” that I find particularly challenging. Under current California law, the seller is already required to disclose any known adverse conditions affecting the property, including unpermitted construction.

Forcing either the buyer or seller to submit to an invasive inspection by the city of Santa Cruz, and to remedy any part of any property that is declared not up to current code, will create a logistical and economic nightmare for the real estate market in Santa Cruz. If the seller is required to do this work, it will dramatically drive real estate prices UP, further worsening the problem of affordable housing. If the buyer is required to do this work within some time period after a sale, the expense and disruption will most likely cause them to withdraw any potential rental units from the market – further worsening the problem of affordability.

Furthermore, many houses in Santa Cruz are quite old and have seen multiple renovations over many decades. Forcing a homeowner to undo or modify changes that took place before building codes even existed means the city could be trying to retroactively apply laws to construction that took place 100 or more years before these codes were even established.

It appears that the author of the document sees this approach as a way to somehow indirectly reduce rental prices in Santa Cruz. **The only way this will be achieved is by increasing the supply of housing in Santa Cruz, through higher-density housing and indeed just more housing in general.** The city should be wholeheartedly embracing proposals that increase the housing stock here, rather than undertaking invasive actions that will drive up sale prices and/or further reduce available rentals.

Finally, the document does little to address the significant additional costs associated with such a program. Simply saying that the costs would be covered by charging the sellers higher fees by the city represents an irresponsible and reckless approach to managing our money. Any new program should have hard, not-to-exceed cost figures, and the exact financial impact on the residents of the city should be quantified, discussed, and agreed by the people of Santa Cruz, all of whom would be impacted by this additional tax burden.

Regards,  
Laura Tobias  
15 Ortalon Ave  
Santa Cruz, CA 95060



## Rosemary Balsley

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**From:** Peter Koht <pjkoht@gmail.com>  
**Sent:** Monday, October 07, 2019 6:51 PM  
**To:** City Council  
**Subject:** Residential Rental Inspection Services Update and Options for Modifications

Good evening,

I read the staff report for the proposed Changes to Rental Inspection Services Update and I have serious concerns about its impact, and the process that led to its inclusion on tomorrow's agenda.

The concept of introducing a City bureaucracy into a real estate transaction between two parties is a monumentally bad idea and will have a net negative impact on housing affordability. *You can't reduce costs and increase transactional complexity simultaneously.*

I've been lucky enough to purchase two properties in my life. The first required 15 years of saving before I found a condo that I could afford in Live Oak. As part of the sale, I had a property inspection prior to close. It needed a lot of work. I knew that going in. Over the next ten years, my wife and I and licensed contractors did a lot of work on that place and it was in far better shape when we left.

In 2016, when we bought our home in Santa Cruz, we started all over again because our house was built in 1911. The concept of doing all the work we've done since then as part of the transaction or within a mandated period thereafter .... its just impractical and would have made our transaction infeasible. There are already rules and regs built into the process.

The housing stock in this town features a lot of older homes, and most transactions are between owner occupant and future owner occupant. **Trying insert Code Compliance into the process is a recipe for permanent employment for your planning and inspection staff, not a recipe for affordability.**

This is a real overreach, and one that will likely end in significant exposure to litigation for your organization. I suggest you think seriously about the consequences before moving forward.

Peter

## Rosemary Balsley

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**From:** Samantha Olden <solden@davidlyng.com>  
**Sent:** Monday, October 07, 2019 6:04 PM  
**To:** City Council  
**Subject:** 10/8 CC meeting - Agenda Item 17

Dear City Council Members,

I am writing to urge you NOT to vote for a point of sale ordinance requiring properties to be brought up to code upon sale.

1- It is unclear from the language in the report whether or not this will apply to all residential properties or just rental properties.

2- While your objective is clearly to reduce property values (which is unbelievable...Do you want less property tax revenue?) this will have exactly the opposite effect. Property owners will need to recoup these costs in the sale of the property, probably leading to higher prices....in no way will this reduce rental rates.

3- The current "complaint based" system is working efficiently. Why do you want to create more bureaucracy? Do you not realize that these requirements will lead to tenants being displaced? Then landlords have to pay relocation fees to those tenants so they can then pay for this code compliance?

4- The recently implemented sewer lateral point of sale ordinance has already created confusion and financial burden to both sellers and buyers. In some cases, these required repairs have cost \$10K-\$15K, fixing something that isn't broken!

5- Put some energy into creating policies that encourage the building and permitting of additional housing units. Allow higher density projects along transportation corridors and put pressure on UCSC to house more of their own students.

6- The hypocrisy of some of you supporting and enabling homeless people to live in sub-standard conditions like in your Ross Camp - rodent infested, biohazards & fire hazards everywhere, disease harboring conditions - and yet you want to over-regulate perfectly fine rental units with a POS ordinance? What is wrong with you?

Here's an idea: how about you try to manage the city's current affairs & responsibilities more effectively instead of adding to them? You're just giving your constituents another reason to sign those recall petitions.

Sincerely,  
Samantha Olden



[Email Me](#) [Visit My Website](#) [Visit My Facebook](#)

## Rosemary Balsley

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**From:** Jessica Wallace <yoursantacruzagent@gmail.com>  
**Sent:** Monday, October 07, 2019 5:17 PM  
**To:** City Council  
**Subject:** Do not enact point of sale inspections in Santa Cruz!

Hello,

I am a resident and voter in the City of Santa Cruz. It has come to my attention that modifications are being proposed to the Residential Rental Inspection Services (RRIS), including the addition of a mandatory property report at the point of sale for any real property within the City. This proposed change was prompted by a request by Councilmember Krohn in the 5/8/19 budget meeting

(<https://www.youtube.com/watch?v=jL8DuK8lqk&feature=youtu.be&list=PLo9N9AsVOVvRHxhltEBaP3eI7Rmz8ywBT&t=21381>) to revamp RRIS so it can “assist tenants” and alleviate perceived hardships caused by the RRIS. The specific hardships were never identified nor discussed, and what it means to “assist tenants” was never defined. I respectfully request that City Council reject all changes to the RRIS until: a) the precise problem being addressed is identified; b) there is a process for public input from all stakeholders including renters, homeowners, and renters; and c) an analysis is done on the full implications of proposed changes is made.

Jessica Wallace

## Rosemary Balsley

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**From:** gail mac <gailsantacruz@yahoo.com>  
**Sent:** Monday, October 07, 2019 5:08 PM  
**To:** City Council  
**Subject:** Residential Rental Inspection on the agenda for Oct 8th, 2019

Dear city council members,

I would call your attention to item 17 on the published city council agenda for 8 October 2019, titled “Residential Rental Inspection Services Update and Options for Modifications (PL).”

The document referenced has a section titled “Bring structure(s) up to code at the point of sale” that I find particularly challenging. Under current California law, the seller is already required to disclose any known adverse conditions affecting the property, including unpermitted construction.

Forcing either the buyer or seller to submit to an invasive inspection by the city of Santa Cruz, and to remedy any part of any property that is declared not up to current code, will create a logistical and economic nightmare for the real estate market in Santa Cruz. If the seller is required to do this work, it will dramatically drive real estate prices UP (take an economics 101 class please), further worsening the problem of affordable housing. If the buyer is required to do this work within some time period after a sale, the expense and disruption will most likely cause them to withdraw any potential rental units from the market – further worsening the problem of affordability. **Who comes up with these draconian schemes?**

Furthermore, many houses in Santa Cruz are quite old and have seen multiple renovations over many decades. Forcing a homeowner to undo or modify changes that took place before building codes even existed means the city could be trying to retroactively apply laws to construction that took place 100 or more years before these codes were even established.

It appears that the author of the document sees this approach as a way to somehow indirectly reduce rental prices in Santa Cruz. **The only way this will be achieved is by increasing the supply of housing in Santa Cruz, through higher-density housing and indeed just more housing in general.** The city should be wholeheartedly embracing proposals that increase the housing stock here, rather than undertaking invasive actions that will drive up sale prices and/or further reduce available rentals.

Finally, the document does little to address the significant additional costs associated with such a program. Simply saying that the costs would be covered by charging the sellers higher fees by the city represents an irresponsible and reckless approach to managing our money. Any new program should have hard, not-to-exceed cost figures, and the exact financial impact on the residents of the city should be quantified, discussed, and agreed by the people of Santa Cruz, all of whom would be impacted by this additional tax burden.

Thank you,  
Gail Coons



## **Rosemary Balsley**

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**From:** Laura Livingston <lauralikesplants@gmail.com>  
**Sent:** Monday, October 07, 2019 4:57 PM  
**To:** City Council; Martine Watkins; Justin Cummings; Sandy Brown; Donna Meyers; Drew Glover; Chris Krohn; Cynthia Mathews  
**Subject:** Point of sale code compliance inspections when houses are sold

Council,

I am adamantly opposed to introducing even more bureaucracy to our Planning Department and allowing over reaching control by our City government with your proposal to have a home brought up to code at the time of sale. To propose such a measure is both ridiculous, redundant and absolutely unnecessary when we currently have in place California real estate laws, building codes and City rental inspection laws.

This must not pass!

- Laura Livingston

## Rosemary Balsley

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**From:** Gabriel Elkaim <elkaim@soe.ucsc.edu>  
**Sent:** Monday, October 07, 2019 4:40 PM  
**To:** Martine Watkins; Justin Cummings; Sandy Brown; Drew Glover; Chris Krohn; Cynthia Mathews; Donna Meyers; City Council  
**Subject:** City Council meeting 10/8/19, Item 17 — Residential Rental Inspection Services Update and Options for Modifications (PL)

Dear Mayor Watkins and Santa Cruz City Councilmembers

I am a resident and voter in the City of Santa Cruz.

It has come to my attention that modifications are being proposed to the Residential Rental Inspection Services (RRIS), including the addition of a mandatory property report at the point of sale for any real property within the City.

I'd like to express my deep concern over the ramifications and unintended consequences of this proposal. I think it will be counter-productive, will produce the opposite of the stated intention, and frankly is an unfettered violation of property rights and contracts (the buyer and seller of a house can agree to whatever terms they agree upon).

This proposed change was prompted by a request by Councilmember Krohn in the 5/8/19 budget meeting (<https://www.youtube.com/watch?v=jIL8DuK8lgk&feature=youtu.be&list=PLo9N9AsVOVvRHxhItEBaP3eI7Rmz8ywBT&t=21381>) to revamp RRIS so it can “assist tenants” and alleviate perceived hardships caused by the RRIS.

The specific hardships were never identified nor discussed, and what it means to “assist tenants” was never defined. I respectfully request that City Council reject all changes to the RRIS until: a) the precise problem being addressed is identified; b) there is a process for public input from all stakeholders including renters, homeowners, and renters; and c) an analysis is done on the full implications of proposed changes is made.

Sincerely,  
Gabriel H Elkaim

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Gabriel H. Elkaim  
Professor  
Autonomous Systems Lab, Computer Engineering Department  
University of California at Santa Cruz  
1156 High Street--SOE3, Santa Cruz, CA 95064  
831.459.3054 (Office) 831.459.4829 (Fax)  
[www.soe.ucsc.edu/~elkaim](http://www.soe.ucsc.edu/~elkaim)

## Rosemary Balsley

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**From:** Brian M <briansantacruz@gmail.com>  
**Sent:** Monday, October 07, 2019 4:37 PM  
**To:** City Council  
**Subject:** Opposition to item 17 on tomorrow's agenda

Dear city council members,

I would call your attention to item 17 on the published city council agenda for 8 October 2019, titled “Residential Rental Inspection Services Update and Options for Modifications (PL).”

The document referenced has a section titled “Bring structure(s) up to code at the point of sale” that I find particularly challenging. Under current California law, the seller is already required to disclose any known adverse conditions affecting the property, including unpermitted construction.

Forcing either the buyer or seller to submit to an invasive inspection by the city of Santa Cruz, and to remedy any part of any property that is declared not up to current code, will create a logistical and economic nightmare for the real estate market in Santa Cruz. If the seller is required to do this work, it will dramatically drive real estate prices UP, further worsening the problem of affordable housing. If the buyer is required to do this work within some time period after a sale, the expense and disruption will most likely cause them to withdraw any potential rental units from the market – further worsening the problem of affordability.

Furthermore, many houses in Santa Cruz are quite old and have seen multiple renovations over many decades. Forcing a homeowner to undo or modify changes that took place before building codes even existed means the city could be trying to retroactively apply laws to construction that took place 100 or more years before these codes were even established.

It appears that the author of the document sees this approach as a way to somehow indirectly reduce rental prices in Santa Cruz. **The only way this will be achieved is by increasing the supply of housing in Santa Cruz, through higher-density housing and indeed just more housing in general.** The city should be wholeheartedly embracing proposals that increase the housing stock here, rather than undertaking invasive actions that will drive up sale prices and/or further reduce available rentals.

Finally, the document does little to address the significant additional costs associated with such a program. Simply saying that the costs would be covered by charging the sellers higher fees by the city represents an irresponsible and reckless approach to managing our money. Any new program should have hard, not-to-exceed cost figures, and the exact financial impact on the residents of the city should be quantified, discussed, and agreed by the people of Santa Cruz, all of whom would be impacted by this additional tax burden.

Regards,

Brian MacDonald  
219 Walnut Avenue  
Santa Cruz

## Rosemary Balsley

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**From:** j doe <grazecraze@yahoo.com>  
**Sent:** Monday, October 07, 2019 4:35 PM  
**To:** City Council  
**Subject:** oppose point of sale code compliance inspection

TO:  
[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

**We strongly oppose to the proposal to perform point of sale code compliance inspections when houses are sold.** It is the City expanding its bureaucracy. The proposal is an expensive unnecessary code enforcement. Code compliance is the job of the building dept. Real Estate agents and home owners are not code compliance police. Santa Cruz a police state? What about older homes that's grandfathered-in?

Thank you for your attention.

J Daton



## Rosemary Balsley

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**From:** Terri W <terrimw@gmail.com>  
**Sent:** Tuesday, October 08, 2019 11:02 AM  
**To:** City Council  
**Subject:** Proposed changes in Real Estate Sales in Santa Cruz

Dear Councilmembers,

Please show extreme caution on any policy you implement related to the sale requirements for residential property in Santa Cruz. There are many reasons this type of policy is unreasonable, as well as unattainable for many sellers.

Buying and selling a house involves many processes and inspections that the idea of adding additional ones will make the experience more expensive and drawn out.

My family and I were in a situation where, due to financial hardship, we had to sell a property "as is". We made improvements and repairs where we could afford them, and spent over \$6k on the City related sewer inspection/repairs. As part of an estate, we had no additional money to repair anything on a home over 70 years old. Therefore, we lowered the sale price by more than \$100,000 so the buyer could do the repairs on their timeline and still have equity.

There are logistical considerations, in addition to financial ones. The general contractors we found were booked 18 months out (or more). In our situation, we did not have the money to pay utilities each month, let alone wait a year and a half to start a project we would have had to take personal loan out to cover (Note: None of the heirs can qualify for a loan that size).

We have a shortage of contractors needed for the current demand in Santa Cruz. Can you imagine what it would be like to sell your house, and having to wait upward of 2+ years to START the work?

When selling and buying property in Santa Cruz, the requirements include disclosures and inspections. Buyers are fully informed when they are purchasing a home. As a 4th Generation Santa Cruz resident, I ask that you do NOT pass any new policy for real estate transactions.

Before you pursue this further, please talk to various people who work in this industry and home owners looking to sell. This policy could potentially wreck people's lives.

Sincerely,  
Terri Welch



**Carmella and Joseph Weintraub  
113 Jordan St. Santa Cruz, Ca**

**October 8, 2019**

**Santa Cruz City Council  
Santa Cruz, California 95060**

**Dear Santa Cruz City Council**

**As residents and property owners of long duration in Santa Cruz, we respectfully oppose the Agenda Item (#17) regarding the proposal to have the City of Santa Cruz operate a planning and zoning Dept program to inspect every property that is for sale in Santa Cruz. This is really not the time to propose such a preposterous plan. It will kill the market and open the City to lawsuits of many kinds, from all of those affected. The city of Santa Cruz is not in the real estate business and there are private inspectors who give this information to interested parties within a transaction. Instead of creating a government control on a private real estate market, why not open the doors to putting housing in back yards, legally. The Council and the City Planning Dept. are creating the impression that this measure is meant to shore up a failing budget. This is not a good perception to give people committed to quality of life here and is creates a lack of faith in the capabilities of this government to act with integrity.**

**This proposal warrants a huge outcry, not from potential renters, but from citizens of this town who have been conscientious in upholding the quality of their properties to the best of their ability. We will be very concerned about this as the city government is overreaching their rightful duties to make things work out for all concerned citizens of this town. That includes us. Thank you.**

**Sincerely, Joseph and Carmella Weintraub**

**Carmella@got.net**

## Rosemary Balsley

---

**From:** Jan Taylor <c21turtle@aol.com>  
**Sent:** Tuesday, October 08, 2019 11:40 AM  
**To:** City Council  
**Subject:** Point of sale discussion

Hi there,

As a realtor for almost 30 years in our county, and having sold property in Santa Cruz city just last year, I beg you not to add any more to our plate as realtors by passing this point of sale ordinance.

I truly believe that you will make it impossible for Older Homes to be sold, and difficult for elders who just want to move on from their property.

Please reconsider putting your efforts into something so overwhelming and impossible to enforce

Thanks for your consideration,

*Jan Taylor*

Realtor, CRS

**Cell: 831-332-4489**

I Always Treasure Your Referrals!

Sent from *Jan's* iPad,  
Please excuse any typos!

## Rosemary Balsley

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**From:** Lynn - <lynn@santacruztogether.com>  
**Sent:** Tuesday, October 08, 2019 11:49 AM  
**To:** City Council  
**Subject:** Extreme and questionable policy - Item 17 on the agenda

For the public record, here are my planned remarks for item 17 on the agenda:

If you intend to require code compliance for every property when sold, you should be transparent with the community. Including these ideas in the middle of rental inspection reforms is an ill-conceived trojan horse. This is an extreme and questionable policy.

- Where are the boundaries and limits of this proposal?
- What is grandfathered and what isn't? Properties built decades ago are safe and met standards of their time.
- Are you misleading the public by framing this as part of rental inspections?
- To be transparent, this proposal should clearly state the problem you are trying to solve. Rentals are already inspected for safety. The report states the goal is to lower property values multiple times. Where is community input showing that stakeholders want to lower property values? Where is the study on City revenue impacts?
- Have you considered how this proposal could backfire? If expensive code compliance is required to purchase homes, entry level buyers without extra cash will be shut out. For many buyers it's all they can do to scrape together a down payment, let alone have \$50,000 cash left over for code compliance. This is a path to accelerate gentrification by favoring wealthier buyers.
- What specifically is wrong with the current system of disclosures, title reports, and extensive California state law protecting buyers today.
- How will it impact elderly people that need to sell their home to fund assisted living? Will people continue to downsize and free up homes for a younger family? How are you adequately representing people in these situations?
- Is it the City Council's place to interfere with free markets?
- Where is the community outreach and answers to these questions.

Bringing forth ill conceived, flawed policies is further and further eroding public confidence.

If you limit this to rentals consider how this would work. Someone selling a rental house will sell to a buyer who will be an owner occupant thereby avoiding the code compliance work. Fewer rentals leads to higher prices. Even with the relocation ordinance, rents are unlimited for everyone when they move. The state occupies the law on this matter, which means that the City cannot over-ride state law. You should make that clear to those wishing for something more from the City.



## Rosemary Balsley

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**From:** redesign@cruzio.com  
**Sent:** Tuesday, October 08, 2019 12:02 PM  
**To:** City Council  
**Subject:** Item 17

Dear city council members,

I would call your attention to item 17 on the published city council agenda for 8 October 2019, titled "Residential Rental Inspection Services Update and Options for Modifications (PL)."

The document referenced has a section titled "Bring structure(s) up to code at the point of sale" that I find particularly challenging. Under current California law, the seller is already required to disclose any known adverse conditions affecting the property, including unpermitted construction.

Forcing either the buyer or seller to submit to an invasive inspection by the city of Santa Cruz, and to remedy any part of any property that is declared not up to current code, will create a logistical and economic nightmare for the real estate market in Santa Cruz. If the seller is required to do this work, it will dramatically drive real estate prices UP, further worsening the problem of affordable housing. If the buyer is required to do this work within some time period after a sale, the expense and disruption will most likely cause them to withdraw any potential rental units from the market – further worsening the problem of affordability.

Furthermore, many houses in Santa Cruz are quite old and have seen multiple renovations over many decades. Forcing a homeowner to undo or modify changes that took place before building codes even existed means the city could be trying to retroactively apply laws to construction that took place 100 or more years before these codes were even established.

It appears that the author of the document sees this approach as a way to somehow indirectly reduce rental prices in Santa Cruz. **The only way this will be achieved is by increasing the supply of housing in Santa Cruz, through higher-density housing and indeed just more housing in general.** The city should be wholeheartedly embracing proposals that increase the housing stock here, rather than undertaking invasive actions that will drive up sale prices and/or further reduce available rentals.

Finally, the document does little to address the significant additional costs associated with such a program. Simply saying that the costs would be covered by charging the sellers higher fees by the city represents an irresponsible and reckless approach to managing our money. Any new program should have hard, not-to-exceed cost figures, and the exact financial impact on the residents of the city should be quantified, discussed, and agreed by the people of Santa Cruz, all of whom would be impacted by this additional tax burden.

Robin Cross  
56 Alta Vista Dr  
Santa Cruz

## **Rosemary Balsley**

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**From:** Janice LaFever <janlafever@yahoo.com>  
**Sent:** Tuesday, October 08, 2019 12:17 PM  
**To:** City Council  
**Subject:** Point of Sale inspections

Are you kidding me? That is totally insane. No one will want to sell their homes , especially older homes that were added on to in the way past. You will be killing the real estate industry and definitely causing the biggest lawsuit ever. Please come to your senses

Jan LaFever

## Rosemary Balsley

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**From:** Lanee Buchholz <ltbuchholz@gmail.com>  
**Sent:** Tuesday, October 08, 2019 2:21 PM  
**To:** City Council  
**Subject:** Opposition to item 17 on today's agenda

Dear city council members,

I would call your attention to item 17 on the published city council agenda for 8 October 2019, titled “Residential Rental Inspection Services Update and Options for Modifications (PL).”

The document referenced has a section titled “Bring structure(s) up to code at the point of sale” that I find particularly challenging. Under current California law, the seller is already required to disclose any known adverse conditions affecting the property, including unpermitted construction.

Forcing either the buyer or seller to submit to an invasive inspection by the city of Santa Cruz, and to remedy any part of any property that is declared not up to current code, will create a logistical and economic nightmare for the real estate market in Santa Cruz. If the seller is required to do this work, it will dramatically drive real estate prices UP, further worsening the problem of affordable housing. If the buyer is required to do this work within some time period after a sale, the expense and disruption will most likely cause them to withdraw any potential rental units from the market – further worsening the problem of affordability.

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Regards,

Lanee Buchholz  
925 King Street  
Santa Cruz, CA 95060

## Rosemary Balsley

---

**From:** Liz Pollock <slgspoll@cruzio.com>  
**Sent:** Tuesday, October 08, 2019 2:26 PM  
**To:** City Council  
**Subject:** re: landlord compliance rules

dear councilmembers,  
this proposal is outrageous!  
i urge you to vote no.  
sincerely,  
liz pollock

Sent from my iPhone





17.103

# Residential Rental Inspection Service Update

**CITY COUNCIL**  
OCTOBER 8, 2019



# Residential Rental Inspection Services (RRIS)

- ▶ Self-funded
- ▶ Proactive
- ▶ Protects tenants
- ▶ Maintains housing stock
- ▶ Assures minimum habitable standards

# Protecting Our Community



# Protecting Our Community



17.106





# Protecting Our Community



17.107

# RRIS Annual Stats

- ▶ ~11,400 registered units
- ▶ ~3,700 inspections
- ▶ ~14% pass first inspection
- ▶ ~2 orders to vacate

# May 9, 2019 Direction

- ▶ Complaint-based only
- ▶ Cost recovery
- ▶ Codify SB 1226
- ▶ Point of sale

# Additional considerations

- ▶ Expanded outreach
- ▶ Amnesty program



# Complaint-based RRIS

- ▶ Remove tenant protections
- ▶ Perpetuate unsafe and unhealthy conditions
- ▶ Not recommended

# Cost Recovery

- ▶ Maintain landlord fees

# Expanded Outreach

- ▶ Connect with community
- ▶ Partnerships



# Codify SB 1226

- ▶ Use of prior building codes
- ▶ State law
- ▶ Codification not needed



*California*

LEGISLATIVE INFORMATION




# Unpermitted units

- ▶ ~450 identified
- ▶ Remain occupied
  - ▶ One to two per year vacated
- ▶ 158 in legalization process
  - ▶ 32 now legal
  - ▶ 15 have been removed
  - ▶ 17 building permits issued
  - ▶ 94 in process
- ▶ 300 pending

# Point of Sale Reporting Requirements

- ▶ Council direction
- ▶ Salinas & Seaside
- ▶ Sales price
- ▶ Recommend research, outreach, & ordinance updates

17.116



**CITY OF SALINAS**  
 Permit Services Division - Community Development  
 65 W. Alisal Street, Salinas, CA 93901  
 (831) 758-7251 \* (831) 758-7938 Fax  
 epermit@ci.salinas.ca.us

**Residential Building Report**

Issuance Date: January 02, 2019  
 Report Expiration Date: July 01, 2019

Address: [REDACTED]

Assessor Parcel Number: [REDACTED]  
 Zoning District: R-L-5.5  
 Zoning Overlay District(s): 1C  
 Special Zoning Restrictions & Permits (if applicable):

**Building Permit(s) on Record:**

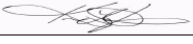
Permit No.	Issued	Finalized	Expired	Description
77-361	04/15/1977	07/27/1977		Dwelling & Garage
CITY19-0005	01/02/2019	01/02/2019	07/01/2019	CITY REPORT
ENC14-0226	03/26/2014	04/08/2014		Dig to renew 1" service
PCBMP14-0190	03/26/2014	04/08/2014	09/29/2014	Minor CBMP's

\*\* For Any Noted Code Violations, Please Contact Code Enforcement (831) 758-7157 \*\*

**\*\* Open Code Case Violations, Enforcement Action(s) and Status**

Case No.	Date	Status	Description
CE [REDACTED]	08/17/2017	FINES DUE	CE [REDACTED] vehicle flat tires

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By:  Title: **KAREN JONES - PERMIT CENTER CLERK**

I certify that a copy of the above report was delivered to me prior to the consummation of the agreement of sale of the above described property. This does NOT certify property that is free of any deficiencies or violations of applicable codes unless same are noted on public record. This report expires 6 months from date of issuance. An extension may be issued within 90 days of the original report upon written request and extension fee. No report shall be extended more than once.

Buyer's Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Mail Address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_

Return signed copy of report to: City of Salinas, Permit Center, 65 West Alisal, Salinas, CA 93901.

Sec 9-64 Delivery of Report: the report of residential building record shall be delivered by the owner, or the authorized designated representative of the owner, to the buyer or transferee of the residential building prior to the consummation of the sale or exchange. The buyer or transferee shall execute a receipt therefor as furnished by the city and the receipt shall be delivered to the building inspection division as evidence of compliance with the provisions of this chapter. (Ord.No. 2219 (NCS), 551.)

Sec 9-66 Penalties: (a) Anyone in violation of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided by Section 1-7 of this Code. (b) No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provisions of this chapter unless it is an act or omission which or would be a valid ground for rescission of such sale or exchange in the absence of this chapter. (Ord.No.2219(NCS), 551.)

# Point of Sale Options

- ▶ No POS reporting
- ▶ POS reporting options
  - ▶ Permit history only
  - ▶ Add basic findings
  - ▶ Add inspection
    - ▶ Mandatory or on request?
    - ▶ Unpermitted units/construction
    - ▶ RIS items?

# Point of Sale Options

- ▶ Corrections / permitting
  - ▶ Unpermitted units only?
  - ▶ Unpermitted additions?
  - ▶ Specified timeframe?
  - ▶ Include with existing legalization program?



# Potential Amnesty Program

- ▶ Non-conforming units
  - ▶ 31 known
- ▶ Trade-offs
- ▶ Opportunities
  - ▶ Keeping units
  - ▶ Affordability requirements
- ▶ Threats:
  - ▶ Unwilling owners
  - ▶ SB 50

# RRIS Recommendation

- ▶ Maintain current service
- ▶ Enhance community outreach
- ▶ Research, outreach, and prepare draft ordinance for residential point-of-sale reporting
- ▶ Direction on temporary amnesty program

# Costs

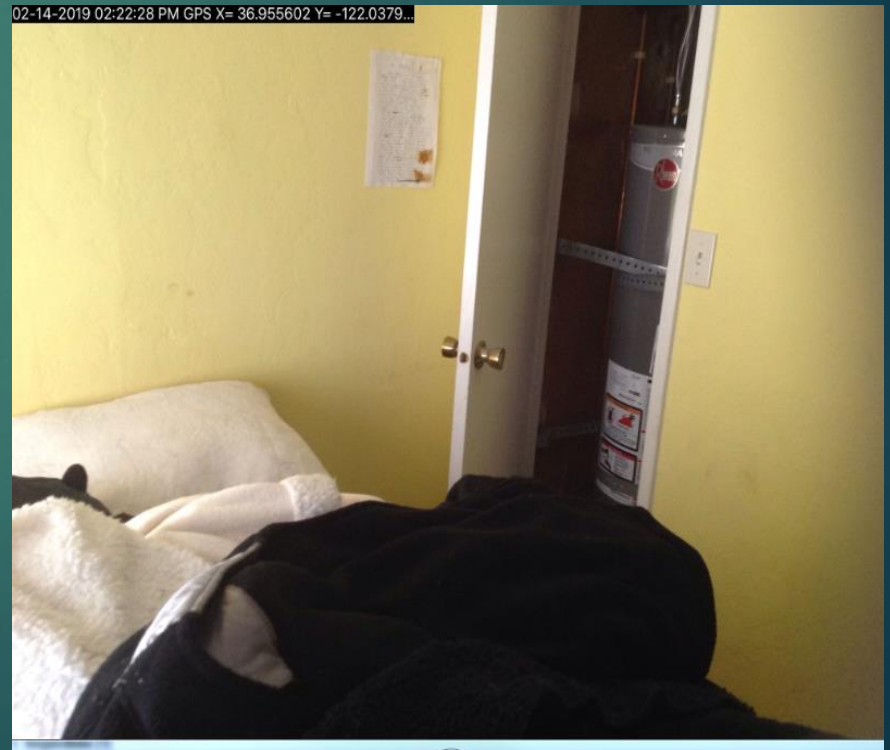
- ▶ Opportunity costs depend on direction
  - ▶ Information Technology
  - ▶ Advance Planning
  - ▶ ED's Housing and Community Development
  - ▶ City Attorney
- ▶ Fiscally neutral with new fees



17.122



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17.123



ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 6.13 TO THE SANTA CRUZ MUNICIPAL CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS TO FINANCE IMPROVEMENTS TO THE REFUSE ENTERPRISE OF THE CITY

BE IT ORDAINED, by the City of Santa Cruz as follows:

**SECTION 1.** Chapter 6.13 of the Santa Cruz Municipal Code is added to read as follows:

**“CHAPTER 6.13  
CITY OF SANTA CRUZ  
REFUSE ENTERPRISE REVENUE BOND LAW**

**6.13.010. PURPOSE AND INTENT.**

The purpose and intent of this chapter is to provide the procedures to be followed by the City with respect to the authorization, issuance and sale of bonds and other obligations for the purpose of financing the solid waste collection and disposal enterprise of the City. This chapter may be cited as the City of Santa Cruz Refuse Enterprise Revenue Bond Law. The City Council hereby finds that the City’s issuance of Bonds to finance Capital Improvement Costs relating to the Refuse Enterprise is a municipal affair and promotes a necessary and essential public purpose.

**6.13.020. DEFINITIONS.**

- A. The following definitions apply in this chapter and shall not be construed to define the same terms found in any other section of this code. As used in this chapter, the following terms shall have the meanings set forth below.
1. “Bonds” means any bonds, notes, loans, interim certificates, debentures, installment-purchase agreements, leases, or other obligations that are issued or incurred under this chapter and are payable from Revenues described in the Issuing Instrument.
  2. “Capital Improvement” means (a) any addition, betterment, replacement, renewal, extension, equipping, or improvement of or to the Refuse Enterprise, including the acquisition of land or any interests in land, and (b) any capital costs for the extension, reinforcement, enlargement, or other improvement of a facility or property, or for the acquisition of an interest in a facility or property, that is determined by the City to be necessary or convenient in connection with use of the Refuse Enterprise.
  3. “Capital Improvement Costs” means all costs and expenses the City pays or incurs in connection with planning, designing, acquiring, constructing, installing, furnishing, equipping, and financing a Capital Improvement; placing a Capital Improvement in operation; disposing of a Capital Improvement; and obtaining governmental approvals,

certificates, permits, and licenses for a Capital Improvement. “Capital Improvement Costs” includes the following:

- a. Reimbursement to the City for any costs and expenses that are included in this definition, are paid by the City, have not previously been reimbursed to the City, and will not be reimbursed from contributions in aid of construction.
- b. Costs of preliminary investigation and development, including the cost of performing or acquiring feasibility and planning studies; the cost of securing regulatory approvals; the cost of acquiring land and land rights; fees for engineering and contractor services; the costs of labor, materials, equipment, utility services, and supplies; and legal fees and financing expenses.
- c. Working capital and working-capital reserves in such amounts as the City determines to be appropriate.
- d. Interest accruing in whole or in part on Bonds before and during construction of a Capital Improvement or any portion of a Capital Improvement, and interest accruing for such additional time as the City determines.
- e. Deposits from the proceeds of Bonds in any funds or accounts when the Issuing Instrument requires such deposits.
- f. The payment of principal, purchase price, premium, and interest of any indebtedness, the proceeds of which were applied to Capital Improvement Costs.
- g. Training and testing costs that are properly allocable to acquiring or constructing a Capital Improvement or placing it in operation.
- h. All costs of insurance that is in effect when a Capital Improvement is constructed and placed in operation.
- i. Amounts due the United States of America as rebate of investment earnings on the proceeds of Bonds or as penalties in lieu of rebate.
- j. Amounts payable for capital costs of expanding, reinforcing, enlarging, or otherwise improving facilities the City determines to be necessary in connection with the use of a Capital Improvement, and the costs associated with the removal from service of, or reductions in service by, any facilities as a result of the expansion, reinforcement, enlargement or other improvement of such facilities or the construction of a Capital Improvement.
- k. Costs of issuance of any Bonds, including costs of legal, underwriting, feasibility, engineering, and other consultants; costs of City staff; costs of reserve funds; and costs of bond insurance or other credit or liquidity enhancement for the Bonds.

- l. Fees and expenses relating to any lending or credit facility or agreement for a Capital Improvement or any portion of a Capital Improvement.
  - m. Any other cost as the City Council may, in its discretion, define as a Capital Improvement Cost in the Issuing Instrument.
  4. "Director of Finance" means the Director of Finance or any designee of the Director of Finance.
  5. "Include" and its variants are terms of enlargement rather than of limitation, so that "includes" means "includes but not limited to," and "including" means "including but not limited to."
  6. "Issuing Instrument" means the resolution of the City Council adopted under this chapter and any indenture, trust agreement, loan agreement, lease, installment-purchase agreement, revolving-credit agreement, credit or liquidity agreement, or other instrument or agreement under which the City issues Bonds for the Refuse Enterprise as described in this chapter.
  7. "Refuse Enterprise" means the system owned or operated by the City for the collection, transportation, disposal and recycling of solid waste materials within the service area of the City, including solid waste storage containers, trucks and other vehicles used to transport solid waste, materials recovery facilities, sorting facilities, transfer station facilities, landfill sites, and any necessary.
  8. "Revenues" means all income, rents, rates, fees, charges, and other moneys that the City derives from the Refuse Enterprise and that the City Council may, in its discretion, designate as "Revenues" in the Issuing Instrument. At the discretion of the City Council, the "Revenues" which are pledged to the payment of Bonds may be net of the costs of operating and maintaining the Refuse Enterprise.
- B. Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

**6.13.030. GENERAL POWERS.**

The City is authorized and empowered to do the following:

- A. Issue Bonds for the purposes of financing Capital Improvement Costs, refunding outstanding Bonds, and paying all costs incurred in connection with Bonds.
- B. Establish the terms for financings undertaken in accordance with this chapter.
- C. Employ or contract for such legal, financial advisory, underwriting, feasibility, engineering, and other consultant services the City Council determines to be necessary for the issuance and sale of Bonds.



D. Do all things necessary or convenient to carry out the purposes of this chapter.

**6.13.040. AUTHORIZATION AND TERMS OF BONDS.**

The City Council may adopt a resolution authorizing the issuance of Bonds in accordance with this chapter. Every issue of Bonds shall be payable from Revenues of the Refuse Enterprise for which Capital Improvement Costs are being financed. The resolution that authorizes the issuance of Bonds and the Issuing Instrument may prescribe any or all of the following for the Bonds:

1. The form of the Bonds, which may be issued as serial bonds, term bonds, or installment bonds, or any combination thereof.
2. The date or dates to be borne by the Bonds.
3. The date or dates of maturity of the Bonds.
4. The interest to be borne by the Bonds, which may be taxable or tax-exempt, fixed or variable, and which may be paid on a current-interest-rate basis, a capital-appreciation basis or any combination thereof.
5. The date or dates that interest on the Bonds will be payable.
6. The denominations, form, and registration privileges of the Bonds.
7. The manner of execution of the Bonds.
8. The place or places the Bonds are payable.
9. The terms of redemption of the Bonds.
10. Any other terms and conditions as the City may deem necessary or advisable.

Notwithstanding the foregoing provisions of this Section, at the discretion of the City Council, any Bonds issued under this chapter may be secured or evidenced by an Issuing Instrument in the form of an indenture or a trust agreement between the City and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company. An Issuing Instrument may contain any lawful provisions the City Council determines to be reasonable and proper.

**6.13.050. BOND INSURANCE.**

The Director of Finance may obtain bond insurance or other credit enhancement or liquidity support for the Bonds and may approve the entering into by the City of any credit agreement, reimbursement agreement, standby bond-purchase agreement, or similar agreement with any person or entity. Such an agreement must contain the terms of the credit, reimbursement,

liquidity support, interest rate, and security, and any other terms the Director of Finance deems necessary or appropriate.

**6.13.060. PERSONAL LIABILITY.**

Neither the members of the City Council; nor the City's officers, employees, and agents; nor any person executing Bonds will be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

**6.13.070. REFUNDING BONDS.**

The City Council may issue Bonds to refund outstanding Bonds. Such a refunding includes payment of the principal, purchase price, interest, and redemption premiums, if any, of the outstanding Bonds. At the discretion of the City Council, based on the Director of Finance's recommendation, the proceeds of Bonds issued to refund outstanding Bonds may be applied to the retirement of the outstanding Bonds at maturity or to the redemption (on any redemption date) or purchase of the outstanding Bonds before maturity, upon such terms as the City Council determines to be appropriate.

**6.13.080. SALE OF THE BONDS.**

The Bonds may be sold at either a public or private sale, on either a negotiated or competitive basis, and at a price which is at, above, or below the par value of the Bonds. The manner of sale of the Bonds shall be designated in the resolution of the City Council authorizing the issuance of the Bonds.

**6.13.090. LIBERAL CONSTRUCTION.**

This chapter, being necessary for the health, welfare, and safety of the City and its residents, is to be liberally construed to carry out its purposes.

**6.13.100. COMPLETE, ADDITIONAL, AND ALTERNATIVE METHOD.**

This chapter provides a complete, additional, and alternative method for doing the things authorized and is to be regarded as supplemental and additional to the powers conferred by other laws.

**6.13.110. VALIDITY OF BONDS.**

The validity of any Bonds does not depend on, and is not affected in any way by, any proceedings taken by the City for acquisition, construction, or completion of any properties or projects for which the Bonds are issued or any agreements made in connection with the acquisition, construction, or operation of those properties. The Bonds shall be incontestable and by their issuance and delivery shall conclusively establish the due performance of all conditions precedent to their issue.

**6.13.120. AMENDMENT OF CHAPTER.**

This chapter may not be amended to have a material, adverse effect upon the rights of the holders of any outstanding Bonds without the written consent of the Bond holders, except as follows: this chapter may be amended at any time if the amendment is needed to cure an ambiguity or to correct or supplement a defective provision; if the City Council finds that the amendment will not materially impair or adversely affect the City’s interests or the interests of any Bond holder; or if the amendment will apply solely to Bonds issued after its effective date.

**6.13.130. CHAPTER CONTROLLING.**

To the extent this chapter is inconsistent with any general statute or special act, this chapter shall be controlling.

**6.13.140. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.”

**SECTION 2.** This Ordinance shall become effective on the 30th day following the date of its passage and adoption.

**SECTION 3.** This Ordinance shall be published in accordance with the requirements of Section 613 of the City Charter.

PASSED FOR PUBLICATION this 24<sup>th</sup> day of September, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2019-15

PASSED FOR FINAL ADOPTION this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2019-15 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



DECLARATION OF POSTING

STATE OF CALIFORNIA     )  
  )    SS.  
COUNTY OF SANTA CRUZ    )

On the 1<sup>st</sup> day of October, 2019, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2019-15, to wit:

1. City Hall Bulletin Board
2. Central Branch Library
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—7.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>st</sup> day of October, 2019, in Santa Cruz, California.

**Julia Wood** Digitally signed by Julia Wood  
DN: cn=Julia Wood, o=City of Santa Cruz, ou=City  
Clerks Department, email=jwood@cityofsantacruz.com,  
c=US  
Date: 2019.09.30 08:48:39 -07'00'

---

Julia Wood  
Deputy City Clerk Administrator

**Proof of Publication  
(2015.5 C.C.P)**

I, the undersigned, declare:

That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a daily newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 2, 2019

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 2<sup>nd</sup> day of October, 2019, Santa Cruz, California

**Julia Wood**  
Digitally signed by Julia Wood  
DN: cn=Julia Wood, o=City of Santa Cruz,  
ou=City Clerks Department,  
email=jwood@cityofsantacruz.com, c=US  
Date: 2019.10.02 13:12:59 -07'00'

Julia Wood  
Deputy City Clerk Administrator

**NOTICE OF  
PUBLICATION  
OF ORDINANCE  
BY POSTING  
(ORDINANCE NO. 2019-15)**



The City Council of the City of Santa Cruz having authorized the city clerk administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:

The City of Santa Cruz Website  
www.cityofsantacruz.com  
City Hall-809 Center Street  
Central Branch Library-224 Church Street

NOTICE IS HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk.) Said ordinance was introduced on September 24th, 2019, and is entitled and described as follows:

**ORDINANCE NO. 2019-15  
AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 6.13 TO THE SANTA CRUZ MUNICIPAL CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS TO FINANCE IMPROVEMENTS TO THE REFUSE ENTERPRISE OF THE CITY**

This ordinance adds chapter 6.13 to the municipal code pertaining to issuing revenue bonds to finance improvements to the refuse enterprise. PASSED FOR PUBLICATION on this 24th day of September, 2019, by the following vote: AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Watkins. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This ordinance is scheduled for further consideration and final adoption at the Council meeting of October 8, 2019.

