

July 25, 2019 | By Joe Rose | Attorney



# Investigative Report

2019 Complaints Against Two City Council Members

# Investigative Report

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## 2019 Complaints Against Two City Council Members

### Executive Summary

On March 11, 2019, the City of Santa Cruz hired me to conduct an independent investigation of complaints made publicly by Mayor Martine Watkins during a City Council meeting on February 12, 2019, by City Employee 1 on February 13, 2019, by Councilmember Donna Meyers on February 22, 2019. During my investigation, additional complaints were made by City Employee 2 on April 4, 2019, and by City Employee 4 on April 23, 2019. These five complainants alleged violations of:

- i) the City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct; and
- ii) City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy occurring between July 2018 and May 3, 2019.

These complaints were made against City Councilmembers Drew Glover and Chris Krohn.

Through the course of my investigation, the City gave me unrestricted access to information and witnesses. Once the scope of investigation was determined and agreed upon, I was given authority by the Human Resources Director and Special Labor and Employment Counsel Tim Davis to order interviewed employees to answer all questions candidly, truthfully, and honestly. I reviewed relevant documents provided to me by witnesses and the City. I made credibility determinations during this investigation as necessary.

I gathered documents and information from witnesses and other sources. I also viewed approximately six (6) hours of video of City Council meetings between December 2018 and April 2019, and the audio recording of a Commission meeting, posted online on the City's public Internet website. I personally visited the City Council chambers and the dais, visited the Ross Camp before it was closed, and visited areas within City Hall identified and described by witnesses.

As in any investigation, there may be other relevant information I have not identified or collected. But I am confident I have obtained enough information to enable me to reach my reasoned factual findings and recommendations.



## Summary of Findings

Based upon facts I learned during my investigation, I have found:

1. The allegations by Mayor Watkins against both Councilmembers Krohn and Glover, made during her public statement at the February 12, 2019 City Council meeting, that they have intentionally bullied her because of her gender in violation of the City's Respectful Workplace Conduct policy, are **not substantiated**.
2. The complaint by City Employee 1 on February 13, 2019, that Councilmember Krohn was disrespectful to her in one instance on February 12, 2019, in violation of the City's Respectful Workplace Conduct policy is **substantiated**. City Employee 1's complaint that Councilmember Krohn's conduct in this instance was substantially motivated by her gender is **not substantiated**.
3. The complaint by City Employee 2 that Councilmember Krohn was disrespectful to her in three instances between July 2018 and September 2018, in violation of the City's Respectful Workplace Conduct policy, is **not substantiated**.
4. The complaint by Councilmember Meyers on February 22, 2019, that Councilmember Glover was disrespectful to her in two instances on February 1, 2019, in violation of the City's Respectful Workplace Conduct policy, is **substantiated** as to one instance and **not substantiated** as to one instance. Councilmember Meyers' allegation that Councilmember Glover's conduct in these two instances was substantially motivated by her gender is **not substantiated**.
5. The allegations by City Employee 4 that Councilmember Glover was disrespectful to her between 2017 and May 3, 2019, because of her gender in violation of the City's Respectful Workplace Conduct policy, are **not substantiated**.

## Summary of Recommendations

I have been asked to make recommendations resulting from my investigation and findings. Therefore, I recommend:

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 when possible.
2. All members of the City Council should receive immediate training in:
  - a. City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct;

- b. City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy; 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, verifiable, and interactive group training on the policies and provisions listed in recommendation 3 above, and all other important City policies applicable to City Councilmembers.
  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<sup>1</sup> or a similar organization.
  5. Visual presentations by individual Councilmembers at City Council meetings that include photographs of City employees should be coordinated through the City Manager's office rather than by individual direction to the City Clerk.



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## Introduction

On March 11, 2019, the City of Santa Cruz hired me to conduct an independent investigation of complaints made publicly by Mayor Martine Watkins during a City Council meeting on February 12, 2019, by a City employee on February 13, 2019, and by Councilmember Donna Meyers on February 22, 2019. During my investigation, additional complaints were made by a City employee on April 4, 2019, and by a City employee on April 23, 2019. These five complainants alleged violations of: i) the City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct; and ii) City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy occurring between July 2018 and May 3, 2019 (the “Complaints”).

The Complaints were made against City Councilmembers Drew Glover and Chris Krohn.

I have completed the investigation of the Complaints. Witness statements summaries begin on page 8 below. My findings and recommendations are set forth beginning on page 76 below.

To preserve confidentiality and privacy to the extent reasonably possible, true names of witnesses other than current and former members of the City Council and their attorneys are substituted for job titles or labels such as, for example, “City Employee 1” or “Citizen 1.” A correlation table in Appendix A of this report provides the true names of these witnesses.

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## Scope & Authority for Investigation

### Five Complaints Against Two City Councilmembers

The scope of my investigation included the Complaints made by Mayor Martine Watkins on February 12, 2019, by City Employee 1 on February 13, 2019, by Councilmember Donna Meyers on February 22, 2019, by City Employee 2 on April 4, 2019, and by City Employee 4 on April 23, 2019, against Councilmember Drew Glover and Councilmember Chris Krohn alleging violations of:

- iii) the City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct; and
- iv) City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy occurring between July 2018 and May 3, 2019.



The authority for my investigation was delegated by the Human Resources Director and Special Labor and Employment Counsel Tim Davis under the City's **Respectful Workplace Conduct Administrative Procedure Order** and **Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, Council Policy 25.2**.

### **Respectful Workplace Conduct Administrative Procedure Order**

City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct, requires complaints under this policy be submitted within thirty (30) days following the date of the alleged violation, and directs the Human Resources Department to coordinate and conduct, or delegate responsibility for coordinating and conducting, an investigation, 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 cooperation 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.
- 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.

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.

All records of complaints and investigations, whether substantiated or unsubstantiated, will be maintained in confidence by the Human Resources Department.

**Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, Council Policy 25.2**

Under the City’s Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, Council Policy 25.2, the Human Resources Director is responsible for investigating, resolving, and making findings and recommendations on complaints that are reported.

Here, the Human Resources Director and Special Labor and Employment Counsel Tim Davis delegated to me responsibility for conducting the investigation and making findings and recommendations regarding the Complaints.

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## Methodology

Through the course of my investigation, the City gave me unrestricted access to information and witnesses. Once the scope of investigation was determined and agreed upon, I was given authority by Special Labor and Employment Counsel Tim Davis and the Human Resources Director to order interviewed employees to answer all questions candidly, truthfully, and honestly. I reviewed relevant documents provided to me by witnesses and the City.

### Persons Interviewed

I interviewed the witnesses listed below in the private office of the Human Resources Director, in a private conference room the City Attorney’s office, at the law office of Dawson, Passafiume, Bowden and Martinez in Scotts Valley, and by telephone. I conducted thirteen (13) interviews of twelve (12) witnesses totaling approximately 14 interview hours.

	Witness Name or Identifier	Witness Title or Capacity	Date(s) of Interview(s)
1	Martine Watkins	Mayor	April 4, 2019
2	City Employee 1	City Employee	April 4, 2019
3	City Employee 2	City Employee	April 4, 2019
4	Citizen 1	Private Citizen	April 5, 2019
5	Citizen 2	Private Citizen	April 5, 2019
6	Donna Meyers	City Councilmember	April 5 and 12, 2019
7	City Employee 3	City Employee	April 22, 2019
8	City Employee 4	City Employee	May 7, 2019

	Witness Name or Identifier	Witness Title or Capacity	Date(s) of Interview(s)
9	Citizen 3	Private Citizen	May 10, 2019
10	Justin Cummings	Vice Mayor	May 17, 2019
11	Drew Glover	City Councilmember	May 17, 2019
12	Chris Kohn	City Councilmember	May 17, 2019

Councilmember Drew Glover was represented during his interview by his attorney Daniel “Danny” Sheehan of the Romero Institute.

Councilmember Chris Krohn was represented during his interview by his attorney Phillip A. Passafuime of Dawson, Passafuime, Bowden and Martinez.

All other witnesses were unaccompanied during their interviews with me.

At the start of each interview, I informed each witness I am outside counsel hired by the City to conduct a confidential administrative investigation of complaints made alleging violations of City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct, and City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, (Rev. April 4, 2017. I gave copies of these policies to witnesses I interviewed in person. I directed City employees to answer all questions candidly, truthfully, and honestly. Witnesses who were not City employees were asked for their voluntary cooperation.

All interviews were audio recorded for accuracy with the consent of the participants.

During the investigation, I gathered documents and information from witnesses and other sources. I also viewed approximately six (6) hours of video of City Council meetings between December 2018 and April 2019, and the audio recording of a Commission meeting, posted online on the City’s public Internet website. I visited the City Council chambers and the dais, visited the Ross Camp before it was closed, and visited the conference room and hallway in the City Manager’s office. Documents gathered are attached to this report as exhibits. As in any investigation, there may be other relevant information I have not identified or collected. But I am confident I have obtained enough information to enable me to reach the reasoned factual findings and recommendations contained below.

### Credibility Determinations

I made credibility determinations during this investigation as necessary. To determine credibility, I generally applied the factors described in California Evidence Code section 780:

- (a) *His demeanor while testifying and the manner in which he testifies.*

- (b) *The character of his testimony.*
- (c) *The extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies.*
- (d) *The extent of his opportunity to perceive any matter about which he testifies.*
- (e) *His character for honesty or veracity or their opposites.*
- (f) *The existence or nonexistence of a bias, interest, or other motive.*
- (g) *A statement previously made by him that is consistent with his testimony at the hearing.*
- (h) *A statement made by him that is inconsistent with any part of his testimony at the hearing.*
- (i) *The existence or nonexistence of any fact testified to by him.*
- (j) *His attitude toward the action in which he testifies or toward the giving of testimony.*
- (k) *His admission of untruthfulness.*

## Standard of Proof

In weighing the available evidence, I applied the civil law preponderance of evidence standard of proof to make one of three possible findings:

**Unfounded:** Evidence obtained through the investigation establishes the allegation(s) is/are **false**.

**Not Substantiated:** The investigation failed to disclose enough evidence to either prove or disprove the allegation(s).

**Substantiated:** Evidence obtained through the investigation establishes the allegation(s) is/are **true**.

I applied legal reasoning and analysis as a practicing employment and public law attorney in making my findings and recommendations in this report. However, I express no legal opinion whether any person is culpable for, or a victim of, any violation of any specific civil or criminal federal or State law, breach of contract, or common law tort. My analysis is limited to application of City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct, and City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, to the known facts.

## Documents Reviewed

In conducting this investigation, I reviewed the following documents, each of which is either attached or incorporated by reference to this report as an exhibit.

Exhibit No.	Exhibit Description
1	City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct
2	City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, (Rev. April 4, 2017)
3	City of Santa Cruz Councilmember's Handbook (Rev. Feb. 12, 2019)
4	Complaint Email from City Employee 1 to City Employee 3 dated February 13, 2019
5	Email from City Employee 3 to Human Resources Director Lisa Murphy dated February 13, 2019
6	Respectful Workplace Conduct Complaint Form completed by Councilmember Donna Meyers, dated February 22, 2019
7	Blog post entitled, "The Fierce Urgency of Now," by Drew Glover, dated February 8, 2019
8	City Council [DRAFT] Agenda Report dated January 31, 2019, entitled Hours of Public Facilities, proposed for February 12, 2019, City Council meeting
9	City Council [DRAFT] Agenda Report dated February 4, 2019, entitled Impact of City Ordinances on People Without Homes, proposed for February 12, 2019, City Council meeting
10	City Council [DRAFT] Agenda Report dated January 31, 2019, entitled Transitional Encampment Permitting Process, proposed for February 12, 2019, City Council meeting
11	City Council [DRAFT] Agenda Report dated January 30, 2019, entitled Safe Parking for Residents who Live in Vehicles in the City of Santa Cruz, proposed for February 12, 2019, City Council meeting
12	City Council [DRAFT] Agenda Report dated January 30, 2019, entitled Homelessness as a State of Emergency, proposed for February 12, 2019, City Council meeting
13	[DRAFT] City of Santa Cruz Ordinance relating to land use and zoning
14	Online video of City Council meeting dated February 12, 2019,

Exhibit No.	Exhibit Description
15	March 10, 2019 email from Chris Krohn to Martine Watkins with copy to Donna Meyers
16	February 24, 2019 email from Chris Krohn to Martine Watkins with copy to Martin Bernal, Drew Glover, and Lisa Murphy
17	June 21, 2018 communications between Martine Watkins and Chris Krohn
18	Online video of City Council meeting dated January 8, 2019, City Council video, beginning at time stamp 1:31:58
19	September 26, 2018, emails from City Employee 2 to dl_CMCC <dl_CMCC@cityofsantacruz.com>
20	July 16, 2018, email from Chris Krohn to Martin Bernal with copies to City Employee 2 and Sandy Brown regarding Santa Cruz Together ballot statement deadline
21	November 17, 2018, email from Chris Krohn to City Employee 2, subject "request for motions and minutes"
22	February 20, 2019, email from Tina Shull to all City Council members, subject "Respectful Workplace Conduct Policy"
23	Online video of City Council meeting dated February 26, 2019 (portions).
24	Online video of City Council meeting dated March 12, 2019 (portions).
25	Online video of City Council meeting dated March 19, 2019 (portions).
26	Online video of City Council meeting dated April 9, 2019 (portions).
27	Online video of City Council meeting dated April 23, 2019 (portions).
28	Online audio recording of Commission for the Prevention of Violence Against Women meeting dated September 5, 2018,
29	January 28, 2019, to February 10, 2019, Shared Conference Room Calendar

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## Organization of this Investigative Report

The content of the section immediately below entitled **Witness Statement Summaries** beginning on page 8 contains accurate summaries of the statements of the witnesses I interviewed relating their own subjective observations, perspectives, and opinions. These

witness statements and summaries are attributable to the witnesses and *are not* my investigative findings. My investigative findings are contained in the section further below entitled **Investigative Findings and Conclusions** beginning on page 76. Readers of this report must not confuse witness statement summaries with my investigative findings.

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## Witness Statement Summaries

The following are summaries of statements of witnesses during their respective investigative interviews with me. Quotations are cited accurately from the audio recordings and my notes but are occasionally lightly edited for clarity without altering the original meaning and substance of the statement (e.g. correcting sentence fragments, repeated words, crosstalk, “ums,” “uhs,” etc.).

I present the witness statements in logical order rather than chronological order to aid the reader in understanding important information in context and relationship to other witness statements.

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### Martine Watkins, Mayor

I interviewed Mayor Martine Watkins on April 4, 2019, in the office of the Human Resources Director. Mayor Watkins was unaccompanied. The interview was audio recorded for accuracy with Mayor Watkins’ consent. The interview lasted about one hour. I read a directive to Mayor Watkins regarding honesty and the City’s antiretaliation policy. I found Mayor Watkins to be a credible witness.

#### 1. Viewing of video of February 12, 2019, 7:00 p.m. City Council meeting agenda item regarding oral communications and homelessness

At the outset of the interview, I reviewed with Mayor Watkins the video of the February 12, 2019, 7:00 p.m., City Council meeting published online at the City’s public Internet website, beginning at time stamp 8:44:18 and concluding at time stamp 8:53:19. At the end of public comment but before receiving the staff report and public comment on the first evening agenda item entitled *Response to Homelessness: Update and Direction (CM)*, Mayor Watkins made the statement quoted immediately below from the dais.<sup>1</sup> Mayor Watkins and I observed the following events and statements in the video together:

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<sup>1</sup> Eleven seconds after Mayor Watkins begins her statement (at video time stamp 8:44:29), Councilmember Krohn raises his left hand while facing Mayor Watkins, seeking to be recognized. The Mayor does not acknowledge or recognize Councilmember Krohn at this time.

We have an evening item before us. And I'd like to start by first acknowledging that this is a very complex and intense item, and I want to thank you all for being here. I want you to understand my role as the presider of this meeting to ensure that everyone has a role and opportunity to be heard, that when they have the opportunity to speak, they can feel comfortable to speak to us and be given their time without disruption. That's the job of the Mayor and the job of the facilitator of the meeting.

And one of the things that Council has gone through is a process where we establish norms. I'm going to go ahead and read those norms and then I have a brief statement. So, the Council interactions with each other include to be respectful, to engage in open and honest communication, to be honest and truthful, to address difficult issues, to find areas of common ground, to be open to different perspectives, to give the benefit of the doubt, to role model good leadership, and to be considerate of each other's time.<sup>2</sup>

I also have a brief statement that I'd like to read before we go ahead and kick off tonight's agenda. I will read my statement and then I will turn it over to our staff for their presentation. We will open it up for public comment where we'll have an opportunity to hear from you all, and then we'll return to Council action and deliberation.

So, I'd like to kick off our discussion of homelessness before our staff begins the presentation by reflecting on my hopes for tonight's proceedings and the apparent challenges we face, not only in developing policy that will make a difference in peoples' lives, but in the way that we as a Council treat each other and work toward effective governance.

Tonight's discussion will no doubt be challenging. We are trying to alleviate pain and suffering. We are trying to make a difference. As we deliberate tonight, let's try to recognize these common values and build from there.

Even through our disagreements, even through our frustrations with each other, let's work towards consensus and do that by listening to each other and the public. This is our time to learn and listen, and to that end, as I mentioned earlier today, I will be striving to ensure our dialogue is respectful and productive, and that each of you has an opportunity to speak without interruption. And I'll ask that you allow me to do my job as effectively as I can and have the patience as I navigate this process with you, staff, and the community.

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<sup>2</sup> Mayor Watkins told me she was reading the Councilmember behavioral norms from an adopted policy of a past City Council. Her list matches the list labeled "Council Interactions" on page 5 in the Councilmember's Handbook. (See Ex. 3, p. 5.)



And for the benefit of the community who have come out to take part of tonight's proceedings, and for those who are at home watching, there is an issue I want to address before we get started. And I'd like to speak to the perceptions that are floating around in the community to say what I understood to be true and to recognize what many may be thinking. And I bring these up tonight to say them out loud, to address them, and to hopefully set them aside, so that we as Council members, as staff, and the public can hold the most productive dialogue for our community that we can.

For perceptions that are unnamed, that are often not addressed, if allowed to fester can sometimes further divide us, and my hope is to bring us together.

And, so, I want to understand that there are perceptions that my colleague Councilmember Glover has intentionally attempted to smear my character by suggesting I arbitrarily disallowed for this agenda item [laughter and talking from citizens in in the Council chamber] — excuse me, this is the opportunity for me to address you all, and we'll have an opportunity to hear from you as well — I arbitrarily disallowed for his agenda item to be added to tonight's discussion.

As to my own actions, I don't believe that either this perception [*sic*] to be true. Councilmember Glover worked toward an agreeable path to providing an opportunity tonight with myself and staff for – that will allow him to bring his ideas forward. And I'm open to hearing about those ideas. We have created space to hear them with our existing item. And we have a process to ensure that our meetings are well planned and structured.

I received a item request to agendize that on the morning of our agenda review process and that did not allow me the adequate amount of time to add them to the agenda. And that's the reality of governance when we have so many complex issues to address and seven Councilmembers who have varying issues and items they'd like to bring forward.

There's no lack of understanding the urgency of human suffering, and there's no lack of understanding the importance of the public process. We are all here because of those values and we all share them in an attempt to make a difference.

I also understand that there are perceptions that my colleagues, both Councilmember Glover and Councilmember Krohn, are intentionally bullying me because I am a woman. That if not for my gender, if I were a man, there would not be this question of my integrity. There would not be this question of my character. And I say this perception out loud not to validate its truth but rather to stand alongside my fellow Councilmembers, staff, and community members who may feel pushed around or bullied.

I say this perception out loud to name it, to set it aside, and continue to speak my mind; continue to do my job and to work on these tough issues; continue to do the job of Mayor, which I am honored to be in; and to take it very seriously.

I hope that we as colleagues can do the same and work together with each other as we begin our conversation tonight. And with all this in mind, I would now like to turn it over to our staff for our presentation. Go ahead [motioning to staff; applause from citizens in the City Council chamber].

(Exhibit 14.)

Before staff makes its presentation regarding the homelessness agenda item, we observed Councilmember Krohn immediately raise a point of order stating, “We’re not done with oral communications yet. Generally, matters presented as oral communications—” We observed Mayor Watkins interrupts Councilmember Krohn to say, “You were not recognized, and I appreciate your respect to address me.”

The video shows Councilmember Krohn confirms he is addressing Mayor Watkins, repeats he has a point of order, asks the City Attorney to look up what point of order means, and states his belief he need not be recognized by the Mayor to raise a point of order.

The video shows Councilmember Krohn then states, “While he’s looking, I am profoundly saddened and I apologize if there was ever anything that I did that – and because, I don’t know, David [Terrazas] was the Mayor before and, you know, I did lots of points of order and many —”

The video shows Mayor Watkins interrupt Councilmember Krohn to say, “We’ll go ahead and pause your comments, if we could, for a moment and allow our City Attorney to respond to the question before you.”

The video shows Councilmember Glover state, “I’d also like a chance to respond.”

The video shows the City Attorney reads the definition for point of order that, among other things, allows a point of order to be raised for procedural irregularity, requires the point of order to be raised immediately to the presiding officer at the time of that irregularity, permits the Councilmember raising the point of order to interrupt a speaker to make the point of order, and vests the presiding officer with discretion regarding how to respond to the point of order.

