



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)

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.

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