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 16.26 TO THE  
SANTA CRUZ MUNICIPAL CODE, RELATING TO THE ISSUANCE OF REVENUE  
BONDS TO FINANCE IMPROVEMENTS TO THE WATER AND WASTEWATER SYSTEMS  
OF THE CITY

BE IT ORDAINED, by the City of Santa Cruz as follows:

**SECTION 1.** Chapter 16.26 of the Santa Cruz Municipal Code is added to read as follows:

**“CHAPTER 16.26  
CITY OF SANTA CRUZ  
WATER AND WASTEWATER ENTERPRISE  
REVENUE BOND LAW**

**16.26.010. PURPOSE AND INTENT.**

The purpose and intent of this chapter is to provide the procedures to be followed by the City with respect to the authorization, issuance and sale of bonds and other obligations for the purpose of financing the water enterprise of the City and to the wastewater enterprise of the City. This chapter may be cited as the City of Santa Cruz Water and Wastewater Enterprise Revenue Bond Law. The City Council hereby finds that the City’s issuance of Bonds to finance Capital Improvement Costs relating to the Water System and to the Wastewater System is a municipal affair and promotes a necessary and essential public purpose.

**16.26.020. DEFINITIONS.**

- A. The following definitions apply in this chapter and shall not be construed to define the same terms found in any other section of this code. As used in this chapter, the following terms shall have the meanings set forth below.
1. “Bonds” means any bonds, notes, loans, interim certificates, debentures, installment-purchase agreements, leases, or other obligations that are issued or incurred under this chapter and are payable from Revenues described in the Issuing Instrument.
  2. “Capital Improvement” means (a) any addition, betterment, replacement, renewal, extension, equipping, or improvement of or to the Water System or the Wastewater System, including the acquisition of land or any interests in land, and (b) any capital costs for the extension, reinforcement, enlargement, or other improvement of a facility or property, or for the acquisition of an interest in a facility or property, that is determined by the City to be necessary or convenient in connection with use of the Water System or the Wastewater System.

3. “Capital Improvement Costs” means all costs and expenses the City pays or incurs in connection with planning, designing, acquiring, constructing, installing, furnishing, equipping, and financing a Capital Improvement; placing a Capital Improvement in operation; disposing of a Capital Improvement; and obtaining governmental approvals, certificates, permits, and licenses for a Capital Improvement. “Capital Improvement Costs” includes the following:
- a. Reimbursement to the City for any costs and expenses that are included in this definition, are paid by the City, have not previously been reimbursed to the City, and will not be reimbursed from contributions in aid of construction.
  - b. Costs of preliminary investigation and development, including the cost of performing or acquiring feasibility and planning studies; the cost of securing regulatory approvals; the cost of acquiring land and land rights; fees for engineering and contractor services; the costs of labor, materials, equipment, utility services, and supplies; and legal fees and financing expenses.
  - c. Working capital and working-capital reserves in such amounts as the City determines to be appropriate.
  - d. Interest accruing in whole or in part on Bonds before and during construction of a Capital Improvement or any portion of a Capital Improvement, and interest accruing for such additional time as the City determines.
  - e. Deposits from the proceeds of Bonds in any funds or accounts when the Issuing Instrument requires such deposits.
  - f. The payment of principal, purchase price, premium, and interest of any indebtedness, the proceeds of which were applied to Capital Improvement Costs.
  - g. Training and testing costs that are properly allocable to acquiring or constructing a Capital Improvement or placing it in operation.
  - h. All costs of insurance that is in effect when a Capital Improvement is constructed and placed in operation.
  - i. Amounts due the United States of America as rebate of investment earnings on the proceeds of Bonds or as penalties in lieu of rebate.
  - j. Amounts payable for capital costs of expanding, reinforcing, enlarging, or otherwise improving facilities the City determines to be necessary in connection with the use of a Capital Improvement, and the costs associated with the removal from service of, or reductions in service by, any facilities as a result of the expansion, reinforcement, enlargement or other improvement of such facilities or the construction of a Capital Improvement.



- k. Costs of issuance of any Bonds, including costs of legal, underwriting, feasibility, engineering, and other consultants; costs of City staff; costs of reserve funds; and costs of bond insurance or other credit or liquidity enhancement for the Bonds.
  - l. Fees and expenses relating to any lending or credit facility or agreement for a Capital Improvement or any portion of a Capital Improvement.
  - m. Any other cost as the City Council may, in its discretion, define as a Capital Improvement Cost in the Issuing Instrument.
4. “Director of Finance” means the Director of Finance or any designee of the Director of Finance.
  5. “Include” and its variants are terms of enlargement rather than of limitation, so that “includes” means “includes but not limited to,” and “including” means “including but not limited to.”
  6. “Issuing Instrument” means the resolution of the City Council adopted under this chapter and any indenture, trust agreement, loan agreement, lease, installment-purchase agreement, revolving-credit agreement, credit or liquidity agreement, or other instrument or agreement under which the City issues Bonds for the Water System or the Wastewater System as described in this chapter.
  7. “Revenues” means all income, rents, rates, fees, charges, and other moneys that the City derives from the Water System or the Wastewater System and that the City Council may, in its discretion, designate as “Revenues” in the Issuing Instrument. At the discretion of the City Council, the "Revenues" which are pledged to the payment of Bonds may be net of the costs of operating and maintaining the Water System or the Wastewater System.
  8. “Water System” means the water treatment, production, storage and distribution system owned or operated by the City, including but not limited to all facilities, properties and improvements at any time owned or operated by the City for the collection, treatment and supply of water within the service area of such system, and any necessary lands, rights, entitlements and other property useful in connection therewith, together with all extensions thereof and improvements thereto hereafter acquired, constructed or installed by the City.
  9. “Wastewater System” means the system owned or operated by the City for the collection, treatment, disposal or reuse of wastewater, including sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, oxidation ponds, pipes, valves, machinery and all other appurtenances necessary, useful or convenient for the collection, treatment, purification, reclamation or disposal of sewage, and any necessary lands, rights of way and other real or personal property useful in connection therewith.

- B. Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

**16.26.030. GENERAL POWERS.**

The City is authorized and empowered to do the following:

- A. Issue Bonds for the purposes of financing Capital Improvement Costs, refunding outstanding Bonds, and paying all costs incurred in connection with Bonds.
- B. Establish the terms for financings undertaken in accordance with this chapter.
- C. Employ or contract for such legal, financial advisory, underwriting, feasibility, engineering, and other consultant services the City Council determines to be necessary for the issuance and sale of Bonds.
- D. Do all things necessary or convenient to carry out the purposes of this chapter.

**16.26.040. AUTHORIZATION AND TERMS OF BONDS.**

The City Council may adopt a resolution authorizing the issuance of Bonds in accordance with this chapter. Every issue of Bonds shall be payable from Revenues of the Water System or the Wastewater System for which Capital Improvement Costs are being financed. The resolution that authorizes the issuance of Bonds and the Issuing Instrument may prescribe any or all of the following for the Bonds:

1. The form of the Bonds, which may be issued as serial bonds, term bonds, or installment bonds, or any combination thereof.
2. The date or dates to be borne by the Bonds.
3. The date or dates of maturity of the Bonds.
4. The interest to be borne by the Bonds, which may be taxable or tax-exempt, fixed or variable, and which may be paid on a current-interest-rate basis, a capital-appreciation basis or any combination thereof.
5. The date or dates that interest on the Bonds will be payable.
6. The denominations, form, and registration privileges of the Bonds.
7. The manner of execution of the Bonds.
8. The place or places the Bonds are payable.
9. The terms of redemption of the Bonds.

10. Any other terms and conditions as the City may deem necessary or advisable.

Notwithstanding the foregoing provisions of this Section, at the discretion of the City Council, any Bonds issued under this chapter may be secured or evidenced by an Issuing Instrument in the form of an indenture or a trust agreement between the City and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company. An Issuing Instrument may contain any lawful provisions the City Council determines to be reasonable and proper.

**16.26.050. BOND INSURANCE.**

The Director of Finance may obtain bond insurance or other credit enhancement or liquidity support for the Bonds and may approve the entering into by the City of any credit agreement, reimbursement agreement, standby bond-purchase agreement, or similar agreement with any person or entity. Such an agreement must contain the terms of the credit, reimbursement, liquidity support, interest rate, and security, and any other terms the Director of Finance deems necessary or appropriate.

**16.26.060. PERSONAL LIABILITY.**

Neither the members of the City Council; nor the City's officers, employees, and agents; nor any person executing Bonds will be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

**16.26.070. REFUNDING BONDS.**

The City Council may issue Bonds to refund outstanding Bonds. Such a refunding includes payment of the principal, purchase price, interest, and redemption premiums, if any, of the outstanding Bonds. At the discretion of the City Council, based on the Director of Finance's recommendation, the proceeds of Bonds issued to refund outstanding Bonds may be applied to the retirement of the outstanding Bonds at maturity or to the redemption (on any redemption date) or purchase of the outstanding Bonds before maturity, upon such terms as the City Council determines to be appropriate.

**16.26.080. SALE OF THE BONDS.**

The Bonds may be sold at either a public or private sale, on either a negotiated or competitive basis, and at a price which is at, above, or below the par value of the Bonds. The manner of sale of the Bonds shall be designated in the resolution of the City Council authorizing the issuance of the Bonds.

**16.26.090. LIBERAL CONSTRUCTION.**

This chapter, being necessary for the health, welfare, and safety of the City and its residents, is to be liberally construed to carry out its purposes.

**16.26.100. COMPLETE, ADDITIONAL, AND ALTERNATIVE METHOD.**

This chapter provides a complete, additional, and alternative method for doing the things authorized and is to be regarded as supplemental and additional to the powers conferred by other laws.

**16.26.110. VALIDITY OF BONDS.**

The validity of any Bonds does not depend on, and is not affected in any way by, any proceedings taken by the City for acquisition, construction, or completion of any properties or projects for which the Bonds are issued or any agreements made in connection with the acquisition, construction, or operation of those properties. The Bonds shall be incontestable and by their issuance and delivery shall conclusively establish the due performance of all conditions precedent to their issue.

**16.26.120. AMENDMENT OF CHAPTER.**

This chapter may not be amended to have a material, adverse effect upon the rights of the holders of any outstanding Bonds without the written consent of the Bond holders, except as follows: this chapter may be amended at any time if the amendment is needed to cure an ambiguity or to correct or supplement a defective provision; if the City Council finds that the amendment will not materially impair or adversely affect the City's interests or the interests of any Bond holder; or if the amendment will apply solely to Bonds issued after its effective date.

**16.26.130. CHAPTER CONTROLLING.**

To the extent this chapter is inconsistent with any general statute or special act, this chapter shall be controlling.

**16.26.140. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.”

**SECTION 2.** This Ordinance shall become effective on the 30th day following the date of its passage and adoption.

**SECTION 3.** This Ordinance shall be published in accordance with the requirements of Section 613 of the City Charter.



ORDINANCE NO. 2019-16

PASSED FOR PUBLICATION this 24<sup>th</sup> day of September, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2019-16 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

DECLARATION OF POSTING

STATE OF CALIFORNIA     )  
  )    SS.  
COUNTY OF SANTA CRUZ    )

On the 30<sup>th</sup> day of September, 2019, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2019-16, to wit:

1. City Hall Bulletin Board
2. Central Branch Library
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—7.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30<sup>th</sup> day of September, 2019, in Santa Cruz, California.

**Julia Wood**

Digitally signed by Julia Wood  
DN: cn=Julia Wood, o=City of Santa Cruz,  
ou=City Clerks Department,  
email=jwood@cityofsantacruz.com, c=US  
Date: 2019.09.30 08:52:22 -0700

---

Julia Wood  
Deputy City Clerk Administrator

**Proof of Publication  
(2015.5 C.C.P)**

I, the undersigned, declare:

That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a daily newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 2, 2019

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 2<sup>nd</sup> day of October, 2019, Santa Cruz, California

**Julia Wood** Digitally signed by Julia Wood  
DN: cn=Julia Wood, o=City of Santa Cruz, ou=City Clerks  
Department, email=jwood@cityofsantacruz.com, c=US  
Date: 2019.10.02 13:15:04 -0700

Julia Wood  
Deputy City Clerk Administrator

**NOTICE OF  
PUBLICATION  
OF ORDINANCE  
BY POSTING  
(ORDINANCE NO. 2019-16)**



The City Council of the City of Santa Cruz having authorized the city clerk administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:

The City of Santa Cruz Website  
www.cityofsantacruz.com  
City Hall-809 Center Street  
Central Branch Library-224 Church Street

NOTICE IS HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk.) Said ordinance was introduced on September 24th, 2019, and is entitled and described as follows:

**ORDINANCE NO. 2019-16  
AN ORDINANCE OF THE CITY OF  
SANTA CRUZ ADDING CHAPTER 16.26  
TO THE SANTA CRUZ MUNICIPAL  
CODE, RELATING TO THE ISSUANCE  
OF REVENUE BONDS TO FINANCE  
IMPROVEMENTS TO THE WATER AND  
WASTEWATER SYSTEMS OF THE CITY**

This ordinance adds chapter 16.26 to the municipal code pertaining to issuing revenue bonds to finance improvements to the water and wastewater systems. PASSED FOR PUBLICATION on this 24th day of September, 2019, by the following vote: AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Watkins. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This ordinance is scheduled for further consideration and final adoption at the Council meeting of October 8, 2019.

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ REVISING THE CANNABIS RETAILER LICENSE PROVISIONS TO ALLOW THE CHANGE OF AN ON-SITE MANAGER, DIRECTOR, OR OFFICER WITHOUT REQUIRING A NEW CANNABIS RETAILER LICENSE

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 6.91.020 – Definitions of Chapter 6.91 – Cannabis Retailer Licenses of the City of Santa Cruz Municipal Code is hereby amended as follows:

**6.91.120 License nontransferable.**

A cannabis retailer license may not be transferred from one person to another. A new cannabis retailer license is required whenever a cannabis retailer location has a change in proprietor provided, however, that the change of a non-member on-site manager with less than a twenty percent ownership interest in a cannabis retail business shall not be considered a change in proprietorship for the purposes of this prohibition, nor shall a change in a member of the board of directors of a nonprofit with less than a twenty percent ownership interest nor shall a change in an officer or director of a cannabis retail business that is organized as a corporation with less than a twenty percent ownership interest. Licensees may change locations contingent upon obtaining an administrative use permit for the new location(s) as well as approval from the state licensing agency for the new location in accordance with Section 6.91.100.

Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption.



ORDINANCE NO. 2019-17

PASSED FOR PUBLICATION this 24<sup>th</sup> day of September, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2019-17 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ REVISING THE CANNABIS RETAILER LICENSE PROVISIONS TO ALLOW THE CHANGE OF AN ON-SITE MANAGER, **DIRECTOR, OR OFFICER** WITHOUT REQUIRING A NEW CANNABIS RETAILER LICENSE

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 6.91.020 – Definitions of Chapter 6.91 – Cannabis Retailer Licenses of the City of Santa Cruz Municipal Code is hereby amended as follows:

6.91.120 License nontransferable.

A cannabis retailer license may not be transferred from one person to another. A new cannabis retailer license is required whenever a cannabis retailer location has a change in proprietor provided, however, that the change of a non-member on-site manager with less than a twenty percent ownership interest in a cannabis retail business shall not be considered a change in proprietorship for the purposes of this prohibition, nor shall a change in a member of the board of directors of a nonprofit with less than a twenty percent ownership interest nor shall a change in an officer or director of a cannabis retail business that is organized as a corporation with less than a twenty percent ownership interest. Licensees may change locations contingent upon obtaining an administrative use permit for the new location(s) as well as approval from the state licensing agency for the new location in accordance with Section 6.91.100.

Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 24<sup>th</sup> day of September, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_

ORDINANCE NO. 2019-16

Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2019-16 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

DECLARATION OF POSTING

STATE OF CALIFORNIA     )  
  )   SS.  
COUNTY OF SANTA CRUZ    )

On the 30<sup>th</sup> day of September, 2019, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2019-17, to wit:

1. City Hall Bulletin Board
2. Central Branch Library
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1–2.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30<sup>th</sup> day of September, 2019, in Santa Cruz, California.

**Julia Wood** Digitally signed by Julia Wood  
DN: cn=Julia Wood, o=City of Santa Cruz,  
ou=City Clerks Department,  
email=jwood@cityofsantacruz.com, c=US  
Date: 2019.09.30 08:56:32 -07'00'

---

Julia Wood  
Deputy City Clerk Administrator



**Proof of Publication  
(2015.5 C.C.P)**

I, the undersigned, declare:

That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a daily newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 2, 2019

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 2<sup>nd</sup> day of October, 2019, Santa Cruz, California

**Julia Wood**  
Digitally signed by Julia Wood  
DN: cn=Julia Wood, o=City of Santa Cruz, ou=City  
Clerk Department,  
email=jwood@cityofsantacruz.com, c=US  
Date: 2019.10.02 13:16:54 -0700

Julia Wood  
Deputy City Clerk Administrator

**NOTICE OF  
PUBLICATION  
OF ORDINANCE  
BY POSTING  
(ORDINANCE NO. 2019-17)**



The City Council of the City of Santa Cruz having authorized the city clerk administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:

The City of Santa Cruz Website  
www.cityofsantacruz.com  
City Hall-809 Center Street  
Central Branch Library-224 Church Street

NOTICE IS HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk.) Said ordinance was introduced on September 24th, 2019, and is entitled and described as follows:

**ORDINANCE NO. 2019-17  
AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SANTA CRUZ REVISING  
THE CANNABIS RETAILER LICENSE  
PROVISIONS TO ALLOW THE CHANGE OF  
AN ON-SITE MANAGER, DIRECTOR, OR  
OFFICER WITHOUT REQUIRING A NEW  
CANNABIS RETAILER LICENSE**

This ordinance amends Section 6.91.020 of the municipal code pertaining to Cannabis Retailer Licenses of the City of Santa Cruz. PASSED FOR PUBLICATION on this 24th day of September, 2019, by the following vote: AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Watkins. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This ordinance is scheduled for further consideration and final adoption at the Council meeting of October 8, 2019.



## CITY COUNCIL AGENDA REPORT

DATE: 10/3/2019

AGENDA OF: October 8, 2019

DEPARTMENT: Planning and Community Development

SUBJECT: 110 Cooper Street, Floors 5 and 2 – City Council Review of the Planning Commission's Approval of an Administrative Use Permit to Establish a Medical Office (*Kaiser Permanente*) on the Fifth and Second Floors of an Existing Building at 110 Cooper Street. The Site is Zoned Central Business District (CBD) and is in the Pacific Avenue Retail District of the Downtown Plan (File Number CP19-0006; Environmental Determination: Categorical Exemption) (PL)

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RECOMMENDATION: Resolution upholding the Planning Commission's acknowledgement of the environmental determination and approval of the Administrative Use Permit based on the findings listed in the draft resolution and the conditions of approval attached as Exhibit "A".

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BACKGROUND: *Kaiser Permanente* (Kaiser) is proposing to establish a medical center on the entire fifth floor and a portion of the second floor of the building at 110 Cooper Street. A detailed description and analysis of the proposed use are in the attached Planning Commission staff report and addendum from the August 1, 2019 hearing.

Approval of a medical office use above the ground floor in the Pacific Avenue Retail District of the Downtown Plan requires approval of an Administrative Use Permit. This permit was approved at the Zoning Administrator meeting of April 3, 2019. In response to public comments expressing concerns about parking and building security, the Zoning Administrator included additional conditions of approval to require a key card entry only system during the center's closed hours and to require the applicant to explore the feasibility of a patient pickup and drop-off space located along Cooper Street near the building entrance.

On April 15, 2019, Bob Cagle submitted an appeal of the Zoning Administrator's decision to the Planning Commission. The appeal letter as well as the staff report for the Planning Commission hearing providing a project analysis and responding to the concerns stated in the appeal letter are attached. Discussion at the August 1, 2019 Planning Commission hearing centered around the proposed medical center's effect on traffic at the Cooper-Front and Cooper-Pacific intersections, availability of nearby parking, and proximity to other businesses, with opinions from commissioners on both sides of each issue. The seven member Planning Commission approved the permit with a 3 to 1 vote with conditions slightly modified from those approved by the Zoning Administrator (see attached minutes). For reasons stated in the Addendum to the Planning Commission Staff Report, the condition involving the pickup and drop-off parking space was eliminated.

Although no appeals were filed by the appellant or any member of the public, Councilmember Meyers called up this item to be heard by City Council with the understanding that multiple alternative sites were identified and being actively pursued for presentation to Kaiser for consideration. Zoning Ordinance Section 24.04.175.1 allows any city councilmember to call up a final action during the appeal period for that action. This request was made on August 12th, which was within the appeal period for the Planning Commission decision and therefore consistent with the Zoning Ordinance requirement. Under Zoning Ordinance Section 24.04.175.3, an item called up for city council review shall be heard in its entirety, or de novo.

Upon multiple meetings with City staff, Kaiser acknowledged that they would have pursued alternative sites had any been available in the downtown, but seeing none, began lease negotiations for space on the second and fifth floors in the Cooper House building. Cooper Street is a thriving but congested section of our downtown with frequent street closures for special events, limited on street parking, and a unique tenant mix of professional offices, retailers, and community gathering space.

Since early summer, Economic Development has been engaged with both Kaiser and Cooper House tenants to provide support and proactively identify alternative solutions that address the needs of the existing businesses and Kaiser's growth plans within our downtown for the long term. Currently, office space is at a premium in the downtown with a historically low vacancy rate of 2.7% and no new significant office space development on the horizon. Additionally, listings for available spaces are limited in size and the largest contiguous available office space outside of the Cooper House is roughly 6,000 square feet. Siting of a 20,000 square foot medical office including a pharmacy anywhere in the immediate downtown is challenging, but opportunities exist. Two additional sites have been identified specifically for Kaiser's consideration that have substantial benefits including off-street access and drop off and dedicated single tenant space (not located on multiple floors separated by other tenants).

In response to the request for City Council review, Kaiser has submitted an additional letter expressing their committed intent to locate to the Cooper House including the actions they have taken and are willing to take to accommodate the other building tenants as well as the general community.

**DISCUSSION:** Please refer to the attached Planning Commission staff report and addendum to staff report for a full analysis of the project's consistency with the General Plan, Downtown Plan and Zoning Ordinance.

Downtown Santa Cruz is undergoing considerable change with a sensitive retail environment and substantial housing development on the horizon. Balancing and sustaining a variety of mixed uses downtown will be critical to downtown's long term success. Including additional medical office space downtown for current and future residents is highly desirable and careful consideration should be given in siting and supporting the long term success of both Kaiser as a community partner and existing and future downtown businesses.

**ENVIRONMENTAL REVIEW:** Staff evaluated the proposed project for compliance with the California Environmental Quality Act (CEQA) and found that project is categorically exempt from environmental review under Class 1 of the CEQA Guidelines, Section 15301, which allows for minor modifications to existing facilities that result in negligible or no expansion of the existing use. The proposed project meets this exemption since it establishes a medical office in an

existing building that is designed to provide office and related uses allowed in the Pacific Avenue Retail District of the Downtown Area Plan.

**SUMMARY AND RECOMMENDATION:** The medical office will provide an essential neighborhood service for employees and residents of the downtown. The use is consistent with relevant policies of the General Plan and Downtown Plan. The project meets all the required site development standards, and the findings for approval of the Administrative Use Permit are attached. Planning staff recommends that City Council uphold the Planning Commission's approval of the project based on the Findings and Conditions of Approval included in the attached Exhibit A.

**FISCAL IMPACT:** The applicant and the appellant paid the fees necessary to process the application and the appeal respectively. Regardless of the location, associated tenant improvements will generate additional permit fees for the City that will cover staff time associated with the plan review and construction inspections. Additional revenue to the City will include approximately \$104,000 in Traffic Impact Fees as well as a parking in-lieu fee of \$20,000 per parking space required over and above the existing use, or approximately \$600,000 based on information provided by the applicant on the number of practitioners.

Prepared by:  
Clara Stanger  
Associate Planner II

Submitted by:  
Lee Butler, Director of  
Planning and Community  
Development

Approved by:  
Martin Bernal  
City Manager

Bonnie Lipscomb  
Director of Economic  
Development

**ATTACHMENTS:**

Resolution  
Exhibit A: Conditions of Approval  
Letter from applicant regarding City Council Review  
City Councilmember request for City Council Review  
Addendum to Planning Commission staff report  
Planning Commission staff report  
Planning Commission Conditions of Approval  
Planning Commission Minutes  
Appeal letter to Planning Commission  
Correspondence



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ UPHOLDING THE PLANNING COMMISSION'S ACKNOWLEDGEMENT OF THE ENVIRONMENTAL DETERMINATION AND APPROVAL OF AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A MEDICAL OFFICE ON THE 5<sup>TH</sup> AND 2<sup>ND</sup> FLOORS OF AN EXISTING BUILDING ZONED CENTRAL BUSINESS DISTRICT (CBD) IN THE PACIFIC AVENUE RETAIL DISTRICT OF THE DOWNTOWN PLAN (CP19-0006)

WHEREAS, the City Council adopted the 2030 Santa Cruz General Plan in June 2012; and

WHEREAS, the City Council adopted the Downtown Plan in its current form on November 14, 2017; and

WHEREAS, the project site and its development is governed by the standards and guidelines contained in Municipal Code Title 24, the Zoning Ordinance, and Chapter 4 of the Downtown Plan; and

WHEREAS, on January 14, 2019, the applicant applied for an Administrative Use Permit to establish a medical office (*Kaiser Permanente*) on the 5th and 2nd floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan; and

WHEREAS, the project qualifies for a project qualifies for a Categorical Exemption under Class 1 of the CEQA Guidelines, Section 15301, which allows for minor modifications to existing facilities that result in negligible or no expansion of the existing use. The proposed project meets this exemption since it establishes a medical office in an existing building that is designed to provide uses allowed in the Pacific Avenue Retail District of the Downtown Area Plan; and

WHEREAS, the Zoning Administrator conducted a duly noticed public hearing on April 3, 2019 and acknowledged the environmental determination and approved the Administrative Use Permit; and

WHEREAS, the Zoning Administrator's approval was appealed to the Planning Commission on April 15, 2019 by a concerned citizen; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 1, 2019 and voted 3 to 1 to acknowledge the environmental determination and deny the appeal thereby approving the Administrative Use Permit; and

WHEREAS, pursuant to Section 24.04.175.1 of the Zoning Ordinance, the Planning Commission's approval was called up for City Council Review by Councilmember Meyers on August 12, 2019; and

WHEREAS, the City Council conducted a duly noticed public hearing on October 8, 2019 to consider the application; and

RESOLUTION NO.

WHEREAS, the City Council now makes the following findings:

**With Respect to the Environmental Determination;**

The City Council has considered the project and finds that it is categorically exempt from environmental review under Class 1 of the CEQA Guidelines, Section 15301, which allows for minor modifications to existing facilities that result in negligible or no expansion of the existing use. The proposed project meets this exemption since it establishes a medical office in an existing building that is designed to provide uses allowed in the Pacific Avenue Retail District of the Downtown Area Plan.

**With respect to the Administrative Use Permit;**

- 1. The proposed structure or use conforms to the requirements and the intent of this title, and of the General Plan, relevant area plans, and the Coastal Land Use Plan, where appropriate;**

The proposed use is consistent with the General Plan and the Downtown Plan in that the use will serve downtown residents and workers alike. The purpose of the General Plan designation (Regional Visitor Commercial) is to allow for small scale commercial and service uses that serve both local residents and visitors; the proposed medical center is consistent with this intent in that it will provide a vital medical service to both downtown residents and workers alike. Furthermore, the General Plan encourages uses that reduce the need for autos (LU4.2), the expansion of neighborhood commercial services (LU4.3) and the expansion of neighborhood facilities within easy walking distance of residential areas or areas well served by transit (LU4.3.1). The parcel is not located within the Coastal Zone and is therefore exempt from any coastal requirements or review.

- 2. That any additional conditions stipulated as necessary in the public interest have been imposed;**

Conditions of approval require the applicant to pay Traffic Impact Fees and parking in-lieu fees, limit the hours of operation from 7 A.M. to 8 P.M. Monday through Friday, require proper disposal of hazardous and biological waste, a key card entry only system to the building during closure hours, and to submit a formal request to the Public Works Department to create a dedicated patient pick-up and drop-off zone on Cooper Street. These conditions are attached to this staff report as Exhibit A.

- 3. That such use or structure will not constitute a nuisance or be detrimental to the public welfare of the community.**

The proposed use will not constitute a nuisance or be detrimental to the public welfare of the community as it will occupy a vacant commercial space and help to provide a valuable a necessary service to residents and workers in the downtown area. The medical center use will not generate any noxious odors or noise above and beyond what already exists in the surrounding neighborhood; therefore no special conditions are required with regard to nuisances or public welfare.

RESOLUTION NO.

4. **That all thrift store uses shall include a management plan that identifies collection facilities for donated items, operating hours for donation facilities which discourage unsupervised dropoffs, adequate storage areas for sorting the materials, and provides a plan to properly dispose of unusable items in a timely, secure, and orderly fashion and maintains premises in a clean and attractive condition.**

The proposed project does not include a thrift store; therefore, this finding does not apply.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby upholds the Planning Commission's acknowledgement of the environmental determination and approves the Administrative Use Permit subject to the Conditions of Approval listed in Exhibit "A" attached hereto and made a part hereof.

PASSED AND ADOPTED this 8<sup>th</sup> day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED:

\_\_\_\_\_

Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

**110 Cooper Street, Floors 5 and 2– CP19-0006**

Administrative Use Permit to establish a medical office (Kaiser Permanente) on the 5<sup>th</sup> and 2<sup>nd</sup> floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
4. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
5. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans.
6. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project. The use may occupy different upper floors or be consolidated on one upper floor of the Cooper House building without a Modification Permit, as long as the amount of square footage devoted to the use is the same or less than shown on the approved plans.
7. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
8. Prior to commercial/business use of a building or site, owners or tenants shall obtain a Zoning Clearance/Occupancy Permit from the City Planning Department and a Business License from the City Finance Department.
9. Prior to building permit issuance, the applicant shall pay all required Traffic Impact Fees (TIF).
10. Resulting from updates to the Downtown Parking Resolution, this applicant shall pay a per-space parking in-lieu fee of \$20,000 per space or at the rate in effect at the time of the building permit issuance for each space required over and above the existing use. The in-lieu fee will be calculated based on the final plans submitted as part of the building permit and shall be paid prior to building permit issuance.



CONDITIONS OF APPROVAL  
For **110 Cooper St. Floors 5 and 2- Project No. CP19-0006**

11. Sandwich board signs are not permitted.
12. Any proposed signage must obtain Planning approval and a building permit.
13. As part of the building permit process, the applicant shall apply for and obtain appropriate addressing for suite 203.
14. The hours of operation shall be limited to 7:00 am until 8:00 pm, Monday through Friday.
15. All hazardous and biological waste shall be disposed of in accordance with applicable guidelines provided by the Medical Waste Management Program through the California Department of Public Health.
16. The exterior door shall utilize a key card entry only system during the clinic's closure hours to ensure that the public does not enter the building when the clinic is closed. (Added by ZA 4/3/19)



September 13, 2019

Ms. Clara Stanger, Associate Planner II  
Planning and Community Development, City of Santa Cruz  
809 Center St, RM 206  
Santa Cruz, CA 95060

RE: CP19-0006 110 Cooper Street

Dear Ms. Stanger:

Kaiser Permanente is writing to express our firm commitment to operate a medical clinic at 110 Cooper Street ("Clinic") within the City of Santa Cruz ("City"). As a business member partnering with the City since 2012 on the establishment of a medical clinic at 115 Locust, we are extremely committed to our members and to providing services to the Santa Cruz community.

Since submitting our application for an Administrative Use Permit in January of this year, Kaiser Permanente has been quick to respond to inquiries from City staff, City Councilmembers, Economic Development, and members of the public to address their questions and concerns regarding our proposed lease.

Additionally, Kaiser Permanente, as a neighbor and fellow Santa Cruz resident, entered into good faith negotiations with the original appellant to address their concerns and to reach a mutual agreement on how to operate the Clinic with minimal impacts to existing tenant.

Kaiser Permanente offered several concessions, significant investment and even delayed the original Planning Commission hearing date in attempt to reach an agreement that would meet the appellant's needs; all of which were never countered but were summarily rejected, with little explanation.

Having successfully been approved by the Zoning Administrator ("ZA") and having the ZA's approval affirmed by the Planning Commission upon appeal, Kaiser Permanente is now subject to a City Council hearing on October 8, 2019.

To date, we have incurred significant financial costs and time planning for this much needed expansion that will bring enhanced health care services closer to our members, as well as the residents and businesses that are located in and around the downtown Santa Cruz area.

Since successfully gaining approval from the ZA, Economic Development has continued to encourage Kaiser Permanente to seek alternative clinic sites. These locations have been carefully vetted by Kaiser Permanente's leadership and unfortunately, do not qualify for the following reasons:



**Planning and Timing:** Any alternative locations would greatly delay our first patient timing for at least 1.5 years, resulting in a delay of services for the community, families and seniors who depend on us for their health and treatment.

A new site would also create new challenges and barriers to market in the form of relocating existing tenants, potential permitting, associated tenant improvements; in addition to extensive lease negotiations with a new landlord.

Additionally, the organization has already spent a significant amount of time in designing, planning, staff training and creating special workflows for the 110 Cooper site that would assure a premier service experience for our members in Santa Cruz County.

**Surety:** We have already received City approvals for our medical clinic use; alternative locations would expose Kaiser Permanente to the City approval process once again. Thereby creating uncertainty for our members and our ability to service them by having to go through the planning and approval process once again with uncertain results. Kaiser Permanente has already put significant time and resources into planning for a medical clinic at 110 Cooper Street on both the 2<sup>nd</sup> and 5<sup>th</sup> floors.

**Tenant and Community Disruption:** Tenant relocations for the proposed alternative sites creates a situation that places Kaiser Permanente in a situation of displacing tenants and upsetting the current ecosystem of the new proposed site and disrupting the community.

Given the above, and the fact that this application meets all the zoning and use requirements defined by the City, Kaiser Permanente respectfully requests that the City reconsider their desire to hear our project at the City Council and allow us to continue to plan and submit for building plan approval. Please do not hesitate to let us know if any additional information is required and we appreciate the City's consideration of our request.

Sincerely,



Sam Bajaj

Chief Operating Officer, San Jose and Santa Cruz Service Area  
Kaiser Permanente

CC: Grant Rockwell, Director of Real Estate, Northern California  
Fernando Avila, Senior Counsel

## Clara Stanger

---

**From:** Donna Meyers  
**Sent:** Friday, August 09, 2019 4:36 PM  
**To:** Bonnie Bush  
**Subject:** Request to schedule Council discussion on item

I request this item to be brought to Council for further discussion. Thank you.

Donna

CP19-0006 110 Cooper Street, 5th floor  
Appeal of the Zoning Administrator's approval of an Administrative Use  
Permit to establish a medical office (Kaiser Permanente) on the 5<sup>th</sup> and 2<sup>nd</sup> floors of a  
n existing building zoned Central Business District (CBD) in the Pacific Avenue Retail  
District of the Downtown Plan. (Environmental  
Determination: Categorical Exemption)

Commissioners Pepping and Singleton left the meeting prior to the commencement of the public hearing (see Statements of Disqualification).

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Greenberg, to acknowledge the environmental determination and deny the appeal, upholding the Zoning Administrator's approval of an Administrative Use Permit based on the findings listed below and the modified Conditions of Approval attached in Exhibit A of the staff report dated May 31, 2019 and the addendum dated July 26, 2019.

ACTION: Motion passed by the following vote:

AYES: Schiffrin, Conway, Greenberg  
NOES: Nielsen  
ABSENT: Spellman, Pepping, Singleton





DEPARTMENT OF PLANNING  
AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: July 26, 2019

TO: Planning Commission

FROM: Clara Stanger, Associate Planner II

SUBJECT: CP19-0006: Addendum to May 31, 2019 staff report with recommendation to remove condition #17

---

At the April 3, 2019 Zoning Administrator hearing, members of the public voiced concerns about impacts to parking and traffic from cars picking up and dropping off patients outside the proposed Kaiser Permanente medical center. In response to these comments, the Zoning Administrator added condition number 17:

17. The applicant shall consult with the Public Works Department to determine if a loading/patient drop-off zone can be provided adjacent to the clinic entrance on Cooper Street. (Added by ZA 4/3/19)

Planning Staff subsequently consulted with the Public Works Department, who was generally supportive of the idea as it would help to facilitate orderly traffic flow in this area and confirmed that there is a public process through which the applicant could apply to convert one of the existing street parking spaces into a dedicated patient pickup/drop off space. The Planning Commission staff report dated May 31, 2019 therefore proposed the following revised condition that would require the applicant to apply for this space:

17. Prior to issuance of a building permit, the applicant shall make a request to the Public Works Department for creation of a dedicated patient drop-off and pick-up space adjacent to the clinic entrance on Cooper Street.

However, a subsequent review with Economic Development staff revealed concerns that removing a space for general public parking could potentially impact neighboring commercial uses given the limited availability of on-street parking. Such a requirement could conflict with General Plan and Downtown Plan policies regarding parking and supporting businesses in the downtown area. For example, Circulation and Parking recommendation 2.c of the Downtown Plan executive summary seeks to “maintain, to the maximum extent possible, on-street parking on other streets within the downtown” in addition to Pacific Avenue. General Plan action ED1.9.3 calls for providing a variety of parking resources to support a diverse retail base. General Plan action ED5.5.3 seeks to retain and attract businesses to the downtown area. A requirement to dedicate a parking space for Kaiser Permanente patients is, at the same time, a requirement to remove an on-street space utilized for other businesses in the vicinity and therefore potentially a conflict with the above policies.

Date: July 26, 2019

Subject: CP19-0006 Addendum to May 31, 2019 staff report with recommendation to remove condition #17

Page 2 of 2

Therefore, staff recommends removal of condition number 17 altogether. However, it should be noted that while staff is no longer recommending that the applicant be required to apply for such a parking space, the applicant also would not be prohibited in the future from applying for a dedicated pickup/drop off space.



# PLANNING COMMISSION AGENDA REPORT

DATE: May 31, 2019

AGENDA OF: June 6, 2019

ITEM NO: CP19-0006

110 Cooper St Fl 5

SUBJECT: Appeal of the Zoning Administrator's approval of an Administrative Use Permit to establish a medical office (Kaiser Permanente) on the 5th and 2nd floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan. (Environmental Determination: Categorical Exemption)

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**RECOMMENDATION:** That the Planning Commission acknowledge the environmental determination and deny the appeal, upholding the Zoning Administrator's approval of an Administrative Use Permit based on the findings listed below and the Conditions of Approval attached in Exhibit A.

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## PROJECT DATA

Property Owner: Cooper House LLC; Jay Paul Company APN: 005-081-55  
Project Applicant: Kaiser Foundation Health Plan, Inc.

Application Type: Administrative Use Permit to establish a medical office (*Kaiser Permanente*) on the 5<sup>th</sup> and 2<sup>nd</sup> floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan.

Zoning: CBD (Central Business District)  
Project Consistency: Consistent with the CBD zone district  
General Plan: RVC (Regional Visitor Commercial)  
Project Consistency: Consistent with the General Plan designation

Land Use - existing: Vacant commercial/office tenant space  
- proposed: Medical center  
- surrounding: Commercial/office uses

Lot Area: 23,871 square feet  
Lot Dimensions: 127' x 93', 102' x 121'

Coastal Review: Not in Coastal Zone

Environmental Review: Categorical exemption 15301, Class 1 (Existing facilities)

Planning Staff: Clara Stanger

## AGENDA REPORT

PC Meeting of June 6, 2019

SUBJECT: **Appeal of 110 Cooper Street Floor 5 – Project No. CP19-0006**

PAGE 2

### **PROJECT DESCRIPTION & HISTORY**

The project site is located on a 23,871 square foot property in the Central Business District and the Pacific Avenue Retail District of the Downtown Plan. The five-story building, which spans two parcels on the southeast corner of Cooper Street and Pacific Avenue, contains a variety of businesses including personal services (hair salon), office uses (*Amazon*), retail (*Verizon*), and a restaurant (*Pour Taproom*). Adjacent properties include the *Museum of Art and History* (MAH) and a variety of retail shops with offices above.



The applicant proposes to establish a medical center on the entire fifth floor and a portion the second floor of the building. The fifth floor is approximately 14,769 square feet and is currently utilized as an office. The medical center will also occupy suites 203 and 204 of the second floor, which take up approximately 6,872 square feet of that floor. Suite 203 has been vacant for five years with the last use being an office use. Suite 204 has never been occupied as it was unfinished but has recently been upgraded to include lighting and other basic improvements. The other three suites on the second floor are occupied by two separate general office uses. The two floors will be modified as follows:

- Fifth floor: 13 provider offices, 22 exam rooms, a conference room, a reception and waiting room, a staff lounge, a lactation room, and an administration space.
- Second floor: a clinical lab with two blood draw stations and a central processing area, a micro-sized outpatient pharmacy, a radiology department with general imaging (x-ray)



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and mammography, a conference room, a reception area, a staff break area, and an administration space.

The hours of operation for the medical facility, including the primary care offices, clinical lab, pharmacy and radiology will be from 7:00 am to 8:00 pm, Monday through Friday with two shifts. *Kaiser* anticipates having 42 staff and up to 45 member patients at any given time in the offices. Members with doctor appointments will check in on the fifth floor at the reception desk. The second floor reception area will allow for members to check in for other services such as x-rays and bloodwork. The pharmacy on the second floor will be open to walk-in member patients during regular business hours. Signage will be posted on the first floor and in the elevators indicating where the various services are offered.

Establishment of a medical office above the first floor of a building in the Pacific Avenue Retail District of the Downtown Plan is allowed with approval of an Administrative Use Permit. On April 3, 2019, the Zoning Administrator approved the Administrative Use Permit for this use. On April 15, 2019, Bob Cagle, CEO of *productOps, inc.*, filed an appeal of the Zoning Administrator's decision. The appeal letter included concerns about increased automobile traffic, accessibility, and impacts on the image of the *productOps, inc.* office space and health of his employees (Attachment B).

The applicant has indicated that they are in discussions with the owner and the appellant on a potential agreement to move *Kaiser Permanente* entirely to the second floor and to move *productOps, inc.* from the second floor to the fifth floor. As of the time of the writing of this report, an agreement has not been reached. However, it should be noted that the analysis for a use permit is the same regardless of which upper floor or floors of the building the medical office occupies as long as it is substantially the same size as that originally proposed. Similarly, *productOps, inc.* can obtain a Zoning Clearance for a new space within the upper floors of the same building as it is a principally permitted office use. (A Zoning Clearance does not appear to have been obtained for the current location of *productOps, inc.* on the second floor.)

### ANALYSIS

#### *General Plan and Area Plan Consistency*

The parcel has a General Plan land use designation of RVC, Regional Visitor Commercial, which calls for a variety of commercial uses that serve Santa Cruz residents as well as visitors. The proposed use is consistent with several General Plan policies:

- **LU4.2:** *Encourage uses that reduce the need for autos.*

The proposed medical center will be easily accessible by foot for nearby office workers and residents. The appeal letter asserts that the project is not consistent with this General Plan policy because the use will generate a large number of visitors, many of which will arrive via automobile rather than by walking. However, given the proposed location in the most densely developed area of the city and close proximity to several large multi-family residential housing developments, it is likely that a greater proportion of patients will walk to the medical center

## AGENDA REPORT

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than if it were located in a less densely developed area of the city. While the use may generate an increase in vehicle traffic, it will likely generate a smaller increase than if it were located elsewhere. Therefore, the use is consistent with this General Plan policy.

- **LU4.3:** *Encourage the development and expansion of neighborhood commercial services.*

The proposed medical center will provide an essential neighborhood service for downtown workers and residents. The downtown neighborhood currently lacks a medical center, with the exception of the *Santa Cruz Women's Health Center* on Locust Street. The addition of the *Kaiser* facility will fill a niche that is unsatisfied in this neighborhood.