The video shows Mayor Watkins asked Councilmember Krohn whether he raised his point of order immediately or after the procedural irregularity had passed. Councilmember Krohn responded, “I was actually trying not to interrupt, waiting for you to finish.” There is applause from citizens in the City Council chambers.

The video shows Mayor Watkins did not recognize Councilmember Glover's request to respond.

The video shows Councilmember Krohn was ultimately able to request under oral communications the City staff to investigate and report back on two items raised during public comment relating to employee wages and sharps containers.

(Exhibit 14.)

**During my interview of Mayor Watkins on April 4, 2019, having watched with her the video described above, she told me the following, in summary:**

## **2. Councilmember Krohn's point of order**

Mayor Watkins has been a member of the City Council for about two and one-half years; the first year as a Councilmember, the second year as Vice Mayor, and this year as Mayor. She expects to return to a role as Councilmember next year because the City has an informal tradition<sup>3</sup> of rotating the Mayor and Vice Mayor posts among sitting members of the Council, its members being elected at-large.

Recently, the City Council meetings have been lasting many hours because of a large number of agenda items and public comments. Oral communications for items not on the meeting agenda used to begin at 5:30 p.m. but now begins at 7:00 p.m. and typically lasts for 30 minutes but was extended by the City Council to 45 minutes.

In Mayor Watkins' opinion, some controversial issues such as rent control have caused the behavior of members the currently constituted City Council to get "a little bit out of control." Mayor Watkins has been "trying to change the stability of the decorum in the room," which is why she read a list of Councilmember behavioral norms during this meeting.

Mayor Watkins believes Councilmember Krohn was "wrong" in raising his point of order because "oral communications had closed and point of order has to be immediate." Mayor Watkins was "a little disappointed" with the City Attorney for letting Councilmember Krohn speak rather than supporting her view that oral communications had closed and Councilmember Krohn did not raise his point of order immediately.

Under the City Council's process as described in the Councilmember's Handbook,<sup>4</sup> agenda review occurs one week in advance. There is no firm deadline for submittal of proposed agenda items, there is no guarantee a proposed agenda item will be agendized on a particular

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<sup>3</sup> This year, there was a variance from informal tradition. While Cynthia Matthews would have been next in line to rotate into the Vice Mayor post, the City Council instead voted to appoint Justin Cummings as Vice Mayor.

<sup>4</sup> See Exhibit 3, p. 6.

meeting date, and discretion is left to the Mayor regarding when proposed agenda items will be agendized for a meeting.

Mayor Watkins believes she is without discretion to refuse to place an agenda item proposed by a Councilmember on the City Council meeting agenda, but “can sequence it so you can have management of meetings” and based upon priority and urgency of the issue. Also, by majority vote of the Council a matter can be forced onto a particular meeting agenda for a specific date. Mayor Watkins believes there is ambiguity in the agenda setting process and believes Councilmember Glover was not fully aware of this process when, on the morning of agenda review during the week of February 4, 2019, he submitted a suite of five agenda items and one draft ordinance addressing homelessness that he asked to be placed on the February 12, 2019, City Council meeting agenda.<sup>5</sup>

Mayor Watkins believed the suite of homelessness proposals put forward by Councilmember Glover was “vast,” “significant,” “massive,” contained “really extreme policy proposals,” and was “insane in terms of the amount of stuff [Councilmember Glover] wanted to bring forward.”

Because there was already a “thoughtful and streamlined” staff proposal that mirrored the County’s plan to address homelessness issues known as the “2x2” committee proposal, her opinion of the breadth and scope of Councilmember Glover’s suite of proposals, her receipt of Councilmember Glover’s proposals the morning of agenda review and inability to review them, and the already full agenda for February 12 meeting, Mayor Watkins declined to grant Councilmember Glover’s proposal to agendize his suite of proposals on homelessness for the February 12 meeting.

Mayor Watkins believed Councilmember Glover’s proposals first needed staff analysis and recommendations so the Council could make an informed decision, and suspects Councilmember Glover “is not particularly interested in having staff analyze” some of his proposals.

### **3. Councilmember Glover’s blog post entitled “The Fierce Urgency of Now”**

After deciding not to add Councilmember Glover’s suite of proposals to the February 12 City Council meeting agenda, but a couple of days before the February 12 meeting, someone directed Mayor Watkins’ attention to a February 8, 2019, blog post written by Councilmember Glover and published on the Internet website Bratton Online.<sup>6</sup> The blog post is entitled, “The Fierce Urgency of Now” and speaks to Councilmember Glover’s observations and opinions about a homeless encampment behind the Ross clothing store near River Street, which had become known as the “Ross Camp” and he considered to require immediate action by the City.

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<sup>5</sup> See Exhibits 8 through 13.

<sup>6</sup> <https://brattononline.com/>

“The Fierce Urgency of Now” criticizes Mayor Watkins for “making it difficult” and illustrating “a severe lack of urgency” in declining Councilmember Glover’s request to agendaize his suite of proposals for the February 12 City Council meeting. “The Fierce Urgency of Now” includes hyperlinks to a shared Google Drive folder containing Councilmember Glover’s proposed agenda items and draft ordinance in PDF format. “The Fierce Urgency of Now” asks for community support in demanding action by writing letters to the Mayor and Councilmembers.

Mayor Watkins considered this blog post to be “pretty much a tactic out of the Trump book” because, in her opinion, Councilmember Glover sought to declare an emergency to bypass processes and get unlimited resources to address the Ross Camp and homelessness in Santa Cruz.

Mayor Watkins considered Councilmember Glover’s tactic in writing “The Fierce Urgency of Now” and encouragement of a letter-writing (or email-writing) campaign to the Mayor to be inappropriate. Mayor Watkins recognizes she is “in politics” and she “gets it, you can do that.” But she became concerned, based on her conversations with law enforcement, that “The Fierce Urgency of Now” may have motivated some homeless advocates to be especially antagonistic to her specifically, to a point where security might need to be increased.

Mayor Watkins acknowledges that her position as an elected official is different than someone in the workplace because “this is politics and policy.”

Mayor Watkins believes Councilmember Glover’s “consistent behaviors” match what she has heard from unspecified others of Councilmember Glover’s behavior in dealing with them, such as “interruptions” and “constant questioning of authority.”

Mayor Watkins’ father, who was the County superintendent of schools for many years, and other men and women she respects have suggested to Mayor Watkins that Councilmembers Glover and Krohn would not interrupt her, “question every decision she makes,” or “try to override her” if she were a man rather than a woman.

#### **4. Mayor Watkins believes Councilmember Glover’s remarks to her at the January 8, 2019, City Council meeting were a specific example of “sexism”**

At the January 8, 2019, City Council meeting the Council voted to move oral communications from 5:30 p.m. to 7:00 p.m. Mayor Watkins referred me to the video of the January 8, 2019, City Council meeting. (Exhibit 18.) As shown in the video, during the debate on this proposal, Mayor Watkins offered the perspective of working parents, like herself, who she believed would find it more difficult to come to the City Council meeting at 7:00 p.m., which is typically dinnertime or bedtime for children, rather than 5:30 p.m., which is typically right after

work.<sup>7</sup> Mayor Watkins stated, “I don’t know who we’re trying to change this time to meet the needs of.” In direct response to Mayor Watkins viewpoint, Councilmember Glover said:

And I do want to express some concern because, with all due respect, Mayor, I think what I heard you say was that for parents with small children it’s easier at 5:30, and if that’s the case you don’t know why we would move the time. Did I mishear you?

(Exhibit 18, video time, 1:51:44.)

The video shows Mayor Watkins reply to Councilmember Glover’s question:

You did. So, I said if I don’t know the intention about moving the time. But if we are thinking about accessibility, coming from being a parent of small children, actually 5:30 is better for me and for a lot of the working people that I know who then could stop by on their way home prior to going home; kind of engaging in dinner preparation, etcetera, before coming back for oral communications. So, that was my statement.

(Exhibit 18, video time, 1:52:24.)

The video shows Councilmember Glover continue:

Right. I’m just concerned that with that perspective – even in that one you said you don’t understand why we would change it, or something. It’s the other people outside of the parental groups, outside of the people who are privileged enough to live in a family unit inside Santa Cruz and be off work and be home by 5:30. So, there’s students that are involved in those kinds of things where they are getting out of campus and out of school, there’s people that are working in service jobs that are forced to be in Watsonville or come back this way, there are people that are coming from over the hill, and all of these other reasons why moving the time to a later date [*sic*] even though it may not directly benefit people with small families, from your perspective - thinking about the larger community outside of just that group – and it’s very concerning, I would say, to – for that energy, from my perspective, to come. And I really, really hope that as we think about this and contemplate the value of changing it and providing a set time we think outside of our own privilege, and outside of our own lives, and outside of the circles of people that we hang out with, and to the people at the very bottom of our socioeconomic ladder that find it difficult to participate in the timelines that have been expressed.

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<sup>7</sup> Jan. 8, 2019, City Council video, time stamp 1:31:58

(Exhibit 18, video time, 1:52:26.)

The video shows Mayor Watkins reply:

Okay. I appreciate your perspective. And I'll just for clarification reiterate that I heard that 'I don't know who we're trying to change this time to meet the needs of.' But that was my experience. Until I do understand who we're not able to access, it feels sort of arbitrary to me to change the time. But what I did hear was that there was a concern, and what I've heard from the community is concern around the moving time of 5:30, before or after, depending on the agenda. And that I feel is – I have heard that concern, that it's more about the time certain.

(Exhibit 18, video time, 1:53:53.)

The video shows Councilmember Glover respond:

I would just say that in saying that changing the time to a later date [*sic*] seems arbitrary, I'm concerned that it illustrates a severe disconnect between the reality of life of low-income people and what's represented on the perspective of the dais.

Mayor Watkins believes these remarks by Councilmember Glover are a specific example of "sexism" by Councilmember Glover, as well as being "wrong" and "ignorant." Mayor Watkins believes this was "clearly sexist and tailored at the fact that [she was] offering the perspective of a working mom." A lot of other people observed this interchange between Councilmember Glover and Mayor Watkins and "felt appalled" by Councilmember Glover's statements.

Mayor Watkins reported that Councilmembers Glover and Cummings are new to the City Council and had not yet experienced public comment at 5:30 p.m. Councilmember Krohn has been advocating a move of the start time for public comment from 5:30 p.m. to 7:00 p.m. since his prior tenure on the City Council. The time change was approved by a 6 to 1 vote of the City Council, with Mayor Watkins voting no, she said.

#### **5. Mayor Watkins and many unspecified others she respects believe Councilmembers Glover and Krohn have engaged in a continual pattern of sexism**

Mayor Watkins characterized Councilmember Glover's approach to be "aggressive" when reflecting back on a time when she campaigned with Councilmember Glover during his prior unsuccessful bid for election to the City Council.

This interaction is "part of a continual pattern" of sexism by Councilmember Glover and Councilmember Krohn directed at Mayor Watkins, in her opinion. Mayor Watkins opinion is

shared by many members of the City staff, County Board of Supervisors, friends, colleagues, women, men, people of all genders, and people who Mayor Watkins respects and now tune in online to watch the City Council meetings with interest because of these kinds of interactions between councilmembers. She considers these opinions of others to be valid and objective because many of them are not “politically inclined one way or the other.”

Mayor Watkins believes Councilmember Krohn “was difficult” but “more in check” with former Mayor David Terrazas.

#### **6. Mayor Watkins reported she did not discuss her concerns about sexism with Councilmembers Glover and Krohn before making her February 12 public statement**

Mayor Watkins told me that before making her public statement from the dais at the February 12, 2019, City Council meeting accusing Councilmembers Glover and Krohn of gender bias, she did not discuss with them her planned public statement or her perception of their disparate treatment of her was motivated by gender. Her rationale for not doing so was she intended to address the “public behavior” of Councilmembers Glover and Krohn by making a public statement.

On February 15, 2019, Mayor Watkins spoke personally to Councilmember Glover again expressing her belief he was publicly mistreating her because of her gender. According to Mayor Watkins, Councilmember Glover disagreed, did not apologize, and explained he has always stood for women, has served on the Commission for the Prevention of Violence Against Women, and is a feminist. Mayor Watkins believes these are sincerely held beliefs by Councilmember Glover, even if not accurate in her opinion.

According to Mayor Watkins, during this meeting, Councilmember Glover told Mayor Watkins he was now being “trolled” online and felt her public sexism accusations were not appropriate or justified.

Mayor Watkins reported to me she told Councilmember Glover she would reflect on her behavior because she could see how he and Councilmember Krohn would not appreciate the lack of a “heads up” before her public statement on February 12.

#### **7. Councilmember Krohn gave Mayor Watkins a list of names for proposed committee assignments, which she considered inappropriate**

Councilmember Krohn gave Mayor Watkins a list of names proposing committee assignments, which she considered to be inappropriate since making committee assignments is her job as Mayor after hearing suggestions from members of the Council and other stakeholders.



**8. Mayor Watkins has not observed physical aggression by Councilmembers Krohn or Glover**

Mayor Watkins has neither experienced nor observed yelling, blocking of doorways, gesticulations, or other mannerisms by Councilmembers Krohn or Glover causing Mayor Watkins or others to feel personally threatened.

She once heard an unspecified person say Councilmember Krohn may have yelled at an unspecified staff member on an unknown date and once refused to leave an agenda setting meeting with former Mayor Cynthia Chase, during his prior years of service on the Council. Mayor Watkins did not witness these events and could provide no further information, however.

**9. February 12, 2019, 7:00 p.m. City Council Meeting Agenda Item 15  
Regarding 2018 Recommendations**

During the February 12, 2019, City Council meeting, Mayor Watkins was seated approximately eight feet away from Councilmember Krohn on the dais, with Councilmember Krohn seated to her right and somewhat in front of her. Mayor Watkins cannot recall hearing or seeing anything specific and unusual during City staff's presentation of agenda Item 15 regarding the 2018

Recommendations.

On the dais during City Council meetings, Mayor Watkins sometimes hears indecipherable conversations between Councilmembers Glover and Krohn, or indecipherable words uttered by Councilmember Glover under his breath. The Councilmembers' microphones on the dais are always on and are not individually mutable by them.

**10. Councilmember Meyers told Mayor Watkins in February or March 2019  
that Councilmember Glover uses foul language under his breath on the  
dais**

Mayor Watkins reported to me that, about a month before my April 4 meeting with Mayor Watkins, Councilmember Meyers told her Councilmember Glover uses foul language under his breath on the dais.

**11. Follow-up email from Mayor Watkins on April 11, 2019**

On April 11, 2019, I received the following email from Mayor Watkins.

Hi Joe,

It was so nice meeting you the other day.

I had a chance to briefly review the special meeting (I fast forwarded a few parts!). Although I could not recall specific details regarding any information heard/observed that specific meeting in regards to councilmember Meyers stating she heard frequent vulgarities by Councilmember Glover (although I do distinctly recall her stating this observation at one time after a meeting and it could have been this meeting), upon review I do recall City Manager Martin Bernal mentioning that at one point Councilmember Krohn leaned in and stated, "I won't forget this. You agendizing this special meeting after homelessness", in somewhat of a threatening way (according to Mr. Bernal).

Also, this is the link to the Goodtimes article referenced in our discussion: <http://goodtimes.sc/cover-stories/santa-cruz-city-hall-bullying/http://goodtimes.sc/cover-stories/santa-cruz-city-hall-bullying/>

This is the link to the online Blog referenced: <https://www.indybay.org/newsitems/2019/02/08/18821045.php>

Furthermore there are a series of letter to the editor from community members, including elected on this observation:

<https://www.santacruzsentinel.com/2019/02/18/letter-posners-letter-on-watkins-was-a-disgrace/>

<https://www.santacruzsentinel.com/2019/02/18/letter-posners-letter-on-watkins-was-a-disgrace/>

questions.

Best,

Martine

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## City Employee 1

I interviewed City Employee 1 on April 4, 2019, in the office of the Human Resources Director. City Employee 1 was unaccompanied. The interview was audio recorded for accuracy, with City Employee 1's consent. The interview lasted about one hour. I read a directive to City Employee 1 regarding honesty and the City's antiretaliation policy. I found City Employee 1 to be a credible witness.

**During the interview, City Employee 1 told me the following in summary:**

City of Employee 1 has been employed as a \_\_\_\_\_ with the City of Santa Cruz for \_\_\_\_\_. She previously worked \_\_\_\_\_.

City Employee 1 reports to City Employee 3, a manager

**1. City Employee 1 reported Councilmember Krohn laughed when she offered her professional opinion in response to a question**

During the February 12, 2019, City Council Meeting, City Employee 1 and City Employee 3 made a presentation to the City Council offering \_\_\_\_\_ for consideration in adopting \_\_\_\_\_.<sup>8</sup> City Employee 1 and City Employee 3 recommended \_\_\_\_\_ be adopted by the City Council.

After City Employee 1 and City Employee 3 made their recommendation to the Council, Councilmember Krohn asked City Employee 1 about the effectiveness of \_\_\_\_\_ beyond the staff's recommendation.<sup>9</sup> As City Employee 1 was answering Councilmember Krohn's question she used something like the phrase, "In my professional opinion and judgment..." and then expressed her opinion that \_\_\_\_\_.

\_\_\_\_\_<sup>10</sup>

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<sup>8</sup> This agenda item can be viewed on the video of the February 12, 2019, City Council meeting published online at the City's public Internet website \_\_\_\_\_.

<sup>9</sup> During City Council debate, Councilmember Krohn stated his preference for \_\_\_\_\_.

<sup>10</sup> City Employee 1 uses the phrase "in my professional opinion" as part of her response to questions posed by Councilmember Meyers about the comparative merits between \_\_\_\_\_ proposed by staff, and \_\_\_\_\_ endorsed by \_\_\_\_\_. (See City Council meeting video \_\_\_\_\_ No reaction by Councilmember Krohn as described by City Employee 1 is audible on the City Council meeting video. The camera is not directed at Councilmember Krohn at this moment and he is out of the frame. (See City Council meeting video \_\_\_\_\_.) City Employee 1 was questioned by Councilmember Krohn about staff's \_\_\_\_\_ recommendations, but her responses to Councilmember Krohn's questions did not include use of the phrase "in my professional opinion" and no reaction by Councilmember Krohn as described by City Employee 1 is audible or visible on the City Council meeting video as he questions City Employee 1. Councilmember Krohn's questioning of City Employee 1 appears respectful and professional. (See City Council meeting video time \_\_\_\_\_.)

City Employee 1 told me, “As soon as [City Employee 1] said ‘in my professional opinion and judgment’ and made a recommendation based upon what [City Employee 1] was asked, Councilmember Krohn audibly laughed,” dismissively and “intentionally writing off the professional opinion and judgment that [City Employee 1] was asked” by Councilmember Krohn to provide.

City Employee 1 considered Councilmember Krohn’s laugh to be disrespectful and motivated by her gender and youth.<sup>11</sup> Councilmember Krohn’s body language appeared to City Employee 1 to express that he does not value her opinion, which she based upon her education and experience, and that “no one else should take it seriously as well.”

City Employee 1 considers herself to be most qualified to be offering an opinion on this subject based upon her education and professional experience. City Employee 1 believes she was the only person in that room with extensive experience . City Employee 1 is “a big proponent of facts not feelings” meaning to “use the facts and make a recommendation to Council so that they can make a policy decision.”

City Employee 1 felt as though Councilmember Krohn’s laugh symbolized a message to her, “Regardless of what [she] bring[s] to the table, [Councilmember Krohn] is in charge and it doesn’t matter and, not only that, [Councilmember Krohn] want[ed] everyone else to think it doesn’t matter as well.”

At that point in the meeting, City Employee 1 does not know whether Councilmember Krohn had expressed his view regarding by staff, but City Employee 1 knew Councilmember Krohn “differed [with staff’s recommendation] on the best way to .”

City Employee 1 watched the video of the February 12, 2019, City Council meeting on Friday, February 15, 2019. She could not hear Councilmember Krohn’s laugh on the video when she viewed it on February 15, 2019.<sup>12</sup>

## **2. City Employee 1 reported Councilmember Krohn disagreed with her by email about budget calculations**

Before the February 12, 2019, City Council meeting, Councilmember Krohn and City Employee 1 exchanged emails about City Employee 1’s budget calculations. City Employee 1 provided formulaic proof of the accuracy of her calculations but Councilmember Krohn’s response “was essentially I don’t believe your math.” City Employee 1 believes Councilmember Krohn’s tone in his email to her was “completely different” than his tone in

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<sup>11</sup>

<sup>12</sup> During my interview of City Employee 1, we watched the video of the February 12, 2019, City Council meeting together but could not identify the moment in time when City Employee 1 observed Councilmember Krohn laugh.

emails she has seen him send to older male City employees because it is “a lot less respectful” and “feels aggressive” to her.

Councilmember Krohn has been directed “numerous times that emails need to go through the division head before they come down” to lower level employees, but this has not dissuaded Councilmember Krohn from emailing staff directly from his personal email, in City Employee 1’s opinion. City Employee 1’s practice is to respond to Councilmember Krohn’s City email, she said.