- **LU4.3.1:** *Identify areas to allow or expand existing neighborhood facilities within easy walking distance of residential areas or areas well served by transit.*

The proposed medical center is within walking distance of the downtown METRO station and many downtown residential units, for example those at 2030 N Pacific Avenue, 555 Pacific Avenue, and the new Park Pacific units under construction at 1547 Pacific Avenue.

The Downtown Plan introduction includes a statement called “The Community’s Vision” that calls for a “diverse and wholesome environment for commercial, cultural, civic, and social pursuits” for both residents and visitors. The Pacific Avenue Retail District of the Downtown Plan encourages an active mixed-use pedestrian environment with upper level residential and office uses. The proposed medical center and related offices will be located on the fifth and second floors and will serve nearby workers and residents in an area that is convenient to both work and residential sites. Additionally, for those clients that don’t either reside or work in the downtown, it is not unreasonable to assume that many will patronize the surrounding businesses before or after their visits.

### *Area Compatibility*

Located on an upper floor of the building, the proposed medical office use will maintain the pedestrian and retail oriented focus of the ground floor along Pacific Avenue and Cooper Street. The use is consistent with the mix of commercial, office, and residential uses in the area and will not create any nuisances such as excessive noise, smell, or glare.

Currently the building operates with a key card entry. In order to accommodate the patients coming throughout the day, the building owner is going to install a push-button device at the front door for entry. This device will notify the *Kaiser* receptionist that a patient is at the door. The patient will be required to state their business before gaining entry and being directed to the appropriate floor. Prior to opening time (7:00 am), the building will remain locked and entry will be gained via a key card. This arrangement, while planned to alleviate private tenant concerns regarding unwanted persons accessing the building or patients waiting in the common hallway, will also help to prevent sick and contagious patients from loitering in the public space outside the medical center. At the April 3<sup>rd</sup> hearing, the Zoning Administrator formalized the building

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owner's plan as a condition of approval to require building access via key card entry when the medical office is closed (See Condition No. 16 of Exhibit A).

The appeal letter raised concerns about the compatibility of the medical facility use with the *productOps* office, specifically with regard to the ability to expand his company, the image of a prestigious office space, and potential health effects from a shared HVAC system. For purposes of a use permit, area compatibility is examined through the lens of the public experience of an area. The compatibility concerns raised by the appeal letter are not public and instead are private to *productOps, inc.* and the landlord. Therefore, these concerns are not considered under review of the use permit.

*Parking and accessibility*

Since the site is located within the Downtown Parking District, on-site parking is not required. The project was reviewed by the City's Transportation Manager who indicated Traffic Impact Fees (TIF) will be required prior to building permit issuance. Condition of approval number 10 of the use permit stated that the applicant will be required to pay parking deficiency fees at the time of business license issuance. The City's Transportation Manager has since clarified that this fee is actually an in-lieu fee rather than a deficiency fee and is due at the time of building permit issuance rather than business license issuance. This condition has been modified to accurately reflect the type and timing of this fee.

The appeal letter asks whether a traffic study was undertaken for this proposed use and asserts that patient pick-ups and drop-offs will create double parking near the building. According to the Public Works Department, a traffic impact study is only completed when a use will generate an estimate of at least 50 trips during the P.M. peak hour. The Public Works Department has calculated 45 net trips for this use in the Downtown. Therefore, the proposed use falls beneath the threshold for a traffic impact study. In addition, such a study would not evaluate double parking.

To address concerns of double parking related to patient drop-offs and pick-ups, the Zoning Administrator added a condition of approval for the applicant to consult with the Public Works Department to determine whether a street parking space can be reserved for patient pick-ups and drop-offs. The Public Works Department has since indicated that they would support the creation of such a space. Santa Cruz Municipal Code Chapter 10.16 outlines the public process required to create such a space and includes provisions for a public appeal. Condition No. 17 has been modified to require the applicant to make a request to the Public Works Department to initiate the process to create the pick-up and drop-off space prior to issuance of their tenant improvement building permit.

The appeal letter expresses a concern that the closure of Cooper Street several times a year for special events will hinder ADA access to the medical center. Building division has reviewed the use permit application and requires the tenant improvement building permit plans to show the accessible path of travel from the public right-of-way and public transportation in compliance with accessibility regulations. The Senior Building Plans Examiner reviewing this project has further stated that even when the street is closed, the sidewalk will still be open, so closure of Cooper Street will not affect ADA access to the medical center.

*Environmental Review*

The project is categorically exempt from environmental review under Class 1 of the CEQA Guidelines, Section 15301, which allows for minor modifications to existing facilities that result in negligible or no expansion of the existing use. The proposed project meets this exemption since it establishes a medical office in an existing building that is designed to provide uses allowed in the Pacific Avenue Retail District of the Downtown Area Plan.

**SUMMARY**

The clinic will provide an essential neighborhood service for employees and residents of the downtown. The use is consistent with relevant policies of the General Plan and Downtown Plan. The project meets all the required site development standards, and the findings for approval of the Administrative Use Permit are attached. Staff recommends that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of the project based on the Findings listed below and the attached Conditions of Approval in the attached Exhibit A.

**FINDINGS**

**Administrative Use Permit, Section 24.08.050**

- 1. The proposed structure or use conforms to the requirements and the intent of this title, and of the General Plan, relevant area plans, and the Coastal Land Use Plan, where appropriate;**

The proposed use is consistent with the General Plan and the Downtown Plan in that the use will serve downtown residents and workers alike. The purpose of the General Plan designation (Regional Visitor Commercial) is to allow for small scale commercial and service uses that serve both local residents and visitors; the proposed medical center is consistent with this intent in that it will provide a vital medical service to both downtown residents and workers alike. Furthermore, the General Plan encourages uses that reduce the need for autos (LU4.2), the expansion of neighborhood commercial services (LU4.3) and the expansion of neighborhood facilities within easy walking distance of residential areas or areas well served by transit (LU4.3.1). The parcel is not located within the Coastal Zone and is therefore exempt from any coastal requirements or review.

- 2. That any additional conditions stipulated as necessary in the public interest have been imposed;**

Conditions of approval require the applicant to pay Traffic Impact Fees and parking in-lieu fees, limit the hours of operation from 7 A.M. to 8 P.M., require proper disposal of hazardous and biological waste, a key card entry only system to the building during closure hours, and to submit a formal request to the Public Works Department to create a



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dedicated patient pick-up and drop-off zone on Cooper Street. These conditions are attached to this staff report as Exhibit A.

**3. That such use or structure will not constitute a nuisance or be detrimental to the public welfare of the community.**

The proposed use will not constitute a nuisance or be detrimental to the public welfare of the community as it will occupy a vacant commercial space and help to provide a valuable a necessary service to residents and workers in the downtown area. The medical center use will not generate any noxious odors or noise above and beyond what already exists in the surrounding neighborhood; therefore no special conditions are required with regard to nuisances or public welfare.

**4. That all thrift store uses shall include a management plan that identifies collection facilities for donated items, operating hours for donation facilities which discourage unsupervised dropoffs, adequate storage areas for sorting the materials, and provides a plan to properly dispose of unusable items in a timely, secure, and orderly fashion and maintains premises in a clean and attractive condition.**

The proposed project does not include a thrift store; therefore, this finding does not apply.

Submitted by:

Approved by:

Clara Stanger  
Associate Planner

Eric Marlatt  
Principal Planner

Attachments:

- A. Conditions of approval
- B. Appeal letter
- C. Zoning Administrator minutes: April 3, 2019
- D. Staff report and conditions of approval for April 3, 2019 Zoning Administrator hearing
- E. Project plans

## EXHIBIT "A"

### CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

#### **110 Cooper Street, Floors 5 and 2– CP19-0006**

Administrative Use Permit to establish a medical office (Kaiser Permanente) on the 5<sup>th</sup> and 2<sup>nd</sup> floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
4. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
5. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans.
6. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project. The use may occupy different upper floors or be consolidated on one upper floor of the Cooper House building without a Modification Permit, as long as the amount of square footage devoted to the use is the same or less than shown on the approved plans.
7. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
8. Prior to commercial/business use of a building or site, owners or tenants shall obtain a Zoning Clearance/Occupancy Permit from the City Planning Department and a Business License from the City Finance Department.
9. Prior to building permit issuance, the applicant shall pay all required Traffic Impact Fees (TIF).
10. ~~Concurrent with business license application, the applicant shall pay all required parking deficiency fees.~~ Resulting from updates to the Downtown Parking Resolution, this applicant shall pay a parking in-lieu fee of \$8,000 per space, or the amount of the current in-lieu fee at the time of the building permit, for each space required over and above the existing use.

CONDITIONS OF APPROVAL

For **110 Cooper St. Floors 5 and 2- Project No. CP19-0006**

11. Sandwich board signs are not permitted.
12. Any proposed signage must obtain Planning approval and a building permit.
13. As part of the building permit process, the applicant shall apply for and obtain appropriate addressing for suite 203.
14. The hours of operation shall be limited to 7:00 am until 8:00 pm, Monday through Friday.
15. All hazardous and biological waste shall be disposed of in accordance with applicable guidelines provided by the Medical Waste Management Program through the California Department of Public Health.
16. The exterior door shall utilize a key card entry only system during the clinic's closure hours to ensure that the public doesn't enter the building when the clinic is closed. (Added by ZA 4/3/19)
17. ~~The applicant shall consult with the Public Works Department to determine if a loading/patient drop-off zone can be provided adjacent to the clinic entrance on Cooper Street. (Added by ZA 4/3/19) Prior to issuance of a building permit, the applicant shall make a request to the Public Works Department for creation of a dedicated patient drop-off and pick-up space adjacent to the clinic entrance on Cooper Street.~~

CITY OF SANTA CRUZ  
City Hall  
809 Center Street  
Santa Cruz, California 95060



## PLANNING COMMISSION

MINUTES  
Regular Meeting  
August 01, 2019

**7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, COUNCIL CHAMBERS**

**Call to Order**-The meeting was called to order at 7:04 p.m.

**Roll Call**-Commissioners Schiffrin, Conway, Nielsen, Greenberg, Singleton, and Pepping were present.

**Absent w/notification**-Commissioner Spellman was not present.

**Statements of Disqualification**-Commissioner Singleton disqualified himself from hearing item 3 due to his involvement with the Santa Cruz County Business Council; Commissioner Pepping disqualified himself from hearing item 3 because his employer has received monetary donations from both the Applicant and the Appellant.

**Oral Communications**-No one addressed the Commission.

### Approval of Minutes

1. Approve the minutes of June 06, 2019

**MOTION:** Motion made by Commissioner Schiffrin, seconded by Commissioner Singleton, to approve the minutes of June 06, 2019.

**ACTION:** Motion passed by the following vote:

AYES: Schiffrin, Conway, Nielsen, Greenberg, Singleton, Pepping

NOES: None

ABSENT: Spellman



## Public Hearings

2. 914 Mission Street CP18-0211  
Special Use Permit to allow a community care facility on a parcel that is listed on the Historic Building Survey (Volume 1, Page 51) and within the PA (Professional and Administrative Office) zone district and Mission Street Urban Design Plan area. (Environmental Determination: Categorical Exemption) (Chris Grasso applicant/Filed: 11/21/18)

Senior Planner Ryan Bane addressed the Commission.

The public hearing was opened.

No members of the public addressed the Commission.

The public hearing was closed.

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Singleton, to acknowledge the environmental determination and approve the Special Use Permit based upon the Findings and Conditions of Approval in Exhibit "A" of the staff report dated July 2, 2019.

ACTION: The motion passed by the following vote:

AYES: Schiffrin, Conway, Nielsen, Greenberg, Singleton, Pepping

NOES: None

ABSENT: Spellman

3. 110 Cooper Street, 5<sup>th</sup> Floor CP19-0006  
Appeal of the Zoning Administrator's approval of an Administrative Use Permit to establish a medical office (Kaiser Permanente) on the 5<sup>th</sup> and 2<sup>nd</sup> floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan. (Environmental Determination: Categorical Exemption)

Commissioners Pepping and Singleton left the chambers prior to the commencement of the public hearing (see Statements of Disqualification).

Commissioner Conway served as Chairperson for this item.

Associate Planner Clara Stanger presented the appeal to the Commission.

Appellant Bobo Cagle addressed the Commission.

Applicant's agent Sam Bajaj and Dr. Joyce Orndorff MD addressed the Commission.

The public hearing was opened.

The following members of the public addressed the Commission: Doug Erikson,

Francisco Piva, Chris Codiga, Ruben Aleck

The public hearing was closed.

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Greenberg, to acknowledge the environmental determination and deny the appeal, upholding the Zoning Administrator's approval of an Administrative Use Permit based on the finding listed below and the modified conditions of approval attached in Exhibit A of the staff report dated July 26, 2019.

**ACTION:** Motion passed by the following vote:

**AYES:** Schiffrin, Conway, Greenberg

**NOES:** Nielsen

**ABSENT:** Spellman, Pepping, Singleton

**Information Items-**Planning and Community Development Director Lee Butler advised the Commission the City Council Retreat priorities report, including the Advanced Planning work plan priorities, will be presented to City Council at their August 13<sup>th</sup> meeting. The public hearing on the application for the 190 West Cliff project will be presented at the August 15, 2019 Planning Commission meeting, in addition to appointments to the Planning Commission Outreach subcommittee,

**Subcommittee/Advisory Body Oral Reports-**None

**Adjournment-**The meeting adjourned at 8:25 p.m.



productOps, inc  
Cooper House  
110 Cooper Street Suite 201  
Santa Cruz CA 95060  
April 12 2019



**To whom it may concern**

productOps, inc. of 110 Cooper Street Suite 201, Santa Cruz 96060 wishes to appeal the approval of Administrative Use Permit APN 005-081-55 granted to Kaiser Permanente for a medical clinic in 110 Cooper Street on April 3 2019.

Our appeal is based on the following claim from the General Plan and Area Plan Consistency:

**LU4.2: Encourage uses that reduce the need for autos**

“The proposed use will provide a very valuable and necessary service for those living and working downtown. The proposed clinic’s location will be easily accessible by foot for nearby office workers and residents.”

It is unrealistic to think the new clinic will reduce the need for autos in an already congested street. An additional 10,000 people per month will be visiting the building that currently houses perhaps 250 and they will not all be walking. Have any studies been undertaken to support this? What about ADA access? The elderly, the sick, the infirm will all need to either try to park cars in an area already underserved with parking spaces or get dropped off, effectively creating temporary double parking. Both of these potential problems were recognized at the April 3 hearing, with local architect John McKelvey requesting a dedicated loading space be created for Kaiser patients to facilitate drop-offs.

Related to this is the fact that at least twelve times (probably closer to 20) per year Cooper Street is actually closed to traffic and fenced off at both ends of the street for First Friday and other events. Has Public Works been consulted about any changes required to provide access, particularly ADA access, during these events?

**Helping local businesses succeed in Santa Cruz**

Beyond this, as a business owner with 50 local employees, I feel under threat. I took the 13,000 sq ft space on the 2<sup>nd</sup> floor of Cooper House last year for three reasons: it gave me space to expand my company to 100+; as the prestige office space in downtown it presented the professional image my clients expect; and similarly the professional environment helped me persuade senior software engineers to work with us in Santa Cruz, and not drive the hill to Silicon Valley every day.

I believe Kaiser's presence on the 2<sup>nd</sup> floor undermines all of these. In addition, I have concerns for the well-being of my team. Like flying on an airplane, sharing HVAC with 10,000 people a month who are, by definition, sick introduces a much higher chance of sickness, absenteeism and loss of productivity.

Yours sincerely



Bob Cagle

CEO

productOps, inc.





**From:** [Doug Erickson](#)  
**To:** [Lee Butler](#)  
**Cc:** [City Plan](#)  
**Subject:** Kaiser Clinic at 110 Cooper Street?  
**Date:** Tuesday, July 30, 2019 7:13:33 PM

---

Hi Lee - I hope you are enjoying the summer. We would love to get an update from you in our November event. In September, we will host Mayor Martine. Let me know if November 6 at 7pm is open for you.

I am writing to you about the upcoming discussion to put a Kaiser clinic in 110 Cooper Street. While I am a huge fan of Kaiser for all that it has done for Santa Cruz, as well as for their superb health care system, I highly recommend that we address the downtown parking issues before agreeing to accommodate a highly-trafficked clinic in the heart of our city.

I will attend the meeting on August 1 in hopes of learning more about this plan. But from everything I currently know about the project, it appears to be fraught with problems.

Respectfully,  
Doug

[Doug Erickson](#)

Executive Director / [Santa Cruz Works](#)

M: +1 408 439 0012

[Schedule a Call or Meeting with me](#)

[Become a SC Works Partner](#)

[Apply to Present](#)

**From:** [Catherine Rumpanos](#)  
**To:** [City Plan](#)  
**Subject:** Kaiser  
**Date:** Thursday, August 01, 2019 11:42:59 AM

---

Hello,

I am a downtown employee working in the Cooper House and I am NOT in favor of Kaiser coming into the building for the following reasons:

There is NOT enough parking in Downtown (you know it and I know it). I have many friends and family that will not come downtown just for that reason alone

I am concerned about people coming into the building with illness - that doesn't work well for us that are trying to stay healthy I have heard that we won't be affected by anyone's illness, that is simply not true - germs know how to travel

The amount of patients that will be coming and going into this building will not only be disturbing, it will take away from security of this building - Security is very important, as a downtown employee, feeling secure is a good feeling

I just can't believe that there is no other place for Kaiser to go. If the city wants the tax revenue then please help Kaiser find a home. All the disturbances and time that has been spent in these last months has been a lot...and most likely Kaiser will outgrow this space in no time and need to move

With kind regards  
Catherine Rumpanos

**From:** [Chip](#)  
**To:** [City Plan](#)  
**Subject:** 110 Cooper Street  
**Date:** Thursday, August 01, 2019 12:19:10 AM

---

To the Santa Cruz Planning Commission.

I am writing to express my deep concern for the proposed clinic to be located on Pacific Avenue and Cooper Streets.

I will preface my concerns by stating that a clinic in the Downtown Core is certainly an appropriate use, and that the applicant is a great tenant and has been a tremendous asset to the Downtown Community for many years.

Having said that, I am of the very strong opinion that there are two streets in particular that such a use is not appropriate. One is Pacific Avenue between Cathcart and Water, and the second is Cooper Street. The idea of a clinic at Pacific and Cooper, frankly feels irresponsible.

Please consider a few points:

Downtown Santa Cruz is not an "urban district" it is a "Main Street". Pacific Avenue is the retail center of town. I can only imagine the impact this proposal will have on the "Shared Parking" district. A clinic is not an appropriate use for a shared parking model. I urge that before such a use is approved a comprehensive parking study is completed and a plan is devised to accommodate the retailers who are already facing reductions in parking.

In addition to my concerns about the impact of parking, I am concerned about access. I strongly believe that anything that can be done to reduce vehicular traffic on Pacific Avenue should be pursued aggressively. This proposal, I expect, will greatly increase vehicles accessing the Cooper Street entrance from Pacific Avenue. Think for a moment, if you will about the traffic patterns to access the proposed loading zone.

This seems like an appropriate time to mention concern that the proposed loading zone on Cooper Street is essentially in the middle of Downtown's most popular event space. We do not have a town square, we have Cooper Street which is closed for special events throughout the year on a very regular basis. Would the necessary access to a clinic on Cooper Street be an appropriate use during Santa Cruz dance week, During First Friday Events, during the many community gatherings that take place on Cooper Street? Would these traditions take precedent over access to the clinic? Are we sure? The use of Cooper Street as an event space is not an accident. It was very specifically designed into the Downtown Plan.

Finally, I would ask you to consider the commercial real estate resources that exist in downtown and proceed thoughtfully. There is now fairly limited class A office space in Downtown Santa Cruz. Less than a month ago the single largest investment in the history of this town, was made in a Downtown Santa Cruz Business. A business that began on Cooper Street and Pacific Avenue, I can not predict what that investment might mean for Santa Cruz, other than to say, converting the very best commercial office space in Downtown to a clinic right now, is neither appropriate for the health of the district, nor is it intelligent for the economy of the city.

The latter point may sound like a landlord issue, but I contend that it is the responsibility of the regulatory agency to insure that property is used appropriate. I believe that this use in this location is inappropriate, and without earnestly addressing parking issues it is irresponsible.

Thank you for your consideration and thank you for your service.

Chip  
831-247-0317



**From:** [Chris Miller](#)  
**To:** [City Plan](#)  
**Subject:** Application CP19-0006 - 110 Cooper Street - Kaiser Clinic  
**Date:** Thursday, August 01, 2019 3:50:16 PM

---

To whom it may concern,

my name is Chris Miller and I have operated our business at 101 Cooper Street since October of 2008. I am reaching out regarding the proposed Kaiser clinic across the street from our offices. Over the years we have grappled with parking issues in the downtown, most recently there is now a two year waiting list for parking passes at the River/Front parking garage. As you are aware we already a few large business tenants in the downtown area, and while I appreciate that Santa Cruz has now become the tech hub many of us wanted it to be, it's also pushed our parking system to it's limits. Currently the first two floors of the parking garage fill up by 9am or shortly after, leaving few available spots for businesses or visitors on the third floor, and no available access for people with special needs (i.e. an elevator). Likewise the parking in and around Cooper Street is full most of the time, leaving few if any options for parking nearby.

As a Kaiser member, I do enjoy access to the current Kaiser clinic on Locust Street which is convenient for basic visits. This clinic has a small footprint and with a negligible impact on downtown. Having said that, a clinic of this size opening on Cooper Street is going to have a significant impact on parking, and thus businesses and visitors downtown. Without substantial additional parking, the addition of Kaiser is simply going to push things over the edge.

I would also note that all of the health care providers in the area seem to be in a fierce competition for members. This is evident by the new clinics that have opened on Mission street, River street, and Kaiser's various locations. I would argue that Kaiser is simply late to the game on this front, and that has resulted in limited options for a clinic of this size.

In consideration of the above, I can not support the proposal to allow Kaiser to open a clinic in this location.

Regards,

Chris Miller

--



**Chris Miller**

President

Rocket Scientist

831.480.7190



**From:** [Crystal Finch](#)  
**To:** [City Plan](#)  
**Subject:** No to the Kaiser clinic on 110 Cooper  
**Date:** Thursday, August 01, 2019 11:05:35 AM

---

Dear Planning Commission,

**I am writing to urge you not to allow Kaiser to put a clinic in the Cooper building.** I work in this building and am very concerned about the impact this clinic will have. The new foot traffic would be very disruptive and introduces serious security issues to the building. The presence of sick patients would put my colleagues and me at constant increased risk of getting sick and missing work. Parking is already extremely limited as well.

Thank you for consideration,  
Crystal Finch

**From:** [David Doolin, CPA](#)  
**To:** [City Plan](#)  
**Subject:** Kaiser at 110 Cooper Street  
**Date:** Wednesday, July 31, 2019 9:03:11 AM  
**Attachments:** [image756512.png](#)  
[image827431.png](#)

---

I am writing to voice my opposition to putting a Kaiser Clinic in the building at 110 Cooper Street. I feel that a downtown high rise is the wrong place for a clinic. The parking is extremely limited for the traffic needs of a clinic. There is limited access to the building and having sick people roaming the halls of an office building doesn't make sense. I am very much in favor of a Kaiser clinic in Santa Cruz but put it in a medical office building or a stand alone building with adequate parking. The space downtown should be set aside to continue to help Santa Cruz to promote a thriving business community and not to chase businesses away . Thank you for your consideration

**David Doolin, CPA**

Managing Partner

**Petrinovich Pugh & Company, LLP**

[ddoolin@PPandCo.com](mailto:ddoolin@PPandCo.com) | [Send Secure Documents to Me](#)

**Santa Cruz**

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**From:** [Dina Hoffman](#)  
**To:** [City Plan](#)  
**Subject:** Kaiser Clinic  
**Date:** Thursday, August 01, 2019 9:03:16 AM

---

To whom it may concern:

I have been a thirty-year tenant of office space within a block of the proposed Kaiser Clinic at Cooper and Pacific Streets. This location cannot support a business enterprise which will have the level of visitors who will come to such a clinic without a significant increase in parking in this area. Further, a medical clinic is not at all consistent with the office/tech/retail vibe of the area, notwithstanding that a smaller version may have worked well on Locust Street. There must be a more suitable space within the greater downtown area without placing such a clinic in the heart of downtown. Please do not provide permits for this use in this location.

Sincerely,

Dina Hoffman  
Attorney at Law  
740 Front St., Ste. 305  
Santa Cruz, CA 95060  
831/423-1411



**From:** [Judi](#)  
**To:** [City Plan](#)  
**Subject:** June 6 meeting agenda item 3  
**Date:** Sunday, June 02, 2019 12:25:15 PM

---

Dear Commissioners: I have given some thought to the planned Kaiser Permanente medical offices on Cooper St. and have read through the staff report and appendices. Though I have no relationship with the business owner who filed an appeal, I understand his points. I can also understand the building owner's wish to have a stable tenant like Kaiser.

However, the staff report seems somewhat naive regarding traffic impacts and unquestioned benefit of having a medical facility occupy such a prominent space downtown. I have heard staff (Economic Development and others) advocate for projects that will add to a "vibrant" downtown. Attracting a steady stream of medical patients does not seem to fit this picture. Do you really think that people coming to have Xrays taken are in a condition to a) ride a bicycle to downtown? Be inclined to shop or dine downtown if they are not feeling well? If patients are dropped off at a drop-off point near the entrance, where will those drivers park? (unless they are taxis or ride-share drivers). Kaiser should at least contribute a lot more towards future parking solutions (and NOT the Lot 4 proposed garage). The City has no duty to provide parking for a company that is likely making huge profits.

Whether Kaiser's presence will really be a benefit for downtown residents or future downtown residents, or just bring more car traffic downtown, is to be seen. If patients arrive by bus or walk, fine. Has there been any traffic study of how many car trips have been created since the Palo Alto Medical Foundation began operation on Mission Street? They do provide patient parking.

As for patients having to press a button to enter, I hope they have a hand sanitizer dispenser there, or people will be spreading germs.

Judith Grunstra, 220 McMillan Dr.

**From:** [Leslie Conner](#)  
**To:** [City Plan](#)  
**Cc:** [Leslie Conner](#)  
**Subject:** Kaiser at 110 Cooper  
**Date:** Wednesday, July 31, 2019 3:46:57 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

To the City Planning Commission:

I write on behalf of the Santa Cruz Community Health Centers to endorse Kaiser Permanente's plan to expand its downtown services at 110 Cooper Street.

As a safety net healthcare provider to 11,000 patients County-wide, and over 4,000 in the City of Santa Cruz, we understand the impact that high quality care can make on the lives of individuals, families, and the community. Kaiser Permanente is a health care organization renowned for quality throughout the country.

Kaiser has also proven to be a generous supporter of ours, providing almost \$700,000 for behavioral health services and a new health center we are building in Live Oak. I know that Kaiser remains committed to continued support, including, potentially, for our future downtown development partnership with the City that would renovate the Metro Center and expand our Women's Health Center, along with dental care and affordable housing. Public and private partnerships are essential to making the local health care delivery system work. We are confident that Kaiser's expansion is mutually beneficial for our organization and for the City, while also increasing access to high quality health care for more City residents.

Sincerely,

**Leslie Conner, MPH**  
*Chief Executive Officer*

**Santa Cruz Community Health Centers**

125 Water Street  
Santa Cruz, CA 95060  
831-427-3500, x 134  
[lconner@SChealthcenters.org](mailto:lconner@SChealthcenters.org)  
[www.SChealthcenters.org](http://www.SChealthcenters.org)



*Our mission is to improve the health of our patients and the community and advocate the feminist goals of social, political, and economic equality.*



*Our Mission - To improve the health of our patients and the community and advocate the feminist goals of social, political, and economic equality.*

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**From:** [Michelle Parent](#)  
**To:** [City Plan](#)  
**Subject:** Opposition to the 110 Cooper Street Kaiser Clinic  
**Date:** Tuesday, July 30, 2019 3:34:38 PM

---

To Whom it May Concern:

Hello,

My name is Michelle Parent and I am a newly admitted UCSC student studying Computer Science this coming fall. Though I am a fairly new resident of the Santa Cruz County (~1.5 year), I have been a continual worker of Downtown Santa Cruz since the beginning of my stay and have found great appreciation of it's lively culture. Recently, I learned about Kaiser Permanente wanting to build a large clinic in the same building I intern in. I am writing you this letter to provide a viewpoint from a student and a worker of Santa Cruz - I am absolutely against the Kaiser Clinic being built in the Cooper House.

My first concern is the possible spread of disease. It is well known amongst college students (as well as high school students) that sickness spreads like wildfire within our educational communities. Having a clinic in the Downtown area, which is a familiar and essential location for student-life only a bus ride away from campus, is threatening to the health of us students. Unfortunately, the consequences do not stop there. Being sick does not mean sleeping for multiple days until we find ourselves well enough to continue school. Being sick means falling behind. This then snowballs into an unhappy, very unbalanced educational lifestyle.

Secondly, as one of the many undergraduates who work in the Downtown area, hearing the possibility of hundreds, perhaps thousands, of patients per week being in the same vicinity simply means difficulty finding parking. In an already tourist-bustling city, parking - for lack of a better word - is Hell. When one has to balance a busy schedule impacted with classes and course work, it is never ideal to spend so much valuable time finding parking before work hours. In addition, it only makes sense that traffic in the area will worsen as well with the lack of parking.

Lastly, I worry most that the culture of Downtown Santa Cruz will suffer from this inappropriate addition. The Cooper House neighbors Abbot Square, a location that constantly features live music, lunch gatherings with friends, family, and co-workers, a studying area, and a vibrant nightlife. Cooper Street itself is closed near 20 times each year for family-friendly events, parades, and essential Santa Cruz events that have amassed a dedicated following. Pacific Avenue, one of Santa Cruz's most popular hubs, is merely a few feet away. Building a clinic in the heart of Santa Cruz creates interaction between the unwell and healthy, giving the opportunity for sickness to spread and for culture to wilt.

Please stop this project. A Kaiser clinic in Santa Cruz is beneficial, but it does not belong in Downtown.

Thank you for listening,  
Michelle Parent



**From:** [Patrick Reilly](#)  
**To:** [City Plan](#)  
**Subject:** Against the Locating of a Major Medical Clinic on Cooper Street  
**Date:** Tuesday, July 30, 2019 7:28:45 PM

---

Dear Sir/Madame:

I believe that locating a high volume medical clinic on Cooper Street will degrade the quality of private life, work-a-day life, and the conditions supportive of retail commerce and creative firms in downtown Santa Cruz.

The burden of increased vehicular traffic and concomitant automobile parking needs will foreseeably result in real and negative and affects on those with who work downtown and on current and potential patrons of commercial/retail establishments.

As a Patent and IP Attorney with several client firms that are located downtown, and as a fan of numerous downtown, locally-owned stores and restaurants, e.g., Soif, Zoccoli's, The Hat Company, Toadal Fitness, Cafe Mare, Lulu's, Mozaic and Bookshop Santa Cruz, I would expect that the increased volume of traffic would reduce even my enthusiasm for visiting downtown.

Feel free to contact me at anytime at 831.332.7127 by voice/text. I note that while I am a resident of Aptos, I believe that me economic involvement with the citizens and businesses of Santa Cruz allows me to request that my opinion considered in the matter referenced above.

Sincerely,

Patrick Reilly, Esq.  
604 Middlefield Drive  
Aptos, CA 95003

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**From:** [Sam Kabert](#)  
**To:** [City Plan](#)  
**Subject:** Kaiser Building  
**Date:** Thursday, August 01, 2019 8:04:09 AM

---

Dear Santa Cruz Planning Commission:

I'm writing to you in regard of the Kaiser Permanente item on the agenda tonight (8/1/19).

Since KP came to town they have been such an amazing member of our community.

As a member myself, I love being able to access them here locally and not having to travel far.

I was living in Silicon Valley and one of the main draws of Santa Cruz was knowing that my hospital would be in town when I moved to SC.

I hope and look forward to seeing the KP presence grow in SC!

Thank you,

Sam

**From:** [Scott Daly](#)  
**To:** [City Plan](#)  
**Subject:** Project # CP19-0006 Kaiser Clinic @ Cooper St.  
**Date:** Tuesday, June 04, 2019 12:58:26 PM

---

Santa Cruz City Planning Commission,

I am in support of the appeal on this project.

I believe allowing a medical clinic in our downtown commercial business corridor is not in alignment with the goals and intent for the use of the Cooper St. building.

This building was intended for commercial use on the ground floor and office space in the upper floors. I believe the intent was to have employees come in the morning and stay all day. Having meals or shopping downtown and then leaving in the evening.

To have a medical clinic and pharmacy, where hundreds of patients will be coming Downtown trying to find parking, coming and going will only escalate the already existing problems of traffic and parking Downtown. There should be a better place to locate a medical clinic outside our Downtown business corridor?

Should the Planning Commission approve this project, I would recommend an amendment that would require the clinic to direct their patients to park at the Front St. Parking Garage, away from Pacific Avenue.

Sincerely,

Scott Daly, OD  
Santa Cruz Optometric Center  
904 Cedar St.

Sent from my iPad

**From:** [Scott Daly](#)  
**To:** [City Plan](#)  
**Subject:** Project # CP19-0006 Kaiser Clinic@ Cooper St.  
**Date:** Tuesday, June 04, 2019 12:34:54 PM

---

Members of the Planning Commission,

I am writing in support of the appeal of this application. I have serious concerns with this project and the impact having a medical clinic on Pacific Avenue will have on traffic and parking.

The intent of having office space downtown, where employees come in the morning and work for eight hours, have lunch and shop downtown, then leave in the evening is in the spirit and intent for the use of the Cooper St. building.

I believe having hundreds of patients trying to find parking and coming and going to a medical clinic will be disruptive to downtown businesses and escalate problems with traffic and parking that already exist.

There should be a better place outside our Downtown commercial corridor to put a medical clinic.

At the very least, should the Planning Commission approve this project and deny the appeal, I would recommend an amendment, that the Clinic direct parking away from Pacific Avenue and target the Front St. parking garage for their patients.

Sincerely,

Scott Daly, OD  
Owner Santa Cruz Optometric

Sent from my iPad



**From:** [Shaz Roth](#)  
**To:** [City Plan](#)  
**Subject:** FW: Kaiser Permanente  
**Date:** Wednesday, July 31, 2019 2:36:27 PM

---

Dear Santa Cruz Planning Commission:

As a lifelong resident of Santa Cruz County and a Kaiser member, I would like to address an item which is on the August 1, agenda regarding Kaiser Permanente.

Since expanding their services to Santa Cruz County a few years ago, Kaiser has become a great asset to the community and has provided local residents stellar medical care. As a Kaiser member, I support this new location in downtown Santa Cruz. With the abundance of shopping and dining downtown, it is very convenient to spend money locally before and after a visit to the doctor. The need for great medical care downtown Santa Cruz is vital. I highly support the addition of Kaiser's proposed Locust Street location and hope you will support it as well.

Thank you.

*Shaz Roth*

President/CEO  
Pajaro Valley Chamber of Commerce and Agriculture  
831-724-3900

**From:** [Vickie Oliver](#)  
**To:** [City Plan](#)  
**Subject:** Cooper Street, Kaiser Clinic  
**Date:** Wednesday, July 31, 2019 7:25:52 AM

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## City Council Members

The proposal to put a clinic in downtown Santa Cruz is a good idea, but putting it at 110 Cooper Street is bad. I conduct business in the downtown area and often arrive around 12:00. Finding a parking place is a nightmare and often far away from my destination. The downtown area is already impacted with a lack of parking, and how the city council believes having 50-100 additional drivers in the downtown area looking for parking is a viable option is ludicrous. Kaiser needs to find an establishment with parking for their 50-100 patients a day utilizing their facility.

I strongly encourage the City Council to reject this proposal and find a more viable solution

Thank you

Vickie Oliver

# Santa Cruz Sentinel

324 Encinal Street  
Santa Cruz, CA 95060  
831-429-2415  
scslegals@santacruzsentinel.com

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ATTN: PL-ACCOUNTS PAYABLE  
809 CENTER ST RM 107  
SANTA CRUZ, CA 95060-3826

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I, the undersigned, declare:

That I am over the age of eighteen and not interested in the herein-referenced matter; that I am now, and at all times embraced in the publication herein mentioned was, a principal employee of the printer of the Santa Cruz Sentinel, a daily newspaper printed, published and circulated in the said county and adjudged a, newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 25794; that the advertisement (of which the annexed is a true printed copy) was published in the above-named newspaper on the following dates, to wit:

**09/21/2019**

I declare under penalty of perjury that, the foregoing is true and correct to the best of my knowledge.

This 2nd day of October, 2019 at Santa Cruz, California.



Signature

Legal No. **0006400507**



City Council  
City of Santa Cruz  
**NOTICE OF PUBLIC HEARINGS**

A public hearing will be held on, **Tuesday, October 8, 2019 after the hour of 10:00 am** in the Council Chambers, City Hall, 809 Center Street, Santa Cruz, California to consider the following applications:

**110 Cooper Street Floor 5 CP19-0006 APN 005-081-55**  
City Council Review of the Planning Commission's approval of an Administrative Use Permit to establish a medical office (Kaiser Permanente) on the 5th and 2nd floors of an existing building zoned Central Business District (CBD) in the Pacific Avenue Retail District of the Downtown Plan. (Environmental Determination: Categorical Exemption) (Christopher Teng, applicant/ filed: 1/14/19) CS

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All interested persons are invited to present their oral or written statements at said hearing. Written comments can be submitted via email, [CityCouncil@cityofsantacruz.com](mailto:CityCouncil@cityofsantacruz.com) up to 5:00 pm the day before the meeting. Questions regarding the advertised projects should be directed to the Planning & Community Development Department at (831) 420-5110.  
9/21/2019 6400507

## Rosemary Balsley

---

**From:** Pat O'Neill <patrickoneill1952@gmail.com>  
**Sent:** Friday, October 04, 2019 10:11 AM  
**To:** City Council  
**Subject:** Kaiser Permanente Downtown

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at 110 Cooper Street.

Kaiser Permanente has been a great community partner and trusted organization in Santa Cruz. The O'Neill Surf Shop at 110 Cooper Street believes this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area. Health care touches everyone, and as a business in Santa Cruz, we are excited that KP continues to invest in our city. We appreciate that they care about quality, accessibility, convenience, and remain dedicated to serving Santa Cruz residents. I can personally attest that they have been open and willing to work with the tenants in the area.

I hope you will consider supporting their expansion to 110 Cooper Street. We look forward to having Kaiser Permanente as neighbors.

Thank you,

Pat O'Neill

President & CEO

O'Neill



## Rosemary Balsley

---

**From:** Reuben Helick/USA <Reuben.Helick@cushwake.com>  
**Sent:** Saturday, October 05, 2019 12:53 PM  
**To:** City Council  
**Subject:** Agenda Item 21

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at 110 Cooper Street.

Kaiser Permanente has been a great community partner and trusted organization in Santa Cruz. I believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area. Health care touches everyone. I am excited that KP continues to invest in our city. I appreciate that they care about quality, accessibility, convenience, and remain dedicated to serving Santa Cruz residents.

I hope you will consider supporting their expansion to 110 Cooper Street.

Thank you,

**Reuben Helick**  
Managing Director  
CA License 01171272

Direct: +1 831 647 2109  
Mobile: +1 831 588 9033  
Fax: +1 831 647 2116  
[reuben.helick@cushwake.com](mailto:reuben.helick@cushwake.com)



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## Rosemary Balsley

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**From:** Sharon Papo <director@diversitycenter.org>  
**Sent:** Friday, October 04, 2019 6:49 PM  
**To:** City Council  
**Subject:** email of support for Kaiser - agenda item 21

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 on your City Council agenda on 10/8/19 in support Kaiser Permanente's new clinic at 110 Cooper Street.

Kaiser Permanente has been a great community partner who has supported our local LGBTQ+ community. On behalf of the Diversity Center, I believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area. Health care touches everyone, and as a business in Santa Cruz, we are excited that KP continues to invest in our city and community based organizations. We appreciate that they care about quality, accessibility, convenience, and remain dedicated to serving Santa Cruz residents.

I hope you will consider supporting their expansion to 110 Cooper Street.

Thank you,

Sharon Papo

Executive Director of the Diversity Center

Sharon Esther Papo, LCSW

Executive Director | The Diversity Center

Pronouns: Any and all pronouns are welcome ([What's this?](#))

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1117 Soquel Ave, Santa Cruz, CA 95062

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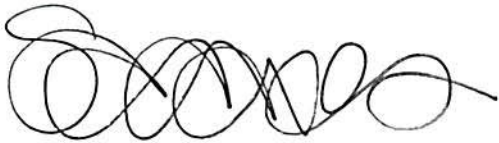
[director@diversitycenter.org](mailto:director@diversitycenter.org)

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Mayor Watkins and councilmembers,

Thank you for taking the time to read my letter. As a nurse at our clinic downtown, I am appealing to you to support Kaiser Permanente's efforts to open a new clinic at the Cooper House Building. Our clinic staff and members enjoy the convenience of our downtown location, and they look forward to KP being here for years to come. Many local shop employees come for appointments on their lunch break which is only possible due to our location. Please support our effort to continue providing access to healthcare downtown.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Caceres', with a stylized, cursive script.

STEPHANIE CACERES, LVN



To Whom it May Concern:

As a KP Locust St clinic team member, I feel that I can speak to the impact our members have on the downtown area. I hear from members all the time about how nice it is to be able to run errands downtown before and after appointments. With an expanded clinic, I can only assume that there will be a greater economic impact on downtown retailers with additional members frequenting the area.

Please support our efforts to open our new clinic at 110 Cooper St.

With respect,

Kelley De Renee  
118 Washburn Ave.  
Santa Cruz, CA 95060

Jana Morales  
528 Santa Margarita Dr.  
Aptos CA 95003

## **Rosemary Balsley**

---

**From:** Don Lane <dlane@cruzio.com>  
**Sent:** Sunday, October 06, 2019 7:06 AM  
**To:** City Council  
**Subject:** Kaiser Permanente - agenda item 21

Dear Mayor Watkins and Councilmembers,

I'm writing to convey my support for Kaiser Permanente's new clinic at 110 Cooper Street.

Kaiser Permanente is a strong community partner to many of us working on homelessness and affordable housing issues and is generally a major asset to our community.

I believe their expansion in Downtown SC will bring much needed health care services closer to our residents in the downtown area and the city of Santa Cruz.

I also think their significant presence downtown will be a boost to local businesses and workers downtown.

I hope you will support improved access to health care and a stronger downtown by approving their expansion at 110 Cooper Street.

Best wishes  
Don Lane

## Rosemary Balsley

---

**From:** Leslie Conner <LConner@shealthcenters.org>  
**Sent:** Monday, October 07, 2019 1:18 PM  
**To:** City Council  
**Subject:** Agenda Item 21

To Mayor Watkins and the Santa Cruz City Council:

I write on behalf of the Santa Cruz Community Health Centers in support of Kaiser Permanente's plan to expand its downtown services at 110 Cooper Street.

As a safety net healthcare provider to 11,000 patients County-wide, and over 4,000 people in the City of Santa Cruz, we understand the impact that high quality care can make on the lives of individuals, families, and the community. Kaiser Permanente is a health care organization renowned for quality throughout the country. Even better, Kaiser's strategic community goals are aligned with those of us on the front lines locally, in terms of access to care, access to behavioral health, and reducing homelessness.

Kaiser has also proven to be a generous supporter of ours since they launched in Santa Cruz, providing critically needed funding for behavioral health services and capital expansion. Kaiser has additionally supported many City- and County-wide nonprofits with local and regional grants aimed at improving access to social services, increasing sustainable housing, and promoting healthy eating/active lifestyles.

I trust that Kaiser remains committed to continued support, including, potentially, for our future downtown development partnership with the City that would renovate the Metro Center and expand our Women's Health Center, along with dental care and affordable housing. Public and private partnerships are essential to making the local health care delivery system work. We are confident that Kaiser's expansion is mutually beneficial for our organization and for the City, while also increasing access to high quality health care for more City residents.

Thank you,

**Leslie Conner, MPH**  
Chief Executive Officer

### **Santa Cruz Community Health Centers**

125 Water Street  
Santa Cruz, CA 95060  
831-427-3500, x 134  
[lconner@SHealthcenters.org](mailto:lconner@SHealthcenters.org)  
[www.SHealthcenters.org](http://www.SHealthcenters.org)



*Our mission is to improve the health of our patients and the community and advocate the feminist goals of social, political, and economic equality.*



*Our Mission - To improve the health of our patients and the community and advocate the feminist goals of social, political, and economic equality.*

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## **Rosemary Balsley**

---

**From:** Kristen Petersen <ladykpetersen@gmail.com>  
**Sent:** Monday, October 07, 2019 12:37 PM  
**To:** City Council  
**Subject:** Please Support Kaiser Permanente Clinic at 110 Cooper Street

Dear Mayor and Councilmembers,

I am writing to you today as a Santa Cruz County resident and Kaiser patient in reference to Agenda Item 21 and in support of Kaiser Permanente's new clinic at 110 Cooper Street.

As a Kaiser Permanente member and patient, I believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area. I want to be able visit my doctor, schedule lab appointments, see a specialist and pick up my prescriptions all in one place. Without this facility, I will have to continue to travel to Scotts Valley to receive care that I need. This clinic is important to my health, in addition to the health of others in our community.

Please vote in support of Kaiser Permanente's clinic at 110 Cooper Street because this project is important for members who are trying to get the care they need for themselves or their families.

Thank you,

Kristen Petersen

## Rosemary Balsley

---

**From:** Chris Murphy <cmurphy@santacruzbasketball.com>  
**Sent:** Monday, October 07, 2019 11:53 AM  
**To:** City Council  
**Subject:** Support for Kaiser Permanente

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at 110 Cooper Street.

Since the arrival of the Santa Cruz Warriors in 2012, and long before they had a physical presence, Kaiser Permanente has been a great community partner to all of Santa Cruz. They have supported this area, both in presence and financially, in an extremely positive way over the past seven years. Since expanding to include services in our community, they have been integral players in many positive outcomes for our local benefit, including assisting countless community organizations in accomplishing their missions.

On behalf of the Santa Cruz Warriors, we believe this expansion will bring much needed health care services closer to Santa Cruz residents (and workforce) that are in and around the downtown area. For our employees to have access to quality healthcare, in a convenient downtown location, is a testament to KP's continual investment in our City. We are happy to partner with an organization that cares about quality health care for Santa Cruz residents and the Santa Cruz workforce.

I hope you will consider supporting their expansion to 110 Cooper Street.

Thank you,

Chris Murphy  
President  
Santa Cruz Warriors

## **Rosemary Balsley**

---

**From:** Sam Kabert <sam.kabert@gmail.com>  
**Sent:** Monday, October 07, 2019 11:37 AM  
**To:** City Council  
**Subject:** Santa Cruz City Council: Kaiser

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at 110 Cooper Street.

Since KP came to town they have been such an amazing member of our community.

As a member myself, I love being able to access them here locally and not having to travel far.

I was living in Silicon Valley and one of the main draws of Santa Cruz was knowing that my hospital would be in town when I moved to SC.

I hope and look forward to seeing the KP presence grow in SC!

Thank you,

Sam

## Rosemary Balsley

---

**From:** Alexandra Sibille <alexandramsibille@gmail.com>  
**Sent:** Monday, October 07, 2019 10:37 AM  
**To:** City Council  
**Subject:** Support KP's New Clinic

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at [110 Cooper Street](#).

As a Kaiser Permanente member and patient, I believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area. I want to be able visit my doctor, schedule lab appointments, see a specialist and pick up my prescriptions all in one location. This clinic is important to my health, in addition to the health of others in our community.

Please vote in support of Kaiser Permanente's clinic at [110 Cooper Street](#) because this project is important for everyone that lives, works, or plays in the area.

Thank you,  
Alex Sibille



## Rosemary Balsley

---

**From:** PAUL VANDENBERG <p.vandenberg@mac.com>  
**Sent:** Monday, October 07, 2019 10:21 AM  
**To:** City Council  
**Subject:** Support of Kaiser Permanente's new clinic at 110 Cooper Street

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support of Kaiser Permanente's new clinic at 110 Cooper Street.

As a Kaiser Permanente member and patient, I believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area. As a Santa Cruz County resident, I want to be able visit my doctor, schedule lab appointments, see a specialist and pick up my prescriptions all in one place. Without this facility, I will have to travel to Scotts Valley or Watsonville to receive care that I need. This clinic is important to my health, in addition to the health of others in our community.

As a free lance graphic design director, I travel quite a bit, so when I am at home it is important to me to be able to fit my health care needs into a tight schedule with at times limited flexibility. I have been a KP member for over 14 years now, moving from the Marin area just under 3 years ago. Having a clinic near my home has been important to me - the care I have received in Santa Cruz County through KP has been very good but having a clinic closer to me would make it that much better and more efficient. Over the years I have noticed the multiple number of PAMF and Dignity clinics throughout the county - Kaiser Permanente should be afforded the same opportunity to provide convenient locations to their members.

Please vote in support of Kaiser Permanente's clinic at 110 Cooper Street because this project is important for members who are trying to get the care they need for themselves and/or their families.

Thank you for your consideration,

Paul Vandenberg

## Rosemary Balsley

---

**From:** Karen Braun <KBraun@jaypaul.com>  
**Sent:** Monday, October 07, 2019 10:19 AM  
**To:** City Council  
**Subject:** Agenda Item 21 | Kaiser Permanente's Proposed Clinic at 110 Cooper Street

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at 110 Cooper Street.

Jay Paul Company has been a long-time property owner and has committed significant investment in the renaissance of Downtown since the Loma Prieta Earthquake. Kaiser Permanente has been a great community partner and trusted organization in Santa Cruz, and we believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area.

Health care touches everyone, and as a property owner in Santa Cruz, we are excited that Kaiser Permanente continues to invest in our city. We appreciate that they care about quality health care, accessibility, convenience, and remain dedicated to serving the residents and employees of Santa Cruz.

We hope you will agree in supporting their expansion to 110 Cooper Street.

Best regards,

Karen Braun

**Karen Braun** | [Jay Paul Company](#)  
Managing Director, Property Management  
Four Embarcadero Center, Suite 3620  
San Francisco, CA 94111  
Office: 415 263 7400 | Direct: 415 263 7417  
[kbraun@jaypaul.com](mailto:kbraun@jaypaul.com)

## Rosemary Balsley

---

**From:** Jan <jlkbalance@yahoo.com>  
**Sent:** Monday, October 07, 2019 10:00 AM  
**To:** City Council  
**Subject:** kaiser

Santa Cruz City Council,

I strongly urge you to support the expansion of Kaiser Permanente medical offices in Santa Cruz.

1. Expanding Kaiser offices in Santa Cruz County means more local jobs.
2. The monthly premiums saves local companies large amounts. My employer went from spending \$1,200 a month for Blue Shield to \$900 a month through Kaiser.
3. My personal out of pocket expenses dropped to dramatically for health xrays, prescriptions, lab tests.
4. The more offices that Kaiser has in Santa Cruz County the less times Santa Cruz residents will have to drive over the hill for Kaiser services.
5. Kaiser has offices in Scotts Valley, Watsonville, Santa Cruz that will need to expand.
6. Senior Advantage save Seniors large amount of money for Medicare supplemental insurance. We do not want our Seniors to drive over the hill for medical care.

Sincerely,

Jan Kamman  
Kaiser Permanente Member





## **Rosemary Balsley**

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**From:** Marybeth Maclean <mbmaclean@comcast.net>  
**Sent:** Sunday, October 06, 2019 4:28 PM  
**To:** City Council  
**Subject:** Please approve Kaiser at Cooper Building site!

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support Kaiser Permanente's new clinic at 110 Cooper Street. I live less than two miles from this proposed site.

I have been a Kaiser member for over 26 years. Two of my three children were born at Kaiser, San Jose. Our family has benefitted greatly from the over-arching care provided from birth to adult. We utilized Kaiser for all of our health needs ranging from routine well checks, orthopedic surgery and eye care. Kaiser's preventative care and excellent delivery of state-of-the-art treatment allowed our family to enjoy optimum health through the years.

A year ago, at 56 years old, I was diagnosed with breast cancer. I was treated with surgery, chemo-therapy and radiation. My trips to San Jose Kaiser for treatment, labs and follow up care are frequent and can take up several hours with the commute time involved. I am thrilled that Kaiser will be expanding in my vicinity! This will allow me to visit my doctor, schedule lab appointments and pick up my prescriptions much more efficiently. As I age into my later years in life, I foresee that I may require even more medical visits. Without this facility, I will have to continue to travel to San Jose, Scotts Valley or Watsonville to receive care that I need. The Downtown Santa Cruz area makes the most sense for accommodating the residents in the community because of its easy access. No doubt many other Kaiser members in our area will benefit from this Downtown Santa Cruz locale as much as I will.

Your approval of this location for the Kaiser expansion sends a clear message to we Santa Cruz residents that access to quality health is a priority in our community. I urge you to vote in support of Kaiser Permanente's clinic at 110 Cooper Street because this project is vital for current and future residents.

Sincerely, Marybeth MacLean

170 Corday Lane

Santa Cruz, CA 95060

10/4/2019

## Rosemary Balsley

---

**From:** Dori Rose Inda <droseinda@splg.org>  
**Sent:** Monday, October 07, 2019 1:33 PM  
**To:** City Council  
**Subject:** Agenda Item 21

Dear Mayor and Councilmembers,

I am writing regarding Agenda Item 21 and as a reference for Kaiser Permanente as a strong community partner.

On behalf of Salud Para La Gente, I write in support of Kaiser Permanente (KP) as a strong and trusted community partner. Salud Para La Gente (Salud) has partnered with KP in Watsonville and South Santa Cruz County to ensure access to and quality of OBGYN and other emergency and inpatient hospital services. KP has been a close partner and worked with us to ensure continuity of care for our shared patients and demonstrated a strong commitment through partnership and funding for the health and wellness of the community.

Salud appreciates and benefits from KP's continued investment in South County and believes you will also find them to be a strong supporter of your city. We feel confident that their commitment to quality and access will benefit Santa Cruz city residents as well.

Please feel free to contact me at the number listed below should you need additional information or have questions about the content of this email.

Thank you,  
Dori Rose Inda

Dori Rose Inda  
Chief Executive Officer  
Salud Para La Gente  
195 Aviation Way, Suite 200  
Watsonville, CA 95076  
C: (831) 588-4405  
P: (831) 728-8250 x 1006  
F: (831) 728-8266  
Email:droseinda@splg.org

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Please consider the environment and print only as necessary.

## Rosemary Balsley

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**From:** Colleen Lazanich <colleen@cal-insurance.org>  
**Sent:** Monday, October 07, 2019 1:44 PM  
**To:** City Council  
**Subject:** Agenda Item 21  
**Attachments:** Kaiser Letter.pdf

Please see attached – also copied below –

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Santa Cruz City Council  
RE: Agenda Item 21

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support of Kaiser Permanente's new clinic at 110 Cooper Street.

Kaiser Permanente has been a great community partner and trusted organization in Santa Cruz. On behalf of our staff and over 1,200 clients, we believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area.

Accessibility and affordability in healthcare is a major issue in Santa Cruz County, since Kaiser came into the county in 2016, we have seen increased access and decreased costs for Santa Cruz employers. Our clients in county have been waiting for a downtown location to further improve access to care. The majority of our staff have changed their coverage to Kaiser as they have seen first hand the benefits but they would also appreciate a downtown location.

Health care touches everyone, and as a business in Santa Cruz, we are excited that KP continues to invest in our city. We appreciate that they care about quality, accessibility, convenience, and remain dedicated to serving Santa Cruz residents.

I hope you will consider supporting their expansion to 110 Cooper Street.



Thank you,



Colleen Lazanich, CIC CRM  
Chief Executive Officer

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Warm regards,

**Colleen Lazanich**    
Chief Executive Officer

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Santa Cruz City Council  
RE: Agenda Item 21

Dear Mayor and Councilmembers,

I am writing in reference to Agenda Item 21 and in support of Kaiser Permanente's new clinic at 110 Cooper Street.

Kaiser Permanente has been a great community partner and trusted organization in Santa Cruz. On behalf of our staff and over 1,200 clients, we believe this expansion will bring much needed health care services closer to Santa Cruz residents that are located in and around the downtown area.

Accessibility and affordability in healthcare is a major issue in Santa Cruz County, since Kaiser came into the county in 2016, we have seen increased access and decreased costs for Santa Cruz employers. Our clients in county have been waiting for a downtown location to further improve access to care. The majority of our staff have changed their coverage to Kaiser as they have seen first hand the benefits but they would also appreciate a downtown location.

Health care touches everyone, and as a business in Santa Cruz, we are excited that KP continues to invest in our city. We appreciate that they care about quality, accessibility, convenience, and remain dedicated to serving Santa Cruz residents.

I hope you will consider supporting their expansion to 110 Cooper Street.

Thank you,



Colleen Lazanich, CIC CRM  
Chief Executive Officer

## Rosemary Balsley

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**From:** Michele Filia <Michele.X.Filia@kp.org>  
**Sent:** Monday, October 07, 2019 2:42 PM  
**To:** City Council  
**Subject:** [CAUTION: Verify Sender Before Opening!] Agenda item 21  
**Attachments:** KP letter to council.docx

Please see attached letter of support for the Kaiser Clinic at 110 Cooper st.

Michele Filia

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To Whom it May Concern,

**As a resident**, I am writing this letter **to express my personal views and to show full support** for the Kaiser Permanente Medical Clinic in the Downtown Santa Cruz location, specifically for occupying offices in the Cooper Street location. I am the current full time Charge RN at the Kaiser Permanente Locust St Clinic and have been employed with Kaiser for over 30 years now. I would like to allay any fears regarding the type of clientele we see and the services we offer. Having been employed at the present location since we opened on January 3, 2017 and living in this city for more than 18 years, I am more than qualified to speak upon this subject.

Firstly, the community is exceedingly happy to have us here. Out of the 3 locations in Santa Cruz County, the Downtown location is the favorite per our members' testimonials. We are centrally located and easily accessible to those working here which makes lunchtime appointments, blood pressure checks, immunizations and other walk- in appointments very convenient. Secondly, our members are insured--we RARELY have a noninsured client come into this clinic and Security is always present on site. Thirdly, Kaiser Permanente Medical Clinics promote WELLNESS. Most of our appointments are for members seeking their annual wellness exams, post-surgery follow-ups, female and pediatric well care appointments, and some chronic medical conditions (hypertension, diabetes) that we follow closely to assist with high quality of living. We do not have a high volume of seriously ill, contagious- disease infected people coming and going from our clinic. We are not an Urgent Care Center. Our services include Internal Medicine, Family Medicine, Pediatrics, OB/Gyn, Newborn care and Lactation assistance and we have well known, well established, highly praised and locally residing physicians employed here. Additionally, I frequently hear people in my neighborhood, in restaurants, and even in my Nextdoor App speaking positively about Kaiser Permanente and the high quality of care they have received.

**As a longtime resident, I can tell you that we as a community stand a far greater chance of contracting a contagious illness or disease by being out and about than by sharing office space with us. Kaiser Permanente has extremely high quality assurance standards and employs professional Environmental Service workers who come daily to ensure the necessary strict standards of cleanliness for a medical clinic. I would say that our office is one of the cleanest businesses in town.**

In closing, Kaiser Permanente has been a very welcome addition to Santa Cruz County bringing much needed higher standards of care to our Santa Cruz community. It is my hope this information helps to put a more informed perspective out there. I implore you to carefully consider what has been stated here and to do the right thing for our local businesses and our community's health and welfare by granting us the opportunity to continue to serve those who live and work here.

Sincerely,

Michele Filia

## Rosemary Balsley

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**From:** Chip . <chip@downtownboulder.org>  
**Sent:** Monday, October 07, 2019 2:07 PM  
**To:** City Council  
**Subject:** inappropriate use of Cooper House Building.

To the Santa Cruz City Council

I am no longer a full-time resident of Santa Cruz, and I have left my post as the Executive Director of your Downtown Association. Until recently, however, I was very engaged and passionately observant of Downtown Santa Cruz. I spent most of my time trying to understand what makes the district work. and advocating for policies, uses, initiatives, and programs that support the greatest success for all in Downtown. I hope that you will consider my comments earnestly coming from someone who has a deep love of, and great investment in the success of Downtown Santa Cruz.

I have deep and serious concerns for the proposed clinic to be located on Pacific Avenue and Cooper Streets.

I will preface my concerns by stating that a clinic in the Downtown core is certainly an appropriate use and that the applicant is a great tenant and has been a tremendous asset to the Downtown Community for many years.

Having said that, I am of the very strong opinion that there are two streets in particular that such a use is not appropriate. One is Pacific Avenue between Cathcart and Water, and the second is Cooper Street. The idea of a clinic at Pacific and Cooper frankly feels irresponsible.

### **Please consider a few points:**

Downtown Santa Cruz is not an "urban district" it is a "Main Street". Pacific Avenue is the retail center of town. I can only imagine the impact this proposal will have on the "Shared Parking" district. A clinic is not an appropriate use for a shared parking model. **I urge that before such a use is approved a comprehensive parking study is completed** and a plan is devised to accommodate the retailers who are already facing reductions in parking.

In addition to my concerns about the impact of parking, I am concerned about access. I strongly believe that **anything that can be done to reduce vehicular traffic on Pacific Avenue should be pursued aggressively.** This proposal, I expect, will greatly increase vehicles accessing the Cooper Street entrance from Pacific Avenue. Think for a moment, if you will about the traffic patterns to access the proposed loading zone.

This seems like an appropriate time to mention a concern that the proposed entrance - possibly with a loading zone?!?!? - on **Cooper Street is essentially in the middle of Downtown's most popular event space.** We do not have a town square, we have Cooper Street which is closed for special events throughout the year on a very regular basis. Would the necessary access to a clinic on Cooper Street be an appropriate use during Santa Cruz Dance Week, During First Friday Events, during the many community gatherings that take place on Cooper Street? Would these traditions take precedence over access to the clinic? Are we sure? **The use of Cooper Street as an event space is not an accident.** It was very specifically designed into the Downtown Plan.

Finally, I would ask you to consider the commercial real estate resources that exist in downtown and proceed thoughtfully. There is now fairly limited class A office space in Downtown Santa Cruz. Earlier this year, **the**



**single largest investment in the history of this town was made in a Downtown Santa Cruz Business.** A business that began on Cooper Street and Pacific Avenue, I can not predict what that investment might mean for Santa Cruz, other than to say, converting the very best commercial office space in Downtown to a clinic right now, is neither appropriate for the health of the district, nor is it intelligent for the economy of the city.

The latter point may sound like a landlord issue, but I contend that it is the responsibility of the regulatory agency to insure that property is used appropriately. I believe that this use in this location is inappropriate, and without earnestly addressing parking issues it is irresponsible.

Other options exist for a clinic that would not drastically and negatively alter the nature of Pacific and Cooper, which I am confident this proposal would do.

Thank you for your consideration and as always, thank you for your service.

--



Chip, C.E.O.

[1942 Broadway Suite 301](#)

[Boulder, CO 80302](#)

[Ph 303.449.3774](#)

[BoulderDowntown.com](#)



## Rosemary Balsley

---

**From:** Laura Marcus <laura@dientes.org>  
**Sent:** Monday, October 07, 2019 2:01 PM  
**To:** City Council  
**Subject:** Kaiser Clinic at 110 Cooper Street

To the Santa Cruz City Council,

On behalf of Dientes Community Dental Care, I am writing to you in support of Kaiser Permanente's proposed location at 110 Cooper Street.



As a member of the local healthcare safety net, providing oral healthcare to 11,500 patients a year, we understand the need for high quality healthcare and the impact that it has on children, adults and seniors. Kaiser is an important part of the healthcare fabric in our community. As an employer who offers Kaiser's health plan to our 75 employees, increased access to care is important for our staff.

Kaiser is a generous supporter of Dientes, having contributed to the establishment of our Beach Flats clinic, our new project in Live Oak, and several events. They remain committed to continued support, possibly even a future project at the Metro Center that, in partnership with the City, would provide healthcare and housing downtown.

Public and private partnerships are critical to support the delivery of local healthcare for more Santa Cruz City residents. Please vote in support of Kaiser's clinic at 110 Cooper Street.

Thank you!  
Laura



**Laura Marcus**  
**Chief Executive Officer**  
Dientes Community Dental Care  
5300 Soquel Avenue, Suite 103, Santa Cruz, CA 95062  
831.464-5420 direct | 831.252.0120 cell | 831.464.5416 fax  
[laura@dientes.org](mailto:laura@dientes.org) | [www.dientes.org](http://www.dientes.org)  

**Dientes Stands  
with Dreamers**  
**WE SUPPORT DACA**

"When I dare to be powerful, to use my strength in the service of my vision, then it becomes less and less important whether I am afraid." Audre Lorde

## Rosemary Balsley

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**From:** Lin, Pat <patrilin@amazon.com>  
**Sent:** Monday, October 07, 2019 1:57 PM  
**To:** City Council  
**Subject:** Kaiser proposal for clinic at 110 Cooper Street

Dear City Council,

I am an employee of Amazon at the 110 Cooper Street location in downtown. My opinion does not represent Amazon corporate since our facilities management group does not have a formal position on the Kaiser proposal to have a clinic at the Cooper House location. However, I have my own concerns that I would like the SC City Council to consider with regards to approval of the Kaiser proposal.

- I do not believe the building has separate HVAC services separating floors. My concern is that a clinic is, by its nature, a place where people who are sick are going to be visiting. I worry that contagions can easily spread throughout the building without proper precautions. The clinic can also be an easy scapegoat when people in offices on other floors get sick especially since possible HVAC system contamination, shared elevator and stairwell is also taken into account.
- Consider the daily visitors to this location. Has the city done any traffic studies related to the increase in pedestrian as well as automobile traffic on the short and congested Cooper Street? I worry that building accessibility will be impacted through the single entrance for all floors.
- Conversion of two to three metered parking spaces on Cooper Street to drop-off zones are a must for a clinic to work here. Cooper Street cannot be cordoned off for city events as a result of access requirements during Kaiser clinic hours.
- For Kaiser's purposes, a single tenant building would better serve their needs rather than an office space with multiple tenants.

Regards,

Pat Lin | Sr. Technical Program Manager | Amazon Selling Partner Interfaces – Mobile + Voice | Santa Cruz, CA

*[Download the Amazon Seller App for Apple iOS or Android](#)*

## Rosemary Balsley

---

**From:** Maya Delano <Maya@pacificworkplaces.com>  
**Sent:** Monday, October 07, 2019 4:28 PM  
**To:** City Council  
**Subject:** Concerns about Kaiser moving to Cooper St.

Greetings,

I am concerned about Kaiser moving into the Cooper St. location.

Along with sharing my NextSpace member's concerns about parking and what it is like doing business with a single access entrance off Cooper St at the next council meeting, I will be mentioning the Downtown Recovery Plan that established Cooper St. as a community gathering place and the best location for street closures. With the 30 year anniversary of the earthquake coming up, it seems even more important to guard this vision that was established in 1991.

Cooper street was identified for closures without inconveniencing a lot of businesses. My concern will be that down the road the street closures and access to the building could be a pain point for Kaiser's patients. Patients will surely complain if they can't get direct access to the building from the street or if they are late to their appointments. I can see Kaiser making this an issue in the future as this would be a legitimate complaint from patients. As we see time and time again, large corporate entities are able to get their agenda through over a period of time and we don't want to run the risk of losing this important public community space.

Below is an excerpt from the [Downtown Recovery Plan](#):

### "The Streets as Public Open Space

In reinforcing a strong open space network, it must be emphasized that the streets and sidewalks provide the principal public space opportunity within the downtown. The streets function as an extension of the larger open space system, providing key linkages to the river, the beach, and the surrounding neighborhoods; they also reinforce the commercial function of the downtown and accommodate much of the activities that make it a vital and memorable place to be. As such, the design of the streets needs to maximize their contribution to the overall open space system. Pacific Avenue, as the city's "main street," should be designed to allow for periodic closures to

accommodate major civic events; on an everyday basis, the street should continue to serve as a comfortable and active public place for a wide range of people, including students, residents, employees, and visitors. ***Other streets, including Cooper Street, Cathcart Street, and Front Street***

***between River and Water Streets, should also be designed as key open space resources, capable of***

***being closed for special occasions and events and providing direct visual and pedestrian linkages to***

***the downtown.*** The use of sidewalk extension zones (e.g., outdoor cafes, markets, etc.), setbacks at key points, courtyards, and passages will also reinforce and enrich the overall open space network of the downtown."

Let me know if you have any questions.



Cheers,

Maya Delano

---



[Book a meeting room here!](#)

**Maya Delano**  
*Community Manager*

101 Cooper Street  
Santa Cruz, CA 95060

Office: (831) 420-0710  
[maya@pacificworkplaces.com](mailto:maya@pacificworkplaces.com)

## Rosemary Balsley

---

**From:** Ryan French <ryanjfrench@outlook.com>  
**Sent:** Tuesday, October 08, 2019 9:36 AM  
**To:** City Council  
**Subject:** Kaiser in Downtown SC?

Dear City Council Members,

I have lived in Santa Cruz County off and on for most of my life. I have also worked in downtown Santa Cruz for the last three years. Over this time I have grown to love the downtown area. The shops, restaurants, events and even the street performers (on occasion).

I was surprised to hear that a proposed Kaiser clinic was going to go in on Cooper Street. A clinic, really? Not an administrative office? What? When I heard this my first reaction was, why? That type of business is not what a downtown is all about. My second thought was the traffic and parking. Parking is already a significant issue in the area and this would exacerbate it. While I don't know the daily numbers of patients that would visit a clinic like this I do know how busy the others in town are. If you have not performed a comprehensive study, you must.

Cooper street has about 10 parking spots. With parking being an issue downtown the it is likely the preferred method will become pick up and drop off in lieu of parking. Traffic congestion caused by patient pick up and drop off on Cooper Street will become unmanageable. How long until Kaiser begins to complain that Cooper Street events are impacting their business? How long until this nice section of downtown is noise polluted by honking?

All I can say to a council of folks that should represent their constituency and the best interests of downtown is that if you pass this you erode what downtown SC should be and take existing issues and make them worse. It is a mistake to let a Kaiser clinic in this location.

My last point, what would a Kaiser patient want? Has that been addressed? Do they want to drive downtown and deal with traffic and parking? I know when I visit my doctor I want parking right in front in an easy accessible location. You probably do too. I have to think there must be ulterior motives.

Vote NO for me, vote NO for downtown

Thank you for your time reading this and service.

Ryan French

## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Tuesday, October 08, 2019 9:23 AM  
**To:** City Council  
**Subject:** FW: Kaiser Permanente in the Cooper House??? = NO

**Importance:** High

*Bonnie Bush, CMC*

City Clerk Administrator  
City of Santa Cruz  
831-420-5035

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**From:** Clark Codiga [mailto:clark@oaktreeprop.com]

**Sent:** Tuesday, October 8, 2019 9:06 AM

**To:** Martine Watkins <mwatkins@cityofsantacruz.com>; Sandy Brown <sbrown@cityofsantacruz.com>; Chris Krohn <ckrohn@cityofsantacruz.com>; Cynthia Mathews <CMathews@cityofsantacruz.com>; Bonnie Bush <bbush@cityofsantacruz.com>; Martin Bernal <mbernal@cityofsantacruz.com>; Tina Shull <tshull@cityofsantacruz.com>; Justin Cummings <jcummings@cityofsantacruz.com>; Drew Glover <dglover@cityofsantacruz.com>; Donna Meyers <dmeyers@cityofsantacruz.com>

**Subject:** FW: Kaiser Permanente in the Cooper House??? = NO

**Importance:** High

Dear City Council Members,

I am a lifelong, 51 year residence of Santa Cruz. Downtown is and always has been our city's our crown jewel, community gathering point and tourist destination. Even with Downtown's issues, it is still the heart and sole for many of us who have make Santa Cruz our home. The beauty of our downtown is that is unique with many independent retail, office, restaurants etc. Parking and traffic are 2 of its perpetual challenges.

I was recently informed that the City Planning Department had approved a zoning variance to allow Kaiser Permanente in the upper floors of the Cooper House Building. Trying to put a 22,000 square foot peg in a round hole. Many of us cherished the original Cooper House with the quitesential sounds of the Warmth Band playing outside. The new Cooper House Building is still the center of downtown. This is not the right location for this type of use.

The upper floors of the Cooper Bldg are designed for office space, not medical office space. Local organically grown businesses and other businesses currently occupy this building. We need to encourage well paying jobs for our residents downtown. I understand that even Looker was looking this space. If not them another standard office use would be so much better for the character, environmental and economic benefit to Downtown. Ironically, any of the downtown

businesses encourage their employees to walk, bike or take a bus work. Medical office space has one of the highest traffic and parking demands. *How is possible that the Kaiser project would require no additional parking?*

Kaiser is already building a humongous 160,000 sf facility in Live Oak. Do they really need to be downtown?

Parking downtown is already scarce. So scarce that the City is engaged in discussions of another parking structure. I understand that Kaiser submitted their plans with 45(?) patients just below the requirement for a traffic study. That seems convenient. At the minimum, a traffic study should be required to review this proposed use.

Medical uses with intensive patient use are much better located outside of downtowns of city's like ours.

I do not believe that the public has been adequately engaged on this issue. I am sure that most SC Residents are totally unaware about this proposed use in their Downtown.

Due to time constraints of your am meeting – which I just heard of, I must wrap this up.

Thank you for taking the time to thoroughly contemplating this City changing decision.

Clark Codiga  
150 Michael Lane  
Santa Cruz, CA 95060

831-325-1744



## **Rosemary Balsley**

---

**From:** Christian Nielsen <cnielsen@nielsenarchitects.com>  
**Sent:** Tuesday, October 08, 2019 9:12 AM  
**To:** City Council  
**Subject:** CP19-0006 - AUP Medical Office on Cooper Street

Good Morning Council Members,

I am writing to express my concern about Kaiser's proposal to have a clinic on Cooper Street. I am in full support of a clinic in the downtown area but I believe the proposed location has flaws. I understand that there are issues pertaining to the safety of the current tenants within the building but my comments will focus on the impact on Cooper Street and the surrounding areas.

As I understand, a traffic analysis report has not been provided for this project. If that is true, I would strongly urge that you consider requiring it.

The General Plan allows for clinics to be in the downtown area. I agree with the concept of adding this type of activity into the downtown. A large focus of the General Plan is to activate the downtown with pedestrian access. While a clinic downtown will add to the activation of downtown, I believe the proposed location of the clinic will adversely affect the most activated area of downtown. I have provided my list of issues below with my related concerns.

### **Parking**

Generally, I have concerns about parking for patients. The parking structure on Front Street seems to be the logical place for patients to park but, in my opinion, it's proximity to the clinic front doors is not ideal. I know that Kaiser has stated this is not a concern of theirs and they have facilities that are similar. That may be true, but it does not seem like a good planning practice to ask patients to park and navigate across Front Street.

### **Drop Off Zone**

The proposed drop off zone for patients will be on the side of Cooper Street closest to the building. This will require cars to approach the clinic on Cooper Street coming from Pacific Avenue, or cars traveling from Front Street will stop in the street and block traffic while patients unload and then must travel across Cooper Street. Additionally, there is no crosswalk at the midpoint of Cooper Street where the clinic is proposed. This unloading of patients on Cooper Street will undoubtedly cause congestion on Cooper Street but also add traffic onto Pacific Avenue.

### **Cooper Street Closure**

One of the many unique attributes of Cooper Street is its small size and pedestrian scale. Considering that with its relationship to Abbott Square, it's not difficult to understand why closing the street to vehicle traffic throughout times of the year makes sense for different public activities. I have concerns about Cooper Street being closed and the need for patients to access the clinic at these times. Where will the drop off zone be located during Cooper Street closures? If people are used to approaching Cooper Street from Pacific Avenue to drop off patients, they will likely stop on Pacific Avenue to drop off. This area of Pacific Avenue is not designed for such drop off activities.

Thank you for your consideration.

Best,

Christian



**Christian Nielsen**  
**Principal Architect**

831 621 3926 x101

831 345 5388 Mobile

228-B Fern Street · Santa Cruz · CA · 95060

1724 64th St · Emeryville · CA · 94608

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October 8, 2019

To whom it may concern:

My name is Mimi Desmond and I am the manager of Camouflage and now manager of our new locations, Good Vibrations on 111 Cooper Street. I have worked downtown since 1997 and am concerned with the potential placement of the Kaiser Clinic on Cooper Street.

I am curious to know if there has been a traffic study conducted to measure the impact that this clinic could have on the flow of traffic in downtown. How will this location, in particular affect business' on Cooper, Abbott's Square and business' along Pacific Avenue? Have other locations been considered for the Kaiser Clinic as there are many options in downtown that would be more suitable for such a clinic.

I do believe that a Kaiser Clinic would be a good addition downtown, however we need to seriously consider the right space for such a business.

I apologize that I could not be present at today's meeting as my presence is required in the two business'. I appreciate your time in reviewing all the information and facts that have come before you in making this important decision to keep our downtown growing with a sense of community and the Santa Cruz spirit.

In gratitude,

Mimi Desmond

Manager of Camouflage and Good Vibrations Santa Cruz

The logo for Camouflage, featuring the word "Camouflage" in a stylized, cursive script font. The letters are black and have a slightly shadowed or 3D effect, giving it a textured appearance.

## Rosemary Balsley

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**From:** Danielle Wilcox <danielle.wilcox@looker.com>  
**Sent:** Tuesday, October 08, 2019 9:02 AM  
**To:** City Council  
**Subject:** Kaiser Location Reconsideration

As an employee at Looker located on the corner of Pacific Ave and Church St., I am deeply invested in the state and future of downtown. As a member of the Santa Cruz City Business Council and partner in the Downtown Association, I fully support the development and growth of businesses that better our community and its citizens, especially those that work downtown. I also fully support Kaiser's growth in a downtown location to better serve their clients and increase accessibility. However, I am writing today to advocate for the reconsideration of the selected location of Kaiser's growth at the Cooper House and urging the council to consider Kaiser's growth at a more viable, effective, and community-focused location.

If Kaiser were to occupy the Cooper House street there would be an influx of 500 patrons needing parking or access to pick up and drop off that the Cooper House location cannot support. A location like the UTC where there is an adjacent parking structure or in the Forever 21 building where there is an alley for patron drop off and pick up would more readily accommodate the Kaiser clients while also not hindering an already horrendous traffic build-up. Additionally, if Kaiser were to reside in either of these two locations, they would be closer to the metro for clients that take public transit to avoid the lack of parking.

I firmly believe that Kaiser would be a great addition to our downtown but only if it is in an appropriate location that takes into consideration the existing businesses downtown, patrons of downtowns, and long-term needs of our downtown plan.

Thank you for your consideration.

--



Danielle Wilcox | Global Workplace Specialist  
925.209.9474



## Rosemary Balsley

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**From:** Patrick Reilly <patrick.reilly@ipsociety.net>  
**Sent:** Tuesday, October 08, 2019 8:59 AM  
**To:** City Council  
**Subject:** Concerned about Losing Cooper House Facilities to New Business Growth/Kaiser Placement Alternatives

Dear Mayor Watkins and esteemed Santa Cruz City Council members:

I am an IP/Patent Attorney practicing in Santa Cruz County and have several local clients who are managing growing ventures. Their desire to have suitable facilities for future expansion seem to be quite limited in downtown Santa Cruz. I am concerned that committing a large portion of the office space in the Cooper Building to a high-volume medical clinic will lead such entrepreneurs into seeking locations outside of Santa Cruz City.

I am also concerned that the traffic burden, both pedestrian and automotive, on the environs of Cooper Street that the Kaiser operations will impose shall diminish the capacity of the Museum of Art and History and other organizations from holding events like First Fridays and other festivals.

Sincerely,

Patrick Reilly

--

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## Rosemary Balsley

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**From:** Clark Codiga <clark@oaktreeprop.com>  
**Sent:** Tuesday, October 08, 2019 8:58 AM  
**To:** City Council  
**Subject:** Kaiser Permanente in the Cooper House??? = NO  
  
**Importance:** High

Dear City Council Members,

I am a lifelong, 51 year residence of Santa Cruz. Downtown is and always has been our city's our crown jewel, community gathering point and tourist destination. Even with Downtown's issues, it is still the heart and sole for many of us who have make Santa Cruz our home. The beauty of our downtown is that is unique with many independent retail, office, restaurants etc. Parking and traffic are 2 of its perpetual challenges.

I was recently informed that the City Planning Department had approved a zoning variance to allow Kaiser Permanente in the upper floors of the Cooper House Building. Trying to put a 22,000 square foot peg in a round hole. Many of us cherished the original Cooper House with the quitesencial sounds of the Warmth Band playing outside. The new Cooper House Building is still the center of downtown. This is not the right location for this type of use.

The upper floors of the Cooper Bldg are designed for office space, not medical office space. Local organically grown businesses and other businesses currently occupy this building. We need to encourage well paying jobs for our residents downtown. I understand that even Looker was looking this space. If not them another standard office use would be so much better for the character, environmental and economic benefit to Downtown. Ironically, any of the downtown businesses encourage their employees to walk, bike or take a bus work. Medical office space has one of the highest traffic and parking demands. *How is possible that the Kaiser project would require no additional parking?*

Kaiser is already building a humongous 160,000 sf facility in Live Oak. Do they really need to be downtown?

Parking downtown is already scarce. So scarce that the City is engaged in discussions of another parking structure. I understand that Kaiser submitted their plans with 45(?) patients just below the requirement for a traffic study. That seems convenient. At the minimum, a traffic study should be required to review this proposed use.

Medical uses with intensive patient use are much better located outside of downtowns of city's like ours.

I do not believe that the public has been adequately engaged on this issue. I am sure that most SC Residents are totally unaware about this proposed use in their Downtown.

Due to time constraints of your am meeting – which I just heard of, I must wrap this up.

Thank you for taking the time to thoroughly contemplating this City changing decision.

Clark Codiga  
150 Michael Lane  
Santa Cruz, CA 95060

831-325-1744

## Rosemary Balsley

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**From:** j abrams <blksheephw@gmail.com>  
**Sent:** Tuesday, October 08, 2019 8:19 AM  
**To:** City Council  
**Subject:** Cooper House Building Clinic

To council members Brown, Glover, Watkins, Cummings, Krohn, Mathews, Meyers:

I'd like to address the item on today's agenda regarding the plan to establish a medical office at 110 Cooper st.

What will this do to parking in the area? Probably a good idea to have a clinic downtown but I disagree that Cooper is a good place, the street is tiny and there's like 4 spots! I am appreciative of the push towards public transportation but it is likely that people coming to the clinic will not use it and will flood the area with idle vehicles, a waste of parking in an area with already very few spots. This will most severely affect people who work in that area who will no longer have a place to park. Just another reason for people to look for work over the hill. I didn't mention the traffic issue but have you seen Cooper st? it'll be jammed up constantly

Also, what will happen to the events on Cooper on first Friday?? will the clinic close for those events or will the events no longer happen?

Finally, what about the opportunity for offices in downtown SC when there's already very little space? instead of offices we're gonna put a huge clinic down there? seems like a terrible move if we're trying to help our economy

thank you for your time

## Rosemary Balsley

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**From:** Margaret Rosas <margaret@looker.com>  
**Sent:** Tuesday, October 08, 2019 8:13 AM  
**To:** City Council  
**Subject:** Kaiser in the Cooper House

Dear Mayor Watkins and City Council members,

I would like to express my opposition to allowing Kaiser to locate in the Cooper House.

I have been working downtown since 2008. I've worked from NextSpace, Cruzio/Ecology Action and now with Looker in the Rittenhouse building. In that time we've seen a great increase in vitality on Cooper Street with the opening of Abbot Square. Cooper Street is not an appropriate entrance for a medical facility. Here are my chief concerns:

1. **Parking is Inadequate for Clinic Use.** There isn't sufficient parking to accommodate patients throughout the day. I understand there is a belief that the Downtown Parking district is sufficient. It is not. It is exceedingly difficult to find parking near that location after 10am any day of the week.
2. **Building Access is Compromised.** Cooper Street provides a cultural gathering place for our community. The street is closed many times throughout the year to provide highly valued community events. It is hard to imagine that this will have a zero impact on this important community asset.
3. **Design and Intention.** This office space was not intended for a medical clinic. This is why we're at this point in the process of appeals to the Planning commission and now before the City Council. Please ask yourselves -- why are we going to so much trouble to place a clinic in a building when there are other viable options in the downtown district? *This space is intended for professional office space, not a clinic.*

I urge you to consider the vitality of our community and the negative impacts this will have for our community if approved.

Thank you for your consideration and thank you for your service.

Regards, Margaret

// Margaret Rosas // [Looker](#)  
// VP, Department of Customer Love

## Rosemary Balsley

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**From:** Crystal Finch <crystal.finch@productops.com>  
**Sent:** Tuesday, October 08, 2019 8:13 AM  
**To:** City Council  
**Subject:** No to Cooper Building Kaiser Clinic!

Dear Planning Commission,

I am a Santa Cruz resident who works in the Cooper building and **I strongly oppose the opening of the proposed Kaiser clinic.** My concern is that the presence of sick patients would put my colleagues and me at constant increased risk of getting sick and missing work. The security of the building and my sense of workplace safety would be greatly diminished by the additional foot traffic in the building.

Thank you for consideration,  
Crystal Finch



## Rosemary Balsley

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**From:** Chris Codiga <chris@oaktreeprop.com>  
**Sent:** Tuesday, October 08, 2019 7:19 AM  
**To:** City Council  
**Subject:** Kaiser Permanente / Cooper House

Dear Mayor Watkins and City Council Members:

I am very concerned about Kaiser Permanente opening a large clinic in the Cooper House in the Middle of Downtown Santa Cruz.

It is a completely incompatible use for the building and proximate downtown location. Medical clinics require significant on-site parking and large drop-off and pick-up areas to best and properly serve their patients and community.

The four-story 160,000 square foot medical clinic Kaiser Permanente is proposing for Mid-County will have a parking garage with 730 parking spots. I do not believe that Kaiser Permanente can operate with **ZERO** dedicated parking spots for an almost 22,000 square foot facility downtown and not have a negative impact on the community, parking and traffic flow.

The PAMF Clinic on Mission Street has over 80 dedicated parking spots and includes a large patient loading and unloading zone.

I urge you to support the appeal and deny the project at the proposed location.

Thank you very much.

Sincerely,

Christopher M. Codiga, CPA  
Santa Cruz

## **Rosemary Balsley**

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**From:** Mary Nickerson <nickerson.mary@yahoo.com>  
**Sent:** Monday, October 07, 2019 9:39 PM  
**To:** City Council  
**Subject:** Kaiser Clinic Downtown

I frequently shop in downtown Santa Cruz and over the years it has gotten more and more difficult to find parking. I live in Aptos so providing parking for residents who want to shop downtown is a requirement for me to continue to shop downtown. I've read about the plans to move a Kaiser clinic onto Pacific Avenue that will see 500+ patients a day. I'm concerned that the little parking that is already available will disappear will that huge influx of patients to the clinic also looking for parking downtown.