### 3. Councilmember Krohn has stopped by City Employee 1’s office

Councilmember Krohn has stopped by City Employee 1’s office for intervals of two to ten minutes each time, but “nothing specific” has occurred during those visits that is unusual. When he has visited, Councilmember Krohn’s presence in her office has generally felt “space invasive” to City Employee 1 due to body language, proximity, and leaning over the half-wall in her small office with only one door.<sup>13</sup>

### 4. City Employee 1’s Respectful Workplace Conduct Complaint

On February 13, 2019, City Employee 1 sent the following email to City Employee 3:

**From:** [City Employee 1]  
**Sent:** Wednesday, February 13, 2019 3:05 PM  
**To:** [City Employee 3]  
**Subject:** Council meeting yesterday

Hi [City Employee 3],

I am writing to let you know about something that bothered me during our Council presentation yesterday.

During our presentation, I started to make a statement, beginning with something like, “in my professional opinion, the most prudent course of action would be ... ” As I was speaking, Councilmember Krohn interrupted with an audible, sarcastic laugh, as though he were deriding the value of my - or perhaps the idea I could even have a - “professional opinion.” You know my educational qualifications and the extensive experience that I bring to my role, and when the Council member openly belittled my credibility - in front of his colleagues on Council, my colleagues in the room, and with the public watching - I felt insulted, embarrassed, and bullied. I don’t think that this would have occurred if I were a man, or if I were older than I am.

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<sup>13</sup> City Employee 1 reported she has relocated to a new office to help minimize foot traffic and visits into her office by others. She received drop in visitors frequently in her former office from many people, not just Councilmember Krohn, she said.

The professional opinion that I brought to Council yesterday was based on

I am very committed to my role of presenting unbiased, well-founded, and thoughtful professional opinions in my field of expertise. While I would like to believe I misunderstood the disruption, this is not the first time that I have felt this way. I am not sure whether anything can be done, but I wanted to share my perspective, as these kinds of events are offensive and extremely discouraging.

Thank you,  
[City Employee 1]

(Exhibit 4.)

City Employee 1 was motivated to email her respectful workplace conduct complaint after watching Mayor Watkins statement during the February 12, 2019, City Council meeting “calling out” alleged bullying and gender bias by Councilmembers Krohn and Glover.

Days after sending her email complaint, City Employee 1 attended a regularly scheduled meeting . Councilmembers Meyers and Matthews were present. The February 12, 2019, came up in conversation. According to City Employee 1, Councilmember Meyers told her that Councilmember Meyers noticed Councilmember Krohn laugh when City Employee 1 stated her professional opinion and this “was upsetting” to Councilmember Meyers “that a Councilmember in a position of power would treat a staff member in that way, in that venue, in front of Councilmembers, colleagues, public.”

### **5. City Employee 1 asks that Councilmember Krohn treat her and City staff with respect**

City Employee 1 considers an appropriate remedy<sup>14</sup> to her complaint to be that Councilmember Krohn be professional and courteous in his interactions with her and treat City staff respectfully as a member of the City Council.

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## **City Employee 3**

I interviewed City Employee 3 on April 22, 2019, by telephone. City Employee 3 was not represented during the interview. The interview was audio recorded for accuracy, with City

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<sup>14</sup> Administrative Procedure Order, Section II, #1B, “Procedure” part I, subpart (c), requires complainants to specify “[t]he remedy the complainant is seeking as a result of the complaint.” (Exhibit 1, p. 4.)

Employee 3's consent. The interview lasted about twenty minutes. I read a directive to City Employee 3 regarding honesty and the City's antiretaliation policy. I found City Employee 3 to be a credible witness.

**During the interview, City Employee 3 told me the following in summary:**

City Employee 3 has been employed as a manager with the City . City Employee 3 reports to City Employee 3 currently has direct reports, one of whom is City Employee 1.

**1. City Employee 3 received City Employee 1's Respectful Workplace Conduct Complaint email and forwarded it to human resources**

On February 13, 2019, City Employee 3 received an email from City Employee 1 complaining about Councilmember Krohn's conduct toward her during the February 12, 2019, City Council meeting, which he promptly forwarded to the Human Resources Director. (Exhibit 5.)

**2. City Employee 3 witnessed Councilmember Krohn's noticeable, disrespectful, and sarcastic laugh immediately after City Employee 1 said "in my professional opinion"**

City Employee 1 was present during the February 12, 2019, City Council meeting to make a presentation and noticed the conduct City Employee 1 complained of. City Employee 1 was responding to a question and said, "In my professional opinion..." City Employee 1's statement prompted Councilmember Krohn to make what City Employee 3 perceived as a "sort of a sarcastic laugh, like a sharp retort, like a 'Ha!'"

City Employee 1 understood Councilmember Krohn did not support

City Employee 3 has since reviewed the video of the February 12, 2019, City Council meeting and cannot identify Councilmember Krohn's sarcastic laugh on the sound recording, which causes City Employee 3 to believe Councilmember Krohn must have been distant from his microphone on the dais.

When he observed this in the City Council meeting, City Employee 3 perceived Councilmember Krohn's sarcastic laugh "as dismissive and spoke to her credibility because it was right after she said, 'in my professional opinion;' so, it sort of dismissed that professionalism."

Councilmember Krohn's sarcastic laugh "was very obvious," "noticeable" to City Employee 3, and "stood out as a fairly disrespectful remark." Had City Employee 1 not emailed her complaint to him, City Employee 3 probably would have independently contacted human resources to see what could be done about it.

City Employee 3 cannot recall witnesses any previous similar behavior by Councilmember Krohn directed at City Employee 1, or any other members of the City staff.

City Employee 3 believes Councilmember Krohn is "a little more combative in general."

### **3. City Employee 3 believes Councilmember Krohn's sarcastic laugh was not respectful workplace conduct**

Councilmember Krohn's sarcastic laugh "jumped out at" City Employee 3 immediately as behavior he believes violates the City's respectful workplace conduct policy and his expectations as a manager for a respectful workplace.

City Employee 3 considers Councilmember Krohn's sarcastic laugh to be a malicious act "because he's up on the dais in a position of power," seated higher than the staff, and "my impression was it was meant to take away from [City Employee 1's] credibility and professional opinion."

City Employee 3 has a high opinion of City Employee 1's professionalism and relevant experience and knowledge about .

City Employee 3 did not consider Councilmember Krohn's sarcastic laugh to serve a legitimate business interest in advancing the policy debate. City Employee 3 viewed it as derogatory, insulting, intimidating, and humiliating, but did not see it as threatening.

City Employee 3 views Councilmember Krohn's sarcastic laugh as especially severe and egregious because of context, meaning on the dais in a public City Council meeting and apparently scoffing at the phrase "in my professional opinion" uttered by City Employee 1.

City Employee 3 believes Councilmember Krohn's sarcastic laugh had a slight and temporary demoralizing effect on City Employee 1 but finds her to be resilient and believes there have not been lasting effects on City Employee 1's work product.

City Employee 3 has no information that causes him to believe Councilmember Krohn's sarcastic laugh was motivated by gender.



#### **4. City Employee 3 has observed “rough, accusatory, and combative” email communications from Councilmember Krohn to City staff**

Councilmember Krohn’s emails to City staff, as observed by City Employee 3, generally have a “rough, accusatory, and combative” tone in which Councilmember Krohn “clearly thinks that there’s a conspiracy or we’re hiding something.”

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## **Donna Meyers, Councilmember**

I interviewed Councilmember Donna Meyers on April 5, 2019, and again on April 12, 2019, by telephone. Councilmember Meyers was not represented. The interviews were audio recorded for accuracy, with Councilmember Meyers’ consent. The April 5 interview lasted about one hour and ten minutes. I read a directive to Councilmember Meyers regarding honesty and the City’s antiretaliation policy. The April 12 interview lasted about twelve minutes. I found Councilmember Meyers to be a credible witness.

### **During the April 5 interview, Councilmember Meyers told me the following in summary:**

Councilmember Meyers is a member of the City Council, elected in November 2018 and seated on December 11, 2018. City Council members are elected at large.

Councilmember Meyers was employed by the City between 2000 and 2004 as an administrative analyst in the City Manager’s office. She has also volunteered on the Water Commission between 2010 and 2014, and the Parks and Recreation Commission between 2014 and 2018. These dates are approximate.

#### **1. Councilmember Meyers submitted a handwritten Respectful Workplace Conduct Complaint dated February 22, 2019**

Councilmember Meyers submitted a handwritten Respectful Workplace Conduct Complaint dated February 22, 2019, after receiving City of Santa Cruz Administrative Procedure Order Section II, #1B, Respectful Workplace Conduct (*See Exhibit 1*), and reviewing the City of Santa Cruz Councilmember’s Handbook (*See Exhibit 3*).

I reviewed with Councilmember Meyers her complaint, which reads:

At 12:04 on Feb 1<sup>st</sup>, 2019 I was met in the hallway of the Council/CM Office by Drew Glover as I was leaving a meeting with \_\_\_\_\_ and \_\_\_\_\_. We had finished a meeting and were 4 minutes late coming out of the large meeting room. 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 12:00. I apologized to him and he continued down the hall to my office and continued to confront 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 Cummings they had requested I attend. When I arrived, they said they wanted to discuss my decision on not supporting the Just Cause Eviction language and attempt to have discussions with the community. I explained that I was not supporting the JCE [Just Cause Eviction] language because it did not include an exemption for ownership of one rental and this was no good for me. I explained that I attempted the community discussion but did not see any movement towards an option other than just cause so stated my unwillingness to continue. I stated that our jobs are to negotiate policy and I felt they were not willing to negotiate on either item so my feeling was that our work was done. Glover pointingly [*sic*] challenged, forcely [*sic*] stated that I was being inconsistent and stated he would continue to challenge me for inconsistency. His tone was abrupt, angry, and threatening. I stated I needed to leave and did not appreciate Drew Glover's language towards me. I got up and announced I needed to go to another meeting. Justin Cummings recognized our communication styles were different. I left the room. Councilmember Glover also makes disparaging comments under his breath on the dais regularly including using foul language.

Remedy sought —

Councilmember Glover should be notified of conflict with APO [Administrative Procedure Order] regarding respectful workplace conduct. I do not want Councilmember Glover to address me in the Council office.

Councilmember Meyers was motivated to write and submit her complaint by the two events of February 1, 2019, she described in the complaint, which she “views as examples of disrespectful behavior.”

These two events on February 1, 2019, were preceded by public statements from Councilmember Glover during previous City Council meetings in open session, and his statements during closed session, “where he uses language that is very confrontational, accusatory, and conveys who I [Councilmember Meyers] am in a way that is not correct.”

Councilmember Meyers believes Councilmember Glover frequently, publicly, and incorrectly characterizes her and other members of the City Council as being out of touch with citizens Councilmember Glover views as his constituents, which are the poorer people in Santa Cruz. “He often refers to us as ‘privileged,’ and uses language the tries to separate the way that we are viewed publicly.”<sup>15</sup> She believes Councilmember Glover is trying to “pigeonhole” and falsely portray her, Councilmember Matthews, and Mayor Watkins, which is very derogatory.

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<sup>15</sup> Councilmember Meyers told Councilmember Glover she is the first child in her family to go to college, has worked as a housecleaner and lifeguard, is openly lesbian, has been kicked out of housing, has worked hard throughout her life to earn every penny, she understands the issues Councilmember Glover is talking about, wants to respect and work for all members of the community, and she does not know why he thinks she is who he mistakenly thinks she is insofar as his repeated claims of “privilege” are concerned.

Councilmember Glover seems “very attached to being or identifying as the only ‘progressive’ on the Council or holding that title.”

Councilmember Meyers does not want to continue in this communication style or continue this kind of professional relationship with Councilmember Glover. Councilmember Meyers finds Councilmember Glover’s behavior to be very disrespectful, bullying, bating, and aggressive. She believes Councilmember Glover does not display professionalism or an attitude of mutual respect.

Since February 1, 2019, Councilmember Meyers has not felt comfortable being around Councilmember Glover.

## **2. February 1, 2019, 11:00 a.m. meeting with Citizen 3 and Citizen 4**

At 11:00 a.m. on February 1, 2019, Councilmember Meyers met for an hour with Citizen 3 and Citizen 4 in a shared conference room in the City Manager’s office that must be booked through administrative staff at the front desk. Citizen 3 and Citizen 4 are

When Councilmember Meyers booked the conference room, she knew a Councilmember had a meeting starting in that room at 12:00 o’clock.

At approximately 12:03 a.m. or 12:04 a.m., Councilmember Meyers, Citizen 3, and Citizen 4 “were wrapping up, saying our goodbyes, and we opened the door to leave the conference room and Councilmember Glover was standing directly in front of the door within not really even a width that you could walk out of the door and was very confrontational as I walked out of the door. He was very close to me and [Citizen 4] slipped to the left side, and [Citizen 3] had to slip to the right side.”

Councilmember Glover had several interns, at least three or four people, lined up in the very small hallway on either side of him outside the conference room.

Councilmember Meyers said, “We’re done. I’m sorry that we ran a little bit late.”

Councilmember Meyers told me Councilmember Glover aggressively said to her something to the effect of, “We book these rooms. I had the room at 12:00. This is very inappropriate that you don’t respect the calendar for the meeting room.” He was not yelling but his voice was “very stern.” Councilmember Meyers experienced Councilmember Glover having a very “aggressive but calm way of communicating,” which was “very pointed and antagonistic” and made Councilmember Meyers feel threatened and uncomfortable.

Councilmember Meyers repeated her apology. She expected Councilmember Glover to back up and make more room for her to exit the conference room into the hallway. Because of Councilmember Glover’s physical presence within about eight inches of her, it was “very difficult for [Councilmember Meyers] to get out of that space.”

Councilmember Meyers could tell Citizen 3 and Citizen 4 “were very uncomfortable.” (She has since heard them tell this story to other people.) Citizen 3 and Citizen 4 “scooted by all the interns and Councilmember Glover” and left. Councilmember Meyers started to walk to the right toward her office and Councilmember Glover followed Councilmember Meyers down the hallway about eight feet “for a few steps and continued to go after me about somehow not respecting that he had the room, that it was inappropriate, and I wasn’t valuing him.”

Councilmember Meyers apologized again, assured Councilmember Glover it won’t happen again, and explained she was meeting with Citizen 3 and tried to end the conversation on time but could not abruptly stand up and leave exactly at 12:00 o’clock. Councilmember Meyers walked into her office.

Councilmember Meyers observed Councilmember Glover’s scheduled lunch meeting in the conference room was with his volunteer interns. She is dismayed at the disproportionate magnitude of Councilmember Glover’s reaction, that he “came at her that aggressively” and “got in her face, was rude, and abusive” to her in front of Citizen 3 and Citizen 4, when she innocently ran a few minutes into his scheduled lunch meeting with his interns.

### **3. Councilmember Meyers’ February 2019 meeting with Vice Mayor Cummings and Councilmember Glover regarding Just Cause Eviction**

On February 1, 2019, Councilmember Meyers met with Vice Mayor Cummings and Councilmember Glover regarding a proposed Just Cause Eviction (JCE) ordinance. Councilmember Meyers believes this meeting happened in the morning before her meeting with Citizen 3 and Citizen 4.

After a prior meeting regarding JCE, Councilmember Meyers informed Vice Mayor Cummings and Councilmember Glover she does not support their proposed JCE ordinance.

During the February 1 meeting, Vice Mayor Cummings and Councilmember Glover questioned Councilmember Meyers about why she would not support their proposed JCE ordinance and said his friends “were now going to be evicted.”

Councilmember Glover seemed to Councilmember Meyers to be “very upset and angry” and became “very confrontational,” “very bullish,” and “very aggressive in his body language.” Councilmember Meyers believed Councilmember Glover’s intention was to “grill” her, to accuse her of deceiving or misleading him, and to threaten her that he would “nail her to the wall” (figuratively speaking) if he finds her to be inconsistent in her speech or policy positions.

Councilmember Meyers had been working on the JCE issue with tenants, landlords who own only one rental unit in Santa Cruz, and a group called Santa Cruz Together that opposed rent control ordinances. Councilmember Glover mistakenly believes Councilmember Meyers is only interested in representing landlords’ interests, which is untrue. Councilmember Meyers

is interested in policy that balances providing tenant protections against the interests of landlords, which would have included an exception for single-family homes. Councilmember Glover rejected her proposal for this exemption. She also wanted to delay Council action to study and fully understand likely impacts on the rental market resulting from a rent control ordinance.

Councilmember Meyers felt “negotiation was not acceptable to” Councilmember Glover. Councilmember Meyers got up to leave the table, closing her iPad. Councilmember Glover asked Councilmember Meyers, “Where are you going?”

Councilmember Meyers sat back down and stated she was just stretching her back. Councilmember Meyers told Councilmember Glover she was not comfortable with the way he was speaking to her, threatening her, and told him, “This is not a productive way to work together.”

Councilmember Meyers apologized that “her communication style doesn’t seem to work” for Councilmember Glover.

Vice Mayor Cummings said, “It looks like we have a communication style difference here.” Councilmember Meyers agreed with Vice Mayor Cummings on this point, then got up and left the meeting.

Vice Mayor Cummings’ and Councilmember Glover’s candidate platforms during the election campaign included advocacy for a rent control ordinance. Councilmember Meyers acknowledges the JCE ordinance is very important to Councilmember Glover and he is very passionate about it, which she does not have a problem with. The problem she has is Councilmember Glover’s confrontational presentation style.

Vice Mayor Cummings has since suggested to Councilmember Meyers the JCE ordinance be tabled while a small working group is assembled to work on a proposed ordinance.

#### **4. Recently, Councilmember Meyers believes she and Councilmember Glover politely ignore each other**

More recently, Councilmember Meyers believes she and Councilmember Glover politely ignore each other. Councilmember Meyers does not believe she can have any constructive conversation with Councilmember Glover; for this reason, she does not reach out to or engage with him. Though, she has agreed with some of his policy positions on the dais.

#### **5. Councilmember Meyers has observed Councilmember Glover and Councilmember Krohn make derogatory comments about City staff and public speakers from the dais**

Councilmember Glover is seated closely (about 12 inches, she estimates) and immediately to the right of Councilmember Meyers on the dais. Councilmember Krohn is seated immediately

to the right of Councilmember Glover, two seat positions to the right of Councilmember Meyers, on the dais.

During City Council meetings, Councilmember Meyers has witnessed Councilmember Glover and Councilmember Krohn, while seated on the dais, make derogatory comments about City staff and public speakers addressing the City Council, has heard them use foul language, “laughing at people,” and writing notes to each other. “Up until that February 12<sup>th</sup> [City Council] meeting, that was sort of standard fare.”

Councilmember Meyers witnessed Councilmember Glover, while seated on the dais, refer to a female speaker disparagingly as a “bitch,” but not loud enough to be heard by the audience. She does not remember who Councilmember Glover referred to as a “bitch” or when. She has not heard Councilmember Glover refer to any males as “bitch.” Because of Councilmember Glover’s deep voice and proximity to Councilmember Meyers, she can hear him speak even when he is trying to whisper.

During City Council meetings, Councilmember Meyers has observed Councilmember Glover laugh, snap his fingers<sup>16</sup> with approval (as a substitute for clapping) under the desk, when, for example, a citizen named Citizen 7 comes to speak during public comment, as he routinely does, to yell at City staff, the City Manager, and the City Attorney.

**6. On February 12, 2019, Councilmember Meyers witnessed Councilmember Krohn laugh or make a “derogatory grunt” when City Employee 1 said, during her staff report, “In my professional opinion”**

Councilmember Meyers remembers City Employee 1 was asked to respond to a question from Councilmember Krohn. In reply to the question, City Employee 1 said something to the effect of, “In my professional opinion...” and Councilmember Krohn “laughed or made a derogatory grunt.” Councilmember Meyers observed no reaction from City Employee 1 to Councilmember Krohn’s laugh or grunt.

Councilmember Meyers perceives this behavior by Councilmember Krohn is not unusual when dealing with City staff. “This is pretty standard fare for him up there,” Councilmember Meyers told me. She observes Councilmember Krohn behave in this manner without regard to gender. She explained: “A lot of our staff that have been presenting over the last few months are women. I don’t necessarily see there is a displacement between women or men, per se, or – I’m sorry, a difference between how he would treat a woman or a man in that setting.”

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<sup>16</sup> During my review of the video of the February 12, 2019, City Council meeting, I observed Councilmember Glover nodding his head in apparent approval and snapping his fingers in apparent agreement with Vice Mayor Cummings’ laudatory comments thanking City staff on \_\_\_\_\_ work and celebrating Santa Cruz’s status as the \_\_\_\_\_ (See City Council meeting video \_\_\_\_\_.)

Councilmember Meyers has “not witnessed that explicit [gender bias] difference from Councilmember Krohn up on the dais.” Councilmember Meyers believes Councilmember Krohn appears to be reacting to his generalized suspicion, without supporting facts, that City staff is wrong or “misleading him somehow.”

In Councilmember Meyers' opinion, Councilmember Krohn tends to ask a lot of “very pointed questions” of staff and, depending upon the staff's answer, he may be dismissive of staff or make a “physical snort, like you're not really being honest with me, kind of thing.”

**7. As a remedy to her complaint, Councilmember Meyers believes Councilmember Glover must understand the City's Respectful Workplace Conduct policy**

As a remedy to her complaint,<sup>17</sup> Councilmember Meyers would like Councilmember Glover to understand the City's Respectful Workplace Conduct policy and does not wish to re-experience similar conduct from Councilmember Glover in the future. Councilmember Meyers is not comfortable with Councilmember Glover and does not want to engage with him in City offices except during City Council meetings.

**8. Councilmember Meyers requested a follow-up interview to revisit whether Councilmember Krohn and Glover treated men and women differently**

Councilmember Meyers asked me for a follow-up phone call because she has been thinking, reflecting, going back through some notes, reflecting in her mind upon things relative to her April 5 statement to me that she had not detected explicit gender bias from Councilmembers Krohn or Glover.

**During her April 12 follow-up interview with me, Councilmember Meyers told me the following in summary:**

Councilmember Meyers has not spoken to anyone about my investigation since April 5, except for copying the Human Resources Director on her email to me requesting to speak to me again.

Clarifying her April 5 statement, Councilmember Meyers now believes she “definitely sees a pattern of treatment of women than men” that is a “marked difference” when it comes to female City staff members presenting to and answering questions for the City Council. This gender bias is evidenced by a “dismissive tone” in the communication styles of Councilmembers Glover and Krohn, which is distinct from their communication styles when dealing with men.

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<sup>17</sup> Administrative Procedure Order, Section II, #1B, “Procedure” part I, subpart (c), requires complainants to specify “[t]he remedy the complainant is seeking as a result of the complaint.” (Exhibit 1, p. 4.)

Councilmember Meyers cited “an equal level of communication” and an “even rapport of question and answer” process between Councilmembers Glover and Krohn, on the one hand, and the male City Attorney, the male Finance Director, the male Parks and Recreation Director, the male Public Works Director on the other hand. By comparison, when Councilmembers Glover and Krohn speak to female City staff members, such as the female Assistant City Manager and the female Principal Management Analyst, there seems to be more “head shaking and expressions of exasperation with their determinations or the way they are presenting information.”

Councilmember Meyers also cited Councilmembers Glover’s remarks about Mayor Watkins’ “privilege” in relation to the debate over the proposed time change for oral communications during the January 18, 2019, City Council meeting (see Exhibit 18.), and Mayor Watkins’ belief this was a gender-based attack on her as a working mother.

Councilmember Meyers believes Councilmember Glover is indifferent to City Employee 4’s need to go home to be with her young children during late-night Council meetings, almost as though having a child is a “more of a luxury in life.”

During the last week, Councilmember Glover was “very accusatory” toward City staff regarding the homeless problem at the Ross Camp.

Councilmember Meyers offered, however, that Councilmember Krohn is “somewhat antagonistic” toward and “more biting with” the City Manager, who is a male. She has not seen antagonism by Councilmember Glover directed toward the City Manager.

Councilmember Meyers also offered that the language used by Councilmembers Glover and Krohn has 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. She clarified that she “interpreted my question originally [during the interview on April 5] as more in the harassment rather than dismissive or slightly antagonistic approach to communicating with women.”

Councilmember Meyers has witnessed Councilmember Glover make disparaging comments under his breath regarding a female citizen named Citizen 5 who speaks at public comment.

Councilmember Meyers did not provide other specific examples of gender bias by Councilmembers Glover and Krohn.

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## City Employee 4

I interviewed City Employee 4 on May 7, 2019, by telephone. City Employee 4 was not represented. The interview was audio recorded for accuracy, with City Employee 4’s consent. The interview lasted about one hour and forty-five minutes. I read a directive to City



Employee 4 regarding honesty and the City's antiretaliation policy. I found City Employee 4 to be a credible witness.

**During the interview, City Employee 4 told me the following in summary:**

**1. In 2017, City Employee 4 experienced intimidation, abuse, and demeaning speech from Councilmember Glover when he served on the Commission for Prevention of Violence Against Women**

City Employee 4 worked with Councilmember Glover before he was elected to the City Council when he was an appointee of Councilmember Sandy Brown to the Commission for the Prevention of Violence Against Women (CPVAW). City Employee 4 was during that time.

City Employee 4 had a few interactions with then-Commissioner Glover that she "believes demonstrate a sense of ongoing harassment" of his fellow Commissioners and his treatment of City Employee 4. Within his first or second meeting as a Commissioner, then-Commissioner Glover publicly expressed his dissatisfaction and questioned, "like an interrogation,"<sup>18</sup> City Employee 4's ability to perform to his expectations. Specifically, then-Commissioner Glover was harshly critical of City Employee 4's management, "forthrightness," and recommendations, City Employee 4 believes.

City Employee 4 felt then-Commissioner Glover wanted to immediately impress upon her in his tone and communication style that "he could boss [her] around" and placed great emphasis on his position power in the hierarchy even though he was brand new to the Commission and had not yet fully understood processes of the Commission and its staff. City Employee 4 did not feel physically threatened but felt bullied, insulted, offended and threatened "in her role as a professional."

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<sup>18</sup> City Employee 4 gave an example of questions like, "How do you not know this information? Isn't this information important for you to know?" when she could not immediately provide information to aid him in making his argument to persuade his fellow Commissioners to spend the Commission's entire budget.

In late-spring or early-summer 2017, City Employee 4 asked to meet with then-Commissioner Glover about his treatment of her, explained her role serving the entire Commission rather than any individual Commission member, clarified that she reports to her supervisor, and stated she felt his berating approach was humiliating to her and disruptive to their ability to build a professional relationship and mutual trust. At the time, Commissioner Glover appeared receptive and appreciative of City Employee 4 “being direct with him.” After this conversation, then-Commissioner Glover “was sensitive to the way he conveyed direction” to City Employee 4 but remained insensitive to his fellow Commissioners, in her opinion.

City Employee 4 observed then-Commissioner Glover alienate himself from his fellow Commissioners and City staff because, in her opinion, he was “demeaning,” “very abusive,” interrogative, “intimidating,” and “aggressive” with them, causing them to “shut down” in their engagement, disrupting the Commission’s work. Then-Commissioner Glover “spent a lot of time ‘mansplaining’ to female members of the Commission.” “It was more like an interrogation than a partnership.” Then-Commissioner Glover “called out” his fellow Commissioners’ decision-making, “questioned their tactics,” excessively “preached” to them about “what they needed to understand” and was “grandstanding” but doing “very little listening,” and in one instance “called out [another Commissioner, Citizen 1,] as not being sensitive to gender and racial inequities by interrupting, which “creating a chasm” between them.<sup>19</sup> “It was frustrating and difficult” and made her feel “uncomfortable.” The Commission’s Chair, Citizen 2, spoke to then-Commissioner Glover about this.

## **2. Since Councilmember Glover’s election to the City Council, City Employee 4 “feels as if she is on trial” and attacked by him**

Since January 2019, now that Councilmember Glover is a member of the City Council, Employee 4 has interacted with Councilmember Glover on the highly intense and controversial public issue of homelessness, transitional encampments, and the “Ross Camp” near River Street.

Whereas, then-Commissioner Glover’s hyper-assertive approach “felt somewhat manageable back then [when he was on the Commission],” more recently it has “snowballed into one big issue,” and “as things have compounded it’s become pretty tenuous,” in City Employee 4’s opinion.

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<sup>19</sup> I listened to this interaction in the [audio recording of the Commission meeting for September 5, 2018](#), ; then-Commissioner Glover states, “Can I say something really quick? I would just encourage, because I know this is a spirited discussion and we all care about stuff, but if we could not interrupt each other I think that would be grand. Because I notice it happens a lot on this body with some specific individuals of us. And I would really appreciate it if we would just not interrupt each other, especially with the dynamic of genders and races on the body. It irks me every time it happens. So, I just wanted to point it out and ask for us to make that agreement, if possible. Because I think that’s the decorum of a body in general.”

City Employee 4 cried as she told me Councilmember Glover has gotten to the point where he seems to be calling into question the morals, ethics, and motives of City staff, which she describes as “really upsetting” when she has tried to be a “neutral, helpful staff member” in the face of Councilmember Glover’s extreme conflict with Mayor Watkins.

One of the non-profits identified as a potential provider of transitional encampments was the subject of a complaint. This complaint caused the City to set that potential contractor to the side. Consequently, according to City Employee 4, Councilmember Glover “has been on a complete rampage” and she has spent many hours over two to four City Council meetings “being attacked by him to a point where I have people coming out of the woodwork that I don’t even know, approaching me on the streets, calling me, and emailing me,” saying they are impacted by watching City Employee 4 take this abuse.<sup>20</sup>

City Employee 4 “feels as if she is on trial, basically,” and describes Councilmember Glover’s behavior toward her and other City staff as “trying to set us up,” much like his aggressive behavior while serving on CPVAW “multiplied times a hundred.” Councilmember Glover “wants to discredit” City Employee 4, the City Manager, the Fire Chief, and “anybody who’s involved in these conversations around homelessness.”

City Employee 4 called the Human Resources Director asking to speak to me because “the last [City Council] meeting was so horrendous I just felt destroyed at the end of the meeting.” City Employee 4 has felt this way for many City Council meetings based on her interactions during open and closed sessions with Councilmember Glover.<sup>21</sup>

City Employee 4 reported, nearly “every time [Councilmember Glover] opens his mouth practically, he says, ‘I’m disappointed,’ first or, ‘This is very disturbing,’” or “expresses some sense of dissatisfaction.”

City Employee 4 believes Councilmember Glover’s sole objective has been to undermine her credibility, and has questioned her character, professionalism and competence. She considers his conduct toward her to be “very intimidating, harassing, abusive,” and “traumatizing.”

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<sup>20</sup> City Employee 4 continued to cry as she related this information to me.

<sup>21</sup> City Employee 4 specifically cites to the following meetings:

4/23/19: <http://scsire.cityofsantacruz.com/sirepub/mtgviewer.aspx?meetid=1167&doctype=AGENDA>; see, e.g. 3:56:16 – 4:23:25, where Councilmember Glover asserts City staff intentionally agendized a public vote on transitional encampments and camp closure to coincide with a notice for the same day to stifle public participation at the City Council meeting. Councilmember Glover directed the City Clerk to publicly display an image of City Employee 4 walking in a parking lot, and a group of uniformed public safety officers, as an example illustrating his opinion of the City staff’s intimidation tactics.

4/9/19: <http://scsire.cityofsantacruz.com/sirepub/mtgviewer.aspx?meetid=1166&doctype=AGENDA>

3/19/19: <http://scsire.cityofsantacruz.com/sirepub/mtgviewer.aspx?meetid=1237&doctype=AGENDA>

3/12/19: <http://scsire.cityofsantacruz.com/sirepub/mtgviewer.aspx?meetid=1164&doctype=AGENDA>

2/26/19: <http://scsire.cityofsantacruz.com/sirepub/mtgviewer.aspx?meetid=1163&doctype=AGENDA>

2/12/19: <http://scsire.cityofsantacruz.com/sirepub/mtgviewer.aspx?meetid=1162&doctype=AGENDA>

By his conduct, Councilmember Glover has supported or encouraged homeless activists and plaintiffs in litigation against the City to do the same, City Employee 4 opined. It is not unusual for City staff to be criticized by members of the public, but it feels abusive when a member of the Council appears to be endorsing those criticisms by nodding his head and other public displays of support, City Employee 4 related. This led to City Employee 4 being “relentlessly” harassed and ridiculed on social media by persons aligned with Councilmember Glover, City Employee 4 believes. (See, e.g., Facebook post at right referencing City Employee 4 with an animation of Pinocchio.)



City Employee 4’s experiences her assignment to be primarily responsible to execute City policy on the homelessness issue, especially given ongoing litigation where Councilmember Glover has aligned himself with adverse parties to the City in ongoing litigation,<sup>22</sup> as “a huge heavy burden to bear” and “incredibly disturbing.”

Councilmember Glover’s ardent questioning of City Employee 4 during City Council meetings was, she said, directed at “the efficacy” and “substance” of her work while operating in the lead role on behalf of the City on the homelessness issue and the Ross Camp.

### 3. City Employee 4’s perception of Councilmember Glover’s involvement with her work at the Ross Camp

As City Employee 4 met sitting and engaging with members the “camp council” for the Gateway Camp, Councilmember Glover’s interns stood over her, videotaping her, taking notes, and “basically interrogated [her] on film,” she told me.

On the morning of Friday, May 3, when the camp closing was scheduled to begin at 10:00 a.m. by direction of the City Council (and after the temporary restraining order preventing the closure was dissolved), Councilmember Glover called City Employee 4 at 9:30 a.m. telling her he was on site at the camp and there was confusion surrounding the plans for closure, City Employee 4 said.

Without City Employee 4’s involvement, Councilmember Glover called a meeting and announced to persons in the camp they were entitled to hotel vouchers at City expense, which caused about 70 people to rush City Employee 4 seeking the hotel vouchers promised by Councilmember Glover, according to City Employee 4. City Employee 4 explained: “Our

<sup>22</sup> City Employee 4 and Councilmember Glover were adverse witnesses to one another in recent litigation where the judge credited City Employee 4’s testimony over Councilmember Glover’s testimony in deciding to dissolve a temporary restraining order, ruling in favor of the City.

intention was to have one-on-one conversations with each individual person in the encampment, understand their needs, and then match them with the appropriate shelter and/or hotel voucher based on those needs.”<sup>23</sup>

City Employee 4 reported Councilmember Glover followed her around on Friday, May 3, accompanied by a videographer, echoing the message that activists were communicating, asking her to explain to him staff’s plan. Councilmember Glover and the videographer stood by, inserting themselves in the process, capturing Employee 4’s confidential conversations with people in the camp about their substance abuse disorders and mental health challenges as she tried to match them with the appropriate resource based upon their needs. City Employee 4 told Councilmember Glover this was a staff led operation, told him to “back off me,” and told him she would not talk to him.<sup>24</sup>

City Employee 4 believes Councilmember Glover has complained to the City Manager and the City Attorney about City Employee 4. “At this point, I can’t even look at him. I mean I’m just so uncomfortable with having to work with him,” she related through tears. “I feel really picked apart and abused by” him, City Employee 4 told me.

City Employee 4 believes Councilmember Glover treats female colleagues more aggressively than he treats male colleagues. City Employee 4 believes his treatment of women “is all about ego and power.”

By contrast, Councilmember Krohn can be abrasive or difficult at times and has “very similar lines of questions” for staff as Councilmember Glover, but he “never personalizes it” and “he never puts staff in a position where he is calling into question our ethics, values, and morals.”

#### **4. On February 19, 2019, City Employee 4 participated in a facilitated meeting with the City Council**

After the February 12, 2019, City Council meeting, City Employee was charged with finding a facilitator to help members of the City Council try to work together amiably. That facilitated meeting occurred on February 19, 2019.

During the facilitated meeting, City Employee 4 addressed Councilmember Glover about her experiences with him. At the conclusion of the meeting, Councilmember Glover’s closing words were something to the effect of “I like [City Employee 4],” which she understood as his attempt to convey her words had an impact on him that day.

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<sup>23</sup> City Employee 4’s plan for individualized engagement with persons in the encampment to assess and meet their unique needs is exactly the kind of compassionate approach Councilmember Glover previously publicly advocated during the City Council meeting on April 23, 2019, but complained City staff did not undertake when posting notices on tents in the camp.

<sup>24</sup> City Employee 4 was wearing a body camera during these interactions but, according to City Employee 4, she learned from Sgt. Wes Morey at the Santa Cruz Police Department the interactions with Councilmember Glover were not captured.

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## City Employee 2

I interviewed City Employee 2 on April 4, 2019, in the private office of the Human Resources Director. City Employee 2 was not represented. The interview was audio recorded for accuracy, with City Employee 2's consent. The interview lasted about one hour. I read a directive to City Employee 2 regarding honesty and the City's antiretaliation policy. I found City Employee 2 to be a credible witness.

### **During the interview, City Employee 2 told me the following in summary:**

City Clerk is an appointed position reporting to the City Manager. Assistant City Manager is City Employee 2's daily contact for supervision.

Before coming to the City Clerk's office about 3½ years ago, City Employee 2 had no contact with Councilmember Krohn; he was elected in November 2016.

City Employee 2 has experienced three instances of what she considers disrespectful conduct by Councilmember Krohn. City Employee 2 believes "that any one of these on their own doesn't stand out to [her] in any way as harassment or against policy." But all of these instances taken together made her afraid for the stability of her job because she was still on probation at the time.

She has had no other unusual interactions with Councilmember Krohn.

### **1. Councilmember Krohn has advocated to change the City Clerk's reporting relationship from the City Manager's Office to the City Council**

Councilmember Krohn has continually advocated to change the City Clerk's reporting relationship from the City Manager's office to the City Council, which was "annoying but didn't cause too much concern." He has advocated for this change even before City Employee 2 was promoted to City Clerk in July 2018.

Councilmember Krohn has been vocal about his desire to propose this change, he raised the subject during a City Council meeting once, and on November 17, 2018, he emailed City Employee 2 to ask for the minutes of the City council meeting during which the City Clerk job title changed to "City Clerk Administrator." (Exhibit 21.)

## **2. Councilmember Krohn complained to the City Manager's Office that City Employee 2 mistakenly sent an email to the City Council with the salutation "Hi ladies –"**

On September 26, 2018, City Employee 2 accidentally sent a group email with the salutation "Hi ladies –" to a distribution list for the City Manager and all members of the City Council rather than the distribution list for her staff, as she intended, because the email addresses for each distribution list are similar<sup>25</sup> and prepopulate in her Outlook email application, which she did not notice before hitting send. (City Employee 2 was ill at the time she sent this email.) All of the members of City Employee 2's staff then were female. She immediately sent an apology email to the City Council explaining her mistake. (Exhibit 19.)

City Employee 2 heard from her boss that Councilmember Krohn complained about this mistake and, in particular, her use of the salutation "Hi ladies –." Councilmember Krohn believed this was unprofessional because he apparently misunderstood the salutation to be directed at City Council members rather than City Employee 2's staff and perhaps did not receive her apology email to the City Council explaining her mistake.

City Employee 2 heard Councilmember Krohn "made a pretty big deal about it." City Employee 2 heard the City Manager told Councilmember Krohn "he was out of line by continually talking about it" because it was a mistake. Councilmember Krohn never contacted City Employee 2 directly about this.

## **3. City Employee 2 made a mistake in calculating the submittal deadline for the ballot argument by Santa Cruz Together in opposition to Measure M**

In July 2018, City Employee 2 mistakenly miscalculated the submittal deadline for the ballot argument by Santa Cruz Together in opposition to Measure M, which was a very controversial rent control ballot measure that was defeated at the ballot box in 2018.<sup>26</sup>

City Employee 2 was working with an elections consultant because City Employee 2 was new to the ballot measure process and recently promoted to City Clerk. The elections consultant gave City Employee 2 an erroneous deadline based upon a misreading of the Elections Code,

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<sup>25</sup> The group email for the City Manager and City Council is [dl\\_cmcc@cityofsantacruz.com](mailto:dl_cmcc@cityofsantacruz.com) and the group email for staff is [dl\\_ccad@cityofsantacruz.com](mailto:dl_ccad@cityofsantacruz.com).

<sup>26</sup> Measure M was a citizen initiative designed to amend the City's charter to establish a rent board and to enact local rent control on the November 6, 2018 ballot for Santa Cruz voters. It was defeated. The ballot question was as follows: "Shall the City Charter be amended to enact rent control and just cause eviction regulations on residential rentals in the City of Santa Cruz, with exceptions under State Law, to be governed by a separately elected and autonomous rent board, with independent authority to set rents, fees, and penalties, and appoint an executive director, legal counsel and staff to oversee implementation, administration, and enforcement of the rent control and just cause eviction regulations?"

which City Employee 2 relied upon to be accurate. The deadline was miscalculated by about three weeks. This was a significant error.

Proponents of Measure M were following City Employee 2's deadline. Opponents of Measure M were following the County deadline, so they missed City Employee 2's deadline. Measure M opponents would have been prevented from including their opposition argument in the ballot statement were it not for the City Council holding a special meeting and vote to extend the deadline. Ultimately, the opposition argument of Santa Cruz Together appeared in the ballot statement.

Councilmember Krohn was a proponent of Measure M. Councilmember Krohn did not believe the deadline should be extended to allow the opposition argument of Santa Cruz Together to appear in the ballot statement.

On July 16, 2018, Councilmember Krohn sent the following email to City Manager Martin Bernal with a copy to City Employee 2 and Councilmember Sandy Brown:

**From:** Chris Krohn <ckrohn@cruzio.com>  
**Sent:** Monday, July 16, 2018 11:55 PM  
**To:** Martin Bernal  
**Cc:** [City Employee 2]; Sandy Brown  
**Subject:** special July meeting?

Hi Martin,

What is this about? (see Bonnie email below) Did I miss an email from you outlining this situation?

Let me get this straight...SC Together missed the deadline for submitting a ballot statement-argument, and now they want an extension? Is there precedent for this? (How is it do you think they missed the deadline?)

Please get back to me on this. I will not be available for any "special meeting" in July, nor to I feel one should be called for this particular matter

thank you,  
Chris

Good afternoon, Jeffrey, et al,

I wanted to let you know that I am in the process of scheduling a Special Meeting for the purpose of Council possibly adopting a resolution extending the ballot measure deadline, as there was a lot of confusion with the difference between the deadline I set, and the County's.