Please find a better location for this medical office.

Thank you,

## Rosemary Balsley

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**From:** Stacy Nagel <stacy@looker.com>  
**Sent:** Monday, October 07, 2019 9:27 PM  
**To:** City Council  
**Subject:** Kaiser moving into the Cooper House

I'm Stacy Nagel, the Sr. Manager of Global Workplaces at Looker. I'm am writing today to ask you to reconsider the location of the Kaiser medical clinic. We welcome Kaiser to Santa Cruz. We're a proud Kaiser customer. And we all know that Kaiser will be part of our downtown community for the long term, so let's make sure we're putting them in a location that is aligned with our long-term vision. The last thing we should do is put a wonderful company like Kaiser in an inferior location that will be detrimental to downtown's ability to support retail, medical, and business growth.

Looker has been committed to downtown Santa Cruz from the start but downtown expansion has not been without challenges. There is very little office space available to support our existing growing businesses. It's clear that Cooper House was never designed to house a medical clinic, so it doesn't make sense that we're putting one into this office space when simple office space is so needed downtown and there are available and more fitting locations for Kaiser to occupy.

The next biggest challenge is the availability of parking for downtown employees. The waitlist for a permit is two years long and if you arrive after 10:30am good luck finding parking. We even tell candidates to arrive extra early to find parking so they don't miss their interviews. The idea of a clinic on Pacific that sees 500 patients a day is simply not realistic, where will they park if our interviewees are unable to find a spot? There is absolutely no way the current parking infrastructure can handle that increased load.

I'm also here today as a member of the downtown business community. I'm concerned we are not being heard by the council. I encourage you to notice at the location of the speakers here today speaking in favor of Kaiser. Do they represent downtown businesses with office space downtown? Will they be affected by a large medical clinic on the Cooper House? Or are they located elsewhere in the city of Santa Cruz and want simply want Kaiser in Santa Cruz? I want Kaiser in Santa Cruz, but not on the 5th Floor of the Cooper House. The city council has a responsibility to manage the use of downtown space and the vision for the future of downtown and this is an opportunity to do that.

Thank you,

Stacy Nagel

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Stacy Nagel | Senior Global Workplace Manager - Scout Leader Looker  
(650) 796-2124  
[stacy@looker.com](mailto:stacy@looker.com)

## Rosemary Balsley

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**From:** Chris Miller <ctodd@launchbrigade.com>  
**Sent:** Monday, October 07, 2019 9:17 PM  
**To:** City Council  
**Subject:** Regarding Kaiser downtown location

City council members,

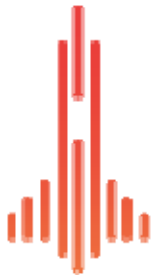
In 2008 I relocated my business at NextSpace Coworking. Since that time I've experienced first hand the increase in traffic congestion, and dwindling supply of parking for customers and businesses. It is frequently impossible to get access to a space on Cooper Street for the purposes of loading/unloading business supplies, and I often find myself double parked on Cooper Street as there simply is no alternative. How is it that we can support adding a busy Kaiser clinic in this already congested section of downtown.

As a participating employer member of Kaiser, it would be convenient for our staff to have access to a larger clinic in Santa Cruz. Having said that, there are a number of alternative locations in the downtown area which can better support traffic access and parking with less of an impact to the downtown area and the community. The impacts of this decision will have ramifications lasting years to come and should not be taken lightly.

While we're all grateful for the sponsorship and the good that Kaiser has done in our town over the past several years, this should in no way facilitate preferential treatment by the city council. Further more, when considering the arguments both for and against Kaiser's proposed location, those arguments should be weighted with respect to whether or not those speaking are directly impacted by the decision.

Please let me know if you have any questions.

Chris



**Chris Miller**

President

Rocket Scientist

831.480.7190

LAUNCH  
BRIGADE



## **Rosemary Balsley**

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**From:** Frank Piva <piva.post@gmail.com>  
**Sent:** Monday, October 07, 2019 6:24 PM  
**To:** City Council  
**Subject:** 110 Cooper Street, Floors 2 and 5

To the Santa Cruz City Council,

My name is Francisco Piva, and in the interest of full disclosure I work at 110 Cooper Street.

I urge the City Council to not allow a medical clinic on the second and fifth floors of this building.

As a current tenant, I am concerned that transforming a private commercial space into a public medical space will significantly decrease the overall safety of the building. It is my understanding that the clinic will be open from 7 A.M. to 8 P.M., Monday through Friday. I have arrived and departed at these times, and I have witnessed individuals loitering and camping around the alcove of 110 Cooper Street. I have no doubts that these individuals will attempt to enter the building for warmth, restrooms, or to commit crimes of opportunity.

As a citizen, I am concerned that transforming a private commercial space into a public medical space will impact the community and the intended vision of Abbot Square. Cooper Street is closed many times per year to facilitate community events. How will a medical clinic coexist with street closures? Also, Cooper Street is a busy and narrow thoroughfare with very few parking spots. It is obvious that the limited parking on this lively street will be further reduced to accommodate the loading and unloading of patients in front of the building. I believe this will harm the nearby retailers by virtually eliminating any available street parking for their businesses during the day.

A medical clinic is a benefit to the community, but this is not the location for it.

Please reverse the decision to permit a medical clinic at 110 Cooper Street, Floors 2 and 5.

Thank you,  
Francisco Piva



## Rosemary Balsley

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**From:** Julie Kanagy <julie.kanagy@productops.com>  
**Sent:** Monday, October 07, 2019 6:23 PM  
**To:** City Council  
**Subject:** 110 Cooper St.

Dear council members,

I am a Kaiser member as well as an employee at productOps on the 2nd floor of the Cooper St. building. Like many in our community, I love Kaiser and have experienced the inconvenience of driving over the hill for certain procedures and appointments that I can not currently get here. I want Kaiser to expand in Santa Cruz county.

But I ask those of you in support of this plan to imagine if your office space was suddenly shared with a medical clinic, or any retail space open to the public. This use is not compatible with the current tenants in the building. It is not only a matter of illness, shared HVAC system, bathrooms, elevator buttons, etc. but this will eliminate the front door security system. **I implore you when assessing the needs of the community to not to throw the safety and health of those currently working at the Cooper House under the bus, or callously dismiss our concerns as just a "landlord issue".**

**My colleagues and I patronize many downtown businesses for lunches errands and meetings, and some of my coworkers have school age children at home. Zoning for a health clinic in a shared-use building makes absolutely no sense from a public health standpoint.**

I also just think putting a medical clinic in this space is a poorly thought out plan for patients. The parking situation is already bad, and the plan only allows for one drop off spot, which requires that the patient has someone willing to drop them off, and then is ambulatory enough to wait (ages) for that driver to go find a parking spot.

**Kaiser and its members need and deserve a real clinic in a standalone building, comparable to PAMF and Dignity with decent parking for patients with special accessibility needs.**

Thank you for your service.

Sincerely,  
Julie Kanagy  
Sr. Software Engineer  
productOps, Inc.

## Rosemary Balsley

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**From:** Mark Davidson <mark.davidson.sc@gmail.com>  
**Sent:** Monday, October 07, 2019 5:48 PM  
**To:** City Council  
**Subject:** Agenda item 21: Please reject Administrative Use Permit for Kaiser at 110 Cooper Street

Dear Santa Cruz City Council,

My name is Mark Davidson and I'm an employee at productOps located on the 2nd floor of 110 Cooper Street. I would like you to reject the Administrative Use permit to establish a medical office at the Cooper House. I do not believe that having a general medical clinic is a compatible use for the Cooper House. Clearly the building was not designed for that type of use in mind. I've read through some of the planning documents and the planning commissions responses to the appeal and there are some items that concern me.

From the Planning Commission Agenda Report dated May 31 in the Parking and accessibility section:

“The appeal letter asks whether a traffic study was undertaken for this proposed use and asserts that patient pick-ups and drop-offs will create double parking near the building. According to the Public Works Department, a traffic impact study is only completed when a use will generate an estimate of at least 50 trips during the P.M. peak hour. \*The Public Works Department has calculated 45 net trips for this use in the Downtown.\* Therefore, the proposed use falls beneath the threshold for a traffic impact study.”

I'm not clear about the methodology employed by the public works department used to determined that there will be less than 50 trips during peak to justify not conducting a traffic study. The proposal, states that there will be 42 staff and a total capacity of 45 member patients (visits are generally 15-30 minutes) and the second floor pharmacy will be open to Kaiser members. It's quite plausible that this can meet the threshold of 50 trips to warrant a traffic impact study. Please explain the methodology which the PWD used to make the 45 net trip determination.

I believe a clinic for a maximum of 45 patients at this location without any expansion of parking is going to increase grid lock and have a negative impact on parking. Downtown parking is already significantly impacted without this clinic. For example, try finding a place to park downtown on Wednesday afternoon during the Farmer's Market. This is only going to get worse when construction begins on the new Library.

I'm a big believer in active transportation and I ride my bike to work from Scotts Valley every day. While the policy LU4.2 is laudable I don't believe a medical clinic will significantly reducing auto use. In fact, I think that the traffic/parking will be worse. I don't think sick or injured Kaiser patients will be riding bikes or skateboards to the clinic. Besides, there is no public bike parking near the Cooper House entrance and when an event is happening at Abbott Square then bike parking is similarly impacted.

One large growth area of health care is elder care and I believe that the elderly and their caregivers will require more ADA parking spaces that are currently provisioned on Cooper Street. My wife took care of her mother for the last 10 years of her life. My mother in law had chronic rheumatoid arthritis and a laundry list of ailments which required on average 4-6 trips to various doctors every month. She didn't speak English so my wife had to accompany her mother on all visits for language issues and to assist her in walking. My wife needed more than a pick up and drop off for my mother in law - they needed an ADA parking space to leave the car. My mother in law's arthritis didn't allow her to travel up and down stairs at all. While there are some accessible parking spots

at the River St. garage it would be still be a long way to walk for my mother in law. Normal medical facilities provide a courtesy wheelchair near the front entrance and I can't see this facility providing the same level of service. Furthermore, there is no elevator for folks parking at the River Street garage. This will impact folks who don't have an ADA parking tag or must go to the upper levels if the ADA spaces are full.

Downtown Santa Cruz has a dynamic and growing business community. The downtown environment is an amazing place to work and I enjoy eating at local restaurants and shopping at the local businesses. Engaging with local retailers is much more satisfying than shopping on Amazon and I'm willing to pay the premium for speaking with local store employees to help guide my purchases. We regularly entertain clients at local restaurants and pubs and they love the experience of coming to Santa Cruz to do business. I'm concerned that taking away 20,000 of commercial office space will make it more difficult for small offices and start ups to have the same downtown experience.

Finally, I'm personally concerned about the negative health impacts of sharing a building with a steady stream of patients over the day. I can imagine that germs may be spread through contact with door handles, elevator buttons and sharing the HVAC systems and bathroom with Kaiser patients on the second floor. I believe this will have a negative health impact for the employees of ProductOps.

I welcome a medical clinic in the downtown core but not in the Cooper House. A medical clinic should have a ground floor entryway, isolated from other building tenants and provide parking facilities for staff and patients and with plenty of ADA parking.

Thank you for your consideration.

--Mark Davidson  
Baja Sol Drive, Scotts Valley  
Software Developer, ProductOps

## Rosemary Balsley

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**From:** Meyer, Drew <drewmeyer@amazon.com>  
**Sent:** Monday, October 07, 2019 5:31 PM  
**To:** City Council  
**Subject:** Vision for downtown

Councilmembers – please vote to deny the application for Kaiser to put a clinic and a pharmacy in the existing office space in the Cooper building, but please encourage them to work just a little bit longer on alternative proposals.

Our downtown needs a vision that allows for future residents to walk to office jobs, preferably in high tech (per the general plan). While the planning commission has not found any technical reason to deny this application, this presents a chance to make findings that support alternative streetfront retail uses and to preserve the limited office space that we have.

Kaiser’s services are a welcome expansion for downtown. They are best guided into place by policy that sets up access with easy parking, no elevators, no displaced future small and medium tech businesses, and that fills in the gaps in our downtown facades.

Drew Meyer  
Amazon employee

## Rosemary Balsley

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**From:** Doug Erickson <scntmeetup@gmail.com>  
**Sent:** Monday, October 07, 2019 5:21 PM  
**To:** City Council  
**Subject:** Questioning Kaiser in the Cooper House

Dear Mayor Watkins and esteemed City Council members:

As Executive Director of Santa Cruz Works, I represent a 5,000 member organization in Santa Cruz supporting entrepreneurship and local businesses. Santa Cruz Works would like to express our support for Kaiser in downtown Santa Cruz, but not in the Cooper House. Office options downtown are limited. Per the General Plan ED 4, 6, 6.7, available offices space should be assigned to tech business growth, such as Looker. Furthermore, there are new options for Kaiser that were not available 1 year ago when Kaiser researched office space. These options include the Galleria, UTC, and F21, all of which have better access and parking. Kaiser is an extremely valuable community organization. Please request your staff to expedite their search for an office space that aligns with the City's General Plan, and is better suited for our community and Kaiser's long term success. Thank you.

[Doug Erickson](#)

Executive Director / [Santa Cruz Works](#)

M: +1 408 439 0012

[Schedule a Call or Meeting with me](#)

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[Apply to Present](#)



## Rosemary Balsley

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**From:** Karen Delaney <kd@scvolunteercenter.org>  
**Sent:** Monday, October 07, 2019 4:51 PM  
**To:** City Council  
**Subject:** Kaiser Downtown Project

Dear Councilmembers:

I am writing today in support of increasing access to healthcare through expanding Kaiser Medical Offices downtown. Almost all our employees have opted to move their coverage to Kaiser, and increasing their ability to access services, particularly in a centralized location, increases ease of use for Kaiser members, which is really important to our employees. We offer our employees choices and monitor their satisfaction closely and have been very pleased with Kaiser's dedication, focus on wellness and willingness to work with our employees who have special needs.

During the Hepatitis outbreak last year that impacted our employees working in the jails and with people who are unhoused, Kaiser was the only one of our insurance carriers that offered waived office visit copays, free vaccines and no appointments to any employee with a letter from us stating that this was needed to respond to a public health situation. That kind of community-aware response is something we value greatly, and seldom see in this context.

In addition to being happy customers, I want you to know the extraordinary experience we have had working with Kaiser employees and leadership who believe in showing up and serving in their community. We have organized dozens of significant community service projects for Kaiser, engaging hundreds of their employees in cleaning up the River Walk, school campuses, parks and many nonprofit sites, including our Community Connection site on Harvey West.

We see Kaiser as a good partner in keeping our employees and their families healthy, and investing in the health of our community as well. Their presence downtown would be a welcome addition.

In Service,

Karen Delaney  
Executive Director  
Volunteer Center of Santa Cruz County  
1740 17th Avenue  
Santa Cruz, CA 95062  
831-427-5070  
[www.scvolunteercenter.org](http://www.scvolunteercenter.org)  
kd@scvolunteercenter.org  
@volunteerkaren  
Really Connect, Really Connected

## Rosemary Balsley

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**From:** Fernando Avila <Fernando.Avila@kp.org>  
**Sent:** Monday, October 07, 2019 4:43 PM  
**To:** City Council  
**Cc:** Grant A Rockwell; Samyukt Bajaj; Tony Condotti  
**Subject:** Public Hearing on AUP Application by Kaiser Permanente  
**Attachments:** Letter to City of Santa Cruz City Council 10-7-19.pdf

Dear members of the City Council:

Attached, please find correspondence I submit on behalf of Kaiser Foundation Health Plan, Inc. regarding tomorrow's public hearing on Kaiser's Administrative Use Permit application.

Sincerely,

### **Fernando Avila**

Senior Counsel

Corporate & Commercial Law | Legal Department

Kaiser Foundation Health Plan, Inc.

393 E. Walnut St., 2nd Floor | Pasadena, CA 91188

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**VIA E-MAIL**

October 7, 2019

City of Santa Cruz City Council  
809 Center Street  
Santa Cruz, CA 95060

**RE: Kaiser Permanente Administrative Use Permit Public Hearing – 110 Cooper Street**

Dear Members of the City Council:

I write to you in support of Kaiser Foundation Health Plan, Inc.'s ("Kaiser's") application for an Administrative Use Permit ("AUP"), which is to be heard at the October 8, 2019 City Council public meeting. Kaiser applied for the AUP in order to allow it to open a medical clinic at 110 Cooper Street, Santa Cruz, where Kaiser proposes to open an approximately 20,000 sf medical clinic (the "Project").

Owing to the Project's satisfaction of all of the requirements for the granting of an AUP and the public benefits realized by increasing the availability of medical services in the community, the Zoning Administrator approved Kaiser's AUP. Nevertheless, the AUP was appealed to the Planning Commission on the basis of allegations concerning parking that run completely contrary to the spirit and intent of the City with regard to parking in the Central Business District, as well as subjective opinions regarding the desirability of Kaiser itself. The Planning Commission followed staff's recommendation in rejecting these claims and approving the AUP.

Despite the AUP having staff's support and being approved twice by the City, Kaiser's AUP application has been recalled for a *de novo* hearing before the City Council. Kaiser has not been informed of any specific objections to the AUP findings of approval that caused the matter being referred to the City Council, thereby limiting our ability to directly respond in this letter. However, Kaiser is steadfast in its intention to better serve the Santa Cruz community by increasing access to high-quality medical care, and, for the reasons stated below, requests that the City Council approve the AUP and allow the Kaiser medical offices to open.

***I. Kaiser is entitled to approval of the AUP since all the required findings are supported by substantial evidence.***

It is well established and beyond dispute that the land use decision of local jurisdictions, such as the City Council's decision on Kaiser's AUP, must be supported by substantial evidence. Substantial evidence is not made up of unsubstantiated opinion testimony, argument, or speculation, but rather facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (*San Franciscans Upholding the Downtown Plan v. City & County of S.F.* (2002) 102 Cal.App.4th 656, 675 (*San Franciscans*).)



Kaiser should be granted the AUP because all of the findings listed in Municipal Code section 24.08.050 are supported by substantial evidence, as demonstrated by the expert testimony, agenda reports, and resolutions prepared by City staff. For instance, the Project is consistent with all the applicable land use plans, including the General Plan and the Downtown Plan. As described in the agenda report to the Planning Commission's review of the AUP application, the General Plan designation for the Project site is Regional Visitor Commercial, which calls for a variety of commercial uses that serve Santa Cruz residents as well as visitors. The Project is consistent with General Plan policies that call for the reduction in the need for autos (LU4.2); that encourage the development and expansion of neighborhood commercial services (LU4.3); and that allow neighborhood facilities to be located within easy walking distance of residential areas or areas well served by transit (LU4.3.1). Furthermore, one of the underlying principles of the Downtown Plan is the creation and maintenance of a pedestrian-oriented mixed-use environment that incorporates office and residential uses on upper floors, the employees and residents of which will generate patronage for businesses in the rest of the Central Business District. The Project would be fully consistent with this vision.

Secondly, the AUP, as recommended by staff, would be subject to conditions of approval necessary to further the public interest, including the payment of traffic and parking impact fees, as well as conditions requiring the securing of safe off-hour access via keycard and the proper disposal of any biological or hazardous waste generated by the routine operation of a medical clinic. Thirdly, the Project would not constitute a nuisance or a detriment to public welfare, as it is a medical clinic intended to *further* the public welfare, and it would occupy vacant commercial spaces and provide a valuable community resource for residents and workers in the downtown area.<sup>1</sup>

All of these facts were developed by City staff in greater detail in the agenda reports and resolutions prepared for the public hearing before the City Council and the previous public hearings. Together, they constitute substantial evidence that is more than sufficient to support the granting of the AUP.

## ***II. No factual or legal basis exists to deny the AUP application.***

Via the two administrative proceedings that have been held thus far on the AUP, some members of the public have made comments demanding that the Project be rejected, mainly for reasons connected with parking sufficiency and concerns over the desirability of having a medical clinic at 110 Cooper Street and "sick people" downtown.<sup>2</sup> As a legal matter, these assertions are not supported by a shred of evidence and cannot sustain a denial of the AUP.

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<sup>1</sup> The fourth finding listed in Municipal Code section 24.08.050 addresses thrift stores and thus does not apply to the AUP requested by Kaiser.

<sup>2</sup> As mentioned earlier, the appeal of the AUP to the City Council did not specify any reasons for objecting to its approval findings. Consequently, Kaiser can only assume that any concerns surrounding the Project reflect those that were previously communicated.



As mentioned above, a land use decision, including a denial, must be supported by substantial evidence, and substantial evidence is defined as facts, reasonable assumptions predicted on facts, and expert opinion supported by facts. (*San Franciscans, supra*, at 675.) To support denial, agencies “must set forth findings to bridge the analytic gap between the raw evidence and [the] ultimate decision or order.” (*Topanga Assn. for the Scenic Community v. County of L.A.* (1974) 11 Cal.3d 506, 515.) Thus, in order to deny the AUP, the City must make findings, supported by substantial evidence, that the requirements listed in Municipal Code section 24.08.050 are not fulfilled.

Taking the general objections from some of the commenters one-by-one, the problem with the concern over parking sufficiency is that the commenters essentially rely on subjective opinion (e.g., “parking downtown is horrible”) unsupported by technical analysis, which cannot constitute substantial evidence on its own. Furthermore, the commenters completely ignore that it is the entire purpose and intent of the Downtown Plan and Parking District No. 1 that parking requirements not be met in this area site-by-site, but rather that a shared parking concept be applied through the entire CBD, with in-lieu parking fees being used to satisfy each project’s parking requirements and public garages employed to meet overall downtown parking needs. Rather than grapple with this reality, the commenters seem to strive for a more suburban model where each site has its own self-contained parking supply, but this is a model that the City Council rejected when adopting the Downtown Plan and the Parking District. As a legal matter, given the City’s legislative regulations with regard to parking management in the downtown area and the conditioning of Kaiser’s AUP to require the payment of parking in-lieu fees, the City could not make a denial finding based upon parking inadequacy because such a finding would completely fly in the face of the City’s own enactments and policies.

With regard to the issue of the desirability of siting a Kaiser medical clinic at the Project site, those concerns, as communicated previously by various persons, are made in two different ways. First, the appellant that appealed the Zoning Administrator’s approval to the Planning Commission objected to having a medical clinic as a co-tenant in the building in which his business is situated, insofar as having “sick people” around would bring down the image of the building and contaminate the central ventilation in the building. These concerns are a prime example of subjective lay opinion that is completely devoid of actual supporting facts and that cannot constitute substantial evidence. Moreover, as staff rightly noted in the Planning Commission agenda report, the issues raised regarding the image of the building are private concerns of the appellant, and do not affect the public experience of the area, which is the perspective from which use compatibility is assessed.

Second, there is a general concern that a Kaiser medical clinic would itself be undesirable at this location, and that the City should make Kaiser locate elsewhere in the City so that downtown could be reserved for transformation into a “tech hub.” It is difficult to understand, however, how such subjective opinions and individual preferences can constitute substantial evidence in support of a denial of Kaiser’s AUP. The use that Kaiser wishes to engage in (a medical clinic) is expressly allowed in this portion of the CBD via the granting of an AUP. The Downtown Plan specifically encourages



employers to locate in the upper floors of downtown buildings, such that their employees will generate business for other downtown merchants, and the Kaiser medical clinic would also have the added benefit of attracting large numbers of Kaiser members, who will in turn also patronize downtown businesses. There has been no suggestion that Kaiser is incompatible with the land use plans applicable to downtown, or that a Kaiser medical clinic is a nuisance or a detriment to public welfare, or that there are conditions of approval that would be in the public interest but have not been imposed on the approval. Absent a showing supported by substantial evidence that one of these things is true, the City would not be able to substantiate a denial of the AUP. A desire to get Kaiser to go elsewhere because other businesses are preferred is not a legally permissible basis for denying the Project.

### III. Conclusion

For the reasons stated above, Kaiser respectfully requests that its AUP application for a medical clinic at 110 Cooper Street be approved. Aside from meeting the technical requirements for issuance of an AUP under the Municipal Code, the new clinic would be a substantial resource in terms of providing medical services to residents in and around downtown Santa Cruz and would further the aims of the Downtown Plan. Kaiser looks forward to continuing its involvement in the Santa Cruz community on an expanded basis with the opening of this new facility.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

KAISER FOUNDATION HEALTH PLAN, INC.



Fernando Avila, Senior Counsel

cc: Anthony P. Condotti, City Attorney  
Sam Bajaj  
Grant Rockwell

## Rosemary Balsley

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**From:** Catherine Rumpanos <crumpanos@yahoo.com>  
**Sent:** Monday, October 07, 2019 4:46 PM  
**To:** City Council  
**Subject:** Kaiser/Cooper House

Dear City Council,

I am writing to you as an employee that works in the 110 Cooper building. We moved into this building knowing it would be safe because the front door is always locked. The building we moved from had a locked front door on Pacific and a camera that was used to buzz people in (just like this one). If the city let's a medical clinic move into the office space floors, the front door will need to be open to the public during the day, I do not like the idea of that at all.

Having worked downtown for many years, I have seen many people with drug and mental issues that make me uncomfortable, I am cautious when I walk to the car and I often have people walk with me. The thought of one of those people hiding in our stairwells or in our shared bathrooms makes me feel very unsafe.

I am not against Kaiser - they are a great asset to our community. I manage the health care for our office and several of our employees have selected them as their provider, but it seems irresponsible to approve the zoning for something like this. We need your wisdom rather than kicking the can down the road.

One last note... I believe Kaiser will outgrow the Cooper House space in no time at all. This space is not equipped to handle a medical facility. And where the heck are people going to park? We spend a lot of money on parking as a company and if you come in late – good luck finding a space.

Thank you for listening and understanding of this important issue.

With kind regards,

Catherine

## **Rosemary Balsley**

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**From:** Vickie Oliver <vickieoliver1600@gmail.com>  
**Sent:** Monday, October 07, 2019 4:45 PM  
**To:** City Council  
**Subject:** Kaiser Permanente

City Council Members

I am a part time employee who works in the Cooper House. My schedule varies and often times I arrive 12:00 - 1:00. Many days I'm lucky if I find a parking spot let alone one that is close to the Cooper House. I urge you to consider the impact a clinic will have on an already shortage of parking spaces for those who work downtown. Not all patients work downtown and there are only maybe 4 available spots in front of the Cooper House. Where are these patients going to park and how long will it take them to get to their appointments? Even Kaiser should be concerned with late arrivals. There has to be an alternative solution for Kaiser that has parking.

Thank you

Vickie

## Rosemary Balsley

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**From:** Bob Cagle <bob@productops.com>  
**Sent:** Tuesday, October 08, 2019 9:51 AM  
**To:** City Council  
**Subject:** Please reject Medical Clinic @ 110 Cooper St.

Dear Esteemed City Council Members,

Thank you for taking the time to reconsider Planning's approval of an AUP for a medical clinic in 110 Cooper Street.

I hope you will reject this permit and assist Kaiser in finding a more appropriate location.

They will be here for a long time, **so let's make sure we find them the right spot for everyone, not just them.**

I don't have a bad word to say about Kaiser's medical efforts. They are forward thinking and from what I can tell do good work. My point is that **this isn't personal.**

- Much of our small downtown area is special, but Cooper Street is extraordinarily special.
  - It's at the juncture of two one-way streets.
  - It's about 100 yards long with 11 (some of which are commercial loading zones) parking spaces.
  - It has a popular 9-plex theater at one end and a popular community courtyard at the other.
  - **Locating a clinic in between these two businesses on this street is completely irresponsible because it is guaranteed to increase auto traffic and eliminate available street parking for local small merchants—a conflict with our town's values (and the downtown plan)**
  - **Do you really think we will be able to keep Cooper Street closed for our community events after it creates friction with the medical clinic? When there is a problem, the big corporate "community good" entity will get their way.**
- The 110 Cooper St. building is the only class A commercial space downtown, and the downtown plan specifically mentions a commitment to supporting the growth of our burgeoning tech community (p14).
  - It seems ridiculous to have two completely dissimilar business share the same entrance, exits, and common areas.
  - There are other spaces available now—in particular, Forever 21, which recently filed bankruptcy. A clinic there would have its own entrance and exit on the first floor, with a drop-off in the alley, and a parking structure with a catwalk to the building. **That's good planning.**
  - **Look closely at the letters of support (few from patients): Nearly all are about having Kaiser downtown. Their patients don't care whether it's this building or another down the block.**
  - **110 Cooper St. is simply the wrong building for a clinic.**
- My employees are just as concerned as I am.
  - We are a small business of less than 50 people and we are getting steamrolled by a corporate behemoth.

- We are a quiet floor and if this gets approved we will have 10,000 people a month rolling through our floor. It's easy to dismiss this as a landlord/tenant issue, but **this is no different than your efforts to protect housing tenants.**
- Some of my team have voiced concerns about their safety now that the doors will be open during the day.
- **Kaiser's letter to you said I "summarily rejected their offer with little explanation." That is simply NOT true. Here is exactly what I sent on June 27th.**

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*Hi Viki,*

*Thank you for your patience. I have been so busy this week with both personal and professional commitments.*

*The document you sent is not something we would sign. When you and I spoke, we talked about Kaiser paying the \$450K up front and letting us manage to those costs. Any cost overruns would be on us, but we wouldn't have to worry about funding it, managing receipts, or chasing payment from Kaiser based on milestones, etc. In addition, the rent differential in this document is off by nearly half. Our fully burdened rent is ~\$2.50/sqft now and goes up by 3% each year. Given the difference in square footage and 37 months, it's much more than what's proposed here.*

*After much thought and discussion with my team, we are going to respectfully decline Kaiser's offer for us to move to the 5th floor. There are a variety of reasons for this. Here are some of the key ones:*

- *The level of disruption for an executive (Frank) to manage the project (coordinating and managing the general contractor, city permits, architects, etc.) is too distracting for our business. Seven months or more without him doing business development would be foolish.*
- *The level of disruption and change for the team caused by the move itself, and changing addresses with clients, vendors, and partners, is also too distracting for our business.*
- *We find our current space more desirable than the 5th floor (exterior view and single open layout vs. a space broken up by the core).*

*I expect productOps will continue to oppose moving a clinic into this particular location, for all the reasons you have seen in our appeal.*

*My two-week vacation starts on Saturday and I will be back in the office on the 16th, although we will have client guests in that day.*

*Though we cannot accept the offer, we appreciate your effort on this.*

*Best regards,  
Bob Cagle*

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Please think long term and allow our community center to continue to thrive. Please work with Kaiser to find a better, more appropriate location for their clinic.

Best regards,  
Bob Cagle  
CEO productOps



## Rosemary Balsley

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**From:** Jeff Roberts <jeff.roberts@productops.com>  
**Sent:** Tuesday, October 08, 2019 9:50 AM  
**To:** City Council  
**Subject:** Kaiser Moving In To 110 Cooper

To the Santa Cruz City Council

As an employee of a company that resides at 110 Cooper, and a daily visitor to Downtown Santa Cruz, I'm writing to express my sincere opposition to the proposed Kaiser medical clinic to be located in our building and on our floor.

My first concern is related to parking: My company provides me with a monthly parking pass for the Locust Street garage, which is a half block away from 110 Cooper. As one of two garages near by, the current capacity of the garage is at max on a daily basis... without the additional load from a medical clinic housing 15+ doctors seeing a patient every 15 minutes all day long. Parking downtown is a challenge already, increasing the visitors to the two near by garages will compound that issue making it more difficult for all of us to have a place to park.

My second concern is related to traffic on Cooper and Pacific. I'm fortunate to work in an office with a view of that intersection and I can tell you that vehicle, bike, and pedestrian traffic at the intersection is high and often congested. Regularly, delivery and worker vehicles double park on Cooper causing gridlock putting pedestrians at risk. Allowing a clinic to operate on this street will compound the issue as I'm certain, with or without a loading zone, traffic and double parking will increase. This is a safety issue for pedestrians and visitor to the area, not to mention a hazard to traffic flow within the surrounding blocks. This we do not need!

My third concern is related to personal safety for current tenants at 110 Cooper. Our landlord has demanded that we vet everyone we see attempting to enter the building. Unannounced visitors are not allowed to enter the building without a company provided key card, or someone within the building 'buzzing' them in. With a clinic in the building, we will no longer have the safety of a perpetually locked front door. Visitors, once inside, have free range access to the stairwell and elevators increasing the likelihood of encountering strangers we normally would not encounter. It's unsettling in theory, but if allowed, the feeling of safety will certainly plummet for all who work here.

My last concern is related to personal health. Housing a clinic in our building, and on our floor, will impose additional risk of exposure to communicable disease for all who work here. There is one bathroom facility on the floor that will be shared between the tech office employees and the clinic visitors and staff. Quite frankly, one is not enough. And, it only gets cleaned once a day. With an increase in use, everyone using the facilities will have an increased possibility of getting sick. And, once the word gets out that there is a shower, who knows what random people will be wandering in to use it.

I strongly urge you to vote NO on this issue and encourage Kaiser to seek a more appropriate location for their medical clinic. There must be better options for Santa Cruz than Cooper and Pacific. Options with dedicated parking, proper traffic flow, and dedicated space for the clinic.

Thank you for your consideration and for your service!

Thank you,  
Jeff Roberts

## **Rosemary Balsley**

---

**From:** Daniel Nelson <daniel.nelson@looker.com>  
**Sent:** Tuesday, October 08, 2019 10:51 AM  
**To:** City Council  
**Subject:** Proposed Kaiser Location above Oneil

Council Members,

The parking situation in downtown Santa Cruz is already untenable. In addition to your lack of interest promoting new projects that would increase the amount of parking available to downtown employees and residents, you are actively pursuing projects that would make the situation worse. This would be somewhat understandable if Santa Cruz had biking infrastructure which couldn't primarily be characterized as "dangerous", or a transit system which is overwhelmingly described by those who use it as "ineffective". Given the lack of reasonable alternatives to driving, and, subsequently, parking, a decision in favor of the new Kaiser location will be a direct message to the employees of downtown Council: "We care more about advancing our own personal dogma, than your quality of life or the vitality of our downtown community."

I look forward to the 2020 season, and actively walking and campaigning against the city council members who support the proposed Kaiser location.

Daniel Nelson

**Rosemary Balsley**

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**From:** Keisha Frost <kfrost@unitedwaysc.org>  
**Sent:** Tuesday, October 08, 2019 12:21 PM  
**To:** City Council  
**Subject:** [CAUTION: Verify Sender Before Opening!] Agenda Item 21  
**Attachments:** Agenda Item 21 - Kaiser Permanente Letter of Support.doc

**Importance:** High

Hello,  
Attached is a letter of support from United Way of Santa Cruz County in regards to Agenda Item 21 – Kaiser Permanente Downtown Santa Cruz Clinic.

Sincerely,  
Keisha

**Keisha Frost | Chief Executive Officer**  
United Way of Santa Cruz County  
4450 Capitola Road, Suite 106 | PO Box 1458  
Capitola, CA 95010  
Direct: 831.465.2205 | Main: 831-479-5466 | Helpline: 211



**EVERYONE COUNTS!**  
In Santa Cruz County



**CENSUS 2020**  
Coming in April!



I count. You count. We count.  
Yo cuento. Tú cuentas. Nosotros contamos.



PO Box 1458  
4450 Capitola Rd, Suite 106  
Capitola, CA 95010  
tel 831.479.5466  
fax 831.479.5477  
[www.unitedwaysc.org](http://www.unitedwaysc.org) | [www.211ca.org](http://www.211ca.org)



Dear Honorable Santa Cruz City Councilmembers,

United Way of Santa Cruz County is committed to creating a healthy, thriving and safe community for all. Health Care and access to quality health care are essential to the quality of life our residents value and deserve. Kaiser Permanente is an important part of the healthcare fabric in our community and as an employer who offer's Kaiser Permanente's health plan to our 20 employees, increased access to care is important to our staff.

Kaiser Permanente is a generous community supporter and partners with United Way on several projects with the goal to increase awareness and access to quality healthcare services including the county's 2-1-1 Helpline, Jovenes SANOS (Healthy Youth) Health Eating Active Living program, and Community Dialogues with law enforcement. Their ability to provide service in Downtown Santa Cruz will prove valuable in reaching more residents to offer them wellness services by providing more convenient, affordable, and comprehensive care.

Increasing accessibility to healthcare services from a trusted community partner such as Kaiser Permanente is vital to the quality of life for Santa Cruz County residents. United Way of Santa Cruz County supports the expansion of a new Kaiser Permanente clinic at 110 Cooper Street and we hope that you will too.

Sincerely,

*Keisha*

Keisha Frost – Chief Executive Officer

*We ignite our community to give, advocate and volunteer so that our youth succeed in school and life, our residents are healthy and our families are financially independent*



ADMINISTRATIVE USE PERMIT FOR A MEDICAL CENTER



110 Cooper Street

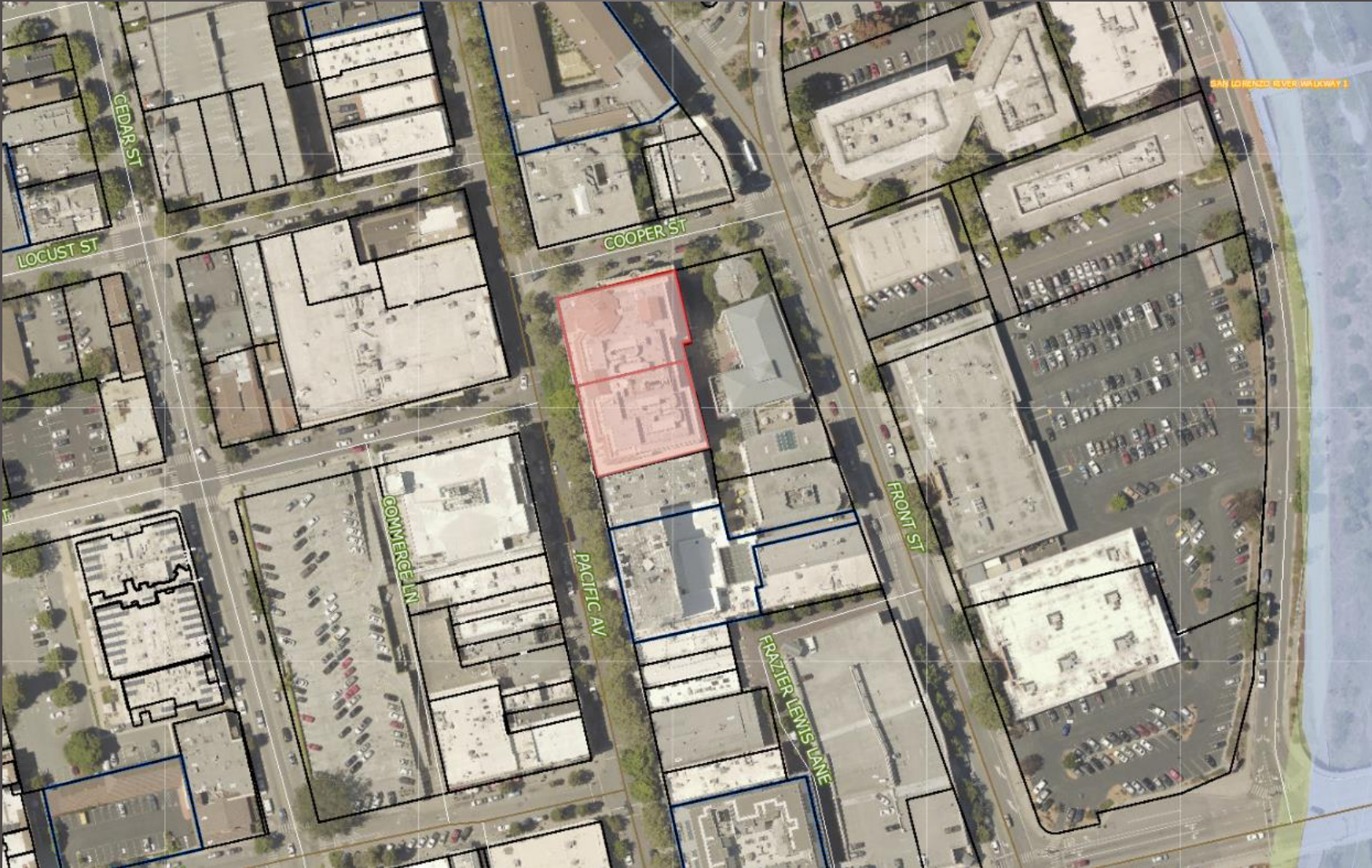
October 8, 2019 City Council Meeting

# Action Summary

- ▶ April 3, 2019: Approved by Zoning Administrator
- ▶ April 15, 2019: Appealed to Planning Commission
- ▶ August 1, 2019: Approved by Planning Commission (vote 3-1)
- ▶ August 12, 2019: Called up for City Council Review



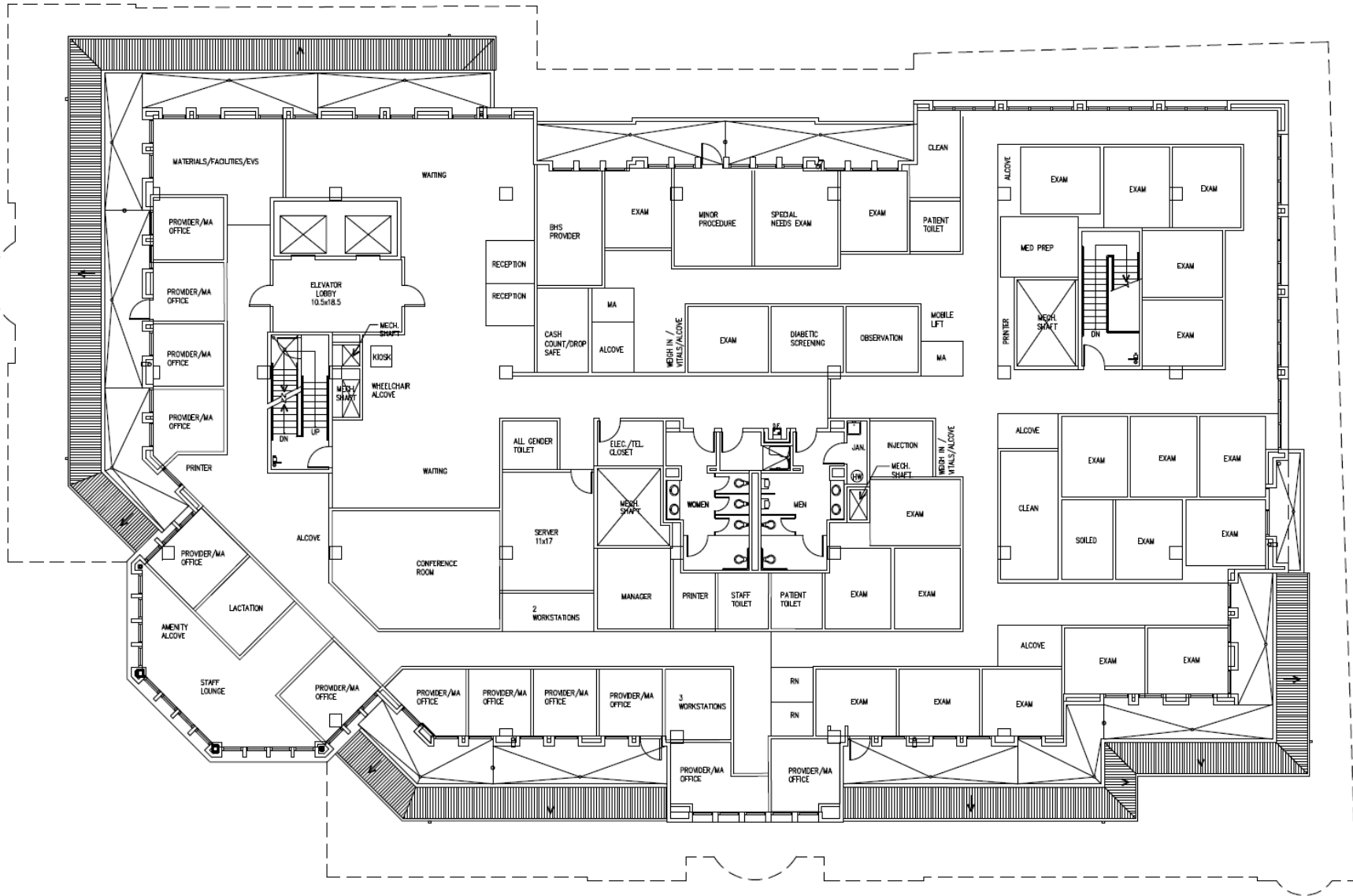
# Proposed Location



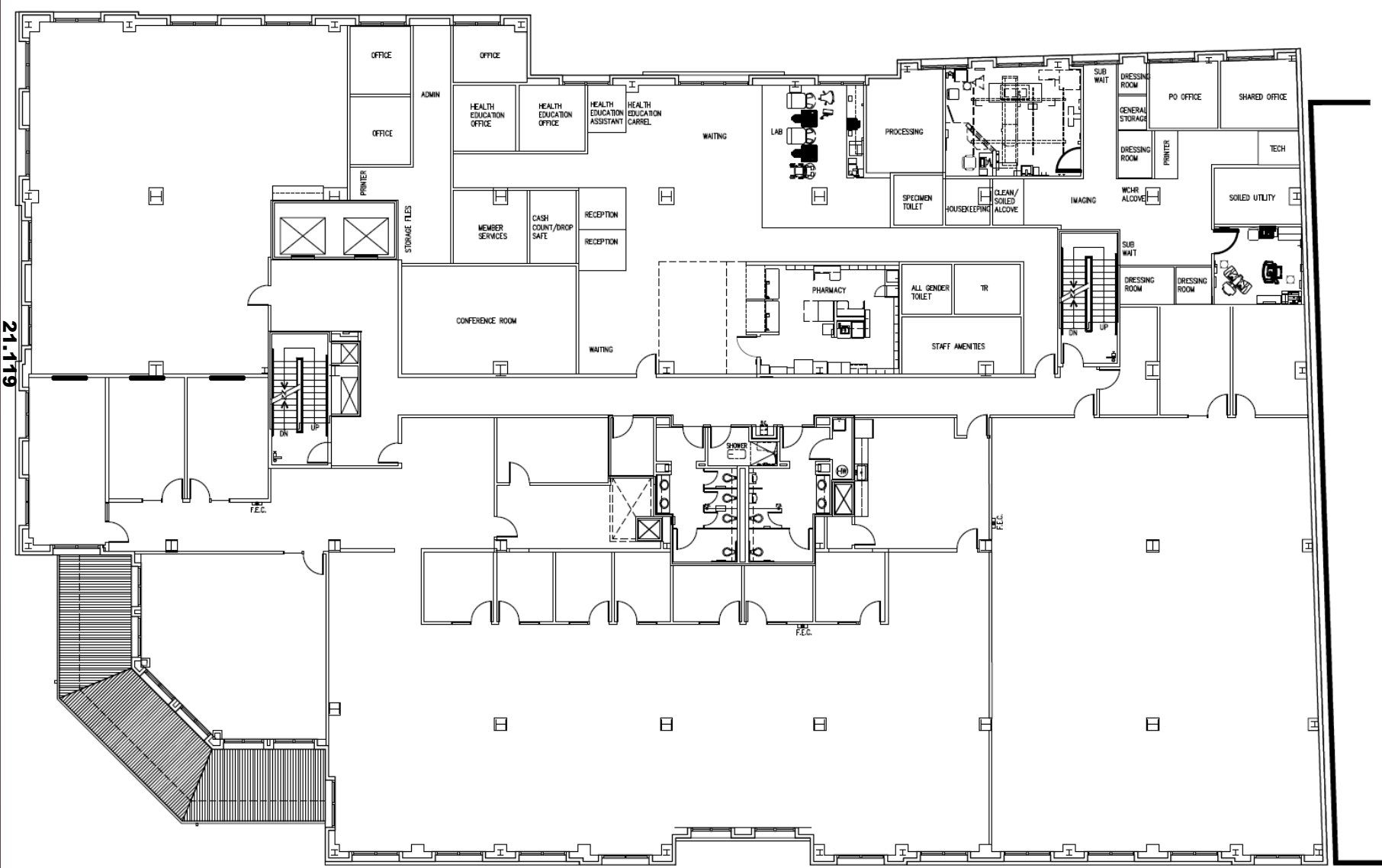
21.117

# Proposed Medical Offices

21.118



# Proposed Medical Offices





# Administrative Use Permit

1. Consistency with General Plan and relevant area plans
2. Additional conditions in public interest
3. Not a nuisance or detrimental to the public welfare

# Consistency with General Plan

- ▶ Why is Economic Development involved?
  - ▶ We support a vibrant downtown economy
  - ▶ ED4.2.2 Preserve existing and seek new industries and businesses at the cutting edge of science and technology. Cf. ED3.1.2, 6.4, 6.7, and 6.7.1.
  - ▶ ED6.3 Foster and retain locally owned businesses and start-ups.