As of right now, I am not sure the exact date.



Thank you,  
[City Employee 2], CMC  
[Job Title]  
City of Santa Cruz  
[Telephone]

(Exhibit 20.)

In 2018, Citizen 6 called City Employee 2 to discuss the setting and extending of the ballot statement deadline. Citizen 6 is a member of the public, was one of the proponents of Measure M, and is close to Councilmember Krohn. Citizen 6 opined, "Everyone is putting the blame on" City Employee 2 for the deadline mistake. During this telephone call, Citizen 6 told City Employee 2 that Councilmember Krohn said, "This [mistake] would never happen on [City Employee 5's] watch." City Employee 5 is City Employee 2's predecessor in the office of City Clerk.

City Employee 2 believes this statement attributed to Councilmember Krohn might be considered a form of undermining her work performance within the meaning of the City's Respectful Workplace Conduct policy.

#### **4. City Employee 2 has witnessed no threatening conduct by Councilmember Krohn but stated his general nature can be intimidating**

City Employee 2 has never witnessed Councilmember Krohn be threatening with anyone at the City but views him as "constantly" intimidating as part of "his nature." She could not cite specific examples of intimidation except generally that, "In Council meetings, when there is a difference of opinion, he does not hide his emotion well and he interrupts people constantly," which is rude. City Employee 2 can see Councilmember Krohn's facial expressions and body language in the City Council meetings.

#### **5. City Employee 2 has witnessed Councilmembers Krohn and Glover whisper to each other when someone is talking or exchange notes**

City Employee 2 has witnessed Councilmembers Krohn and Glover lean over and whisper to each other on the dais when someone is talking, especially Mayor Watkins and Councilmember Matthews. City Employee 2 believes this is because Councilmembers Krohn and Glover are "on opposite sides of opinions" with Mayor Watkins and Councilmember Matthews. Councilmembers Krohn and Glover also exchange written notes.

City Employee 2 would feel "disrespected" if she was the one speaking while Councilmembers Krohn and Glover are whispering to each other or exchanging written notes because "it is not unknown that there is a difference of opinion between certain Council members" and City Employee 2 would assume they were whispering about her, if she were in the shoes of other City Council members. City Employee 2 believes whispering and note

passing is not transparent and Councilmembers Krohn and Glover should instead say these things publicly.

City Employee 2 has not heard either Councilmembers Krohn or Glover use any foul language or expletives under their breath, but she cannot hear them well from where she is seated unless they are speaking into the microphone.

**6. City Employee 2 observed Councilmember Krohn interrupting during the staff presentation on the agenda item at the February 12, 2019, City Council meeting**

City Employee 2 witnessed Councilmember Krohn interrupting during the staff's presentation on agenda item at the February 12, 2019, City Council meeting. This is not unusual behavior for Councilmember Krohn, in City Employee 2's opinion. However, City Employee 2 does not recall Councilmember Krohn laughing during this time.

**7. City Employee 2 rates the current level of animosity among all City Council members as an "8" on a ten scale**

City Employee 2 observes there is "animosity" among all the Council members, which she currently rates at an "8" on a scale from "1" to "10" with "10" being the most severe animosity on the Council she has seen in her history of City employment. This level of discord is having an adverse effect on some City staff due to increased workload, long meetings, and special meetings. The animosity has not, however, interfered with City Employee 2's ability to do her job, and her staff does not seem to be adversely effected.

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## Citizen 1

I interviewed Citizen 1 on April 5, 2019, by telephone. Citizen 1 was not represented. The interview was audio recorded for accuracy, with Citizen 1's consent. The interview lasted about thirty minutes. I found Citizen 1 to be a credible witness.

**During the interview, Citizen 1 told me the following in summary:**

Citizen 1 serves on the Commission for the Prevention of Violence Against Women (CPVAW). There are six members on the Commission. Commissioners are appointed by members of the City Council after an application process.

The Commission meets publicly in the City Council chambers about six to seven times per year. He previously served on the Commission with Councilmember Glover, Citizen 2, and others.

Councilmember Glover had been appointed by either Councilmember Krohn or Councilmember Brown before Councilmember Glover's election to the City Council.

While serving with then-Commissioner Glover, "it was ongoing, regular, contentious experience every meeting that we had." On September 5, 2018, Commissioners were "having a spirited discussion around creating a logo" when then-Commissioner Glover "suddenly interrupted us all" to say while looking at Citizen 1 words to the effect, "We really need to stop interrupting each other, this happens a lot, and we need to take into consideration there are different genders and ethnicities in the room, and we need to be aware of that."<sup>27</sup> <sup>28</sup> This outburst "pretty much floored everybody" and the meeting wrapped up shortly thereafter. This was "disruptive" to the meeting and "unsettling" to Citizen 1.

Citizen 1 later learned from Citizen 2 that then-Commissioner Glover intended this comment for Citizen 1 because then-Commissioner Glover felt Citizen 2 frequently interrupted females or people of other races. Citizen 2 encouraged Councilmember Glover to reach out to Citizen 1 to discuss it. According to Citizen 1, Councilmember Glover offered "a half-hearted apology" and they had a candid conversation about it. Citizen 1 told then-Commissioner Glover he felt like then-Commissioner Glover essentially accused Citizen 1 of being a racist and sexist. Then-Commissioner Glover told Citizen 1 that was not his intended message.

Citizen 1 believed then-Commissioner Glover frequently interrupted others while on the Commission and used a "condescending tone" when speaking. Citizen 1 acknowledged then-Commissioner Glover generally followed the rules of procedure for the conduct of these meetings but would "beat us over the head with the rules ... using them as a weapon at times to either fend off opposition or opposing thoughts and viewpoints..."

In November 2018, then-Councilmember-elect Glover was elected to the City Council and did not show up for the November 2018 CPVAW meeting as a Commissioner.

What Citizen 1 observes of Councilmember Glover's conduct on the City Council now "is very reminiscent of" what Citizen 1 experienced with Councilmember Glover as a Commissioner. This included aggressively pushing through his agenda such as, for example, quick approval of a CEDAW<sup>29</sup> resolution without much debate and before other members of the Commission had completed what they felt was adequate study of its potential impacts. Then-Commissioner Glover was campaigning for City Council at the time and wanted to be able to speak and announce CPVAW's recommendation of a CEDAW ordinance to the City Council during an October 6, 2018, CPVAW public event called "Transforming Together," Citizen 1 believes.

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<sup>27</sup> See footnote 19 above for verbatim quote from audio recording.

<sup>28</sup> As I was interviewing Citizen 1, he occasionally but innocuously interrupted my questions.

<sup>29</sup> CEDAW is Convention on the Elimination of All Forms of Discrimination Against Women

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## Citizen 2

I interviewed Citizen 2 on April 5, 2019, in person. Citizen 2 was not represented. The interview was audio recorded for accuracy, with Citizen 2's consent. The interview lasted about one hour and fifteen minutes. I found Citizen 2 to be a credible witness.

### **During the interview, Citizen 2 told me the following in summary:**

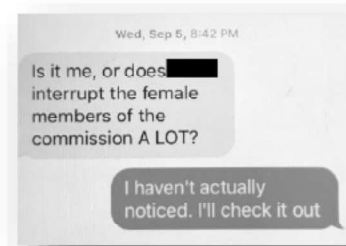
Citizen 2 serves on the Commission for the Prevention of Violence Against Women (CPVAW).

The Commission meets six times per year and has an annual budget of approximately \$35,000 to \$40,000. She served with then-Commissioner Glover and Citizen 1.

In the September 2018, CPVAW meeting, during a discussion about a new logo design, then-Commissioner Glover "became visibly angry and aggressive in his speech directing his words toward another Commissioner [Citizen 1]." Then-Commissioner Glover asked everyone to be respectful of one another, not talk over one another, and be mindful of our race and gender.<sup>30</sup> According to Citizen 2, the audio recording doesn't capture the feeling in the room, in Citizen 2's opinion. Citizen 2 experienced then-Commissioner Glover as "shaking," agitated and angry.

During the meeting, then-Commissioner Glover texted Citizen 2, "Is it me or does [Citizen 1] interrupt the female members of the commission A LOT?"

Citizen 2 replied by text, "I haven't actually noticed. I'll check it out." (See image at right.)



In Citizen 2's opinion, Citizen 1 was not interrupting the other Commissioner because those meetings have not rigidly conformed to Robert's Rules of Order and their exchanges had typically been very conversational and because the importance of the topic of discussion—a logo design—was low relative to other CPVAW business.

Citizen 2 telephoned then-Commissioner Glover immediately after the September 2018, CPVAW meeting, while still in the parking lot, to tell him "he was over the line" and "over the top with how he behaved with [Citizen 1]." She made this call because other Commissioners "were shocked" and thinking, "What was that? What just happened?" Citizen 1 "was mortified" wondering what he had done wrong and was concerned that he was offensive or

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<sup>30</sup> See footnote 19 for verbatim quote from audio recording.

rude. Citizen 2 believes then-Commissioner Glover's statement was "completely uncalled for" and "completely unanticipated."

According to Citizen 2, during this phone call, she told Commissioner Glover:

"I don't know what is going on with you, but that was unacceptable behavior. You need to have a discussion with [Citizen 1] about what happened in that room. People were surprised and didn't understand where you were coming from. You were very aggressive. I know you're a person who is concerned about non-violent communication and how that may appear. The way you spoke was incredibly aggressive. And if you preach non-violence in your communication, I anticipate that you would want to discuss this and correct this with the person who felt you were being aggressive towards."

According to Citizen 2, then-Commissioner Glover let her know that he heard her message. Citizen 2 "highly recommended" then-Commissioner Glover "reach out to" Citizen 1, which Citizen 2 believes then-Commissioner Glover did because Citizen 1 told Citizen 2 that then-Commissioner Glover reached out to him.

Citizen 2 found then-Commissioner Glover not to be open to opposing viewpoints. According to Citizen 2, if a specific vote didn't go his way, then-Commissioner Glover would say sarcastically to other members of the Commission something like, "Well, if you don't care about preventing violence against women..." This was annoying and frustrating to Citizen 2 because all the Commissioners were volunteering their time to do the work of helping to prevent violence against woman and four of them were women.

Citizen 2 related an example; then-Commissioner Glover advocated for recommendation of a CEDAW resolution to the City Council. At first, the concept of a CEDAW resolution was something Citizen 2 agreed to work on with then-Commissioner Glover. They used the City and County of San Francisco's CEDAW resolution as a starting point. It became apparent to Citizen 2 that recommendation and enactment of a CEDAW resolution was going to take a lot more work and buy-in from stakeholders than she originally conceived, there would be associated costs that needed to be analyzed, and it was not something that could be "rammed through."

Then-Commissioner Glover wanted to announce the CEDAW resolution at the upcoming "Transforming Together" event sponsored by the Commission.<sup>31</sup> When CPVAW did not adopt then-Commissioner Glover's proposed edits of a CEDAW resolution, his response, according to Citizen 2, was to rudely tell his fellow Commissioners—comprised of four women and one man—they did not truly care about violence against women. Members of

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<sup>31</sup> Citizen 2 also related an account critical of Councilmember Glover's proficiency in assisting a woman in crisis find appropriate resources at the Transforming Together event, and a separate incident critical of Citizen 2's perception of Councilmember Glover's alleged excessive personal involvement and alleged lack of judgment while attempting to help a woman reporting domestic violence, which are not relevant to the scope of my investigation and are not described in this report. I make no findings regarding these alleged events.

the Commission were incredulous at then-Commissioner Glover's assertion. Though, Citizen 2 believes then-Commissioner Glover sincerely believed he was the only Commissioner who really cared.

Citizen 2 related another example; CPVAW met in November 2017 and was not scheduled to meet again until February 2018. Then-Commissioner Glover felt it imperative and insisted the Commission meet before the end of 2017 in December to discuss the budget. Because the Commission operates on a July 1 to June 30 fiscal year, meeting in February 2018 would have allowed ample time for budget discussions before adopting the next fiscal year's budget effective July 1, in Citizen 2's opinion. Then-Commissioner Glover told CPVAW members if they were unwilling to make time in December to meet then they must not truly care about preventing violence against women. At then-Commissioner Glover's insistence, CPVAW met in December 2017. After insisting on the December meeting, then-Commissioner Glover did not show up. Citizen 2 disbelieved then-Commissioner Glover's explanations for his absence from the meeting because then-Commissioner Glover publicly stated he had a calendar glitch, but Citizen 2 later heard from another Commissioner that then-Commissioner Glover said he took medication and overslept.

In Citizen 2's opinion, Citizen 2 believes Councilmember Glover displays "a certain contempt and condescension" for both men and women depending upon viewpoint rather than gender.

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## Citizen 3

I interviewed Citizen 3 on May 10, 2019, by telephone. Citizen 3 was not represented. The interview was audio recorded for accuracy with Citizen 3's consent. The interview lasted about thirty minutes. I found Citizen 3 to be a credible but reluctant witness.

### **During the interview, Citizen 3 told me the following in summary:**

Citizen 3 is employed by the University of California, Santa Cruz,

Citizen 3 asked me to be sure to capture in my investigative report the message that "try to maintain a balance in [their] political dealings" and wanted to be sure statement to me is not perceived by anyone to be political or "taking sides" in a dispute.

On February 1, 2019, Citizen 3 and Citizen 4 met with Councilmember Meyers in the City Manager's conference room at Santa Cruz City Hall at about 11:15 a.m. Citizen 3 requested this introductory meeting to get to know Councilmember Meyers and understand her policy priorities, just as Citizen 3 and Citizen 4 had also arranged with all the City Council members around that time.

Before meeting with Councilmember Meyers that day, Citizen 3 and Citizen 4 met with the City Manager from 9:30 a.m. to 10:15 a.m. in his office, followed by a meeting in a conference room adjoining the City Council chambers with Councilmember Glover from 10:15 a.m. until shortly about 10:50 a.m. or 10:55 a.m. that day.

The meeting with Councilmember Meyers was scheduled for 45 minutes. The meeting started a little later than scheduled because Councilmember Meyers was working with City staff to find a place for them to meet just as Citizen 3 and Citizen 4 concluded their meeting with Councilmember Glover. Consequently, the meeting with Councilmember Meyers ran over at the end by “a couple of minutes.”

Citizen 3 was looking at the clock as Councilmember Meyers “acknowledged we needed to wrap up the meeting by noon because there was another meeting coming in.” Citizen 3, Citizen 4, and Councilmember Meyers were wrapping up their meeting and “just finishing up our thank yous and goodbyes” at about “12:02 p.m. or 12:03 p.m.”

As Councilmember Meyers opened the conference room door to step into the hallway at about 12:03 p.m., 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 3 does not recall the specific words spoken by Councilmember Glover but does recall “they may have been terse” and they were something to the effect that Councilmember Glover had booked this conference room and Councilmember Meyers was late. Councilmember Glover’s voice was not louder than normal, but it was “terse” and “short.” Councilmember Meyers acknowledged that they were a few minutes over and apologized to Councilmember Glover.

Councilmember Meyers “appeared to be taken aback” and “surprised” as she explained they were over time by just a couple of minutes and they were trying to wrap up.

Councilmember Meyers and Councilmember Glover were three or four feet away from each other in the doorway of the conference room.

The interaction observed by Citizen 3 was brief (about 10 to 15 seconds) because Citizen 4 “kind of squeezed by” Councilmember Meyers and Councilmember Glover in the doorway to let them have their conversation to themselves. As they “squeezed by” to exit, Councilmember Glover either approached further into the conference room or remained standing in the conference room doorway. Citizen 3 did not observe Councilmember Meyers come out into the hallway.

“It sounded like they needed to have a private conversation” primarily because of the tone, “I wanted to be out of the room,” “I certainly didn’t want to be in the middle of that conversation,” and “I didn’t want Councilmember Meyers to feel embarrassed about us being uncomfortable in that situation,” Citizen 3 explained. Upon observing this interaction between Councilmember Glover and Meyers, “my thought was I really want to be on the other side of that door.”

Citizen 3 stated Councilmember Glover's approach "may have been discourteous," "may not have been collegial," and "may have been a conversation to have in private with your colleague." Citizen 3 stated if she were in Councilmember Meyers' shoes, she would not have appreciated having that conversation in front of people she was meeting with professionally.

After leaving the conference room, Citizen 3 and Citizen 4 walked out to the lobby. Citizen 3 last saw Councilmember Glover in the conference room doorway as she entered the lobby. Seconds later, Councilmember Meyers came out to the lobby "looking a little frazzled and apologizing." Councilmember Meyers "looked upset" and said, "I'm sorry we didn't get to get our full hour." Citizen 3 did not see Councilmember Glover again that day.

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## Justin Cummings, Vice Mayor

I interviewed Vice Mayor Justin Cummings on May 17, 2019, in a private conference room in the office of the City Attorney. Vice Mayor Cummings was not represented. The interview was audio recorded for accuracy, with Vice Mayor Cummings's consent. The interview lasted about one hour and fifteen minutes. I read a directive to Vice Mayor Cummings regarding honesty and the City's antiretaliation policy. I found Vice Mayor Cummings to be a credible witness.

### **During the interview, Vice Mayor Cummings told me the following in summary:**

He is the newly elected Vice Mayor on the Santa Cruz City Council. Recently, there have been controversial policy debates and issues before the City Council involving homeless encampments and tenants' rights.

When discussing these and other controversial policy issues, Vice Mayor Cummings has not seen demeaning or derogatory comments towards other City Council members. Vice Mayor Cummings has personally experienced a hostile work environment elsewhere (not at the City of Santa Cruz) and did not realize he should have complained until after he left. Vice Mayor Cummings has not observed what he considers to be a "hostile work environment" as he understands that term, such as calling someone an "idiot."

Vice Mayor Cummings has seen Councilmembers "interrogate" other Councilmembers, such as by saying, "No, I didn't ask you that; I asked you this," or, "No, but you didn't answer my question; I'm asking you this." This behavior is visible on the videos of City Council meetings. This type of exchange can make people feel uncomfortable and can create tension. If the person being questioned doesn't want to provide the information sought, or doesn't have it, then it may not be "harassment" even if those kinds of questions make someone feel uncomfortable.

Vice Mayor Cummings believes the behavior of some Councilmembers acting "grandiose," "grandstanding," and "calling people out" could potentially be subjectively considered



“demeaning, humiliating, or offensive.” Vice Mayor Cummings, other members of the City Council, and members of the public “do not appreciate the way we’ve been carrying out our meetings and the type of discourse that’s been happening when there’s conflict.”

Vice Mayor Cummings explained:

It’s fine for conflict to occur, and it’s fine that we sit and respectfully disagree with one another and continue on. But I think that some people on the City Council have been using it as an opportunity to take over the time that’s there and monopolize it for themselves. It then becomes difficult to run a meeting. It becomes difficult to get many of the things done in government that need to be done. And what we’re really trying to do is effectively run a city. Sometimes what ends up happening is if we end up focusing all of our attention on one specific issue we don’t get everything else done and then that starts to compromise the City’s ability to function.

During the City Council meeting last week, the City Council chambers had to be cleared by law enforcement twice after public comment on an agenda item was not extended by the City Council beyond 30 minutes at the request of Councilmembers Glover and Krohn. Councilmembers Glover and Krohn protested, members of the public charged the podium, and refused to suspend their activity. After the second clearing of the chambers, Councilmembers Glover and Krohn left the meeting.

In March 2019, both Councilmembers Glover and Krohn were not at the meeting and the discourse was one of agreement or respectful disagreement “and everything moved smoothly forward.”

Vice Mayor Cummings believes a display of emotions by Councilmembers is inevitable when there is disagreement over issues they feel passionately about. For example, recently Councilmembers got emotional about conditions at the Ross Camp. Vice Mayor Cummings believes this could be considered hostile, offensive, insulting, or threatening to the homeless persons who lived at the camp. Likewise, if Councilmembers Krohn and Glover emotionally argue that the Ross Camp should not be closed and closing it will contribute to a cycle of incarceration and fines, that could be offensive to a homeowner or resident who doesn’t like homeless people. He considers this to be an extremely difficult situation.

### **1. Vice Mayor Cummings does not recall witnessing Councilmember Krohn laugh or scoff at City Employee 1**

Vice Mayor Cummings does not recall witnessing Councilmember Krohn laugh or scoff at City Employee 1 when she made the presentation at the City Council meeting on February 12, 2019. His attention was focused on the staff’s presentation rather than on Councilmember Krohn.

**2. Vice Mayor Cummings has never witnessed Councilmembers Krohn or Glover refer to the public using expletives during City Council meetings**

Vice Mayor Cummings has never heard Councilmembers Krohn or Glover refer to members of the public using foul language or expletives.

**3. Vice Mayor Cummings observed Councilmember Meyers was very uncomfortable when meeting with him and Councilmember Glover because of Councilmember Glover's questioning**

Vice Mayor Cummings was present during a meeting with Councilmembers Glover and Meyers during which the proposed rent control and just cause eviction ordinance was discussed. Vice Mayor Cummings observed Councilmember Meyers felt "very uncomfortable" by Councilmember Glover's questions. Councilmember Glover was trying to get information from Councilmember Meyers in a way that Councilmember Meyers could reasonably perceive as intimidating and aggressive, in Vice Mayor Cummings' opinion. "If I were in her situation, I probably wouldn't have felt very comfortable either" and "I wouldn't have appreciated being in that position either," Vice Mayor Cummings said.

In the opinion of Vice Mayor Cummings, it seemed like Councilmember Meyers contributed to a delay in moving forward on the proposed temporary measures for rent control and just cause eviction ordinance by proposing to form a working group to discuss a compromise proposal, but not bringing open-minded stakeholders to that working group meeting to discuss the compromise, and by refusing to schedule any follow-up group meetings. Because of the delay, people were at risk for eviction from their homes, in Vice Mayor Cummings view. For this reason, Vice Mayor Cummings feels Councilmember Glover was right in trying to call Councilmember Meyers out to ask her why she had done this.

Ultimately, Vice Mayor Cummings believes this was a difference in communication style. Councilmember Glover was not yelling at her, was not getting in her face, was seated across a conference room table from Councilmember Meyers and was asking legitimate questions given their history on this issue.<sup>32</sup>

**4. Vice Mayor Cummings has observed Councilmembers Krohn and Matthews speak without being recognized by the Mayor during meetings**

Under the City Council's rules, Councilmembers are generally expected to seek recognition from the Mayor or other presiding officer of a public meeting before speaking, such as to

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<sup>32</sup> Vice Mayor Cummings told me he believes the complaints leading to this investigation may be politically motivated to undermine and make less effective some of his policy efforts and those of Councilmembers Krohn, Glover, and Brown. Investigating alleged political motivations for the Complaints is beyond the agreed-upon scope of my investigation. The complainants had no opportunity to respond to Vice Mayor Cummings' speculation about alleged political motives in making their complaints. I have not investigated, and I make no finding, regarding any political motivations for the Complaints.

make a statement or ask a question of staff. Vice Mayor Cummings has observed both Councilmembers Krohn and Matthews break this rule. He also observes the Mayor does not seem to have a problem with this rule violation when the rule breaker is Councilmember Matthews. Vice Mayor Cummings believes this inequity occurs because the Mayor is more politically aligned with Councilmember Matthews.

Vice Mayor Cummings believes the communications on the dais by all Councilmembers is not strictly adhering to Robert's Rules of Order.

#### **5. Vice Mayor Cummings has seen no evidence of gender bias by either Councilmember Glover or Councilmember Krohn**

Councilmembers Glover and Krohn interrogate members of City staff without regarding to gender. For example, Councilmember Glover questioned the Director of Public Works (a male) about how much money he spent printing paper copies of his staff presentation and the diversity within his department, which was an item that was not on the agenda. This type of behavior is aggravation to Vice Mayor Cummings and other Councilmembers because it seems counterproductive to do this publicly during an unrelated agenda item.

Vice Mayor Cummings believes publicly asking about printed paper costs in this manner is attention seeking behavior and could be reasonably construed as insulting to City staff.

#### **6. The first time Vice Mayor Cummings received a copy of the Respectful Workplace Policy was by email on February 20, 2019**

On February 20, 2019, Vice Mayor Cummings received an email with a copy of the Respectful Workplace Policy. (Exhibit 23.) Prior to this date, Vice Mayor Cummings was not provided any information regarding any city policy relating to workplace conduct.

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## **Drew Glover, Councilmember**

I interviewed Councilmember Drew Glover on May 17, 2019, in a private conference room in the office of the City Attorney. Councilmember Glover was represented by attorney Daniel Sheehan of the Romero Institute in Santa Cruz. The interview was audio recorded for accuracy, with Councilmember Glover's and Mr. Sheehan's consent. The interview lasted about two hours and ten minutes. I read a directive to Councilmember Glover regarding honesty and the City's antiretaliation policy. I informed Councilmember Glover he is a subject of the complaints I am investigating. I found Councilmember Glover to be a credible witness.

#### **During the interview, Councilmember Glover told me the following in summary:**

Councilmember Glover was elected to the City Council in December 2018. Councilmembers are elected at large. Councilmember Glover serves on the Community Programs Budget

Committee, the Integrated Waste Management Committee, the Public Safety Committee, and the Monterey Bay Power Consortium as an alternate, he reported to me.

Councilmember Glover previously served on the Commissioner for the Prevention of Violence Against Women (CPVAW) for approximately a year and a half, he said.

Councilmember Glover currently has 14 interns, who are a combination of volunteers and students for class credit. Only three or four of his interns come to work at City Hall at the same time on any given day, he explained.

This investigation by an outside attorney caught Councilmember Glover off guard and is disturbing and disheartening to him because no one has come to him to tell him there is a problem, or that they didn't appreciate the way he said something. He points out that the City's Councilmember Handbook says Councilmembers are supposed to talk to one another, be open, honest, and truthful, and address challenging topics directly while avoiding "talking around them."

### **1. Councilmember Glover met with Vice Mayor Cummings and Councilmember Meyers in late-January or early-February 2019 in the courtyard conference room to discuss the just cause eviction proposal**

Councilmember Glover and Vice Mayor Cummings met with Councilmember Meyers about the rent control and just cause eviction ordinance roughly one or two weeks after the League of California Cities new councilmember orientation program in Sacramento from January 15 to 18, 2019.<sup>33</sup> The meeting took place in the courtyard conference room adjacent to the City Council chambers.

Councilmember Meyers is closely connected with the group Santa Cruz Together, which advocated against and help defeat Measure M, a rent control measure. During the new councilmember orientation program in Sacramento, Councilmember Glover, Vice Mayor Cummings, and Councilmember Meyers discussed trying to work to reach a consensus on a compromise proposal to bring before the City Council.

Vice Mayor Cummings and Councilmember Meyers were supposed to assemble a group of people to work on middle-ground solutions to the issue of just cause evictions. Each was to bring four people to the meeting. Councilmember Glover heard from Vice Mayor Cummings that Councilmember Meyers brought only three people, all of whom were opposed to

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<sup>33</sup> These dates coincide with the published dates for this program on the League of California Cities Internet website at <https://www.cacities.org/Education-Events/New-Mayors-Council-Members-Academy>. Councilmember Glover believes this meeting did not happen on February 1, 2019, based upon a review of his smart phone calendar, but acknowledges the meeting happened. According to the statement of Councilmember Meyers, this meeting occurred on February 1 before Councilmember Meyers met with Citizen 3 and Citizen 4.

discussing any compromise position on the topic, and she left the meeting before it concluded.

This was disappointing to Councilmember Glover because he understood there was a commitment to work together and it tied his hands to work with other Councilmembers because of Ralph M. Brown Act restrictions. It was not, however, unexpected because there was an ideological divide he was working to try to bridge with Councilmember Meyers.

Councilmember Glover was not angry going into the courtyard conference room meeting with Councilmember Meyers and Vice Mayor Cummings. During the meeting, he felt Councilmember Meyers' statements did not make logical sense to him. For example, on the one hand Councilmember Meyers stated she cared about persons not being evicted from their homes, but on the other hand she did not support the proposed just cause eviction ordinance and offered no alternative proposals to address what Councilmember Glover viewed as an urgent problem.

During the meeting, Councilmember Glover and Vice Mayor Cummings sat on one side of a conference table while Councilmember Meyers sat on the other side. Both Councilmember Glover and Vice Mayor Cummings questioned Councilmember Meyers about her policy position. Councilmember Meyers became so frustrated with their questions, she pushed herself away from the table, started to stand up as though she was about to leave the room, stopped herself, then sat back down. Councilmember Glover observed she appeared frustrated and about to leave. Councilmember Meyers replied she was just stretching her back, which he did not believe to be true.

Councilmember Meyers asked Councilmember Glover why he was "interrogating" her. Councilmember Glover responded he did not believe he was interrogating her but trying to understand what he considered to be "oxymoronic" about her seemingly inconsistent answers. Councilmember Glover states he told Councilmember Meyers, "You can't care about keeping people in their homes and then not support policies that keep people in their homes. It doesn't make any sense." Councilmember Meyers' stance was confusing to him. Councilmember Glover was seated the entire time. Councilmember Glover did not interact with her after the meeting.

## **2. In February or March 2019, Councilmember Glover addressed Councilmember Meyers about her continued use of a shared conference room for 10 to 15 minutes during his scheduled time**

About one to six weeks after his meeting in the courtyard conference room with Councilmember Meyers and Vice Mayor Cummings about rent control, Councilmember Glover had scheduled the use of a shared conference room. City Employee 6 manages the calendar for the shared conference room.

Councilmember Glover does not recall the exact date or circumstances.<sup>34</sup> Councilmember Meyers overstayed her scheduled time for using the room “by about 10 or 15 minutes, or something like that ... let’s go with 10 [minutes].” Councilmember Glover found the conference room door closed and the window blinds closed when he arrived to use the room. He could tell the room was occupied because the blinds do not close completely, and he could see into the room. He cannot recall if he knew who was using the room.

Councilmember Glover remembers being in the conference room saying to Councilmember Meyers words to the effect, “It would be great if we could respect the time” that we are scheduled to use the conference room “because it impacts the rest of us.” Councilmember Glover does not recall whether he said this in the presence of Citizen 4 or Citizen 3. Councilmember Glover does not recall whether Councilmember Meyers apologized. Councilmember Glover does not recall whether he followed Councilmember Meyers down the hall but points out her private office door is “literally adjacent” to and “directly across” from the conference room door.

Councilmember Glover is certain it was not four minutes because he does not believe he would have made an issue if it was only four minutes. Councilmember Glover clarified, “I have no doubt that if she was late that I asked her to be conscious of the time. I don’t agree that regardless of whether it was four minutes or ten minutes that I used an aggressive or intimidating tone.”

Councilmember Glover can understand “how someone that may have unconscious 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.

Councilmember Glover did not intend to threaten, demean, intimidate, berate, bully, insult, or offend Councilmember Meyers during this interaction.

### **3. Councilmember Glover first knew of the Respectful Workplace Policy when he received notice of this investigation**

Councilmember Glover first received notice of this investigation from Special Counsel Timothy L. Davis on March 4, 2019. He was provided a copy of the City’s Respectful

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<sup>34</sup> Councilmember Glover looked at his smart phone and confirmed he had a 10:15 a.m. to 10:45 a.m. meeting with Citizen 4 and a 12:00 p.m. “intern meeting” both on February 1, 2019, which corroborates the dates and times of those two meetings as told to me by Councilmember Meyers and Citizen 3. I credit the statements and memories of Councilmember Meyers and Citizen 3 regarding the date of the meeting and related circumstances as more reliable.

Workplace Policy at this time. Councilmember Glover believes this is the first time he became aware of this policy.<sup>35</sup>

#### **4. In Councilmember Glover's opinion, Councilmember Meyers seems irritated with Councilmember Glover**

During typical interactions Councilmember Glover has with Councilmember Meyers, she "carries an energy like she is really irritated with me when I'm just trying to speak with her," he told me. This makes Councilmember Glover uncomfortable. He has not had any prior interactions with her he believes may have contributed to this uncomfortable interpersonal dynamic.

Councilmember Glover tries to be as cordial, engaging, and amenable with people as he can, "Because I'm a black guy and I'm not trying to be aggressive or intimidating, because we all know how that turns out, and especially in the world of politics that is the nail in the coffin for people as being perceived as anything but calm and super peaceful." Councilmember Glover also works at the resource center for non-violence and recognizes he must consider empathy and the viewpoints of others.

#### **5. Councilmember Glover denies directing or encouraging anyone to videotape City staff at the Ross Camp**

Councilmember Glover questioned a member of City staff at the Ross Camp while someone else unaffiliated with him was videotaping. He did not instruct anyone to videotape and he was not himself videotaping. Many people (approximately 20 people) were videotaping that day because it was the closure of the camp, he reported to me. Councilmember Glover had one intern there, but that intern was not involved in interactions with City Employee 4, he said. He denied instructing or encourage his interns to videotape City staff.

Councilmember Glover told me he was called to the camp by people there because by 9:30 a.m. there were no City representatives there and "people didn't know what was going on." People understood they "had to be out" by 10 o'clock but had "no information as to what that meant, what was going to happen." Councilmember Glover went to the camp "as a City servant to get a handle on what was going on and provide some sense of center for people there because there was a lot of panic and frustration."

Councilmember Glover told me he called the City Manager who told Councilmember Glover that City Employee 4 would be arriving at 10:30 a.m. and would have individual vouchers for either programs or motels. City Employee 4 arriving at 10:30 a.m. caused "at least 30 minutes

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<sup>35</sup> Councilmember Glover is shown to be a recipient of an email to all members of the City Council dated February 20, 2019, to which a copy of the Respectful Workplace Conduct Policy is attached as a PDF. (Exhibit 23.) He does not recall seeing this email.

of chaos” because the notices for closure fixed 10:00 a.m. as the closure time, in Councilmember Glover’s opinion.

After City Employee 4 arrived, “there were people that were concerned about vouchers” and “what the plan was.” Councilmember Glover told me he asked City Employee 4 a question and “she was incredibly rude to” him, “disregarding the fact that [he] asked a question.”

Councilmember Glover told me he tried to introduce a man to City Employee 4 who had a question. According to Councilmember Glover, City Employee 4 asked the man to meet her at his tent. This was Councilmember Glover’s last interaction with City Employee 4 that day.

Later that day, Councilmember Glover received a phone call from the City Manager inviting Councilmember Glover’s attention to City Charter section 809 prohibiting Council interference with administrative staff.<sup>36</sup> Councilmember Glover read section 809 of the Charter and believes does not apply to this circumstance because he was merely asking questions and section 809 makes an exception “for the purpose of inquiry.”

Councilmember Glover believes City Employee 4 “has one of the hardest jobs in the City” because she has to navigate the various policy positions among a divided City Council on contentious issues. Councilmember Glover appreciates the work City Employee 4 does.

## 6. The Fierce Urgency of Now

Councilmember Glover is not aware of any personal or physical interactions that could have motivated her February 12, 2019, public statement about him, except his social media post he published on February 8, 2019, entitled, “The Fierce Urgency of Now.”

He was motivated to write “The Fierce Urgency of Now” because, in part, of a miscommunication with City staff. City staff informed Councilmember Glover he must have his proposed agenda items submitted by a certain date to get them on the agenda. Relying on this information, Councilmember Glover prepared his detailed agenda proposals over several weeks, which were endorsed by Councilmembers Krohn and Brown. Councilmember Glover repeatedly asked City staff to check his work.

When he submitted his agenda proposals about a week before the February 12, 2019, City Council meeting, City Employee 4 told him it was the wrong day. Councilmember Glover learned he had received an outdated sheet for submittal deadlines on agenda items, which

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<sup>36</sup> City Charter section 809 is entitled “No Interference Between the Council and City Manager” and provides: “Neither the Council, nor any member, shall direct or request the appointment or removal of any person to, or from office by the City Manager or by any other appointing officer, or in any manner take part in the appointment or removal of an officer or employee in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any City officer, either publicly or privately. Any Councilmember who violates this provision, or votes for a resolution or ordinance in violation hereof, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a Councilmember.”



meant he was one day late in his agenda submittal. However, Mayor Watkins had discretion to allow the items to be placed on the agenda because it is her prerogative, so long as the City complies with the 72-hour agenda posting requirements of the Ralph M. Brown Act, Councilmember Glover explained.

Councilmember Glover told me agenda review is conducted by the Mayor, the Vice Mayor, and the City Manager.

### **7. In Councilmember Glover's opinion, Mayor Watkins' February 12, 2019 public statement was unexpected, and carefully worded to announce alleged perceptions of other people rather than her own**

After Councilmember Glover's social media post entitled "The Fierce Urgency of Now" criticizing Mayor Watkins' decision not to allow Councilmember Glover's proposals to be agendaized for action at the February 12 meeting, Mayor Watkins made a public statement at the February 12, 2019, City Council meeting accusing Councilmembers Glover and Krohn of bullying and sexism. Councilmember Glover believes the Mayor's February 12 public statement was carefully worded in that it repeated the alleged perceptions of some unnamed people in the community but did not explicitly state whether Mayor Watkins believed these perceptions (i.e. bullying and sexism) to be true.

Councilmember Glover sighed and leaned his head back when the Mayor accused him of sexism. Councilmember Glover heard Councilmember Krohn apologize to the Mayor.

Councilmember Glover told me:

It wasn't [the Mayor] saying I feel this way. It was really interesting if you listen to the language she says, 'I think I need to address perceptions within the community that I am...;' so, that really struck me because I was like, so do you feel this way? Or are you saying this because other people have told you that they feel this way? And then, why are other people's perceptions dictating what the Mayor says on the dais? Especially without coming to me first and saying, 'Hey, there are perceptions in the community that you're bullying me because I am a woman.' And then that would give us the opportunity to reconcile."

Councilmember Glover told me he asked to be recognized but was not given a chance to promptly respond to the Mayor's public statement. He had to wait approximately four hours to respond later during the February 12 meeting, Councilmember Glover reported to me. At the February 12 meeting, Councilmember Glover defended himself by reading the following prepared statement, which he provided to me:

I want to start by saying that I feel it was an inequitable decision for the Mayor to make a lengthy statement at the beginning of this meeting, reference me, and then refuse to let me respond.

So, to respond: After weeks of working with fellow Councilmembers, interns, community members, advocates, people experiencing homelessness, residents of the Ross Camp and people living in cars, we created these policy proposals. Our proposals were refused for the reason it would 'take too long' or the Mayor didn't have enough time to add it to the agenda. I saw the draft agenda. It showed an estimation that this item is going until 9:30. That is only two and a half hours to discuss such an important issue as homelessness. With the issue of homelessness, the sheer volume of suffering taking place, to cite time as an obstacle is disappointing. If we have possible solutions that can be explored and discussed, we need to be here until 2:00 a.m. if necessary. I have a job, I have a dog, I have responsibilities, but I was elected to do what is best for our city. That will require sacrifice and, at times, long meetings. To trade my time for another person's suffering is abhorrent.

Mayor Watkins also brought up her gender as a reason for the community organizing approach, which really shows how little she knows me. I advocate for the rights of women, girls and trans folk. I sat on the City's Commission for the Prevention of Violence Against Women where I urged the Commission to recommend the City Council adoption of the Convention for the Elimination of All forms of Discrimination Against Women and I am pushing so hard because of all of the women, girls and vulnerable folk who are sleeping in the camp, because they have no place to go and are at risk of violence, sexual abuse and exploitation.

I want the community to know that I am a community organizer. I care about inclusion. I care about representation. I want to assure Mayor Watkins that I would be taking this same approach of building community support if she was a man or a woman or a non-binary person. The issue is not about gender or race, it is an issue of morality and principle. It's about prioritizing time over prioritizing people. I think we see this not only with Mayor Watkins' refusal to agendaize these items for action. Instead, she gave me the option to make a motion with direction. For those in the community who do not know the process, if the items are not agendaized, there can be no action. So, at the earliest any of my policy suggestions can be deliberated for action is the next City Council meeting. That is two more weeks—fourteen more days—before we can start looking at new, innovative solutions.

I hope that we can work through this conflict. But I must say I find it offensive and irresponsible for her to try and belittle my effort to educate the community about the process and the impact of her decision.

**8. Councilmember Glover believes Mayor Watkins is inequitable and inconsistent in her expectation that she must recognize a Councilmember before that Councilmember speaks**

The Councilmember's Handbook addresses decorum in City Council meetings, requires all persons to preserve order and decorum, and requires every City Councilmember and member of the public to address and be recognized by the presiding officer (the Mayor) before speaking.

In Councilmember Glover's opinion, Mayor Watkins is not consistent in her expectation that Councilmembers Krohn and Glover be recognized by her before speaking because she routinely acquiesces without complaint to Councilmember Matthews, with whom the Mayor has a relationship and is politically allied, to speak without first being recognized. This is also true to a lesser extent with Councilmember Meyers, in the view of Councilmember Glover. The Mayor often "looks over to Councilmember Matthews for affirmation" before moving forward on a choice or deciding something, Councilmember Glover stated.

**9. Councilmember Glover stated he is an "intensely intentional feminist" and has no animus toward Mayor Watkins because of her female gender**

"My mom raised me to be an intensely intentional feminist," Councilmember Glover shared. He unequivocally and absolutely does not have animosity toward Mayor Watkins because of her female gender, he said. Councilmember Glover told me he does his best to "constantly fight for equity." He told me he uses terms like "y'all" to avoid gender specific language such as, by contrast, "you guys," which tends to "normalize that men are the only representation that's going on."

Councilmember Glover's interns are predominantly women (approximately nine of his fourteen interns are female), he said. He told me he tries to encourage his interns to be engaged and powerful.

In Councilmember Glover's view, as a community organizer, he treats Mayor Watkins in the same manner he would treat any person in her shoes "who operated in the same way."

**10. Councilmember Glover stated he met with Mayor Watkins at noon on Friday, February 15, 2019, regarding "harm reduction"**

Councilmember Glover stated he met with Mayor Watkins in her office at noon on Friday, February 15, 2019, regarding a meeting he titled in his calendar as "harm reduction." His intention was to try to find common ground with Mayor Watkins around a policy they could work on together, he said. Councilmember Glover reported he also wanted to focus on reconciliation so he and the Mayor can work more effectively together. Councilmember Glover reported he made multiple requests to the City Manager for assistance in "reconciliation talks" with Mayor Watkins.