# Consistency with General Plan

- ▶ Why is Economic Development involved?
  - ▶ We support a vibrant downtown economy
  - ▶ ED6.7 Foster new technology-based enterprises. Cf. ED3.1.2, 4.2.2, 6.4, and 6.7.1.
  - ▶ ED6.7.1 Promote development of new and retrofitted industrial and office space that meets the need of technology-based businesses. Cf. ED3.1.2, 4.2.2, 6.4 and 6.5.
  - ▶ ED6.7.2 Work toward expanding the City's technology infrastructure. Cf. CC11.

# Sustaining a Vibrant Downtown

- ▶ Balancing needs of current and future businesses downtown with future growth
  - ▶ Current and future office needs of tech and creative businesses, extremely low vacancy
  - ▶ Sensitive retail environment, existing growing vacancy
  - ▶ Parking and traffic circulation are impacted on Cooper Street-impacts to existing office and retail businesses

# Viabile Alternatives

- ▶ Dedicated entry
- ▶ Single tenant, no shared upper level floors with shared access, one stand alone building
- ▶ Off-street drop off
- ▶ Adjacent or connected parking
- ▶ Majority ground floor access for medical clinic and pharmacy



# Sustaining a Vibrant Downtown

- ▶ Kaiser is a welcome community partner
- ▶ We would like to work with Kaiser to meet their needs while balancing downtown business and community concerns to enable long term downtown sustainability and nurture a vigorous and diverse economy.

# Council Action

- ▶ Uphold Planning Commission decision and approve project; or
- ▶ Deny project and modify findings





## CITY COUNCIL AGENDA REPORT

DATE: September 15, 2019

AGENDA OF: September 24, 2019

DEPARTMENT: City Council

SUBJECT: Censure of Councilmember Chris Krohn and Councilmember Drew Glover for substantiated findings in two cases of violation of the City of Santa Cruz Administrative Procedure Order Section II, #1B Respectful Workplace Conduct policy and City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy (CN)

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### RECOMMENDATION:

- Resolution to censure Councilmember Krohn and Councilmember Glover for violation of the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy.
- Motion to direct staff to review and update as necessary Administrative Procedure Order Section II, #1B Respectful Workplace Conduct Policy and City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy to include additional clarification for procedures related to claims against City Councilmembers or City Commissioners with regards to confidentiality.

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**BACKGROUND:** On August 21, 2019 the City of Santa Cruz Human Resources Department released the report, “Investigative Report 2019 Complaints Against Two City Council Members,” to the public. The investigation reviewed alleged violations and complaints of the of the Administrative Procedure Order Section II #1B, Respectful Workplace Conduct Policy and violation of City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy by Councilmember Krohn and Councilmember Glover. Council member Krohn received six complaints from three complainants. Councilmember Glover received seven complaints from two complainants. The investigation was conducted from March to late July 2019 by Attorney Joe Rose. The results of the investigation as determined by Mr. Rose are as follows:

Councilmember Glover:

- One complaint of a violation of the Administrative Procedure Order Section II #1B, Respectful Workplace Conduct Policy was substantiated.

- Three complaints of Administrative Procedure Order Section II #1B, Respectful Workplace Conduct Policy were not substantiated.
- Three complaints of a violation of City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy were not substantiated.

Councilmember Krohn:

- One complaint of a violation of the Administrative Procedure Order Section II #1B, Respectful Workplace Conduct Policy was substantiated.
- Two complaints of Administrative Procedure Order Section II #1B, Respectful Workplace Conduct Policy were not substantiated.
- Three complaints of a violation of City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy were not substantiated.

“Not substantiated” means that the investigation failed to disclose enough evidence to either prove or disprove the City’s policy cited above was violated. “Not substantiated” is not “unfounded” which is the determination that evidence obtained through the investigation establishes the allegations are false.

It is the policy 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 the city’s 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. The City maintains its Respectful Workplace Policy in compliance with amendment to §12950.1 of the California Government Code created by Assembly Bill 2053 (effective January 1, 2015).

The Respectful Workplace Conduct Policy provides defines under Section II. “Responsibilities” categories of persons intended to adhere to the policy. These persons include the following:

**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 non-confrontational manner.

DISCUSSION: Santa Cruz City Councilmembers are expected to conduct themselves to the highest standards in interacting with the public, City staff, City management and partner agencies. The Council Conduct Policy (Resolution No. 29,247) adopted May 23, 2017 outlines principles for Council interactions including the following:

Respectful: Treat each other with respect, even when/especially when there is disagreement.

Role Model Good Leadership: Be professional; adhere to standards of civility; demonstrate effective leadership for the community.

Further guidance for “Attributes of Exceptional Councils” prepared by the Institute for Local Government and distributed to all Santa Cruz City Councilmembers at an annual City Council Strategic Planning Retreat on June 22, 2019 and referenced in the City Manager’s investigation transmittal letter recognizes “exceptional councils honor their relationship with staff and with each other.” This attribute is described as treating each other and staff with dignity and respect; acting with civility and a high level of professional decorum; and striving to build trust with staff by not playing the “gotcha game” and strive to have a no surprises approach as an operating norm.

The investigative report released on August 21, 2019 described a pattern of behavior with these Councilmembers that is undermining effective and productive governance for the community. Human Resources Director Lisa Murphy further stated in her cover memo “As elected officials Councilmembers must hold yourselves to a higher standard. Councilmembers occupy positions of authority over employees, real or perceived, which creates an imbalance of power and should never be used to undermine an employee’s ability to do their job.” Further, “Mocking, belittling, speaking as if interrogating an employee while at the dais, implying staff is hiding or providing false information or is deliberately undermining Councilmembers is not acceptable. While those types of behaviors may not violate the City’s policies, they create an environment which is not collaborative, is unproductive, demoralizing and ultimately may lead to staffs’ departure.”

The documented violations of City policy by Councilmembers Krohn and Glover by an independent investigator merit a censure by the City Council. If we as elected leaders do not hold ourselves accountable for the respectful and professional treatment of City staff, the public, and our fellow councilmembers we are ignoring the failures of our colleagues and turning a blind eye to behaviors that do not represent what we as a community hold to be our standard.

FISCAL IMPACT: No fiscal impact.

Submitted by:  
Donna Meyers  
Councilmember

Submitted by:  
Cynthia Mathews  
Councilmember

ATTACHMENTS:  
Resolution



RESOLUTION NO. NS-29,XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ CENSURING COUNCILMEMBERS KROHN AND GLOVER FOR VIOLATION OF ADMINISTRATIVE PROCEDURE ORDER SECTION II #1B, RESPECTFUL WORKPLACE CONDUCT POLICY

WHEREAS, the City Council believes that election to and service on the City Council is a privilege that carries with it the responsibility for operating within a framework that will protect the public trust and ensure confidence in the conduct of elected and appointed officials and public employees; and

WHEREAS, pursuant to the Constitution and the laws of the State of California and the City Charter, the City Council is responsible for following City Council Policy 25.2 regarding harassment, retaliation, and respectful workplace; and

WHEREAS, it is the policy 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 the city's Respectful Workplace Conduct Policy; and

WHEREAS, on August 21, 2019 the City of Santa Cruz Human Resources Department released the report, "Investigative Report 2019 Complaints Against Two City Council Members," prepared by an independent investigator that determined one violation by Councilmember Krohn and one violation by Councilmember Glover of the City of Santa Cruz Administrative Procedure Order Section II #1B, Respectful Workplace Conduct Policy; and

WHEREAS, Councilmember Krohn was the subject of six complaints by three complainants and Councilmember Glover was the subject of seven complaints from two complainants; and

WHEREAS, the League of California Cities advises that "Governance of a City relies on the cooperative efforts of elected officials, who set policy, and the City Manager and staff, who implement and administer the Council's policies. Therefore every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community; and

WHEREAS, a workplace that is found to be disrespectful is prone to morale issues, insecurity, and possible loss of qualified and dedicated employees; and

WHEREAS, the City Council believes that, in addition to its effect on the public's trust with regards to Councilmember Krohn and Councilmember Glover as elected officials, Councilmember Krohn's and Councilmember Glover's conduct has damaged the public trust in the institution of municipal government under which members of the community elect to govern themselves.

RESOLUTION NO. NS-29,XXX

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santa Cruz that a formal censure is issued by the City Council to Councilmember Krohn and Councilmember Glover for violations of City Council Policy 25.2.

PASSED AND ADOPTED this 8<sup>th</sup> day of October 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



## **Santa Cruz City Council Commission for the Prevention of Violence Against Women (CPVAW)**

SANTA CRUZ, CA (September 26, 2019) -- The Santa Cruz City Council Commission for the Prevention of Violence Against Women (CPVAW) moved to implore Mayor Watkins to re-agendize the censure of Councilmembers Krohn and Glover. Three Commissioners attended the September 24, 2019 Council meeting to share their perspective on a pattern of disrespectful behavior exhibited by Commissioner Glover, who served on the CPVAW from 2017-2018, that they believe continues onto his role as a Councilmember. Those Commission members were silenced, however, along with the victims and public when Councilmembers Brown, Cummings, Krohn and Glover moved to table the censure item, an unprecedented act of political manipulation.

“Those of us who attended the city council meeting were appalled by their decision to table the censure,” said Kevin Grossman, current CPVAW chair. “We attended the council meeting to affirm our commitment to the women complainants who have come forward with regard to the abusive and disrespectful conduct of Councilmembers Krohn and Glover. As a Commission, we always ‘Start by Believing’ those who have the courage to come forward and share their stories of harassment and abuse.”

Grossman continued. “In particular we shared our support of Susie O’Hara, who served as the staff coordinator for CPVAW during then-Commissioner Glover’s tenure. We believe that the entire commission, and Ms. O’Hara, witnessed and experienced disrespectful conduct by then-Commissioner Glover, as defined by the City of Santa Cruz II-1B Administrative Procedure Order Section II, #1B (Effective April 2017) that applies to employees, volunteers, councilmembers, commissioners, customers, contractors, and visitors of the City of Santa Cruz.”

Two CPVAW commissioners who served during Councilmember Glover’s tenure on the CPVAW were also asked to participate in this investigation as witnesses to this conduct. Both provided testimony that illustrated this pattern of disrespectful conduct by then-Commissioner Glover.

During the September 24 City Council meeting, the attending Commissioners heard multiple instances of Krohn and Glover supporters who claimed the complaints against them were false, blatantly victim shaming and blaming the women complainants with no replies or outcries to cease and desist from Councilmembers Brown, Cummings, Krohn, and Glover. Multiple shaming claims were made of Susie O’Hara directly in front of her husband and her children as well. This public display was destructive and damaging to the victims who had come forward as well as possible deterrent to other victims of bullying, harassment and sexual assault in the city and county of Santa Cruz. Councilmember Krohn attended the CPVAW meeting on September



## **Santa Cruz City Council Commission for the Prevention of Violence Against Women (CPVAW)**

25, and when pressed as to why he did not ask the public in chambers to stop their victim shaming comments, he said, "I didn't realize it was going on."

"Regrettably, the crescendo of victim blaming and shaming loudly prevailed over the voices of the complainants who bravely came forward to seek accountability and resolution to their trauma. As a Commission, we found this public conduct to be deplorable, alarming, and underhanded. We have a responsibility to keep their stories public and push forward any and all opportunities to provide closure for those that suffered," said Tracy Wood, current Commissioner.

### About CPVAW

Since its inception as an advisory body to the Santa Cruz City Council in 1981, the Commission for the Prevention of Violence Against Women (CPVAW) has collaborated with community members, non-profits, schools, advocacy groups, businesses, and government agencies to ensure that ending violence against women is one of the highest priorities for our community. CPVAW's 2nd annual "awareness and prevention" symposium called [Transforming Together](#) will be held on October 5, from 9 am to 3 pm at the Loudon Nelson Community Center.

### Contact:

Kevin Grossman  
Chair, CPVAW

*Mayor Watkins*  
*All Councilmembers  
received a copy*

RECEIVED  
SEP 23 2019  
CITY CLERK'S DEPT.

Re: Sept 24, 2019 Agenda – Censure

Mayor Watkins and City Council members,

Taking actions on something we feel strongly about is important. At this point, after many months and expense, two council members have been investigated and faulted for violating workplace policy which impacted certain employees.

However, unlike a typical workplace, it has been done in the most public, humiliating way possible without attempt to resolve internally or directly to try to reach an awareness and apology. This disjointed process has been dragged through the public platforms of television, social media, newspapers, neighborhood websites, radio, etc. Information has been misconstrued and/or exaggerated by various members of the public and indeed fueled the fire of the Recall effort on these same two members, building upon misinformation, divisiveness, even hate, in our community.

It is a wonder that it still is not enough, that it is now also on the City Agenda – evening session to insure the greatest visibility for citizens - for Censure of these two members, complete with Resolution to go down in history, with the very real effect of trying to damage, perhaps permanently, the psyche of these persons, and public confidence. Will that be enough? Is this the foundation in which healing and progress towards a healthier group dynamic and workplace environment can even begin? Everyone plays a role in this process.

It is very upsetting for many members of the public to continue to bear witness to as we look to all those in public office to take the high road, and remember the power of forgiveness.

This Censuring should not be on the public Agenda – instead, please proceed to mediation immediately- that's the important next step. Focus too on creating a good orientation program with training for new (and recently new) members of council and commissions.

Sending each of you love and respect,  
A Santa Cruz citizen of 3 decades



## Rosemary Balsley

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**From:** Big Joe 77 <skeepinitreal@gmail.com>  
**Sent:** Thursday, September 19, 2019 7:55 PM  
**To:** City Council  
**Subject:** Public Correspondence: 9/24/19 Council Agenda: Vote to Censure Krohn & Glover

Honorable Mayor and City Council,

On Tuesday, September 24th, you have a chance to stand up for our city employees. You have a chance to stand up against bullies everywhere.

The list of reasons to be in favor of censure is lengthy. It involves acts of mocking, belittling, and work place intimidation by both Krohn and Glover. Acts leading up to the charges filed and after. Both Krohn and Glover have violated their promise to hold their tongues until after the public release of the investigative report. Both celebrated the report's findings publicly prior to this report release, as if they somehow won out over the city workers they abused. Glover found it heartening enough for him to continue his rude treatment of city staff almost immediately after the release. He had to be restrained with a gag order issued by the City Manager.

We, the People have had enough. It's now time for you, our elected officials, to show us in public where you stand.

Please lead by example in showing our youth just how it's done with your vote to censure both Krohn and Glover.

Thank you for your time and consideration in this matter.

Sincerely,

--

Big Joe 77  
Keepin' it Real  
Santa Cruz, CA



## **Rosemary Balsley**

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**From:** Henry Searle <hrsearle@sbcglobal.net>  
**Sent:** Monday, September 23, 2019 9:53 AM  
**To:** City Council  
**Subject:** Evening session Sept 24, censure motion

Seems to me that mediation should be tried instead of the frivolous motion set for Tuesday evening. They motion is clearly for political capital and has no business being on the agenda.

The makers of the motion should be ashamed of themselves. They should be the ones who are censured.

Sent from my iPad. H Reed Searle, 831 -425-8721. 114 Swift St Santa Cruz, Ca 95060 hrsearle@sbcglobal.net

## Rosemary Balsley

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**From:** deanbola@baymoon.com  
**Sent:** Monday, September 23, 2019 10:43 AM  
**To:** City Council  
**Subject:** Sept.24, 2019 agenda Item No. 1 Censure

Subject: Agenda September 24, 2019 Item No. 1 Censure of Council members Chris Krohn and Drew Glover

Council members,

I fully support the independent investigation into the workplace issues surrounding Council members Christopher Krohn and Drew Glover. It is disturbing that the findings against the two council members were found to be credible. This is not the first time that an independent investigation concluded that there is dysfunction caused by these two council members.

I'd like to point out this definition from the report : "Not substantiated" means that the investigation failed to disclose enough evidence to either prove or disprove the City's policy cited above was violated. "Not substantiated" is not "unfounded" which is the determination that evidence obtained through the investigation establishes the allegations are false." Many additional complaints against the two listed council members were found to be not substantiated. As they say, where there's smoke, there is fire.

I'd also like to point out, that as a past public employee that for years I was required to sit through classes on appropriate employee work place conduct at schedule intervals. Employee, business and adult behavior is common sense. The fact that these two council members had not yet received their "training" on these issues is NOT an excuse. Any probationary public employee who was determined through the process to violate these rules whether or not materials were provided would be summarily fired. Furthermore, the public agency would not provide legal counsel, support or protection, and we were warned that we could lose not only our livelihoods (job), but all of our savings including property if found guilty in a court if charges were pursued.

I urge all of the council members to support this censure of the two listed council members for their uncalled for and unnecessary behaviors.

Sincerely,

Diane Romeo

City resident, property owner and voter

## Rosemary Balsley

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**From:** Lynn Renshaw <lynn.renshaw@comcast.net>  
**Sent:** Monday, September 23, 2019 11:15 AM  
**To:** City Council  
**Subject:** Written copy of tomorrow's remarks

For the public record, here is a copy of my planned remarks on the Agenda item about censure.

I'm speaking tonight strictly for myself, and not for Santa Cruz Together. My career is in technology as a Software Product Manager. I've spent a lot of time working on technical system software like operating systems. Many times I've been the only woman at a meeting full of men. A few years ago I went to a flash memory conference where there were about 3000 men and 5 women.

In a male-dominated industry women tend to be better prepared, more diligent and better educated. Certainly, it appears that the female staff presenting at Council are extremely prepared, very thorough, articulate, and competent. Councilmembers deriding their ability and work is wrong.

From my experience I am particularly observant of women's treatment in the workplace. My mother was a trailblazer rising to become a Vice President of Software Engineering far ahead of her time. But not before she had encounters with men that were so rough she had to cry in the bathroom. There was crying due to Councilmember bullying involved here; tough competent women still get upset.

With the Me Too movement I've reflected on my narrow escapes from sexual assault by adult men before I was 18 years old. I realize none of these charges are about sexual assault, but I have a point to make. None of the men that attempted the worst type of wrong doing when I was a child, seemed aware of the harm they were attempting. They were unaware in the worst way possible.

The City continues to cultivate excellent female employees, but they are now being abused by elected officials. Most women can relate to how this feels humiliating, threatening, and patently unfair. Is it a coincidence that all the complaints were from women? I absolutely doubt that.



## **Rosemary Balsley**

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**From:** PAT/BRENDEN baer <patbaer@comcast.net>  
**Sent:** Monday, September 23, 2019 11:30 AM  
**To:** City Council  
**Subject:** Support the Censure

My husband and I applaud the women who filed complaints against Drew Glover and Chris Krohn for their abhorrent behavior toward their female colleagues.

We support censure of both of these men who have blatantly failed to offer fair and respectful treatment to women on the council. Being an elected official does not give license to such behavior simply because they cannot be fired for such actions.

Both men are a disgrace and distraction to our community. If they had an ounce of genuine concern for the overall population – they would step down from their seats – or at the very least, publicly apologize and own their actions.

Pat & Brendon Baer

## **Rosemary Balsley**

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**From:** Kevin Vogel <kvogel1963@gmail.com>  
**Sent:** Monday, September 23, 2019 12:07 PM  
**To:** City Council  
**Subject:** Public Comment Re: General Business Agenda Item #1, Censure of Councilmembers Christopher Krohn and Drew Glover

Dear Mayor and Council,

I would like to thank Councilmembers Mathews and Meyers for their unwavering leadership in bringing this item forward for Council consideration.

I am anxiously looking forward to either a 6-1 or 5-2 Council vote in favor of censuring Councilmembers Krohn and Glover for the sustained finding against each of them resulting from the administrative investigation initiated by the City. I have a small glimmer of hope that Councilmember Krohn may take responsibility for his conduct with a heartfelt, sincere apology from the dais and a vote in favor of this item. In contrast, I have absolutely no reason to believe that Councilmember Glover will take any responsibility for his actions and I am confident that we will hear him continue to deflect responsibility and blame the individual who initiated the sustained complaint against him.

The report and findings have been widely publicized, so I will not spend time reiterating. The investigation has been completed and the trier of fact has sustained a single violation of City policy against each Councilmember. It is now the Council's responsibility to demonstrate leadership and support for this agenda item with both your individual comments from the dais and your vote in favor of the resolution. A "no" vote on this item will demonstrate tremendously misguided support for the policy violation that was sustained against Councilmembers Krohn and Glover and will send a clear and strong message to our community that you have no place at the dais either.

Respectfully,

Kevin Vogel

## Rosemary Balsley

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**From:** Polhamus <polhamus@sbcglobal.net>  
**Sent:** Monday, September 23, 2019 1:04 PM  
**To:** City Council  
**Subject:** Censure of Councilmembers Krohn and Glover

Dear City Council:

I encourage you to support the censure of Councilmembers Krohn and Glover as a consequence of substantiated violations of the Respectful Workplace Conduct Policy and the Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy.

Respectful Workplace policies were developed to ensure people feel comfortable at work, free from concerns about bullying, disrespect or retaliation from co-workers. These policies were hard fought and thoughtfully developed to support a workplace that is productive and supportive, and to give employees the rights to expect that violations will be reported and dealt with. A workplace found to be lacking in respectful workplace conduct leads to low employee morale, reduced productivity, increased stress, and loss of qualified employees, who end up choosing to leave their employment rather than deal with the constant feeling of harassment and disrespect.

Five separate women filed Human Resource complaints. A costly investigation ensued. Both councilmembers were requested not to discuss any findings until the official findings were released. Both Councilmember Krohn and Councilmember Glover released information to the press ahead of the public release, disregarding the request not to do so, and both minimized and trivialized the findings of the report. This could be seen as yet another way that the reporting staff in this situation were disrespected. Subsequent to the public release, Councilmember Glover had yet another incident severe enough to cause the city manager to send out an email request that no one speak directly with Councilmember Glover.

The Respectful Workplace Conduct Policy provides defines under Section II. "Responsibilities" categories of persons intended to adhere to the policy. These persons include the following:

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**

These incidents are not trivial. They should be taken seriously. City staff and fellow council members have the right to expect that the tenets of the Respectful Workplace Conduct Policy and the Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy be followed, and that, if they aren't, there are consequences. Please do not condone or ignore this. Have the courage to enforce the rules and censure both councilmembers for these violations.

Sincerely,

Carol Polhamus

## **Rosemary Balsley**

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**From:** Knitsnpaints <knitsnpaints@gmail.com>  
**Sent:** Monday, September 23, 2019 1:35 PM  
**To:** City Council  
**Cc:** Chris Krohn; Sandy Brown; Drew Glover; Justin Cummings  
**Subject:** Motion to Censure Councilmembers

To All City Council Members:

I am appalled at this motion to censure Council Members Glover and Krohn: another ploy to keep this whole charade of attacks in the limelight.

As a feminist It is very clear to me that the charges of bullying and sexist attacks are completely unfounded. Obviously the goal of the original charges was political gain, and what a shameful way to have proceeded.

I have read the Rose report and its conclusions are very clear: that the Mayor was out of line and if there had been any concrete incidents to be addressed, she should have not gone public until these issues had been mediated with sensitivity and some sense of decorum. That is her duty.

Our community has been dealt a huge blow by this whole episode and it may have caused irreparable rifts. This is a new low in Santa Cruz politics, one that I never imagined could have been reached.....

I urge you all to quietly vote down this motion unanimously and get on with the meaningful and productive business of running our City.

Respectfully,  
Susan Martinez

## Rosemary Balsley

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**From:** Garrett <garrettphilipp@aol.com>  
**Sent:** Monday, September 23, 2019 1:31 PM  
**To:** City Council  
**Subject:** 9/24/19 Agenda Item 1 , Censure of Council members Krohn and Glover

9/24/19 Agenda Item 1, Censure of Council members Krohn and Glover

Dear Council,

I am 100% in agreement that issues of workplace violations of conduct policy needed investigation and resolution (not sure \$18k worth though..that is the envy of anyone else in similar circumstances in most private companies).

I can speak from experience that in near every company I ever worked for, there were, let's politely say, jerks that were acting as such who were both either co-workers and/or in management.

If such conduct goes on long enough without recourse to seek support, evaluation, corrective action some serious damage can occur to people who reach their personal limit of stress and can result in temporary mental illness, loss of productivity, throwing the towel in and quitting, etc.

When such conditions exist, or perceive to exist, at the highest executive level of local government, this process becomes a public spectacle.

In all probability anything any member of the public has to say, even if reading verbatim the partial transcripts of the five month investigation, is out of their mouths hearsay. Chances are they were not there, did not hear what was said to whom, or how, and will use this opportunity to grandstand on a matter that regrettably has become public out of perhaps self interest or other motivations (no matter what they say their motivations are).

I hope it gets resolved, and perhaps this is the way to do it if all else has failed. I personally would have been satisfied with a closed session decision on censure, but it's not about me or what I consider appropriate.

I know I won't be speaking to this matter of censure, many with in my opinion no real business doing so will, but I do as many do speak about it a lot otherwise.

Sincerely, Garrett Philipp



## **Rosemary Balsley**

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**From:** Tom De Meo <tomdemeo@att.net>  
**Sent:** Monday, September 23, 2019 2:19 PM  
**To:** City Council  
**Subject:** Censure

I was deeply saddened by the actions of the two city council members. Before during and after the independent study into misconduct bullying continued. I urge the council to censure Krohn and Glover because of my support for the women on and off council that this behavior affected so negatively. Thank you for your attention to this serious matter .

Sent from my iPhone

## Rosemary Balsley

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**From:** plumlee@cruzio.com  
**Sent:** Monday, September 23, 2019 2:29 PM  
**To:** City Council  
**Subject:** Censure of Krohn and Glover

To All City Council Members:

I encourage you to support the censure of City Council members Krohn and Glover as a consequence of substantiated violations of the Respectful Workplace Conduct Policy and the Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy as set forth in the independent Rose Report. Respectful Workplace policies are developed to ensure the safety and comfort of the City workforce. All who work for the City should not have to be concerned with bullying, disrespectful behavior or retaliation from co-workers and most certainly not from those in positions of power, such as City Council Members. The type of behavior described by the 5 women who came forward would not be tolerated on a playground and most certainly has no place in the work place. Bullying and intimidation undermines the productivity of City Staff and as a tax payer, that means that my tax dollars are not being maximally productive. We have some very large areas of division within this community and this type of behavior broadens that divide. It is also likely that continuing such behavior will cause increased turnover of staff if not curbed immediately. Employees should be respected and provided with adequate support to expect that grievances will be dealt with promptly and fairly without any expectation of retaliation. I believe that if censure of these two Council Members is delayed or not enforced, it will send a chilling message to those who came forward to complain and to those who may be mistreated in the future. A workplace found to be lacking in respectful workplace conduct leads to low employee morale, reduced productivity, increased stress, and loss of qualified employees, who end up choosing to leave their employment rather than deal with the constant feeling of harassment and disrespect. It is clear that both Council members have little respect for our process of governance and by extension the Citizens of Santa Cruz. Both Council member Krohn and Council member Glover released information to the press ahead of the public release of the Rose report, disregarding the request not to do so, and both minimized and trivialized the findings of the report, further subjecting the reporting staff in this situation to additional disrespect and planting the seed of retaliation. Subsequent to the public release, Council member Glover had yet another incident severe enough to cause the City manager to send out an email request that no one speak directly with Council member Glover without supervision of upper level staff. The Citizens of Santa Cruz will be watching and will remember your vote on this important matter. I urge you to do the right thing and censure both Council Member Krohn and Council Member Glover.

David Plumlee

## Rosemary Balsley

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**From:** F. LaBarba <fjohnlab@earthlink.net>  
**Sent:** Monday, September 23, 2019 2:34 PM  
**To:** City Council  
**Subject:** a letter supporting censure

Dear City Council Members,

I am sending in this letter in support of some kind of censure for both council members Krohn & Glover. During several council meeting, that I have attended, their behavior has been less than any elected official should ever demonstrate.

Exhibiting a behavior that is shameful, rude, and demeaning to others.

During the Yes on M campaign, Krohn continually enticed the supporters of the measure both inside & outside the chambers, creating pandemonium at the meetings, to what should have been a civil discussion. Pushing his own ideologies on the whole community, without regard for the community.

Glover has perpetually exhibited the same behavior, pushing his on views, and not working with council. Many times continually arguing the issue, eating up council time, that could have been focused on other city business.

This behavior is unacceptable, and should not be tolerated.

Thank you,

F. John & Beth Ann LaBarba

F. John LaBarba  
F. John LaBarba Const.  
741 Redwood Drive  
Santa Cruz, CA  
95060  
831-423-1109 Office  
831-818-2210 Cell  
831-457-1048 Fax

Websites:

[https://www.houzz.com/pro/fjohnalso2/f-john-labarba-construction,](https://www.houzz.com/pro/fjohnalso2/f-john-labarba-construction)

<https://www.facebook.com/F-John-LaBarba-Construction-145304738890850/>

<http://fjohnlabarba.com/>,

\* Celebrating our 40th Year of Business in Santa Cruz \*

“ Think Local “



*“Where the spirit does not work with the hand, there is no art.” — Leonardo da Vinci*

## **Rosemary Balsley**

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**From:** Julie Francis <julieafrancis@yahoo.com>  
**Sent:** Monday, September 23, 2019 4:46 PM  
**To:** City Council  
**Subject:** In Favor of the Censure

Dear City Council Members,

I wholeheartedly support a censure of City Council members Glover and Krohn. Their behavior has repeatedly been rude, demeaning to those around them and far less than what a city council member should exhibit.

Let's return to civil, respectful, productive behavior in the city of Santa Cruz.

Respectfully,

Julie Francis



## Rosemary Balsley

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**From:** Barbara Riverwoman <river@cruzio.com>  
**Sent:** Monday, September 23, 2019 4:57 PM  
**To:** City Council  
**Cc:** Martine Watkins; Justin Cummings; Cynthia Mathews; Chris Krohn; Sandy Brown; Donna Meyers; Drew Glover  
**Subject:** Censure of Krohn and Glover

September 23, 2019

Dear Members of the City Council,

My heart sank when I learned that Mayor Watkins and Council Donna Meyers have placed an item calling for public censure of Drew Glover and Chris Krohn on this evening's agenda. Such a censure seems to completely ignore the results of the City-funded investigation ("the Rose Report"), which completely exonerated both Glover and Krohn of the three serious gender discrimination charges against each (filed by Watkins, Meyers and the person named in the report as 'City Employee #1)

As for the remaining charges of alleged violations of the Santa Cruz City's "Respectful Workplace Conduct Policy only one (1) charge (of 3) was substantiated against Krohn and only one 1 charge (of 4) against Glover. Both charges involved use of disrespectful expression (one a "sarcastic laugh" by Krohn during a City Council meeting; and the other "terse and short language" by Glover outside the City Conference Room). Neither situation rose to the level of "harassment" or "bullying"; and both occurred in a public place with many viable witnesses.

Nonetheless I would like to review a little more closely the more granular story behind each, since these are the two relatively light weight charges that are leading to the proposed formal censure, a serious act against a colleague and public servant..

As a woman, a feminist activist (editor and writer for the feminist magazine Matrix in the early 1980's), and a lesbian, I would never minimize or overlook the negative effects of derisive and/or angry words directed against women by men, especially men in power. But after reading much of the Rose Report I am left with a sense that although less than ideal behavior may have occurred in the cases of the two accused, there was much more disturbing behavior enacted by the City Mayor herself.

### **Recommendations from the Rose Report**

But rather than belabor the complex situation described in great detail in the 237-page (\$18,000) Rose Report, I believe any fair-minded person would put this matter to rest, make apologies where warranted, and accept the wise recommendations of the Report, which are: (see page ii)

- 1. Councilmembers should avoid making public accusations of misconduct or bad faith against one another and against city staff without first privately and internally addressing these concerns and attempting conflict resolution and rectification where possible.*

2. *All members of the City Council should receive immediate training in Respectful Workplace Conduct, Policy 25.2 and (c) City Charter section 809*
3. *The City Council and City staff should review its post election onboarding process for new City Councilmembers to provide prompt, comprehensive....*
4. *All members of the City Council and selected staff members should immediately participate in professional mediation and conflict resolution, such as via services provided by the Conflict Resolution Center in Santa Cruz, or a similar organization.*
5. *Visual presentations...*

### **Krohn and the Role of Martine Watkins**

Mayor Watkins has chosen the path of further fanning the flames of discord by placing on the agenda a formal censure of Glover and Krohn, while never acknowledging or attempting to remedy her part in the controversy. A motion to censure only feeds the flame of discord while accomplishing nothing in terms of building constructive work patterns among the council members.

The censure motion blows way out of proportion one substantiated charge each against Glover and Krohn of ‘disrespectful conduct’. Reading the details of the misconduct charges in the City’s Investigation (the Rose Report), it seems almost ludicrous that Watkins and Meyers could seriously imagine that these charges rise to the level requiring formal censure of two highly dedicated public servants.

I am going to quote from the Rose Report to remind Council members of some of the details.

The substantiated charge against Krohn was a ‘sarcastic laugh’ that Krohn was alleged to have made during a Council meeting on February 12th as City Employee 1 (later identified as Claire Fliesler of Public Works and Planning) said the words, “In my professional opinion” during her testimony in front of the City Council.

The Rose Report (pages 78-79) provides the following information on this situation.

*Councilmember Krohn’s laugh, scoff, or snort was not captured on the video or audio of the meeting. But persons present and close enough to see and hear it credibly confirm it happened. Other witnesses present – Mayor Watkins, Vice Mayor Cummings, Councilmember Glover, City Employee 3 and City Employee 4, do not recall witnessing this, and Council member Krohn denies any recollection of it. But City Employee 1 promptly reported it the next day to City Employee 3, who in turn reported it to the Human Resources Director. The prompt making of the complaint lends credence to the fact of its occurrence, as well as my assessments of the witness statements.*

Rose proceeds to quote the City’s “Respectful Workplace Conduct Policy” which defines ‘abusive conduct’.

*Under the City’s Respectful Workplace Conduct Policy, ...a person’s conduct is disrespectful if it is perceived by a reasonable person to be demeaning, humiliating, insulting or abusive. Abusive conduct encompasses conduct that a reasonable person would find offensive . A single act does not constitute abusive conduct “unless especially severe and egregious”. In this context, for the reasons I explain below, this laugh, scoff or snort was severe and egregious, and violated the City’s Respectful Workplace Policy*

A part of the reasoning of Rose as to this one incident being “severe and egregious” depends on the power imbalance between Krohn and Fleisler.

*Here, there was a significant power imbalance between Councilmember Krohn, an elected and experienced member of the City Council, seated on an elevated platform, who has previously served as the city's Mayor, and City Employee and City Employee 1.*

I think it is worth noting that the situation which triggered the chain of events, which has resulted in this censure motion, began on February 12 when Mayor Watkins, from her powerful seat on the dais, publicly accused both Councilmembers Glover and Krohn of 'bullying' and sexist behavior towards her." She did this without discussing ahead of time with either of them her planned public statement or her perception of their behaviors. She did this without any attempt to achieve a resolution through informal or formal mediation. She caught the community and the City and Glover and Krohn off guard. I believe she took unfair advantage of her position of power.

Glover is an African-American man elected in 2018. Mayor Watkins has served on the Council since 2016 and has now has assumed the powerful and responsible role of Mayor where she wields considerable power. This creates a significant power imbalance between the two. Yet Watkins is not being censured for her misuse of this 'power imbalance' to make *charges of both gender discrimination and disrespectful behavior against both Glover and Krohn, all of which charges have been dismissed as NOT SUBSTANTIATED by the Rose Report.* At what point does this reach the level of 'smearing' a person's reputation? It has been used to denounce Krohn again and again in the press, on NextDoor and has been a springboard for a recall effort against both of them.

### **Charge Against Glover**

The censure motion against Glover is based on a charge by Donna Meyers regarding an incident which occurred outside a City conference room that Meyers had reserved for a meeting with the Chancellor of the University and several of his aides. She was scheduled to use the room from 11 to 12 at which time Glover was scheduled to meet with several of his interns. The Meyers meeting ran over (3-4 minutes according to Meyers, 10 minutes according to Glover).

The Rose Report includes the following account of what ensued when Meyers and the Chancellor emerged from the room. (Pages 26ff)

*Drew Glover was standing at the door and confronted me at the door about his meeting in the conference room that was to start at 12. I apologized to him and he continued down the hall to my office and continued to confront me in an aggressive way about being late in coming out of my meeting. I apologized again and he walked away. ....Later that same day I attended a meeting with Drew Glover and Justin Commings that they had requested I attend. ... (describes differing political ideas) Glover pointedly challenged me...His tone was abrupt, angry and threatening.*

Either the Chancellor or his aide reported on their memory of the moment when they emerged from the room:

*As Councilmember Meyers opened the conference room door to step into the hallway at about 12:03, Councilmember Glover and somebody else were in the doorway and immediately "said that our meeting had run over and that he was using the room". Citizen 2 does not recall the specific words spoken by Councilmember Glover but does recall that ... Glover's voice was not louder than normal, but it was "terse" and "short".*

Rose also reports on quite a few other similar instances reported by Meyers, then states:

*Councilmember Meyers also offered that the language used by Councilmembers Glover and Krohn had not been “harassing” insofar as she understands the meaning of the word “harassment,” but it is unprofessional and disrespectful by comparison to communications with other staff members.*

Rose reports on Glover’s response to Meyer’s account:

*Council members “can understand how someone that may have unconscious of race bias can see (his) interaction with them as being intimidating” when he is “speaking truth to someone who may not want to hear the truth” as a black man can become intimidated, frustrated, or feel attacked. Councilmember Glover believes asking someone to respect the time of a shared conference room or asking them to clarify a seemingly contradictory position would be innocuous if he was not the messenger, which is unfair. (page 55)*

I have quoted the Rose Report extensively although these are just a few scraps of the 237-page report. I do this to remind the Council and others of the complexity and seriousness of the issues involved, a complexity that can only be resolved through further training, self-reflection, mediation and sincere efforts on the part of all involved.

It cannot be resolved through a censure. That will only inflame the situation.

**I am extremely disturbed by what appears to be a concerted attack on two very competent and public-spirited public servants who happen to represent political positions that are opposed to the rapid development of luxury apartments, parking garages, highway widening, rent control, and many other working class and environmental issues that face our community and that are usually supported by Watkins and Meyers. It is hard not to believe that this censure is not part of a much broader effort to disgrace and displace these two men who are ably representing the constituencies that elected them, and, in my opinion, representing the needs of future generations. They need to be at the table and not censured or recalled. That would be a travesty of the democratic process that put them on the City Council.**

I urge Council Members to vote against censure and focus on the true remedies recommended by the Rose Report, especially #1.