### **11. City Council members attended a team building meeting for several hours with a facilitator**

Councilmember Glover and other members of the City Council attended a team building meeting for several hours with a facilitator<sup>37</sup> at which none of these conflicts were addressed and they discussed and attempted to discover each other's motivations and influences. In Councilmember Glover's opinion, this meeting was "completely surface level," not effective, and members of the City Council remain just as divided now as before because there is a lack of mutual trust.

"When you have people that; a) don't agree with you ideologically, b) are coming after you politically, I don't see how there's room for growth until the root conflict is out of the way to be able to move forward as equals, have an understanding, and have reconciliation," said Councilmember Glover.<sup>38</sup>

### **12. Councilmember Glover does not recall witnessing Councilmember Krohn laugh in a scoffing manner at City Employee 1 during at the February 12 City Council meeting**

Councilmember Glover does not recall witnessing Councilmember Krohn laugh in a scoffing manner at City Employee 1 during the presentation at the February 12, 2019, City Council meeting. Councilmember Glover said, "I don't recall that. I'd have to go back and watch the video. I don't recall. But I don't remember there being any kind of a scoff or anything notable."

Councilmember Glover states the microphones on the dais are "pretty sensitive" and if someone makes a noise it is picked up by the microphone.

### **13. Councilmember Glover does not laugh when Citizen 7 criticizes City staff during public comment at City Council meetings**

Councilmember Glover does not laugh when Citizen 7 criticizes City staff during public comment at City Council meetings. Councilmember Glover does sometimes snap for citizens as a "silent agreement with the statement" (instead of clapping or speaking up, for example) but does not recall snapping for Citizen 7. Councilmember Glover does not recall snapping

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<sup>37</sup> This team building meeting took place on February 19, 2019.

<sup>38</sup> Councilmember Glover told me he believes the Complaints leading to this investigation are part of a coordinated political strategy to provide momentum to get him recalled during while college students are on summer break. Investigating alleged political motivations for the Complaints is beyond the agreed-upon scope of my investigation. The complainants had no opportunity to respond to Councilmember Glover's speculation about alleged political motives in making their complaints. I have not investigated, and I make no finding, regarding any political motivations for the Complaints.

when citizens criticize staff during public comment, saying, “That doesn’t seem very appropriate.”

#### **14. Councilmember Glover denied ever referring to any member of the public using expletives such as “bitch” from the dais**

Councilmember Glover told me there is “no way” he has ever referred to any member of the using expletives such as “bitch” from the dais, or privately whispered such things to Councilmember Krohn. “That would be nuts,” Councilmember Glover said. He was incredulous that anyone accused him of such conduct.

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## **Chris Krohn, Councilmember**

I interviewed Councilmember Chris Krohn on May 17, 2019, in his attorney’s Scotts Valley law office. Councilmember Krohn was represented by attorney Phillip A. Passafuime of Dawson, Passafuime, Bowden and Martinez in Scotts Valley. The interview was audio recorded for accuracy, with Councilmember Krohn’s and Mr. Passafuime’s consent. Councilmember Krohn also recorded the interview. The interview lasted about forty-five minutes. I read a directive to Councilmember Krohn regarding honesty and the City’s antiretaliation policy. I informed Councilmember Glover he is a subject of the complaints I am investigating. I found Councilmember Krohn to be a credible witness.

### **During the interview, Councilmember Krohn told me the following in summary:**

Councilmember Krohn previously served on the City Council from 1998 to 2002, was Mayor in 2002, and was re-elected in 2016. Councilmembers are elected at large. Councilmember Krohn told me he is motivated to serve the citizens of Santa Cruz and has no ulterior motive other than public service. Councilmember Krohn reported he moved to Santa Cruz in 1983 to attend college at U.C. Santa Cruz.

#### **1. Councilmember Krohn reported he emailed Mayor Watkins twice seeking reconciliation with no reply**

Councilmember Krohn was present at the February 12, 2019, City Council meeting when Mayor Watkins publicly stated he was intentionally bullying her because of her gender. He told me he was not aware Mayor Watkins intended to make that statement before he heard it while sitting on the dais.

Councilmember Krohn considers Mayor Watkins to be “a very nice person” with whom he has had political disagreements and process disagreements about action items getting on the Council’s meeting agenda. He told me he does not want to burn bridges. He told me he wants to work with Mayor Watkins. He told me he welcomes divergent opinions on issues because he likes to hear what people say to inform his own opinions.

Councilmember Krohn told me he cannot recall any instance of conflict that would lead to an inference he has an anti-female gender bias against Mayor Watkins. Before February 12, 2019, he recalls no instance where the Mayor told him she thought he was treating her differently because of gender. Likewise, he did not hear from anyone in the community telling him they perceived he was treating Mayor Watkins differently in the City Council meetings on the basis of her female gender.

Upon hearing Mayor Watkins make this public statement, Councilmember Krohn let her finish her statement without interruption then immediately apologized. "I have two daughters myself and I would want them to stand up for themselves," Councilmember Krohn said.

After hearing Mayor Watkins' public statement at the City Council meeting on February 12, 2019, Councilmember Krohn reported to me he sought out Mayor Watkins predecessor, former-Mayor David Terrazas, because Mr. Terrazas is a close observer of the City Council meetings. Mr. Terrazas expressed to Councilmember Krohn the view that Councilmember Krohn "didn't treat Martine Watkins any different than he treated David Terrazas when they were each Mayor in terms of meetings or questions." Councilmember Krohn shares this view.

Councilmember Krohn told me he has asked Mayor Watkins what incidents she had in mind when alleging bullying based on gender bias and she has not responded. Councilmember Krohn shared with me his email to Mayor Watkins sent February 24 saying he took her assertions very seriously and seeks to work with her to resolve their communication differences. The text of that email is copied immediately below. Councilmember Krohn told me Mayor Watkins did not reply to this email.

**From:** Chris Krohn <ckrohn@cruzio.com>  
**Subject:** **meeting-mediation**  
**Date:** February 24, 2019 at 1 :14:26 PM PST  
**To:** Martine Watkins <mwatkins@cityofsantacruz.com>  
**Cc:** Martin Bernal <mbernal@cityofsantacruz.com>, Drew Glover <dglover@cityofsantacruz.com>, Lisa Murphy <lrnurfphy@cityofsantacruz.com> ·

Dear Martine,

I wanted to take a minute to reiterate that I took your public assertions very seriously. I would like to schedule a professional meeting to work through them as soon as possible. Sexism and mysogyny [*sic*] are not to be taken lightly.

I am supportive of working proactively to resolve our communication differences. I believe it might benefit not only us, but the city council as a whole. We have much work to do this year, and it would more beneficial if we approach it in a more collegial and productive way. I am

very open to hearing what solutions and strategies you might like to propose, and which of my behaviors might have occasioned your concerns. I am also open to having a mediator present to allow us to hear each other more constructively.

I am cc-ing Councilmember Glover, Martin Bernal, and Lisa Murphy, in hopes that they may be able to be of help as we move forward in this process. I believe open communication is important and I am willing to rearrange my schedule to accommodate whatever dates and times you and others might be available. I look forward to hearing from you.

Kind regards,

Chris Krohn

(Exhibit 16.)

Councilmember Krohn said he emailed Mayor Watkins again on March 10, 2019 to reiterate he took her assertions very seriously, ask her what he said that she found to be bullying behavior, and affirm he respects her as a person and a woman in a leadership role. According to Councilmember Krohn, Mayor Watkins did not reply.

**From:** Chris Krohn <ckrohn@cruzio.com>  
**Subject:** **Towards a better SC future**  
**Date:** March 10, 2019 at 11:24:24 PM PDT  
**To:** Martine Watkins <mwatkins@cityofsantacruz.com>,  
Martine Watkins <tines63@gmail.com>  
**Cc:** Donna Meyers <dmeyers@cityofsantacruz.com>

Dear Martine,

I'm writing this letter to you because I want to take responsibility for my part in the difficulties in our working relationship. I want to try to reconcile and work together in the future in a mutually respectful way.

When you said "there are perceptions that my colleagues, both Councilmember Krohn and Councilmember Glover, are intentionally bullying me because I'm a woman," I assume that you agree with those perceptions. I am taking those perceptions seriously because I have undoubtedly learned attitudes of inequality towards women simply by growing up in our culture. For a long time I have attempted to unlearn these beliefs. I take to heart your comments and I will to redouble my efforts at self-reflection.

It would be helpful if you would let me know what I said that you found to be bullying behavior. I want to be aware of what language I used that contributed to your negative experience. In the meantime, I want to assure you that I respect you as a person and a woman in a leadership role.

I know that my passionate advocacy for the things I really care about can sometimes come across to others in a negative way, for men as well as women. I want to have more patience in situations when I think there is a lot at stake. For me, that means finding ways to remember the good intentions of those with whom I disagree. I want to express my convictions without a judgmental attitude towards others with different opinions. Though I don't know what I said that triggered your upset, I assume that I failed to live up to these goals in my communication with you.

In my effort to eliminate coercive communication I am aware that I am not going to be perfect. So, I ask that you give me feedback as soon as you feel discomfort in our conversation. That way we have a chance to clear it up right away.

I hear there is an effort afoot to help us reconcile. I received a phone message from Tim Davis, a mediator who I understand is working with HR. He left me a message recently and I will get back to him. I know we both want our community to be inclusive, just, and peaceful so I look forward to working with you as we move forward toward a new Santa Cruz future.

Sincerely,

Chris Krohn

(Exhibit 15.)

On February 19, 2019, the entire City Council, the City Manager, the Assistant City Manager, and an analyst attended a facilitated retreat. During this retreat, three members of the City Council asked Mayor Watkins to elaborate on what happened to prompt her public statement on February 12, according to Councilmember Krohn. Councilmember Krohn told me Mayor Watkins did not “want to say what it was that was going on” and declined to elaborate on specifics.

On June 21, 2018, Councilmember Krohn and Mayor Watkins had a disagreement over a proposed sugar beverage tax while working on the Budget Revenue subcommittee together. That same day, Councilmember Krohn emailed Mayor Watkins to apologize for leaving the subcommittee meeting. (Exhibit 17.) Mayor Watkins replied within about two hours. Her email began, “Hi Chris, [¶] No worries at all – we get passionate!” They agreed to meet to



continue a conversation. (*Ibid.*) There was no public accusation of Councilmember Krohn bullying Mayor Watkins on the basis of gender or at all.

## **2. Councilmember Krohn stated he has no interest or intention to bully or anger Mayor Watkins**

Councilmember Krohn stated he has no interest or intention to bully or anger Mayor Watkins. He stated he has no ulterior motive and seeks only to serve the public through robust public participation and debate over policy.

Councilmembers are generally expected to follow rules of procedure when asking questions, which includes asking for recognition from the presiding officer of the meeting when asking a question, in Councilmember Krohn's experience. Occasionally, Mayor Watkins may move away from Councilmember Krohn prematurely to recognize another person before Councilmember Krohn has had the opportunity to finish asking his questions, he believes, in which case he may speak up. These instances are not frequent, he said.

Councilmember Krohn has heard from unspecified members of the public that Mayor Watkins tends to interrupt and cut off members of the public when speaking.

## **3. Councilmember Krohn denied ever using the word "bitch" and does not recall Councilmember Glover speaking this way**

Councilmember Krohn denied ever using the word "bitch". He does not recall hearing Councilmember Glover speak in this way about a member of the public. Councilmember Krohn does not think Councilmember Glover would say or do this because he finds Councilmember Glover "to be a consummate professional" and, having known Councilmember Glover for five years, believes it would be inconsistent with Councilmember Glover's character.<sup>39</sup>

## **4. Recommendations**

Councilmember Krohn recalls attending the staff presentation for  
during the evening session of the February 12, 2019, City Council

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<sup>39</sup> Councilmember Krohn told me he believes the Complaints leading to this investigation are part of a political calculation by Mayor Watkins and her political allies and supporters to render Councilmember Krohn politically ineffective on issues where there is disagreement and "they are losing a lot of votes." In Councilmember Krohn's view, the Complaints and resultant investigation have "a chilling effect on speech" of Councilmember Krohn and everyone on the City Council. In Councilmember Krohn's opinion, the Santa Cruz City Council has a history of vigorous debate and discussion. He tries to be the same person after being the target of these accusations, but if he is stifled in his speech that can have the effect of stifling public policy and "has the potential in a negative way to impact ideas that are either discussed or not discussed," he told me. Investigating alleged political motivations for the Complaints is beyond the agreed-upon scope of my investigation. The complainants had no opportunity to respond to Councilmember Krohn's speculation about alleged political motives in making the Complaints. I have not investigated, and I make no finding, regarding any political motivations for the Complaints.

meeting. Councilmember Krohn recalls City Employee 3 and City Employee 1 making this presentation.

City staff was adamant for its recommendation of a proposal but, as it turned out, there were four votes on the City Council for an alternate plan. Councilmember Krohn did not know the Council would not adopt staff's recommendation until after the vote was concluded.

Councilmember Krohn does not recall sarcastically laughing at City Employee 1 as she made her presentation. He watched the videotape of the City Council meeting after learning from the Human Resources Director of the substance of the allegation and could not detect any such laugh.

Councilmember Krohn thinks very highly of City Employee 1. Councilmember Krohn has met with her on a few occasions in her work area and on the street on various projects. Councilmember Krohn knows City Employee 1 to be very serious about which he really appreciates. Councilmember Krohn thinks City Employee 1 is doing a job that she really likes that is benefiting the City.

Councilmember Krohn and City Employee 1 disagreed over \_\_\_\_\_ and disagreed with her recommendation for \_\_\_\_\_. Councilmember Krohn believes he agrees with City Employee 1 on most things, which is they both want to \_\_\_\_\_.

City Employee 1 has never demonstrated to Councilmember Krohn or the City Council that she is unqualified for her job but does not know exactly what her job duties are as a \_\_\_\_\_. Councilmember Krohn believes his communications with City Employee 1 have been businesslike.

##### **5. Councilmember Krohn feels Mayor Watkins' is unwilling to engage in his sincere reconciliation attempts**

Councilmember Krohn is concerned that, in his opinion, Mayor Watkins seems unwilling to engage with him in his sincere attempts at reconciliation because she did not respond to his emails and she has not provided specificity about what he said that she found to be bullying behavior.

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## City Policy Excerpts and Definitions

### 1. City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy

#### COUNCIL POLICY 25.2

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.

[\*\*\*]

Additional Applications and Considerations:

[\*\*\*]

- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of 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.

(Exhibit 2.)

## 2. Administrative Procedure Order Section II, #1B (Effective April 2017)

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.

[\*\*\*]

### 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.

(Exhibit 1.)

### **3. Egregious Defined**

The Cambridge Dictionary defines egregious as “(of something bad) extreme; beyond any reasonable degree.”

Black’s Law Dictionary (7<sup>th</sup> Ed.) defines egregious as, “Especially or remarkably bad; flagrant.”

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## Investigative Findings and Conclusions

Based on the evidence discovered during my investigation, I make the following findings and conclusions:

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### Allegations by Mayor Watkins against Councilmember Krohn

1. The allegation by Mayor Watkins against Councilmember Krohn, made during her public statement at the February 12, 2019 City Council meeting, that he intentionally bullied her because of her female gender in violation of the City's Respectful Workplace Conduct policy, is **NOT SUBSTANTIATED**.

In support of her complaint that Councilmember Krohn intentionally bullied her based upon her female gender, Mayor Watkins cited Councilmember Krohn's frequent interruptions during City Council meetings, speaking or asking questions of staff without first being recognized by her as the presiding officer of those meetings, and the subjective perceptions and opinions of her father, members of the County Board of Supervisors, and other unnamed persons in the community who watch the City Council meetings and conjecture that Councilmember Krohn would not interrupt or ask questions to the same degree or in the same manner without first being recognized if the Mayor were a man.

Although it was not practicable for me to watch and listen to the entirety of all the City Council meetings since January 1, 2019, and compare those to all the City Council meetings before that date to compare Councilmember Krohn's treatment while in office of Mayor Watkins (a female) to his treatment of former Mayor Terrazas (a male), and all male and female City staff members, I was able to view what I consider to be an adequate sampling of those interactions over many hours.

What I observed in Councilmember Krohn's conduct on the dais toward Mayor Watkins was a passionate public servant who asks sometimes pointed questions of staff, challenges and vigorously debates with his colleagues on the City Council regarding policy, can be highly opinionated on some issues, and zealously advocates for his policy positions. Although I observed instances where Councilmember Krohn did not strictly observe Robert's Rules of Order during City Council meetings, that was also true of my observations of other members of the City Council too such as, for example, Councilmember Matthews.

During Mayor Watkins' public statement made at the February 12, 2019 City Council at the close of public comment but before commencing debate about solutions for the homelessness challenge in the City of Santa Cruz, Councilmember Krohn waited for

Mayor Watkins to finish her statement before raising his point of order to ask staff to investigate and report back to the City Council on three areas of inquiry raised by speakers at the podium. Councilmember Krohn was critiqued for not raising his point of order earlier because the rule is that points of order must be raised immediately. But making his point of order immediately would have required Councilmember Krohn to interrupt Mayor Watkins' statement, which is precisely the kind of conduct for which he was perceived by some as harboring a gender bias or being disrespectful.

By comparison, I observed Councilmember Krohn's conduct toward former Mayor Terrazas in a December 2018 City Council meeting. As Mr. Terrazas stated a mild grumble about length of meetings that day, Councilmember Krohn began to pantomime the playing of a violin as if to suggest to Mr. Terrazas to 'quit whining it's not that bad.' Depending upon one's perspective, and perhaps one's political ideology, this pantomime by Councilmember Krohn could have been viewed as either a playful joke among sometimes adversarial colleagues, on the one hand, or a clear sign of profound disrespect, mocking, and ridicule, on the other hand. To me, it appeared to be the former. To others, it could have appeared to be the latter. Reasonable minds can differ. The point is Councilmember Krohn appears, insofar as I have observed, to publicly conduct himself essentially the same with people of all genders.

City Employee 3 confirmed that Councilmember Krohn tends to be generally more combative and suspicious of the motivations of City staff than some other Councilmembers, without regarding to gender.

When interviewing Councilmember Krohn, and in reading his February 24 and March 10, 2019, emails to Mayor Watkins about her feelings he bullied her on the basis of gender, I found him to express a serious, non-cavalier attitude about the allegations, a genuine concern about his contribution to her negative experience, a sincere desire for rectification and reconciliation, and an unequivocal acknowledgment of his respect for Mayor Watkins as a person and a woman in a leadership role. Councilmember Krohn's first response to Mayor Watkins' statement on February 12 was to apologize publicly.

Mayor Watkins also cited Councilmember Krohn providing her a list of suggested committee assignments as inappropriate. It seems to me appropriate for a member of the City Council to make recommendations to the Mayor about committee assignments, even while acknowledging the Mayor has the ultimate discretion and authority to make those assignments. Making committee assignment suggestions is not bullying or gender bias.

A preponderance of evidence does not establish that Councilmember Krohn has intentionally bullied Mayor Watkins on the basis of her female gender. Accordingly, this allegation is not substantiated.

## Allegations by City Employee 1 against Councilmember Krohn

2. The allegation by City Employee 1 against Councilmember Krohn, made in her complaint email dated February 13, 2019, that he was disrespectful when he interrupted her with an audible sarcastic laugh deriding the value of her professional opinion during her staff presentation at the February 12, 2019 City Council meeting in violation of the City's Respectful Workplace Conduct policy, is **SUBSTANTIATED**.

Three credible witnesses—City Employee 1, City Employee 3, and Councilmember Meyers—saw and heard Councilmember Krohn laugh, scoff, or snort at the moment City Employee 1 said “in my professional opinion,” or words to that effect. Councilmember Krohn’s questioning of City Employee 1 appears professional.<sup>40</sup> However, City Employee 1 later uses the phrase “in my professional opinion” as part of her response to questions posed by Councilmember Meyers (not a question by Councilmember Krohn, as she recalled) about the comparative merits between

<sup>41</sup> Councilmember Krohn was not in favor of recommended by staff. Councilmember Meyers was in favor of staff’s recommendation. By a four-to-three vote with Councilmember Krohn voting in favor and Councilmember Meyers voting against, the City Council ultimately did not accept staff’s recommendation that night, choosing an alternative.

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. Others witnesses present—Mayor Watkins, Vice Mayor Cummings, Councilmember Glover, City Employee 2, and City Employee 4—do not recall witnessing this, and Councilmember 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.

Under the City’s Respectful Workplace Conduct Policy, which applies to all employees, volunteers, Councilmembers, Commissioners, customers, contractors, and visitors to City worksites, a person’s conduct is disrespectful if it is perceived by a reasonable person to be demeaning, humiliating, insulting, or abusive.<sup>42</sup> Abusive conduct encompasses conduct that a reasonable person would find offensive unrelated to an employer’s legitimate business interests, insults, humiliating verbal or physical conduct, or the sabotage or undermining of a person’s work performance.

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<sup>40</sup> February 12, 2019, City Council meeting video

<sup>41</sup> February 12, 2019, City Council meeting video

<sup>42</sup> This is not an exhaustive statement of the policy or definitions, which can be read in their entirety in Exhibits 1 and 2.

Derogatory conduct encompasses behavior that is disparaging or belittling in attitude that aims to detract or diminish.