Thank you for your consideration of this long letter.

Barbara Riverwoman

## Rosemary Balsley

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**From:** skip andsandy <skipandsandy2000@yahoo.com>  
**Sent:** Tuesday, September 24, 2019 3:27 AM  
**To:** City Council; santacruz4bernie@gmail.com  
**Subject:** Spending over \$18,000 on attacking Drew Glover and Chris Krohn. I REFUSE TO PAY FOR IT.

Instead of persecuting and attacking these city council members, why don't you just listen to them. They have different ideas and are trying to affect change. If they want to put something on an agenda, they should be able to. If you don't like the way they communicate, then develop standards of communication to follow. Trying to shut them up and not allowing them to attempt to make change is disgusting. I understand that half of the homeless in the United States are currently in California. It's a very complex topic, not easily solved. These council persons have an agenda to change how Santa Cruz views and deals with the homeless. Couldn't hurt, even if you don't like it, to have some different views on the City Council. We have to deal with the homeless and we are not doing very well. I don't think these council people are breaking any laws and discriminating against females. They just want to be heard and have their agendas heard. You all need to get off your butts, let these people be heard and find a way to work with them. Make them figure out how to pay for their agenda's. What you are doing is appalling and disgusting. Just because your a women, you can't dismiss them. I'm a women too.

Stop spending money on stupid things like trying to recall, censure or persecute other city council members because you don't like some of their ideas. I am part of the silent, retired people who live and pay taxes in the City of Santa Cruz and never complain about anything you idiots do. I'm being kind. Do you realize how much time and money was spend on that sign that was given to the City of Santa Cruz because the colors didn't match. How ridiculous.

If you want to spend \$18,000 on something, our sewer treatment plant needs to be handled professionally. We can't pollute the bay. Or spent it on feeding the homeless. The City Council does a lot of good, wonderful things, but you also do a lot of stupid things. This particular item is a big waste of time and money and I REFUSE TO PAY FOR IT. So these council members are being obnoxious because they want change, deal with it. If their using profanity or inappropriate behavior instead of communicating and figuring how to pay for it, have the Bernie people jump in and help them communicate. If your just think you can get rid of them and just not listen to them, well after using \$18,000 of our money, start listening. The City residents may not be rich enough to pay for their projects, but maybe they could help us attract some businesses that could. Have them figure out how to pay for their projects and over taxing the property owners is not going to work. Also, what you are doing AIN'T working. People with a high level of morality and fairness won't put up with what you are doing.

**STOP THIS DISCRIMINATION ON YOUR END. WHAT YOU ARE DOING I FIND TO BE APPALLING AND ABSOLUTELY DISGUSTING. YOU HAVE NEW, AGGRESSIVE, OPINIONATED PEOPLE ON THE COUNCIL, GET USED TO IT AND START WORKING WITH THEM.** Don't your realize, the Bernie people have unlimited resources and we the people of Santa Cruz do not? What's wrong with you? Your going about this in the wrong way. This has nothing to do with politics. What you are doing is just plain stupid and wrong.

If you don't change your method of dealing and get into legal hassles with them and spend over \$18,000 investigating them, I and the rest of the silent majority WILL STOP YOU. Why should some of the older,



retired people go without food or heat or Santa Cruz loose needed city services because you don't want to change your thinking? YOU MUST BE AN INCOMPETENT MORON. You may not like their ideas, but your ideas are worse. Perhaps you have forgotten that we the silent people are paying for the city and we get really tired of how you are wasting our money. I am referring to YOU as the rest of the city council and the mayor.

I don't like all of Councilpersons Glover and Kohn's ideas either, but we need to get new people and new ideas in government. Unfortunately for you, they start and get trained at the lowest levels of government.

Change what YOU are doing, or I and the other silent majority people like me, will take action. I REFUSE to pay for this NONSENSE. STOP IT NOW. If we have to file a class action or fire the mayor, then it should be done by the people that have to pay for it. I am appalled by the actions you are taking and I won't put up with it. STOP IT NOW.

Sandy Bass, MBA  
Property Owner and long time resident of the City of Santa Cruz.

## Rosemary Balsley

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**From:** Reggie Meisler <reggie.meisler@gmail.com>  
**Sent:** Monday, September 23, 2019 5:07 PM  
**To:** City Council  
**Subject:** Censure of Glover and Krohn

It is absolutely incredible to me, that council members Watkins and Meyers think they can overtly coordinate a fake HR investigation, using public funds, in clear support of a recall of their own peers. It's perhaps more incredible to me, that we are so far down the road of Santa Cruz County Business Council and Take Back Santa Cruz's assumed hegemony over our local politics, that our minority council doesn't think this is at all scandalous or shameful.

After the investigator, and the rent control task force mediator, and basically every other independent actor who has ever come into contact with this council, suggested that council members deal with minor spats privately, outside the public eye, the minority council seems intent to ignore this advice and reinforce their division. Don't think it isn't obvious who's side you are on if you support this censure. It doesn't matter whether the censure has any real consequences, because the purpose of doing it is clear--to score political points for the corporate/far-right political alliance of Santa Cruz United, Santa Cruz County Business Council, and Take Back Santa Cruz, and maintain a false narrative of incivility.

Mayor Watkins, you wrote an op-ed recently on how "HiAP" strives to define certain basic human rights, including "safe and secure housing". I hope you are honest about that and refocus your efforts on creating more Tannery projects using the Low Income Tax Credit (Which Chris would be an ideal partner for), and working in partnership with a Community Land Trust in renovating La Bahia into permanently affordable housing (Which Drew would be an ideal partner for).

Reggie

## Rosemary Balsley

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**From:** Vivienne <aviva2@baymoon.com>  
**Sent:** Tuesday, September 24, 2019 8:16 AM  
**To:** City Council  
**Subject:** Please drop the Censure of Krohn and Glover and take the higher ground for cooperation! And represent me and 100% of Santa Cruz residents!

1. I fully support Chris Krohn and Drew Glover, and feel they have the best intentions for all residents of Santa Cruz. It is time to END the divisiveness and work more harmoniously to address the problems of our town and make a happier safer environment for all.

People who care may occasionally express strong feelings without being aggressive about it, and any conflicts can best be resolved interpersonally or with professional mediation. The Rose Report recommended alternatives to legal channels. So much money is wasted in suits and the attempt to recall. Enough already.

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2. I want to see housing for low and very low income people without more luxury development that harms our community by challenging water supply and transportation corridors. Local service and retail workers should not have to commute long distances because there is no affordable housing. If we are to use fewer vehicles the workers need a way to live locally. The state has made efforts to improve the situation, let's do it here in Santa Cruz too.

3. I support a downtown commons and keeping the farmers market in its current location, along with keeping the library in its current location. No more parking lots.

4. I support electric vehicles for all city employee vehicles, and more ways to subsidize/encourage bus and bicycle use plus electric vehicles and solar power on roofs for the community at large.

5. Climate change means rethinking many things in Santa Cruz to keep the residents safe, protect the natural environment, and reduce our carbon footprint.

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I trust that you can all unite to take the higher road and work for the common good. We elected you for that. We see the outside, greedy influences and ask you to choose to represent 100% of the local people, not a few realtors and their profit motives!

Thanks,

Vivienne Orgel, MSW

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[www.rustandindigo.com](http://www.rustandindigo.com)  
[aviva2@baymoon.com](mailto:aviva2@baymoon.com)

## Rosemary Balsley

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**From:** Kiernan Colby <kiernan.colby@gmail.com>  
**Sent:** Tuesday, September 24, 2019 8:43 AM  
**To:** City Council  
**Subject:** No on Civility Resolution and no on Censure of Krohn and Glover

Hi Council,

I urge you to vote NO on the civility resolution and the censure of Krohn and Glover. This country has a sordid history of using civility as an excuse to chastise those who wish to make things better, from abolition to the civil rights movement (I encourage you to reread the letter from a Birmingham jail). If you are truly concerned about civility in our community, a couple reminders:

- There is nothing civil about evictions
- There is nothing civil about racism
- There is nothing civil about sexism
- There is nothing civil about climate change

So if you're going to insist on civility, at least condemn these issues in our community as well, instead of admonishing the people who care about them and want to make a difference.

Thank you,

--

Kiernan Colby  
526 Barson St

## **Rosemary Balsley**

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**From:** jaime garfield <jaimegarfield@gmail.com>  
**Sent:** Tuesday, September 24, 2019 10:00 AM  
**To:** City Council  
**Subject:** Do not censor Krohn and Glover at today's meeting.

It would be a disgrace on you to put this absurd item on today's agenda. We are very aware that the findings of the \$18k investigation show little to no evidence of misbehavior. The findings rightly indicate that the uncivil tone in your chamber is contributed to by many, including mayor Watkins and councilmember Mathews. And the incident at London Nelson center was perhaps initiated by Meyers herself by not vacating meeting room at the designated time.

You are clearly charged with reconciliation and setting an atmosphere that aims to improve communication between members, and staff.

The idea of you placing a recommendation of censure of Krohn and Glover on today's agenda is outrageous and embarrassing.  
Do not do this.

Sincerely and respectfully,  
Though with admitted outrage,  
Jaime Garfield



## Rosemary Balsley

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**From:** Dorah Rosen Shuey <finndorah@gmail.com>  
**Sent:** Tuesday, September 24, 2019 10:31 AM  
**To:** City Council  
**Subject:** Against Censuring Glover & Krohn

Dear Council Members,

I work for the City and these views concerning censure are my own, not an official comment.

There don't seem to be any words or actions rising anywhere close to a level requiring censure of Glover and Krohn. Censuring them seems like an endorsement of the current recall campaign and that is totally out of line with City Council meeting functions.

Speaking for myself, I hope that this airing of inconsiderate behavior has given all of us a lesson in being careful and respectful in our dealings. That being said, let's not make a mountain out of a molehill. It's time to move on.

Personally I think that the amount of reporting on this event and the investigation have been enough censure to Council members Glover and Krohn. The City has so many pressing issues and I'd like to see the Council spend time and energy on them.

Respectfully,

Dorah Shuey

## **Rosemary Balsley**

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**From:** d wirkman <debrawirkman@sbcglobal.net>  
**Sent:** Tuesday, September 24, 2019 11:36 AM  
**To:** City Council  
**Subject:** Censure?

Mayor and Council Members,

I hope you decide to drop the censure item on today's agenda and instead deliberate on how best to follow your expert's recommendations for moving forward in your work together as an effective Santa Cruz City Council.

Thank you,

Deb Wirkman

## Rosemary Balsley

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**From:** Jean Brocklebank <jeanbean@baymoon.com>  
**Sent:** Tuesday, September 24, 2019 12:58 PM  
**To:** City Council  
**Subject:** Opposition to Censure

Nothing will be served by the proposed Censure except to make Santa Cruz look like a soap opera, cameras rolling as yet another divisive issue is before you.

I urge council members Meyers and Matthews to withdraw the proposed Censure from the agenda.

Please practice **healing** for the council, rather than promoting hand-slapping. Treat one another with kindness, patience, and maturity.

Governments should not be in the business of promoting emotional roller coaster rides. We get enough of that from the White House. Let's be bigger and more mature than that.

Sincerely,  
Jean Brocklebank

## Rosemary Balsley

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**From:** Brian Smythe <unclebrian369@gmail.com>  
**Sent:** Tuesday, September 24, 2019 12:12 PM  
**To:** City Council  
**Subject:** Tonight's discussions

Dear council members,

As often happens in our dualistic world, you are faced with the decision of choosing profits **or** The People as your 1st priority. Please focus on solutions, not judgments based on lack of compassion. Please focus on homeless solutions that work in other cities and reject the Meyers and Mathews motion, which does not represent the views or needs of the vast majority of we **Citizens of Santa Cruz**. Choose wisely, we and the angels are watching.

Very very Sincerely,

Brian Smythe, Santa Cruz resident since 2001. [831.325.9954](tel:831.325.9954)

"Love is the energy of the soul. Fear is the energy of the personality. You must choose between them moment by moment." - Gary Zukav

"Saturate every breath of yours with Love." - Sai Baba

"If you know that all is well, you know all you need to know. And if you know life is supposed to be fun, you know more than almost anybody else knows." - Abraham

"Life's most urgent question is: what are you doing for others?" - Martin Luther King, Jr.

## Rosemary Balsley

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**From:** Alain Desouches <adesouches@sbcglobal.net>  
**Sent:** Tuesday, September 24, 2019 2:07 PM  
**To:** City Council  
**Subject:** September 24 Censure Resolution of Krohn and Glover

Dear Councilmembers,

- First, I want to acknowledge and thank each Councilmember here for your dedication to public service, and for the sacrifices this service entails in your personal lives.
- Each one of you comes into this service with your own priorities and passionate commitment to the people you represent. Given the complexity of the issues you are grappling with, it is not surprising that conflict may arise, and we should all be thankful for your willingness to work through these conflicts.
- The Rose Report details for each Councilmembers Krohn and Glover one allegation that was were substantiated, while the others were unsubstantiated.
- Key recommendations in the report are:
  - For Councilmembers to avoid making public accusations of misconduct against one another and City staff without first addressing these concerns in private and attempting conflict resolution.
  - For all members of the City Council and selected staff members to immediately participate in professional mediation and conflict resolution.
- In view of these positive recommendations, the censure is contrary to the spirit of improvement in City governance promoted in the report:
  - By including in the censure complaints that were not substantiated, it violates our justice principle of being innocent until proven guilty.
  - By voting on such a censure prior to implementing the report recommendations, the censure puts more emphasis on punishment than remediation.
- The censure conflicts with the recommendations of the Rose Report and would achieve an effect opposite to what the City Manager and this community hope for: a climate of tolerance, respect, trust and partnership among Councilmembers and between Councilmembers and staff.
- I strongly recommend for the council to reject this censure.

Thank you for your consideration,

Alain Desouches  
Phone : 831-247-6150



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[https://www.youtube.com/watch?v=hmjTwp\\_MViU](https://www.youtube.com/watch?v=hmjTwp_MViU)

## Rosemary Balsley

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**From:** Amalie Sinclair <anadem@yahoo.com>  
**Sent:** Tuesday, September 24, 2019 3:30 PM  
**To:** City Council  
**Subject:** Censure of Council members

Dear City Council,  
Please pass the resolution censure, it is very important that you make a clear statement.

The resolution will properly confirm that civility is not an option, and that elected officials must under any circumstance fully maintain such a responsibility.

We have all clearly seen how the tone of the civic debate has been impacted by a rising tide of incivility.

Recent political issues have been designated not as mediums for interchange and collaboration, but as venues for denigration of the worst type.

Civility is an everyday necessity both for those engaged at City Hall and for the everyday citizens who seek an active participation in the public affair.

We need to reinstate the civic value, civility is not for one or a few, it is for everyone, without a benign culture of this type, our social fabric becomes fragile and embittered.

Best Wishes  
Amalie Sinclair

## **Rosemary Balsley**

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**From:** Amalie Sinclair <anadem@yahoo.com>  
**Sent:** Tuesday, September 24, 2019 3:30 PM  
**To:** City Council  
**Subject:** Censure of Council members

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We need to reinstate the civic value, civility is not for one or a few, it is for everyone, without a benign culture of this type, our social fabric becomes fragile and embittered.

Best Wishes  
Amalie Sinclair

September 23, 2019

RECEIVED  
SEP 24 2019  
CITY CLERK'S DEPT.

DEAR CITY COUNCIL:

I regret I can't be here in person as I have my heart set in seeing & hearing our beloved President John Kennedy's grand daughter speak at Bookshop Santa Cruz this evening, with her book promotion : "Inconspicuous Consumption: The Environmental Impact You Don't Know You Have".

All our gov't. leaders have an impact on our community/city/county/State. I for one proudly, gladly, voted for Dru Glover upon both elections wherein he ran for his position on our City Council. I, for one, a staunch Democrat have always voted since I became of legal age to do so. I've loved & lived in Santa Cruz county since 1969 & now am a wise, old Crone yet to being politically, socially aware all my adult years. As such I wish to say I believe Dru Glover *is* a committed, compassionate man who has done nothing deplorable. I've been warmly acquainted with him for several years through our peace center known as Resource Center for Non-Violence wherein he's employed & dedicated. There is nothing wrong for we humans to being directly honest & passionate within our certain strivings. I thrive on diversity & am proud of our city to having not one, but TWO African-Americans on the City Council! I'm forever proud as a woman in our society to our State & county having women leaders, more physicians, lawyers, and judges! It has always been thrilling for me to seeing, hearing, meeting women dignitaries, & in high positions. I feel much pride for Sandy Brown being a council member, having been acquainted with her since she was a *brilliant*, ambitious student.

Within this communication may I offer some vital, inspiring quotes:

"We do not always like what is good for us in this world. Change means growth. A time for celebration not dread. It means I am ready to move ahead."--Eleanor Roosevelt.

"All of us have unique talents & gifts. No obstacle, be it physical, mental or emotional has the power to destroy our innate creative energies."--Kuabe Cordes

May I say we, as humans are multidimensional. There is time for work & a time for love. That leaves no other time beyond need for sleep & food which is loving oneself. Jūst ās nātūre needs blance, people need balance. We need time to be whole persons. Emotional, physical, pain is a possibility. It is not a liability or punishment. We are often caught between conforming to existing standards for role definitions & exploring the promise of new alternatives. ---"Compassion is forgiving others; wisdom is forgiving yourself." --Buddha. ---"The real voyage of discovery consists not in seeking new landscapes, but in having new eyes."--Marcel Proust.

Thank you for receiving my communication-letter.

I wish for our entire city council individual joys & a sense of well-being. We're all just human. We all have regrets & what-ifs, what-would've we have to let go of as we reach the future day by day with deeper listening & compassion which to various degrees we did not receive enough as we grew into adulthood. We're blessed by the lucky (11/11/19)

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ones as much as we all strive to be good role models. May we all keep learning & growing.

My heart goes out to each of you.

*Alene*

Alene O. Smith/146 Blaine St. Apt. G

Santa Cruz, Calif. 95060

P.S.

I do not wish our City/County to be sold to San Jose. We need love, compassion, housing, good water, for all of our citizens. I so fear the selfish greed & self-vicious attitude within certain commerce & powers who feel despised & disrespected. We are all "just human" & we do so need each other. Let us thrive on diversity! I so admire Mr. Glover's fortitude & that he was born & raised in our city!



## Rosemary Balsley

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**From:** Ron Pomerantz <hectic@cruzio.com>  
**Sent:** Tuesday, September 24, 2019 4:02 PM  
**To:** City Council  
**Cc:** Justin Cummings; Drew Glover; Donna Meyers; Sandy Brown; Chris Krohn; Cynthia Mathews  
**Subject:** Re: 9-24-2019 7pm Council Agenda Items #1 and 2: Censure & Investigation Recommendation

Re: 9-24-2019 7pm Council Agenda Items #1 and 2.

Good afternoon Mayor and Council members.

Agenda item #1 requesting censure of Council members Krohn and Glover struck me like the proverbial ton of bricks. The very duplicity of Councilmember Mathews to feign her integrity, impartiality, and objectivity took my breath away. Also amazing is how Councilmember Meyers and Mayor Watkins followed Council member Matthews' marching orders on a self-righteous path apparently cooked up in private for their political gain. At least it's clear who is the circus master.

A few years ago I, along with others, were overtly threatened, intimidated, and bullied by none other than the Deputy Chief of Police Steve Clark. Complaints were filed and an independent investigation was done. This report never saw the light of day. This cover-up had to come from the highest levels of our local government. The conspiracy to cover up this embarrassing and potentially damaging report apparently can be attributed to City Manager Martin Bernal, Chief of Police Kevin Vogel, and Council member Mathews along with her fellow Council members. Now we have Councilmember Mathews demanding a censure of 2 Council members for 2 very minor violations of the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy even though far more egregious offenses never saw a censure or firing of Deputy Chief of Police Clark. Where was the outrage how residents were treated under the color of authority?

Council members Mathews and Mayor Watkins I ask you what about the cover-up under your watch of the past Director of the Parks and Recreation Department Garcia who left City employment under the cover of night? Why the cover-up? There was no public rebuke of his romantic advances towards a female staff member. Where was the independent investigation? Where was your outrage and genuinely set an example of how the male domination and power imbalance of female employees should be handled? Again shameful hypocrisy.

When you all vote tonight think about the objective and thorough Rose Report, that was cherry-picked in the Staff Report, informed you:

- A single act shall not constitute disrespectful conduct unless it's especially severe and egregious. The report clearly says this was not the case.

- Also the report says go talk with the person you're having a problem with before taking other action. This action potentially would have saved money, time, and animosity.

Before placing an item such as this on the agenda, make sure your karma and house are order. Why would you further inflame the public discourse and undermine the functioning of our City Government except as an attempt to gain political advantage? The price to be paid could easily be undermining your credibility.

Fan the flames of hostility and dysfunction by presenting Agenda Item 1 item tonight or figure out how to promptly reject Item #1 and get onto the critically important Item #2 in order to calm the hostilities and figure out how to respectfully move the Council onward and upward in order to work together even in the face of major policy disagreements.

## **Rosemary Balsley**

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**From:** kathy <ktmae.gg@gmail.com>  
**Sent:** Tuesday, September 24, 2019 4:43 PM  
**To:** City Council  
**Subject:** support the censure of Glover & Krohn.

Dear Council Members,

I have read the independent report's conclusion/findings. A censure is the only way to legally recognize the wrong doings of Drew Glover & Christopher Krohn. No organization, public or private, would tolerate such behavior.

Please, do your job,

Kathleen Nix  
Delaware Avenue

## Rosemary Balsley

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**From:** Lee Taiz <leetaiz@cruzio.com>  
**Sent:** Tuesday, September 24, 2019 5:05 PM  
**To:** City Council  
**Subject:** Censure

Krohn and Glover fully deserve censure.

Lee Taiz

## Rosemary Balsley

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**From:** Susan Kauffman <highsierra2@gmail.com>  
**Sent:** Tuesday, September 24, 2019 6:46 PM  
**To:** City Council  
**Subject:** Please oppose policies re: Krohn and Glover

Hello City Council members,

As a City of S Cruz resident, i request that you oppose items 1 and 2 on Tonight's city Council agenda, for September 24.

Both items appear to be designed to censure Council persons Drew Glover and Christopher Krohn, altho they have done Nothing illegal, have not violated city policies and have done nothing illegal.

I believe that this attempt to censure them has everything to do with their political policies which I believe in and strongly support.

Please oppose items 1 and 2. I support with these two candidates, Glover and Krohn are trying to achieve in the city of Santa Cruz and do not want them to be wrongfully punished or shamed in anyway. Also there are already adequate training and policies fir City Employees, so i oppose this attempt to make these 2 Council persons look bad.

Please oppose items 1 and 2 this evening. I support Drew Glover and Christopher Krohn and ask you to support the same worthy issues that they do.

Thank you!

Sincerely,

Susan Kauffman

Santa Cruz City resident



## Rosemary Balsley

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**From:** Robert Norse <rnorse3@hotmail.com>  
**Sent:** Wednesday, September 25, 2019 4:18 AM  
**To:** HUFF yahoo groups  
**Cc:** City Council; Martin Bernal; Susie O'Hara  
**Subject:** Censored Censure Speech at City Council Last Night: HUFF Activists Gather at 11 AM Today at the Sub Rose Cafe.

## Who Deserves Censure at City Council?

At the 9-24 City Council meeting, I was initially promised four minutes to give a group presentation on behalf of **HUFF (Homeless United for Friendship and Freedom)**. Once the Censure item was tabled without public comment, Mayor Watkins cut me back to two minutes on the second related "Rose Investigation Recommendations" item. Here is the full speech she censored.

Watkin's shutdown of my **HUFF** presentation was yet another in a long line of arbitrary and capricious actions targeting her critics. She let others speak pro and con on Censure issue during the "Rose Investigation" item, but cut me off from the promised time.

The substance of this speech has continuing relevance beyond the specifics of this Council meeting.

If anyone deserves Censure, it's the Watkins-Mathews-Myers minority at Council for its lengthy history of improper sabotaging of the Progressive majority's agenda, which I partially itemize in the speech.

Many speakers called for reconciliation, essentially denying the obvious and unavoidable class split on the Council. I believe that recognizing that division and choosing sides is a precondition to moving forward on a variety of issues that have been successfully blockaded by Watkins and her Council minority.

**HUFF** will be at the Sub Rosa Cafe next to the Bike Church at 703 Pacific Ave at 11 AM today. **Conscience and Action [C & A]** activists and the general public are invited. **C & A** co-chairs **Steve Pleich** and **Phil Posner** will not be able to make the usual **C & A** meeting at 11 AM meeting but **HUFF** activists will be there to support the meeting as usual.

The full speech is available on line at  
<https://www.indybay.org/newsitems/2019/09/25/18826656.php> .

## Who Deserves Censure at City Council? : Indybay

At the 9-24 City Council meeting, I was initially promised four minutes to give a group presentation on behalf of HUFF (Homeless United for Friendship and Freedom). Once the Censure item was tabled without public comment, Mayor Watkins cut me back to two minutes on the second related "Rose Investigation Recommendations" item. Here is the full speech she censored.

[www.indybay.org](http://www.indybay.org)

## Rosemary Balsley

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**From:** Shalom DREAMPEACE Compost <shalom.compost@gmail.com>  
**Sent:** Tuesday, September 24, 2019 7:07 PM  
**To:** City Council  
**Subject:** no to censure

I think that censure is much too harsh a measure to take against either Drew or Chris.

Censure is a measure that will increase the probability of the recall qualifying and succeeding.

The voters elected Drew and Chris, knowing who they are and having a good sense of what their policies would be.

It looks to me that the recall is to change council policies more than being based on the behavior of those two council members.

I DO NOT believe that democratically elected leaders should be removed from office based on their policies, and I think that is what is happening, more than the recall and censure being around a gross violation of ethics.

Please vote against the censure tonight.

Shalom D Compost  
(831) 345-2017

**City Council Meeting 9/24/19**

**Censure & Recall are attempts to undermine our democratic process. With the council ready to observe and implement the reconciliation process recommended by the consultant, in his report back to the city, it is clear that some council members have decided to try to sabotage even that process with this censure.**

**To be clear—the Mayor was the one who made the accusations that prompted the consultant’s inquiry and report. Her accusations were found to be baseless. Chris and Drew and other council members did not Censure her, that did not even cross their minds. This council reflects various interests and, as a democratic body, any move to censure or recall not based upon violation of law or ethics would be counter to the ethic of public service. To censure based solely on political or economic persuasion rather any violation of law or ethics is clearly what is afoot, and needs to be stopped in its tracks.**

**So, the real question is: whether Santa Cruz will operate as a democratic decision-making body, or is it, are we, up for sale to moneyed, including, apparently, even out-of town-moneyed interests?**

**If this censure takes place, and most certainly if this recall is successful in supplanting our democratically-elected council members, let’s not pretend that we live and govern democratically in this City. Will we put up a fight for democracy over sleazy bullying tactics represented by such moneyed interests? That’s why I, and all of us are here tonight, representing democratic process and civic respect.**

**Tatanka Bricca  
335 Jim’s Rd, Ben Lomond**

*I have a drumming/slurp  
commitment @ Peace United @  
745 PM*

## Rosemary Balsley

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**From:** Judi <judiriva@hotmail.com>  
**Sent:** Thursday, October 03, 2019 5:23 PM  
**To:** City Council  
**Subject:** Oct 8 Agenda final item

Dear Mayor and Council Members: I reviewed the Oct. 8 agenda and was sad to see that it included another attempt to censure Council Members Krohn and Glover. How many more attempts will be made to agendize this? On the eve of Yom Kippur, even if none of you are Jewish, please consider the PRIVATE act of atonement, if one so wishes to reflect on one's actions, and move into a new mindset of cooperation and forgiveness. I am not a religious person, but I truly want to see an end to this, for your sakes and the sake of our city. You are already committed to mediation so proceed with that and drop the censure effort. Thank you.

Judi Grunstra  
McMillan Dr.



## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Thursday, October 03, 2019 6:10 PM  
**To:** City Council  
**Subject:** Fwd: Great Disappointment - Item #22 - City Council Meeting 10/8

Bonnie Bush, CMC  
City Clerk Administrator  
831-420-5035

Begin forwarded message:

**From:** Satya Orion <[lightspirit16@gmail.com](mailto:lightspirit16@gmail.com)>  
**Date:** October 3, 2019 at 5:20:05 PM PDT  
**To:** mwatkins <[mwatkins@cityofsantacruz.com](mailto:mwatkins@cityofsantacruz.com)>, Chris Krohn <[ckrohn@cityofsantacruz.com](mailto:ckrohn@cityofsantacruz.com)>, <[Dglover@cityofsantacruz.com](mailto:Dglover@cityofsantacruz.com)>, Donna Meyers <[dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com)>, Justin Cummings <[jcumings@cityofsantacruz.com](mailto:jcumings@cityofsantacruz.com)>, cmathews <[cmathews@cityofsantacruz.com](mailto:cmathews@cityofsantacruz.com)>, Sandy Brown <[sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com)>  
**Cc:** Bonnie Bush <[bbush@cityofsantacruz.com](mailto:bbush@cityofsantacruz.com)>  
**Subject:** Great Disappointment - Item #22 - City Council Meeting 10/8

Dear Mayor Watkins & City Council,

It is with great disappointment that I write to you today. I am very unhappy to see the Censure item being brought back again to the Council.

What possible good could come of this? Why are you not instead pursuing the path of mediation and conflict resolution that was recommended by both the Rose Report, the investigation that followed, and the advice of the City Manager, approved unanimously at the previous Council meeting?

I am also disappointed to see that the Small Cell Ordinance, something so essential to the protection of the community, has been postponed until November 26 - nearly 2 months from now.

I wonder if other very important issues are also being postponed while some members of the Council continue to engage in shaming and judgment.

Such an opportunity is being missed for everyone to come together in peace, to hear each other with openness and willingness, for **everyone** to look at themselves, to find empathy for each other. Starting from a position of blame and shaming negates the whole process.

I realize that it's not possible to force such willingness, and so I wonder what hope there is for the Council and Staff to continue to work together. This is a very sad time for our City.

Sincerely,  
Satya Orion

## Rosemary Balsley

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**From:** Elizabeth Wilson <ewilsonsantacruz@gmail.com>  
**Sent:** Friday, October 04, 2019 7:44 AM  
**To:** City Council  
**Subject:** 22. Censure of Council-member Chris Krohn and Council-member Drew Glover

Dear City Council;

I implore you to censure Council-members Krohn and Glover.

What is a censure? It is a formal statement of disapproval. It is absolutely the necessary action that must be taken. Otherwise, you are sending the message loud and clear to all victims of workplace verbal abuse that you approve of the Council-member's behaviour and actions.

I have been a victim of verbal workplace abuse. It is devastating. Both physically and mentally. It rips you to the core of your being. My abusers were those in positions of power. One was a white man, the other a white woman. It transcends race or gender. So I call B.S. on racial bias.

Being passionate about a "cause" does not excuse e.v.e.r throwing all civility out the window. Your cause does not excuse you nor give you the right to use language that is intimidating, threatening or humiliating. FULL STOP

Pointing your finger at others is also not an excuse. Council-member Glover put the Mayor on blast publicly. She had every right to stand up and make a public statement. He is the one to be admonished using tactics right out of the Trump playbook. Let me ask you this - when you are pulled over for a speeding ticket, do you tell the officer - well the 5 cars around me were also speeding so therefore ticket them not me? Krohn and Glover supporters - urged on by them used this same exact tactic. As if somehow because other alleged incident(s) took place with current or previous council members (that did not involve staff or other council members) excuses any of the actions by Krohn and Glover.

If Council-members Krohn and Glover sincerely cared about Santa Cruz, they would resign. What is tearing this city and their citizens apart is them and their supporters, not the recall, not the censure. But that will never happen. Their hubris is what defines them. Excessive confidence, arrogance, the belief that they can do no wrong, has resulted in short-sighted irrational and harmful behavior. It is clear there is a persistent pattern of mistreatment and it has caused physical and emotional harm. Council-members must censure.

Beth P. Wilson-Franks  
Santa Cruz

## Rosemary Balsley

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**From:** Big Joe 77 <skeepinitreal@gmail.com>  
**Sent:** Thursday, October 03, 2019 8:23 PM  
**To:** City Council  
**Subject:** Public Correspondence: Censure of Krohn and Glover

Honorable Mayor,

Thank you for returning this tabled item to the agenda for action. Thank you for standing up to bullies.

This matter needs to be addressed forthwith in order to move on. As such, I recommend that this time both Brown and Cummings remain silent until after the city employees and those who support a workplace free from harassment have their chance to speak.

I recommend that both Krohn and Glover wear their gown up pants and vote for their own censure. Admitting a mistake goes a long way toward mending fences.

Thank you for your time and consideration in this matter.

Sincerely,

--

Big Joe 77  
Keepin' it Real  
Santa Cruz, CA



## Rosemary Balsley

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**From:** Ann Simonton <mwatch@cruzio.com>  
**Sent:** Saturday, October 05, 2019 9:22 PM  
**To:** City Council  
**Subject:** Don't Censure-Resolve Problems

Dear Mayor Watkins and all City Council members,

Thank you for your service during this unprecedented time of upheaval in our city. I do not envy the difficult issues you were handed as soon as you arrived to serve as mayor and council. I write to you as an individual. I do not support bringing back the censure as an agenda item for the City Council. I am especially concerned that the CPVAW's vote was rushed and members were not given ample time to review the last council meeting and understand the bigger context, to be able to cast an informed vote on this item Sep. 25th. There is a clear need for mediation and conflict management to ensure the SC City Council can provide effective governance for our city. Tabling the public censure and first allowing positive next steps to be addressed, is what most Human Resource departments would suggest, given the obvious need to build bridges of commonality among the divisiveness displayed during recent meetings.

I wholeheartedly support city employees and staff's right to experience respect and dignity in the workplace and to find closure for past abuse. Why not a public apology rather than censure? Does the city's HR train its employees and volunteers on actions to take when encountering disturbing behavior, as it arises and before problems become untenable? The city of Santa Cruz must work harder to set protective limits on workplace conduct and give workers specific options to take as soon as problems occur.

I believe the numerous public media claims made by CPVAW recently have done enormous harm toward healing the City Council's differences. Their messages have been shared and posted hundreds, if not thousands, of times in mainstream and social media, providing fodder for the recall's final push for signatures. Some commissioners believe the public censure has *nothing* to do with the Recall effort. If CPVAW and some members of the city council are not working to directly help the recall effort, why don't they make that clear in their many public media statements? Don't re-agendize censure, it only works to fuel the recall effort, and doing so needs to be scrutinized as the city council and its employees move toward healing. Surely there are more productive ways for city employees to find closure with past grievances.

We have for the first time in many, many years a progressive majority on our city council. I implore you all to do what you can to make tangible changes that benefit the most marginalized members of our community, rather than the rich and powerful. Council decisions have helped exacerbate the divide between the uber Rich and the very Poor, which brings down the quality of life for every citizen of Santa Cruz. (Wilkerson's Spirit Level)

I have much hope and admiration toward you all for your service, as you choose next steps.



Best, Ann Simonton

**Media Watch: Challenging racism, sexism, and violence in the media through education & action!**

Box 618 Santa Cruz, CA 95061

[mediawatch.com](http://mediawatch.com) (under a major overhaul)

Tweet: #Challenge\_Media

Facebook: Media Watch: Challenge Media

*People will forget what you said. People will forget what you did. But people will never forget how you made them feel. Maya Angelou*

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*People will forget what you said. People will forget what you did. But people will never forget how you made them feel. Maya Angelou*

## **Rosemary Balsley**

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**From:** Carolyn Livingston <seanandi@cruzio.com>  
**Sent:** Saturday, October 05, 2019 4:00 PM  
**To:** City Council  
**Subject:** Approve Censure

City Councilmembers,

Thank you for putting the censure back onto the agenda especially after listening to the 9/25/19 regular meeting for the Commission for the Prevention of Violence Against Women and hearing Susie O'Hara's speech.

Here's the link of the audio to this meeting.

[http://scsire.cityofsantacruz.com/sirepub\\_com/mtgviewer.aspx?meetid=1304&doctype=AGENDA](http://scsire.cityofsantacruz.com/sirepub_com/mtgviewer.aspx?meetid=1304&doctype=AGENDA)

Yes, it was found to be true that both Krohn and Glover violated the Santa Cruz Respectful Workplace Conduct Policy and they continue to encourage a pattern of disrespect and harassment.

I approve of the censure.

-Carolyn Livingston

## Rosemary Balsley

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**From:** Sean Livingston <seanandi@cruzio.com>  
**Sent:** Saturday, October 05, 2019 4:00 PM  
**To:** City Council  
**Subject:** Support Censure

Council Members,

Let me remind you that when Mr. Krohn was asked at the Commission for the Prevention of Violence Against Women (CPVAW) meeting on 9/25/19 “Why didn’t you make a statement to the crowd when the continuous victim blaming and shaming was going over and over again, why didn’t you ask the crowd to please stop” during Oral Communications by Susie O’Hara at the last city council meeting on 9/24/19. He replied, "I didn't see that happening". A better response would have been thank you for noticing, I should have seen that happening.

On Saturday, 10/5/19 at the Shopper's Corner intersection as I was waiting for the red light to turn, I watched Mr. Krohn bicycle right through the red light while on his cell phone oblivious to his surroundings, much the same as the night at the last city council meeting while on his cell phone recording the audience supporting himself and Mr. Glover. I understand his reply to the CPVAW "I didn't see that happening"! He's only interested in his surroundings when it benefits him.

It's important that we respectfully ask Mr. Krohn and Mr. Glover to take responsibility for their actions. I support the censure.

Thank you, Sean Livingston

## Rosemary Balsley

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**From:** Kevin Vogel <kvogel1963@gmail.com>  
**Sent:** Saturday, October 05, 2019 1:33 AM  
**To:** City Council  
**Subject:** Public Comment re: General Business Item #22, Censure of Councilmembers Krohn and Glover

Dear Mayor and Council:

There is no shame in admitting the 4-member majority of the Council made a mistake. Vice Mayor Cummings and Councilmember Brown now have a second opportunity to show leadership and support for the brave and courageous women who brought forth the complaints against two of your Council colleagues. Employees look to their bosses to lead, not follow. The investigative findings support the censure. I encourage those members of the Council majority to be courageous leaders and support your employees by voting in support of the censure against Councilmembers Krohn and Glover.

Respectfully,

Kevin Vogel

## **Rosemary Balsley**

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**From:** bradedward@aol.com  
**Sent:** Friday, October 04, 2019 6:53 PM  
**To:** City Council  
**Subject:** Censure of Councilmembers Krohn and Glover

Dear City Council,

I am writing to urge all Councilmembers to allow this item to come to a vote. I believe that it is important for all employees of the City of Santa Cruz to treat co-workers and the public with respect at all times and that if any employee or politician violates workplace conduct policies they should be held accountable.

Councilmember Glover spends a tremendous amount of time talking about how others need to mediate with him. While I agree that mediation is important, it should be a rare occurrence when mediation is needed in a workplace setting. If a Councilmember finds themselves needing to constantly mediate with others, it strongly suggests that the Councilmember needs to reassess and change how they interact with others.

I hope that Councilmembers Cummings and Brown do not block this from a vote again.

Sincerely,  
Brad Edwards



## Rosemary Balsley

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**From:** Laura LaForce <laura@cameronmarks.com>  
**Sent:** Friday, October 04, 2019 6:39 PM  
**To:** City Council  
**Subject:** The censure of Drew Glover and Chris Krohn

Dear City Council-

I was deeply dismayed that the very council members that were being censured were allowed to vote to table that censure. It seems a pretty clear conflict of interest in my opinion.

The women who have bravely come forward to speak about the harassment and ugly behavior by these two city council members were basically told their voice doesn't matter, and to a mom of three teenagers this doesn't sit well with me. I appreciate that there are two sides to every story, but when multiple individuals come forward with the same stories about the same 2 council members...

I have taught my children to respect the people around them, I've taught my boys to always be respectful towards women, and I've taught my daughter to speak her mind. I would have been appalled had any of my children witnessed this vote, and actually just any city council meetings as, at least the ones I've been to, have been complete s-shows.

I hope this time there is a different outcome, and the censure agenda item is not once again "tabled".

All My Best,  
Laura

Sent from my iPhone

## Rosemary Balsley

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**From:** PAT/BRENDEN baer <patbaer@comcast.net>  
**Sent:** Friday, October 04, 2019 5:56 PM  
**To:** City Council  
**Subject:** Censure

Dear Santa Cruz City Council Members,

It is incredibly hard to believe that once again the council agenda needs to include the proposal to censure council members Krohn and Glover. Why in the world has this not been dealt with already? And why would they be allowed to vote on whether or not to table or proceed with the censure? **Their only input on the matter needs to be a gigantic apology.**

Mr Krohn and Mr Glover have wasted enough valuable time drawing attention to themselves. It is **disgraceful** to our city government. The censure is a very small consequence to the substantiated offenses they have exhibited – disrespect, discrimination, harassment, and retaliation toward their fellow council members and others.

If they seriously cared about our city and not simply their own agenda, they would step down from the council and build their “personal platforms” somewhere else.

Our city needs council members who will work cooperatively, with civility and for the overall good of the community.

Respectfully,

Pat & Brendon Baer

## Rosemary Balsley

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**From:** Bonnie Britton <weaveart@cruzio.com>  
**Sent:** Friday, October 04, 2019 4:44 PM  
**To:** City Council  
**Subject:** Discrimination, Harassment, and Lack of Civility

Dear Mayor Watkins, and Councilwomen Mathews, and Myers,

I strongly support a censure of City Council members Glover and Krohn. I have attended or watched every council meeting and find their behavior repeatedly rude, demeaning, and disrespectful. Their discrimination, harassment, and lack of civility are deplorable and shameful.

**Claiming to be unaware of their behavior is ridiculous and a desperate excuse for their behavior. They have shown that they will not take responsibility for their actions without censure. This should not be allowed to continue.**

They insight naive others to act as they do, and further divide and hurt our city. We see them. I am a senior and have lived happily in my home in Santa Cruz for 45 years and **never before experienced being called a raciest**, and by someone who is 1/3 my age and have never had a conversation with. **"happened"**  
I am far from a raciest.

Glover and Krohn clearly and repeatedly create chaos during city council meetings in an effort to support their own political and personal agendas.  
Their lack of cooperation with city, staff and the county is without regard to the ideas of others.  
**They insult and trivialize the hard work of their colleagues, community members and especially staff.**

**I hope everyone reads the statement by the** Santa Cruz City Commission for the Prevention of Violence Against Women, and this quote from Glovers Facebook page.

"White women are notorious for breaking down into tears when called out about their white fragility, which has the desired affect; it shuts down the conversation completely. Men tend to get angry, defensive and then start posturing. The goal of these behaviors is to reestablish the racial equilibrium that exists i. e. whites on top, everyone else below. This is what I mean when I said in your post that white fragility caused the behavior."

This is not tolerable and should be taken very seriously.

## **Rosemary Balsley**

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**From:** Nancy Maynard <mtnmom3@gmail.com>  
**Sent:** Friday, October 04, 2019 2:03 PM  
**To:** Martin Bernal; City Council  
**Subject:** Yes to censor Krohn and Glover

Issue the censor and get on with taming care of our city  
Nancy Maynard

## **Rosemary Balsley**

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**From:** Tonia Martinez <toniafrankbaby@gmail.com>  
**Sent:** Friday, October 04, 2019 11:59 AM  
**To:** City Council  
**Subject:** Censure

To our City Council,

I can't be more adamant about the censure of Council members Glover and Krohn. These two guys need a big lesson in civility.

I and do many others will be very disappointed if this item is tabled and ignored.

I look forward to a positive response in regards to this issue.

Thank you in advance.

Tonia Manners.



## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Friday, October 04, 2019 8:49 AM  
**To:** City Council  
**Subject:** Fwd: Letter to Council from EEOC - response to misconduct investigation  
**Attachments:** EEOC Letter to Council RE Conduct 10-3-2019.pdf; ATT00001.htm

Bonnie Bush, CMC  
City Clerk Administrator  
831-420-5035

Begin forwarded message:

**From:** Equal Employment Opportunity Committee <[EEOC@cityofsantacruz.com](mailto:EEOC@cityofsantacruz.com)>  
**Date:** October 4, 2019 at 8:40:26 AM PDT  
**To:** Martine Watkins <[mwatkins@cityofsantacruz.com](mailto:mwatkins@cityofsantacruz.com)>, Donna Meyers <[dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com)>, Justin Cummings <[jcumings@cityofsantacruz.com](mailto:jcumings@cityofsantacruz.com)>, Chris Krohn <[ckrohn@cityofsantacruz.com](mailto:ckrohn@cityofsantacruz.com)>, Drew Glover <[dglover@cityofsantacruz.com](mailto:dglover@cityofsantacruz.com)>, Sandy Brown <[sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com)>, Cynthia Mathews <[CMathews@cityofsantacruz.com](mailto:CMathews@cityofsantacruz.com)>  
**Cc:** Lisa Murphy <[LMurphy@cityofsantacruz.com](mailto:LMurphy@cityofsantacruz.com)>, Martin Bernal <[mbernal@cityofsantacruz.com](mailto:mbernal@cityofsantacruz.com)>, Ralph Dimarucut <[rdimarucut@cityofsantacruz.com](mailto:rdimarucut@cityofsantacruz.com)>, Bonnie Bush <[bbush@cityofsantacruz.com](mailto:bbush@cityofsantacruz.com)>  
**Subject:** Letter to Council from EEOC - response to misconduct investigation

Santa Cruz City Council,

Please see the attached letter--approved at our October 3, 2019 meeting--from the EEOC regarding recommended corrective actions in response to the recent misconduct investigation and recommended next steps regarding training and policy updates.

City Clerk, please include this letter as public comment for General Business agenda item #22 "Censure of Councilmember Chris Krohn and Councilmember Drew Glover for Substantiated Findings in Two Cases of Violation of the City of Santa Cruz Administrative Procedure Order Section II, #1B Respectful Workplace Conduct Policy and City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy (CN)" as part of the October 8, 2019 City Council agenda.

Thank you,

EEOC

October 4, 2019

Santa Cruz City Council,

As a formal advisory body of the City, the Equal Employment Opportunity Committee (EEOC) acts in an advisory capacity to the City Council with the purpose of “confirm(ing) the City of Santa Cruz’s commitment to maintain a work environment free from unlawful discrimination and/or harassment for all current and prospective City employees” (EEOC Bylaws: Article II, 2002). From that mission, the EEOC is responsible to “act in an advisory capacity in all matters pertaining to equal opportunity employment; serve as a communications channel between City employees, the community, the City Manager and the Equal Employment Opportunity Coordinator on any equal employment opportunity; and to develop annual recommendations for the City Manager and the Equal Employment Opportunity Coordinator on revision to the Equal Opportunity Program (EEOC Bylaws: Article III, 2007).

This committee draws authority from its mission to oblige those who conduct business with the City or its employees, agents, etc. to adhere to the basic tenants of human dignity and mutual respect. These are underscored by the City’s adoption of Council Policy 25.2 (Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy). In 2016, as part of this authority, the EEOC drafted—and the City adopted—the current Respectful Workplace Conduct Policy (RWCP) that went into effect in April 2017.

The EEOC believes, in light of the recent City Council misconduct investigation, that updates and clarifications to the definition and responsibility sections of the RWCP are needed. We recommend updates to current City’s policies governing conduct that will provide further examples of the types of remarks and behaviors that, when directed by members of the City Council toward staff, communicate a disregard for the deliberative process and for staff input—whether intended or not. It would also be useful to provide clarity on the impacts to staff when “abusive” communication and behavior is conducted by a member of the City Council toward City employees.

The EEOC Committee supports the recommendations resulting from the misconduct investigation as brought forward by the City Council on September 24, 2019, related to Sexual Harassment and Respectful Workplace Conduct training. The EEOC agrees that there is a need for respectful workplace conduct trainings for all Council members. After this training, we recommend that the two Council members, whose conduct was found to violate the policies, provide a written "corrective action plan" with a brief summary of incidents, what they learned about the impacts to involved parties, and what they will do differently in future similar circumstances. The written corrective actions should be submitted as 'informational only' items to the full Council no later than two weeks after the Respectful Workplace training.

We expect Council members to maintain a respectful work environment within the organization—which is essential to creating positive outcomes for the community and maintaining employee engagement and positive morale. We also expect that the City Council will be receptive and welcoming to any policy updates and training recommendations we bring to you for future consideration and adoption.

Sincerely,

Equal Employment Opportunity Committee

(This letter was approved unanimously at the 10/3/2019 EEOC Meeting)

## **Rosemary Balsley**

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**From:** Michelle Overbeck <michelleaoverbeck@gmail.com>  
**Sent:** Sunday, October 06, 2019 9:28 AM  
**To:** City Council  
**Subject:** Yes on Censure!

Your blatant disrespect for women in the workplace is embarrassing and most likely a liability.

As a life long resident I can't believe you're calling yourselves "progressive" yet your putting us back many decades with your treatment of women. You should be an example of good behavior, right now your behavior is repulsive. This is deplorable. The least you can do is some sort of action (a censure).

Stop abusing your power by sidestepping this and live up to the consequences on this action.

Best,

Michelle

Sent from my iPhone

## Rosemary Balsley

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**From:** Gabrielle Korte <gabbyoda@gmail.com>  
**Sent:** Monday, October 07, 2019 1:03 PM  
**To:** Sandy Brown; Justin Cummings  
**Cc:** Martin Bernal; TCondotti@abc-law.com; Donna Meyers; Susie O'Hara; Martine Watkins; City Council  
**Subject:** Re: Support for Censure Item #22

I forgot to also add that Krohn and Glover should have been recused from the censure vote. In all my years of practice as an employment law attorney, I have never seen two alleged harassers be able to vote on their own consequences for substantiated misconduct. While there may not be a "financial" conflict, there is certainly a conflict with the City's duties as an employer under FEHA. For this reason, they should not be voting on Agenda Item #22 on Tuesday.

On Mon, Oct 7, 2019 at 12:59 PM Gabrielle Korte <[gabbyoda@gmail.com](mailto:gabbyoda@gmail.com)> wrote:

Hi Sandy & Justin,

I am writing in support of Susie O'Hara, Donna Meyers, Martine Watkins, and all female City staff who have complained (or are too afraid to complain) of harassment and bullying by Councilmembers Glover and Krohn. I urge you not to "table" this item again. This is not a matter of political differences; this is about the very real impact to women when they are subjected to disparate treatment in the workplace because of their gender.

I would like to remind you of the City's duty as an employer under California's Fair Employment and Housing Act to take all reasonable steps to prevent discrimination, harassment and retaliation in the workplace. (CA Govt Code Sec. 12940(k)). This includes stopping misconduct before it arises to the level of a legal violation. (2 CCR Sec 11023).

Clearly you and the City have not taken "all reasonable steps" to rectify this situation because the harassment continues. Are you aware that Glover used his official City Councilmember Facebook page to accuse his victims of "white woman fragility"? I ask you this: Are you okay with this ongoing behavior? Might it be a form of retaliation? Do you feel this acceptable under both the City's Respectful Workplace Conduct Policy and FEHA? Could this behavior perhaps have a chilling effect on other women who have suffered harassment from coming forward?

Other than Martin Bernal's memo prohibiting Glover from communicating with staff (thank you Martin!) I am not aware of the City taking any reasonable steps to protect City staff. Sending Glover and Krohn to more trainings - and requiring two victims (Watkins and Meyers) to do it along with them - is not reasonable calculated to end their bullying behavior, especially with Glover using it as an opportunity to sidestep responsibility and falsely accuse his victims of being biased against him.

FEHA requires that the "reasonable steps" be directed at those who committed the misconduct – have you done that? I am including a link below to the DFEH's Workplace Harassment Prevention Guide, and I direct you to the very last page entitled "IMPLEMENTING EFFECTIVE REMEDIAL MEASURES." I hope that you will read it, and understand that this censure is a necessary step.

<https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide.pdf>

## Rosemary Balsley

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**From:** Alicia Kuhl <Alicia1L@hotmail.com>  
**Sent:** Monday, October 07, 2019 12:57 PM  
**To:** City Council; Chris Krohn; Drew Glover; Robert Norse; Keith McHenry; Sandy Brown; Jessica of the Sentinel  
**Subject:** Online petition to Censure Donna Meyers for her outburst last Tuesday

I am including a link to an online petition with change.org to censure Donna Meyers for her behavior at last Tuesday's city council meeting. It was an outburst that shocked the public, an outburst that the public feels needs acknowledgement. It also seems that there is a general disappointment that the mayor chose to put the censure of council members Chris Krohn, and Drew Glover back on the agenda after it was tabled, and the public showed overwhelming support for that outcome.

Please look at this online petition, I'm aware that it only takes four votes to censure a city council member, this online petition to censure Donna Meyers has gained almost a hundred votes in less than 24 hours. Please read the comments associated with the petition. It is important that you understand how the public feels, and that you take our opinion into consideration and not just do what you want to do.

The link:

<http://chnng.it/pdhfcwmLLj>

Thank you,  
Alicia Kuhl

President of the Santa Cruz Chapter of the California Homeless Union.



## Rosemary Balsley

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**From:** Patrick Mcdonald <pjmcd42@gmail.com>  
**Sent:** Monday, October 07, 2019 12:41 PM  
**To:** City Council  
**Subject:** Censure vote tomorrow. SUPPORT CENSURE!

Please vote to censure the 2 city council members Krohn and Glover for their unacceptable behavior. Having their supporters disrupt and shout down anybody that disagrees should not be our new normal. Both these guys support and condone this behavior as it mimics their own.

Thank you,

Patrick McDonald

## Rosemary Balsley

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**From:** Nancy <nkrusoe@cruzio.com>  
**Sent:** Monday, October 07, 2019 8:26 AM  
**To:** City Council  
**Subject:** The motion to censure

Dear Mayor Watkins and Councilmembers:

I am disturbed, actually distraught, over your move to put censuring Councilmen Krohn and Glover back on the agenda two weeks after witnessing the depth of emotion, the bitterness and suspicion displayed by both sides in your chambers on September 24th and in social media and newspapers every day since. I can't help thinking about the massive disruption in conducting city business this spectacle is causing.

All I have is a plea: Please do not blow up our community. Let me explain.

Censuring is a punishment: yes, it would bring satisfaction to those who are insisting on it. But it is now a living symbol for all of us--of our pain and of not being heard. I'm not just talking about the women complainants who spoke two weeks ago--and those who didn't--and their supporters, who claim they were not heard, although everyone heard them. The whole city has heard them. And the Sentinel, Good Times, and Santa Cruz Local have all written stories about the investigation of Councilmen Krohn and Glover from the point of view of the complainants; the rhetoric used is explicitly sympathetic to them and mostly demeaning to the supporters of the accused.

Of course, the complainants needed to speak and be heard; however, not agreeing with their conclusions doesn't mean we haven't listened. It means we have different experiences, different expectations, and different pains and burdens. I have felt unheard each time the things I believe in and work for have failed or been rendered ineffective in city council, and that's most of the time. I'm not alone in feeling like an unheard outsider who knows the pain of dismissal and being misrepresented. We are getting accustomed to hearing that our current city council doesn't represent "the people," which is troubling because it means all of us who voted for Krohn and Glover don't count as part of "the people." That may sound slight, but believe me it feels profoundly dismissive.

One side can't have a monopoly on pain and feeling unheard. Only the complainants and their supporters, particularly the CPVAW, who have ushered through the censuring motion, seem to feel a right to enter that room. So single-mindedly do they occupy it that they must have public censuring to feel heard. But that is punishment before reconciliation. Now I wonder, does anyone who's ever been in a relationship or been a parent not see the logical consequences of such an act? It will open the door to Dante's hell. The CPVAW may have what they insist is their right, but what happens to the possibility of conducting other serious business where conflicting sides must listen to each other and decide what's best for the city? Any chance of building trust and mutual respect will take a pathogenic plunge.

Speaking as a supporter of Councilmen Krohn and Glover, I see the motion to censure as part of the larger project to silence me and thousands of other progressive voices in town who voted for them. We desperately want to participate in Santa Cruz decision making. We have had so little power for so long, we must sound like screaming cats to people more accustomed to being in power. We are portrayed as somewhat barbaric, inappropriately interrogative, impolite and uncivil. It appears that the only voices heard from our side on September 24th were the ones screaming disrespectful remarks, even though the eloquent speeches from our side that night were numerous and poignant---to me and many others in the audience. Were they heard? Was their pain felt? It wasn't our night to be the ones in pain or the ones heard, but it is a room we occupy with great familiarity and can sympathize with.

As a white woman who grew up in the South, poor but white, I've seen how disruptive it can be when a marginalized population starts speaking, demanding power and recognition. It can feel like an invasion of the ungracious. But in the South, every time we punished instead of asking questions and listening, we lost more people to despair and hopelessness. I don't care how much CPVAW and others argue that censure isn't punishment, that it is somehow righting a wrong or giving voice to the pain of the women, you have to understand the depth of wretched despair it may set loose because feeling unheard and dismissed are shared by most everyone in this city who is paying attention.

There really are two valid points of view, and one of them will feel that forcing a censure vote is a gross offense and that you've overdetermined the rest of the decisions being made about Councilmen Krohn and Glover. The recall is not a separate issue no matter how much you try to separate the two. Is a possible symbolic victory worth setting off an inferno of ill will and augmenting the path to war we are on? If so, it's so-long to mediated reconciliation during your terms.

Hoping for a future that's livable for all of us--  
yours,  
Nancy Krusoe

## Rosemary Balsley

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**From:** Jim Spring <jmspring@gmail.com>  
**Sent:** Sunday, October 06, 2019 9:22 PM  
**To:** Sandy Brown; Justin Cummings  
**Cc:** City Council  
**Subject:** Racist and sexist overtures

I sent this in a general email to council. I never expect to hear back, but hey, it's ok following up.

The only council member to raise the issue of racism is Glover. I've not seen a peep from Watkins or Cummings on this. At the same time, Drew has also made sexist comments like those on his Facebook page about "white women tend to cry when confronted with their implicit bias".

I'm not sure I've ever heard an excuse for oking a hostile work place based on reverse discrimination on women or projected racial bias by someone so uncomfortable with himself he blames others for his faults.

I hope you two can get beyond your "oh hey new majority" bullshit and realize Glover being at a minimum of an asshole if not for the racist mysoginistic asshole he is.

There are options for pilocy disagreements, but they should not be driven by a sensitive self entitled ego.

Please do the right thing and censure this Asshat.

-Jim Spring

Sent from my iThingy

## Rosemary Balsley

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**From:** mnoren <mnoren@got.net>  
**Sent:** Sunday, October 06, 2019 6:39 PM  
**To:** Martine Watkins; Donna Meyers; Cynthia Mathews  
**Cc:** Susie O'Hara; City Council; HR; CPVAW CM  
**Subject:** Please Censure Abusers and Protect Victims

Dear Honorable Mayor Watkins, Honorable Councilwoman Meyers, and Honorable Councilwoman Cynthia Mathews

I am writing to support the censure of councilmembers Glover and Krohn, and to state my deep concern that the council is about to propose a plan of action that normalizes the pathology of workplace harassment directed against women.

Normalizing abuse is, 1) suggesting that abuse is anything like ordinary conflict, 2) suggesting that a victim could have prevented the abuse from escalating if only she had "reached out first" to communicate with her abuser openly and honestly, 3) suggesting that an abuser who has proven to have zero empathy can be coaxed into acting kindly toward her, as if fixing an abuser's absence of empathy is the victim's responsibility.

Vice-Mayor Cummings and councilwoman Sandy Brown claimed on September 24th that councilmember Mayor Watkins "should have" scheduled training in conflict resolution on Day One; as if abusers can be trained not to abuse. As if the abuse would have not taken place, had the abusers become educated about how to respect the female coworkers they target.

Day One was on January 8th, when Drew Glover and Chris Krohn launched their first verbal assault against our mayor. During the first hour of that first meeting, with the CTV video cameras rolling, their smear campaign against Martine Watkins began, and it hasn't paused since.

No matter how many times the "majority of four" attempts to blame the mayor for the extreme discord fueled by their own orchestrated chaos, anyone with the patience to sit through the CTV video tapes can watch how it came down, and I'll be happy to provide the timestamps.

In 2019, a victim of workplace harassment who publicly unmask her abusers should not be instructed by HR or by anyone else, to prematurely reconcile with the perpetrators. She should be allowed to limit the forms and frequency of any contact with them, and to restrict their access to her. That includes declining to respond to their fauxpologies.

Abusers and their enablers who complain that the victims didn't discuss their feelings about the abuse with the perpetrators before filing a complaint, may be unaware that trauma recovery requires protecting victims from further exploitation by their abuser.

The Rose report found that Glover was "needlessly and unjustifiably antagonistic" toward Donna Meyers. We see that unjustified antagonism being displayed consistently by Drew Glover and Chris Krohn. Their intention to do harm is obvious to many of us who have lived through what we see Susie and Donna and Martine being subjected to.



No victim of workplace abuse who must interact with her abuser as part of her job description, should be forced to spend more time in close proximity to a toxic male who projects blame onto her, in a power-imbalanced training session on why her abuser considers her race and gender problematic for him!

Councilmembers who vote to fund an \$11,000 training session on implicit bias chosen by Glover, because he sees his victims' white fragility as the problem, are forcing their personal belief system onto this entire city. Drew Glover and Chris Krohn, Sandy Brown and Vice-mayor Cummings have no right to cram their ideology down anyone else's throat.

The courageous whistleblowers who called out Drew Glover and Chris Krohn are now being subjected to punitive retaliation by their abusers and their supporters. Facebook posts blame the victims for failing to see the world through their abusers' "lens." That lens sees the victims as racists who are ignorant of their own white fragility and unaware that white women's tears keep people of color oppressed. This is abusive rhetoric.

Is the entire city government unaware that when a victim of abuse describes the trauma caused to her by a co-worker, that institution bears full responsibility for correcting the toxic environment that allowed the abuse to happen?

Sincerely,  
Marcia Quinn Noren

Sent from my Verizon, Samsung Galaxy smartphone

## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Sunday, October 06, 2019 11:04 AM  
**To:** City Council  
**Subject:** Fwd: Communication/Listening - Censure Agenda Item - 10/08

Bonnie Bush, CMC  
City Clerk Administrator  
831-420-5035

Begin forwarded message:

**From:** Satya Orion <[lightspirit16@gmail.com](mailto:lightspirit16@gmail.com)>  
**Date:** October 6, 2019 at 10:58:58 AM PDT  
**To:** Chris Krohn <[ckrohn@cityofsantacruz.com](mailto:ckrohn@cityofsantacruz.com)>, <[Dglover@cityofsantacruz.com](mailto:Dglover@cityofsantacruz.com)>, Donna Meyers <[dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com)>, mwatkins <[mwatkins@cityofsantacruz.com](mailto:mwatkins@cityofsantacruz.com)>, Justin Cummings <[jcumings@cityofsantacruz.com](mailto:jcumings@cityofsantacruz.com)>, cmathews <[cmathews@cityofsantacruz.com](mailto:cmathews@cityofsantacruz.com)>, Sandy Brown <[sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com)>, Martin Bernal <[mbernal@cityofsantacruz.com](mailto:mbernal@cityofsantacruz.com)>  
**Cc:** Bonnie Bush <[bbush@cityofsantacruz.com](mailto:bbush@cityofsantacruz.com)>  
**Subject:** Communication/Listening - Censure Agenda Item - 10/08

Dear City Council, City Manager,

I've been asking myself what is needed, what is missing? The answer that comes is Communication/Listening - which is very long overdue.

I believe that the feelings experienced by Donna, Suzie and others who have come forward are real. I wonder if these women feel completely heard/understood. This feels so important. I know that, when a person doesn't feel heard/understood, feelings grow in intensity. And I want to add that listening deeply/understanding is very different from censure, and does not assign judgments of right or wrong.

So . . . my next question is - why did this happen - why is it that these women still do not feel heard/understood after all this time?

I feel very concerned that there appears to be no place for Staff or Council Members to go when they feel upset with the actions of another - that there appears to be no process for mediation or conflict resolution. This seems so essential.

I also feel concerned that the City Council Meeting is being used as a court of law to assign blame - instead of doing everything possible to create a private space where everyone's feelings/experiences can be heard and understood, by all parties involved. This would hopefully lead to greater understanding & empathy, which I always believe is possible.

Kristen Masters is a long time former city employee and former trainer thru HR, as well as a certified trainer in Nonviolent Communication. I talked with her to hear her thoughts. She is interested in helping. In my opinion it would be wonderful to have someone like Kristin to offer training/mediation - and even more importantly to hire someone to work full-time on staff as a mediator/NVC facilitator.

I don't think that any of these issues needed to escalate to this level of anger/censure. If there had been a procedure for conflict resolution/mediation available to all parties, what began as smaller issues might have been resolved at the time the incidents happened. In my experience, any time feelings are left unheard, they will escalate.

I truly believe that what is happening now is a gift - an opportunity to create a process for conflict resolution that is available to all Staff and Councilmembers. These are skills that all of us need to learn. My hope is that you will all choose to lead by example, and in this way you will help the entire community to heal as well.

Sincerely,  
Satya Orion

## **Rosemary Balsley**

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**From:** Anne <scfamflea@aol.com>  
**Sent:** Monday, October 07, 2019 1:30 PM  
**To:** City Council  
**Subject:** Agenda item: censure

Please do not table this again. This issue deserves to be heard.

Anne Fliesler

## Rosemary Balsley

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**From:** Garrett <garrettphilipp@aol.com>  
**Sent:** Monday, October 07, 2019 2:42 PM  
**To:** City Council  
**Subject:** 10/8/2019 Item # 22 Censure of Council Members Krohn and Glover

10/8/2019 Item # 22 Censure of Council Members Krohn and Glover

Dear Council,

I also applaud the women who were brave enough to complain about their workplace treatment.

The unfortunate nature of Council member involvement means only the council, and therefore a public hearing of this can address this which ordinarily would be a very private matter.

I am not so sure anyone without direct knowledge of events should be doing a lot of speaking on this matter, but if there are such people, I hope they get their chance to be heard, without fear, the council deliberate, and this item get resolved however it will be.

Therefore I won't be speaking to this matter, but I do have this to say (and it also means little as it is a generality, and actual events and individuals may or may not relate to this).

Men and women are not the same and all complaints were from women against men.

They are not even the same on average, and certainly not at the extremes of behavior.

Men are taller, faster, stronger, more violent, more criminal (95% of prisons are filled with men). They are as I like to say "Dragon Slayers" compared to women (ok, maybe the occasional Joan of Arc exists). The vast majority of smartest people in the world are men, and also the not so smart. Men average less compassionate and more disagreeable. Men are then as a group distribution more extreme, and those at the extremes of the group need to be aware of this.

I see 67% of the homeless in Santa Cruz are men, another example of male extremes of behavior. It is actually mostly a male problem, although treated as victims of circumstance. This is false. It may not be their fault, it may be partly circumstance, but in a whole lot of cases it is because they are extreme men.

Garrett Philipp



## Rosemary Balsley

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**From:** Herb Schmidt <graceherb@aol.com>  
**Sent:** Monday, October 07, 2019 3:16 PM  
**To:** City Council  
**Cc:** Martin Bernal; Susie O'Hara  
**Subject:** YOM KIPPUR/TIME FOR REPENTANCE AND FORGIVENESS NOTY CENSURE

DEAR CITY COUNCIL MEMBERS: on the eve of Yom Kippur you have a censure item on your agenda. In the name of God, remember the day and its meaning. We should all look at our own shortcomings and sins and not point the finger of blame. Haven't you read the Rose report. You are dividing our city. It would be better if tomorrow you all, including city staff, recognized your own fault in this divided situation and offer forgiveness so you could come together to do the work we elected you to do. Help bring our community together and Censure will not do it!!!! In the name of all that is Holy, the Rev. Herb Schmidt

*Be not be daunted by the world's grief*

*Do justice NOW; Love mercy NOW; Walk humbly NOW!*

*You are not obligated to complete the work, but neither are you free to abandon it!*

*Micah 6:8 via The Talmud*

Rev. Herb Schmidt  
Lutheran Campus Pastor Emeritus  
Stanford, UCSC, U of A  
317 Centennial St. Santa Cruz, Ca. 95060  
e mail graceherb@aol.com  
831 423 5777 (h) & 831 277 8476(c)

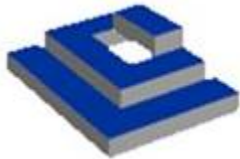
## Rosemary Balsley

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**From:** Martin Dinning <mdinning@paragonmechanical.com>  
**Sent:** Monday, October 07, 2019 3:34 PM  
**To:** City Council  
**Subject:** Censure

I want to voice my agreement to censure Krohn and Glover.

Martin Dinning  
Vice President – Architectural Sheet Metal  
Paragon Mechanical Inc.  
16160 Caputo Drive  
Morgan Hill, CA 95037  
Office: 408-727-7303 Ext. #1217



Lean Construction Institute Member

## Rosemary Balsley

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**From:** Elena N. Cohen <elenancohen@gmail.com>  
**Sent:** Monday, October 07, 2019 4:01 PM  
**To:** City Council  
**Subject:** Opposition to ordinance in #17; Support of Censure Resolution (#22) for Tomorrow's City Council Meeting

Dear City Councilmembers,

I am writing to express my views on two agenda items for the October 8, 2019, City Council Meeting: opposing portions of #17 and endorsing the censure resolution (#22).

**I oppose an ordinance requiring residential structures be up to code at the point of sale (#17)** without meaningful opportunity for community input (i.e., beyond input at City Council meetings) to better determine intended and unintended consequences. I note that this requirement is misleadingly included under an item about rental inspection, yet it could have significant impact on all residential property owners, even those who do not own rentals, therefore not providing them with adequate notice of the proposed ordinance

**I support the resolution to censure** Councilmember Krohn and Councilmember Glover for violation of the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy (**#22**). take this position based in large part on Susie O'Hara's testimony and the information described in the September 26, 2019 press release by the Santa Cruz City Council Commission for the Prevention of Violence Against Women (CPVAW). [https://gallery.mailchimp.com/16ee789a5f9d9474c1aa1a7dd/files/3916b9ec-df5f-4862-89e6-1ea34b42cc1c/CPVAW\\_Censure\\_Media\\_Announcement.pdf](https://gallery.mailchimp.com/16ee789a5f9d9474c1aa1a7dd/files/3916b9ec-df5f-4862-89e6-1ea34b42cc1c/CPVAW_Censure_Media_Announcement.pdf)

Thank you for your attention.

Sincerely,

Elena N. Cohen  
Santa Cruz, CA 95060

## Rosemary Balsley

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**From:** A Webb <webbheart@gmail.com>  
**Sent:** Monday, October 07, 2019 10:27 PM  
**To:** City Council  
**Cc:** Bonnie Bush  
**Subject:** 10.8.19 Council meeting - Item #22

Re: Item #22 - Censure

Dear Mayor Watkins and City Councilmembers,

This Censure as it stands should not be acted upon...we all are imperfect humans, everyone has their own personal struggles, life experience and passions and beliefs they bring forth, and sometimes communication styles can be misinterpreted or emotions triggered - especially when issues fester. Awareness, training, practice, learning from mistakes, etc. helps the process, and Item #2 of 9.24.19 hopefully will address those. It's important there is an internal system in place to address these individual incidents in an immediate and non-threatening way for everyone, with clear pathway towards resolution part of the process.

Let me be clear, my comments in no way are meant to belittle experiences or behaviors of anyone – I'm trying my best to be objective here and express what I hope to be helpful, even though my heart is breaking watching this painful process. I can only hope the work under Item #2 on 9.24.19 Agenda will fix this mess - I don't think this Censure as stated can.

### **Re: the Censure Resolution, should it go forward:**

- 1.** The following language in the Resolution is not necessary...the entire reference to *"WHEREAS, Councilmember Krohn was the subject of six complaints by three complainants and Councilmember Glover was the subject of seven complaints from two complainants; and"* **should be struck.** The Rose report and other documents go into great detail on the issues investigated. The 2 "violations" are the only items that should be listed IF this Censure goes forward.
- 2.** It is **not** a fair statement to include in the Resolution that Krohn and Glover have damaged the public's trust. The Recall campaign, that has extracted and twisted various pieces of this unfortunate matter to serve their agenda, is working overtime to do that. Even press releases need to be carefully considered prior to publishing. The Rose report did not investigate the public, there was no public survey, etc. Those very close to the incidents have been impacted, and it is a workplace issue, and should be handled as such – it is not a public trust issue. This Resolution really needs to be cleaned up and boiled down to the 2 actual violations IF it goes forward.

Anyone who watched the proceedings on 9.24.19 council meeting knows that the Mayor did not call a point of order for speakers **during Item #2** (mediation, conflict resolution, etc) which resulted in the public being allowed to speak to Item #1 which had been tabled – in fact, it appeared that most speakers spoke to Item #1 instead of Item #2 before them. I did not see Krohn nor Glover object nor attempt to silence the speakers. There was no silencing by tabling for later discussion nor by any councilmember. This fact should be made clear to the public.

With all due respect, please get on with mediation and conflict resolution as a council. The public needs you all to do that – you are our Team that we elected. We need you to work through this for yourselves so you can better serve your office in a way that promotes the health and wellbeing of our city, its employees, and its residents. I truly am having difficulty seeing how this Censure, especially in its current stated form, will improve or solve this issue. I hope all the steps already taken to address this issue, and any that come of the important work from 9.24.19 Item #2, does a satisfactory job of that. **I don't think there's a perfect outcome here that erases the hurts and conflicts that were dragged out too long, but intention can be set now that allows reconciliation.**

We can only control our own actions, so if we practice the Golden Rule as best we can, on a common ground, it can go a long way towards being reasonable and fair for all involved.



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## **Rosemary Balsley**

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**From:** Etta Tyler <ettatyl@gmail.com>  
**Sent:** Monday, October 07, 2019 6:12 PM  
**To:** City Council  
**Subject:** Censure

City Council,

Censure is a counterproductive waste of time. As a Santa Cruz resident I urge you to adopt the mediation and conflict resolution practices discussed at last week's meeting.

Etta Tyler  
Santa Cruz, CA 95060

## Rosemary Balsley

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**From:** caroline currie <ccurrie40@icloud.com>  
**Sent:** Monday, October 07, 2019 4:43 PM  
**To:** City Council  
**Subject:** Vote to censure

Santa Cruz City Council Members,

Please vote to censure the 2 city council members Krohn and Glover for their unacceptable behavior. Having their supporters disrupt and shout down anybody that disagrees should not be our new normal.

Sincerely,  
Caroline Currie  
132 Frederick St  
Santa Cruz, CA

Sent from my iPhone

## Rosemary Balsley

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**From:** Sandie Swanson <sandie.swan@gmail.com>  
**Sent:** Monday, October 07, 2019 4:21 PM  
**To:** City Council  
**Subject:** recall

i object to this recall effort and censure measure. i cannot make the meeting tuesday, 10/8, but i must make my position clear to this group of councilmembers! it is an insult to me as a voting citizen, that this has even come up to begin with, and is continued even though the accusations have been debunked. shame on those pushing the recall!

## Rosemary Balsley

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**From:** Micah Posner <micahposner@cruzio.com>  
**Sent:** Tuesday, October 08, 2019 10:15 AM  
**To:** City Council; Cynthia Mathews; Chris Krohn; Justin Cummings; Sandy Brown; Donna Meyers; Drew Glover; Martine Watkins  
**Subject:** Censure

Dear Councilmembers,

As you know I was the last person censured by the City Council. I voted for my own censure. I think that gives me a certain perspective- hoping you will listen to it.

Before I came to an opinion about this issue, I carefully read the report on potential violations on the part of Krohn and/or Glover. I tried to be open to the idea that people I know could have a pattern of misogyny or other clear violations of ethical behavior. After all, I am a good person, and I made a mistake worthy of censure. I am inclined to think that the report was, at the least, objective. After all, the report was supervised by senior staff who have no great love for the two of them.

The report found a couple of instances in which Glover and Krohn did not act perfectly as Councilmembers. Even if other instances occurred at the same level of offensiveness, these behaviors, while regrettable, are common among Councilmembers. Councilmember Mathews, for example, has been know to make somewhat patronizing remarks during Council Meetings.

Councilmember Robinson was repeatedly rude to me in the hall and conference rooms of the area where we worked. Her behavior was passively supported by Councilmember Bryant. The idea that I would try to censure other Councilmembers for slightly rude behavior would have never occurred to me. Everyone should do the best they can to be respectful.

It doesn't always happen. Mayor Watkins is also called out in the report, for publicly accusing another Councilmember of a serious offense prior to talking to him privately. I do not think Mayor Watkins should be censured but I think she should try to emphasize with other's imperfect behavior.

What is more noteworthy about the report is that it does not substantiate serious allegations of misogyny directed at the two Councilmembers publicly by Mayor Watkins. It is unreasonable and clearly subjective to ignore an objective report and continue to try to punish or shame or reprimand other Councilmembers. Unprofessional would put it mildly. Perhaps some of you actually believe that Krohn and Glover are more guilty than indicated in the report. If so, you need to remind yourself of your lack of objectivity and rely, instead, on a report that you commissioned. It also behooves you to remember that a move to censure will be used as part of a recall effort that will, if successful, serve your political agenda. Whether you are purposely timing the two together or not, you are responsible for the reasonable public perception that you are inappropriately using the Censure process to move your political agenda. While some of the people attempting to censure me were also involved in raw politics, the difference was that there was a definable breach of City rules on my part which an objective party could identify. There is no such behavior in these cases.

The above described behavior is not civil, correct, or scrupulous. As such, it should not be surprising that it is making it incredible difficult for the seven of you to govern together. In fact, it appears that at least 3 of you, not 5, have entirely given up on what working as a functional Council and are focused on using the Censure

and Recall process to regain your majority. This makes a mockery of attempts to mediate your disputes and mirrors the national political cesspool. While it is not surprising that national politics seem to be negatively effecting are local political it is dang sad. I am disappointed in you; in us.

It is fine not to like each other other. You have to work together anyway. I remember when Councilmembers Robinson and Lane and I were tasked with creating the Water Supply Advisory Committee. Prior to the meeting, Robinson called me into her office to remind me that she neither liked nor respected me. I responded in kind. Then we got down to work and put together an excellent and functional committee.

I am asking all seven of you to stop attempting to shame anyone else on the Council. Stop trying to censure anyone else. Work on your own civility first. Then reach out and try to mediate whatever disputes you have with the other Councilmembers. That is what you have been elected to do.

Micah Posner

past (censured) Councilmember



## Rosemary Balsley

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**From:** Leslie Lopez <latlopez@gmail.com>  
**Sent:** Tuesday, October 08, 2019 11:20 AM  
**To:** City Council  
**Subject:** Please move to city business

Dear City Council Members,

I am writing to urge you not to revive the resolution to censure that was previously tabled, and instead to model restraint, dignity, and problem-solving approaches to face the issues that plague our community.

The charges levied against Council members Glover and Krohn by the recall effort and by council members have polarized the community and paralyzed the council. Community members who were not present at any of the interactions that have been investigated are implicitly asked, as a court of public opinion, to take a stand. Because none of us were witnesses, we are then compelled by these formal proceedings that have overtaken our local government to use our prior knowledge (or assumptions) to make decisions. At this point, we as local citizens are frankly being invited to make public statements and binding decisions that may endorse or override the conclusions and recommendations of the investigators the City hired.

I will not share my own prior knowledge of the actors involved. I will say, however, that as an anthropologist, an educator, and as a woman, I take very seriously the charges of a hostile workplace and verbal domination. I have studied these dynamics in relation to gender since the 80s, and have often been subject to them myself. I am keenly interested in ways forward and in good government. And I strongly believe the focus on these two council members is, *at best*, a classic case of public scapegoating that is very destructive, and avoids the responsibility of all council members to analyze the sources of tension, to analyze how political representation works in a democracy, and to productively address the chaos, confusion, rage, hurt, and division in our community.

I have seen hostility, division, and verbal abuse on the rise in our city--in ever sector, including City government and City chambers--for at least ten years. The level of tension on campus is often at a simmer and can explode unpredictably. The level of tension and nastiness in our newspaper and on Nextdoor is legendary. As we know, The Sentinel was finally forced to discontinue its online comments section.

In the last decade, I have often been asked to attend Council meetings, or to speak. I have gone several times, but each time have been overwhelmed by the level of acrimony, dishonesty, and by a sense of hopelessness that the common good and reason would be served. As of last year, I refuse to attend; I feel physically sick when I get within a block of chambers. Finger-pointing for the blame on this happens on all sides; but clearly, there has been no one in a position of moral authority who has been able to construct order, purpose, or progress. This is the hostile environment in which you all began your service together--some of you with seniority and history. To blame two junior council members for a general environment not of their making is--at best--misguided.

I am deeply saddened that the Commission for the Prevention of Violence Against Women has seen fit to lend its name and the seriousness of its deeper mission to this project. In my eyes, this discredits the Commission and demonstrates their nature as a political club willing and prepared to use formal tools to create spectacles of punishment rather than stay focused on the larger picture facing all of us women in the community. As a woman, I am betrayed and disappointed.

I will close by saying that the kangaroo court environment in which we are now embroiled, multiply enhanced by social media, makes it virtually impossible for any of us to participate responsibly as citizens; it is silencing and alienating. I have not chimed in on any of the social media platforms because of it, and instead am asking you directly: Please take steps to resolve this, as previously recommended--and return to the job for which you were elected.

Sincerely,  
Leslie Lopez

## Rosemary Balsley

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**From:** Susan Cavalieri <susanwcavalieri@gmail.com>  
**Sent:** Tuesday, October 08, 2019 11:21 AM  
**To:** City Council  
**Subject:** censure of Chris and Drew

I oppose the censure of Chris Krohn and Drew Glover. The City Council needs to work on reported behavior issues using conflict resolution, not censure or recall, and begin to concentrate on governing in this time of climate and housing chaos. I am very concerned about the report by Dave Ceppos who stated "Your city is about to go on a war-footing for the next two years" because of the recall.

Hopefully his prediction will not come true.

No censure please.

Susan Cavalieri  
190 Walnut Ave., Unit 101  
Santa Cruz, CA 95060

## Rosemary Balsley

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**From:** Mark D. Lee <mdlee4125@gmail.com>  
**Sent:** Tuesday, October 08, 2019 12:33 PM  
**To:** City Council  
**Subject:** Abandon the Krohn & Glover Censure Effort - Here is Why

Tuesday, October 8th, 2019 12:28

From: Mark D. Lee

To: Mayor & City of Santa Cruz City Council Members

Subject: Please Abandon the Krohn & Glover Censure Mudslinging Effort which is Not Becoming Nor Productive nor Good for Business as the rest of California looks on. Please Bury the Hatchet and Move on

Dear Mayor and City of Santa Cruz City Council Members;

For the last several months there has been unbecoming optics and wasted unproductive mudslinging by members of the City Council at recent public meetings, bent on exacting political revenge for losing an election, supported off the record by bitter Councilpersons, stirring up their constituencies.

**The election is over; the people have spoken and have elected their new City Council Members.** Its time to act like grown-ups and learn to communicate with one another in a productive and consensual manner to get the business of the city done. This continued wasted effort is counterproductive; obviously a vengeful act; nor in good faith, tarnishing the City's reputation with this dirty laundry as the rest of California looks on. Please Bury the Hatchet and Move on!!!!

ps: Instead the Mayor of the City should be doing his job; leading by example; and serving the citizens of Santa Cruz, who hired him, by making it mandatory that all employees including all the Councilpersons enroll and successfully complete professionally facilitated verbal communications and trust-building courses. This would be a lot more productive.

Tonight bury the hatchet once and for all and stop wasting the public's time and City's reputation with these cheap theatrics

# Reactionary Minority Struggles to Keep Power on City Council

Speech to Santa Cruz City and Council by Robert Norse 10-8-19

**City Manager Martin Bernal** without perhaps meaning to do so has become a powerful and dictating institution and influence. He and his staff heads every Wednesday before City Council meeting meet behind closed doors with the Mayor to preset the agenda. Over the years, they have prioritized the *Seaside Company, the Downtown Association, Santa Cruz Neighbors, the Police Department*, real estate and developer interests and expanding their bureaucracy.. T

Renters, students, workers, the disabled, the elderly and the homeless have taken last place. For the homeless, the Bernal's staff has solicited state and federal moneys and used them to support limited and preferential services for a favored few. Reactionary Council members regularly shift blame to state and county authorities for the flood of people sleeping in doorways.

**Councilmembers Watkins and Mathews** prefer to discuss, plan and concoct endless timetables, goals, and procedures, rather than take substantive actions. When a newly elected Progressive majority moves to act on long-delayed promises, they grow alarmed.

For homeless folks locally, The key issues are shelter, services, and equal treatment under the law. City Councils under Watkins and Mathews and those before them have delayed, ignored, and masked the City's failure to address these issues. Through **Assistant City Manager Susie O'Hara**, they've created a false narrative claiming the City is prudently and adequately addressing the snowballing situation.

So when Krohn and Glover come along with a potential new majority, seeking to stop a library dismemberment, address the forbidden third rail of just eviction protection and rent control, and seek to democratize City Council procedure, the Watkins-Bernal minority adopts a new strategy: Keep their items off the agenda, cut off staff access, cut back public comment. Then when Councilmembers object and expose these subterfuges the whistleblowers are gaslighted as "uncivil" "rude"...and now "censurable: and "recall-worthy".

Real reform must go further than censure. It has to start with the replacement of the City Manager and the department heads...unelected, powerfully paid, unaccountable city officials without oversight. And the creation of a regular oversight process. The City Attorney also has become a key player. An increasingly authoritarian Mayor called on him for helpful rulings, This is on top of interrupting Councilmembers, refusing to recognizes others, confuse wavering Council members, &, if necessary, throw matters into closed session, which further gags the progressive majority.

Councilmembers **Krohn and Glover** themselves and their allies are not without blame. By not holding public meetings, press conferences, and taking independent action to educate the community, they essentially allow themselves—and their constituents to be muzzled. Frivolous recall and censure actions, loud cries of "uncivil" when the staff's claims are challenged are the new strategy. . The most fundamental and glaring issues remain untouchable and unaddressed. Sprawling homelessness, renter exploitation, blatant misappropriation of police and ranger resources, selective use of ordinances. "Incivility" is code accusation to punish outspoken frustration and honest exposure of the forbidden issues. The Sentinel and conservative media colludes in the hubbub, and the real issues remain buried.

The community must move the issues with direct action, protest, mass rallies, press conferences, and the kind of civil resistance that produced real change in the 30s and 60's. We can learn from Extinction Rebellion [ER] protests, teachers unions organizing, and UAW strikes.

ER uses direction action to get truth in government, adult conversation direct democracy, and debt repudiation & zero carbon emissions by 2025. Let's learn from them.