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.

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 1, \_\_\_\_\_, seated beneath him during a public and televised City Council meeting, dutifully and truthfully answering questions posed by a City Council member.

City Employee 1, City Employee 3, and Councilmember Meyers reasonably perceived the laugh, scoff, or snort implied City Employee 1 was not qualified to have a reliable professional opinion, which would tend to publicly undermine her work, embarrass, and humiliate her. (Incidentally, City Employee 1 is well qualified to share her opinion given \_\_\_\_\_

\_\_\_\_\_.) The laugh, scoff, or snort seemed to have been directed more at the messenger than opposition to the message because it occurred at the precise moment City Employee 1 stated “in my professional opinion” but before she shared what her professional opinion was.

When applying the City’s Respectful Workplace Conduct policy, which requires accommodation of the rights of free speech and association in its implementation, these constitutionally protected rights are at their zenith, insofar as application of the policy is concerned, during public policy debates and speeches in City Council meetings, Commission meetings, when engaging with constituents on these issues, and the like. This is not to say a Councilmember or other person may never be responsible for a Respectful Workplace Conduct policy violation during a City Council meeting or that participation during such meetings is a safe harbor for all imaginable conduct, however opprobrious. As applied to this precise circumstance, laughing, scoffing, or snorting in this manner and at that precise moment at City Employee 1 as she made her public and televised presentation to the Council was gratuitous does not legitimately advance or contribute to the public policy debate \_\_\_\_\_.

I credit the statements of City Employee 1, City Employee 3, and Councilmember Meyers over the statement of Councilmember Krohn on this point because Councilmember Krohn could not recall whether this scoff occurred. The fact that other witnesses present did not recall observing Councilmember Krohn scoff can be reasonably explained by the potential for their attention to be focused elsewhere. Although the microphones on the dais are not mutable, they are flexible and can be oriented away from the speaker’s mouth, which provides an opportunity for some

noised or speech not to be captured on the audio or video recording of the meeting. This is especially true when a Councilmember is likely to have the microphone oriented away from himself while not speaking, such as was likely the case when Councilmember Meyers was questioning City Employee 1.

3. The allegation by City Employee 1, made in her complaint email dated February 13, 2019, that Councilmember Krohn interrupted her with an audible sarcastic laugh deriding the value of her professional opinion *because of her female gender* during her staff presentation at the February 12, 2019 City Council meeting in violation of the City's Respectful Workplace Conduct policy, is **NOT SUBSTANTIATED**.

While Councilmember Krohn's disrespectful conduct toward City Employee 1 is substantiated, it cannot be established by a preponderance of evidence this disrespectful conduct was substantially motivated by City Employee 1's female gender.

City Employee 1 related to me instances where Councilmember Krohn came by her workstation to seek information or emailed her directly disagreeing with her budget calculations. These acts appear to be motivated by Councilmember Krohn's genuine and legitimate desire to gather information and arguments to support his policy position rather than by anti-female animus.

City Employee 3 related his experience with Councilmember Krohn of being generally more combative with all City staff regardless of gender.

When interviewing Councilmember Krohn, I found him to express a serious, non-cavalier attitude about these allegations and, as a father to daughters, a sincere intention to aid in the empowerment of women. "I have two daughters myself and I would want them to stand up for themselves," Councilmember Krohn told me credibly.

A preponderance of evidence does not substantiate that Councilmember Krohn's conduct is motivated by gender.

### **Allegations by City Employee 2 against Councilmember Krohn**

4. The allegations by City Employee 2 in her interview with me of April 4, 2019, that he violated the City's Respectful Workplace Conduct Policy with respect to her, is **NOT SUBSTANTIATED**.

City Employee 2 alleged Councilmember Krohn was disrespectful to her in three instances between July 2018 and September 2018 by advocating a change in her reporting relationship from the City Manager to the City Council, emailing her to ask for public records, and opining her miscalculation of the deadline for submitting a

ballot statement for Measure M would likely not have happened if her predecessor had handled the matter.

City Employee 2 described Councilmember Krohn's reaction to two mistakes she made in July and September 2018 and Councilmember Krohn's long-held belief that Employee 2's position should report directly to the City Council rather than to the City Manager. As a threshold issue, I note the Respectful Workplace Conduct policy provides such complaints are to be brought within 30 days. This complaint was made four to seven months after the events described. Timing aside, as I explain below, Councilmember Krohn's conduct regarding these events does not violate the Respectful Workplace Policy.

Firstly, Employee 2 concedes she made a significant error in July 2018 when she miscalculated the deadline for opponents of Measure M to submit their ballot statement. Her newness in her position coupled with her reliance on an outside election consulting hired to help her caused this error. The error was consequential because, had it not been corrected, it could have barred a major constituency from submitting a ballot statement in opposition to Measure M in reliance on faulty dates given to them by Employee 2's office. To correct the error, a special meeting of the City Council was necessary. Councilmember Krohn became aware of and involved in the matter because he was asked to participate in a special City Council meeting to correct it.

Without initially, fully understanding the reason opponents of Measure M missed their deadline to submit a ballot statement was City staff's error, Councilmember Krohn emailed the City Manager and included City Employee 2, objecting to the request to schedule a special meeting. Given Councilmember Krohn's support for Measure M and his initial lack of complete understanding of the exact reason for the missed deadline, his email was terse but not abusive or derogatory.

City Employee 2 heard from Citizen 6, a member of the public who supported Measure M, that Councilmember Krohn opined City Employee 2's deadline calculation error would likely not have been made by City Employee 2's predecessor, who was much more experienced in the job. Hearing of Councilmember Krohn's opinion felt hurtful to City Employee 2. However, City Employee 2 admitted the mistake was significant and was made primarily because of her lack of experience and reliance on an outside consultant. By comparison, City Employee 2's predecessor was experienced. This accurate contrast is the essence of the statement attributed to Councilmember Krohn by Citizen 6, according to City Employee 2.

Second, in September 2018, Employee 2 concedes she mistakenly sent an email with the salutation "Hi ladies - " to all members of the City Council and the City Manager instead of her own staff, all of whom were indeed ladies. She did not hear any complaint about this directly from Councilmember Krohn but heard from the City Manager's office that Councilmember Krohn complained to them about her minor



email mishap as though it was a “big deal.” Councilmember Krohn’s complaint to the City Manager about being mistakenly addressed in an email with the salutation “Hi ladies – “ may have been somewhat exasperating to staff because Employee 2’s email error was trivial, but it was not rude, abusive, or derogatory conduct for Councilmember Krohn to complain to the City Manager. If Councilmember Krohn had a complaint about a member of City staff, however trivial or momentous, the appropriate process is to address it with the City Manager (and not directly with the employee).

Third, Councilmember Krohn’s response to her two errors in 2018, coupled with his longstanding interest in reorganizing Employee 2’s office to report directly to the City Council rather than the City Manager may induce anxiety because of uncertainty about the future, but this is not rude, abusive, or derogatory conduct by Councilmember Krohn. Councilmember Krohn emailed Employee 2 seeking historical public records touching on this and other subjects. Employee 2’s admission that Councilmember Krohn has had an interest in reorganizing in this way since before she assumed that office reveals his proposal is not personal to her. Members of the City Council may legitimately seek information and make proposals about reorganizing City governance.

### **Allegations by Mayor Watkins against Councilmember Glover**

5. The allegation by Mayor Watkins against Councilmember Glover, made during her public statement at the February 12, 2019 City Council meeting, that he intentionally bullied her because of her female gender in violation of the City’s Respectful Workplace Conduct policy, is **NOT SUBSTANTIATED**.

In addition to the opinions of her father, members of the County Board of Supervisors, and other persons in the community about the motivations of Councilmembers Krohn and Glover in their interactions with Mayor Watkins during City Council meetings, which I address above in my discussion of Mayor Watkins’ gender bias complaint against Councilmember Krohn, Mayor Watkins cites Councilmember Glover’s statements during the January 8, 2019, City Council meeting debate about moving the time for public comment from 5:30 p.m. to 7:00 p.m. as an example of Councilmember Glover’s sexism.

Mayor Watkins perceived Councilmember Glover’s comments to be disparaging of her as a working mom. Having carefully watched and re-watched the video of their exchange, and having read a transcription of the exact words spoken by each, it appears to me Councilmember Glover’s point was not a gender comparison at all but instead a socioeconomic comparison. He referenced “parental groups” and “family units” fortunate or “privileged” enough to be living in Santa Cruz as compared to “people at the very bottom of our socioeconomic ladder.” Comparisons of socioeconomic groups like this is not evidence of gender bias.

Statements of Citizen 1 and Citizen 2, text messages produced by Citizen 1, and my own assessment of the audio recording of then-Commissioner Glover's interactions with his colleagues on the Commission for the Prevention of Violence Against Women (CPVAW) during its September 5, 2018, meeting, reveal the communication style of Councilmember Glover that is off-putting or seems belligerent to some is not motivated by gender bias or anti-female animus. Councilmember Glover appears to generally lack diplomacy in his approach and message delivery in some circumstances, but this appears to be true without regard to gender.

For example, during the September 5, 2018, CPVAW meeting, Councilmember Glover's terse interactions involved the only other male member of the Commission, Citizen 1, rather than any female member of the Commission, and was seemingly motivated by Citizen 1's excessive interruptions of female Commissioners, at least insofar as Councilmember Glover perceived things.

When I listened to the audio recording of the September 5, 2018, CPVAW meeting I noted Citizen 1 did interrupt a female Commissioner, which prompted Councilmember Glover's statement about interruptions. Citizen 1's interruption appeared to be motivated by his good faith eagerness to share information about the new logo design, which was the topic being discussed, rather than by any gender bias, malice, or indifference to the feelings and rights of others. Others on the Commission, accustomed to a more relaxed style of discourse, did not consider Citizen 1's interruption to be of consequence, especially given the topic of discussion, logo design, is on the low end of the importance continuum for CPVAW affairs.<sup>43</sup> But Councilmember Glover presumed otherwise, prompting first his text message to Citizen 2 followed by his statement from the dais to the Commission.

As Citizen 2 stated, Councilmember Glover displays "a certain contempt and condescension" for both men and women depending upon viewpoint rather than gender, in her observations.

In viewing Councilmember Glover's televised interactions with City staff, I witnessed him interrogate both female and male members of the City staff with equal zeal and vigor, such as the City Manager and the Chief of Police, both of whom are men. Vice Mayor Cummings, a male, described being tersely confronted by Councilmember Glover on issues when they disagree.

6. The allegation by Mayor Watkins against Councilmember Glover, made during her public statement at the February 12, 2019 City Council meeting, that he violated the City's Respectful Workplace Conduct policy by attempting to intentionally smear her character when criticizing her decision to disallow his homelessness proposals be agendized for action at the February 12 City Council meeting in violation of the City's Respectful Workplace Conduct policy, is **NOT SUBSTANTIATED**.

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<sup>43</sup> During my interview of Citizen 1, he occasionally interrupted me too. I am a male.

Councilmember Glover disagreed with Mayor Watkins' decision to disallow his proposed policy items to be placed on the February 12, 2019, City Council agenda as action items. Councilmember Glover sought to bring attention to this perceived unfairness by writing an opinion piece, inviting the public to send emails to Mayor Watkins, and sharing a link to the verbatim text of his proposals. I saw no threats or inducements of violence when I read "The Fierce Urgency of Now." I viewed it as an expression of Councilmember Glover's criticisms and suspicions, perhaps unjustified, of the Mayor's motivations in exercising her discretion to deny Councilmember Glover's request to place his extensive and detailed proposals on the February 12 agenda for action.

The constitutionally protected rights of free speech and association are at their zenith, insofar as application of the City's Respectful Workplace Conduct policy is concerned, during public policy debates between elected officials.

Political advocacy and speech like this can feel oppositional and uncomfortable. But this was not abusive, derogatory, or disrespectful within the meaning of the City's Respectful Workplace Policy. This is especially so considering the importance of free speech and public debate of divergent views on important policy issues and challenges now facing the City Council, such as the homelessness challenge. Administrative Procedure Order, Section II, #1B, makes clear in the last paragraph on page 1 the policy shall be applied to accommodate the right of free speech and association.

The constitutionally protected rights of free speech and association are at their zenith, insofar as application of the City's Respectful Workplace Conduct policy is concerned, when, as here, elected officials engage their constituents in public policy debates.

### **Allegations by Councilmember Meyers against Councilmember Glover**

7. The allegation by Councilmember Meyers, made in her Respectful Workplace Conduct Complaint dated February 22, 2019, that he violated the City's Respectful Workplace Conduct policy when addressing her about her policy position on a proposed rent control and Just Cause Eviction ordinance on or about February 1, 2019, is **NOT SUBSTANTIATED**.

Councilmember Glover and Councilmember Meyers had a terse conversation across a conference table in the presence of Vice Mayor Cummings about what Councilmember Glover viewed as an inexplicable reversal in willingness to try to find common ground for a compromise on a rent control and Just Cause Eviction ordinance. Councilmember Glover interrogated Councilmember Meyers about the bases for her policy position, pointing out what he considered to be inconsistencies in her arguments. Vice Mayor Cummings understood that Councilmember Meyers felt uncomfortable having that policy discussion but viewed it as a difference in

communication style. Councilmember Meyers was so put off by Councilmember Glover's approach that she contemplated leaving the room but changed her mind, and ultimately concluded she cannot effectively work with Councilmember Glover because he has so alienated himself by his conduct toward her.

Councilmember Glover asked probing questions and stated he intended to highlight areas where Councilmember Meyers stated positions that appear to him to be inconsistent with her actions while voting. He did not, however, threaten her with violence, make derogatory remarks or insults, or stand up from his seated position at the table.

The offense taken by Councilmember Meyers with what she perceived as Councilmember Glover's antagonistic and interrogative style of communications was not unreasonable. Vice Mayor Cummings, who was present and witnessed the exchange, confirmed Councilmember Meyers was "very uncomfortable" by Councilmember Glover's questions and, in Vice Mayor Cummings' opinion, Councilmember Meyers could reasonably perceive Councilmember Glover's communications during that meeting to be intimidating and aggressive. "If I were in her situation, I probably wouldn't have felt very comfortable either" and "I wouldn't have appreciated being in that position either," Vice Mayor Cummings said.

When applying the City's Respectful Workplace Policy to this episode, which requires accommodation of the rights of free speech and association in its implementation, this tense interaction (or interrogation, depending upon one's experience) occurred in the context of three elected public officials engaging in vigorous policy discourse about a contested issue of public importance—the proposed rent control and just cause eviction ordinance. The constitutionally protected rights of free speech and association are at their zenith, insofar as application of the City's Respectful Workplace Conduct policy is concerned, during public policy debates between elected officials.

Depending upon the precise circumstances, a Councilmember might still be culpable for a Respectful Workplace Conduct policy violation during such public policy debates and such discussions are not a safe harbor for all imaginable conduct, however opprobrious. Likewise, had an exchange similar to this one occurred in the workplace between employees of the City rather than elected members of the City Council, a Respectful Workplace Conduct policy violation might potentially be substantiated. However, a Respectful Workplace Conduct policy violation cannot reasonably be substantiated where, as here, the primary source of the conflict was oppositional views about important public policy, the participants in the conversation are all elected officials charged with formulating that policy, tone of voice and body language.

8. The allegation by Councilmember Meyers, made in her Respectful Workplace Conduct Complaint dated February 22, 2019, that Councilmember Glover violated the City's Respectful Workplace Conduct Policy when addressing her about shared conference room scheduling at around noon on February 1, 2019, is **SUBSTANTIATED**.

At 12:04 p.m., Councilmember Glover was needlessly and unjustifiably antagonistic to Councilmember Meyers over the minor issue of her innocently overstaying her scheduled time by a few minutes in the shared conference room when meeting with Citizen 3 and Citizen 4 on February 1, 2019. Councilmember Meyers was cognizant of the need to vacate the room by noon and communicated that need in advance to her guests. She immediately apologized to Councilmember Glover when he addressed her about overstaying her scheduled time in the conference room. This was the first time Councilmember Meyers had ever infringed upon Councilmember Glover's scheduled conference room time.

The timing of this terse discussion was humiliating and embarrassing to Councilmember Meyers because it occurred in the presence of important community partners, who were uneasy, who wanted to get out of the room quickly because they suspected Councilmember Meyers would feel embarrassed, and who could see Councilmember Meyers was taken aback by Councilmember Glover's lack of collegiality, believing (correctly) this was a conversation that they should be having privately.

The space in the hallway outside the shared conference room is limited. Councilmember Meyers reasonably felt intimidated by Councilmember Glover's terse words and proximity standing in the conference room doorway so that Citizen 4 and Citizen 3 had to "squeeze by" to get out.

Regrettably, Councilmember Glover's mishandling of this event has harmed his professional relationship with Councilmember Meyers, likely undermining their ability to work together on important issues where they can find common ground for Santa Cruz citizens.

Importantly, this event happened on February 1, 2019. Councilmember Glover had not yet received a copy of the City's Respectful Workplace Conduct policy until February 20, 2019, and did not read it until he was informed of this investigation. While Councilmember Glover's conduct in this instance violated the Respectful Workplace Conduct policy, City leadership should consider this lack of notice of the policy requirements for due process reasons and in mitigation of Councilmember Glover's disrespectful conduct toward Councilmember Meyers.

9. The allegation by Councilmember Meyers, made during her second interview with me on April 12, 2019, that Councilmember Glover's disrespectful conduct toward her on

February 1, 2019, was motivated by her female gender in violation of the Respectful Workplace Conduct policy, is **NOT SUBSTANTIATED**.

As explained above, Councilmember Glover's motivations for his conduct appears to be fervent advocacy for implementing his preferred policy positions on his preferred timeline, rather than gender bias, even where he sometimes alienates his colleagues through his abrupt approach.

Councilmember Meyers cited only the January 8, 2019, debate between Mayor Watkins about the proposed change in time for public comment, which is addressed above, and a generalized sense that Councilmember Glover is sterner and more forceful when interacting with females than he is when interacting with males.

A preponderance of evidence does not substantiate that Councilmember Glover has referred to female members of the public using slurs or epithets, given the lack of corroboration by Councilmember Krohn, Vice Mayor Cummings, City Employee 2, and Councilmember Glover's forceful and unequivocal denial.

A preponderance of evidence does not substantiate that Councilmember Glover's conduct is motivated by gender.

#### **Allegations by City Employee 4 against Councilmember Glover**

10. The allegation by City Employee 4, made during her interview with me of May 7, 2019, that Councilmember Glover violated the City's Respectful Workplace Conduct Policy with respect to her, is **NOT SUBSTANTIATED**.

City Employee 4 alleged Councilmember Glover was disrespectful to her between 2017 and May 3, 2019, during a 2017 Commission for the Prevention of Violence Against Women (CPVAW) meeting, during 2019 City Council meetings, and while interfacing with her concerning the Ross Camp, especially on May 3, 2019.

As a threshold issue, regarding then-Commissioner Glover's conduct toward her while serving on the CPVAW in late-spring or early-summer 2017, I note the Respectful Workplace Conduct policy provides such complaints are to be brought within 30 days. This aspect of City Employee 4's complaint was made well over one year after the events described. Timing aside, as I explain below, a preponderance of evidence does not establish Councilmember Glover's conduct on the CPVAW in 2017 with respect to City Employee 4 violated the Respectful Workplace Conduct policy.

When experiencing a communications challenge with then-Commissioner Glover in 2017, City Employee 4 reported she promptly spoke to him about her negative experience of his conduct toward her. Then-Commissioner Glover appeared receptive and appreciative to her direct approach, according to City Employee 4. Thereafter,

then-Commissioner Glover “was sensitive to the way he conveyed direction” to her, according to City Employee 4.

The focus of City Employee 4’s complaint about then-Commissioner Glover’s conduct on the CPVAW aside from her own incident with him in 2017 is he was insensitive to his fellow Commissioners, in her opinion. The one specific example cited by City Employee 4, where then-Commissioner Glover made a statement admonishing Commissioners not to interrupt one another other, which appeared directed at Citizen 1, is discussed in detail above. A preponderance of evidence does not establish that incident violated the Respectful Workplace Conduct policy.

Beginning in 2019, City Employee 4 suffered stress given the controversy surrounding the City Council’s policy disagreements over the homeless challenge in the City, the workload, the long workdays and late night City Council meetings, the magnitude of her responsibility for handling this issue, the active litigation over this issue, and Councilmember Glover’s atypical choice to align himself in support of the plaintiffs in their lawsuit against the City.

Councilmember Glover’s stated reason for showing up at Camp Ross on the morning of its scheduled closure, May 3, 2019, was because he received a call from confused persons on site and no City staff were yet present. He relayed information to people at the camp that he learned by phone from the City Manager, which he believed was permissible. He denies instructing anyone to videotape City Employee 4’s interactions with people at the camp but acknowledges there were people there videotaping who were not affiliated with him. His objective was to gather information and to understand the City’s plan.<sup>44</sup>

It was not unreasonable for City Employee 4 to infer persons videotaping Councilmember Glover’s interactions with the Ross Camp were doing so at his instruction or were otherwise affiliated with him. However, this inference cannot be substantiated by a preponderance of evidence. There was no reasonable expectation of privacy in the Ross Camp, a public area, and there were many people videotaping with cameras and smart phones during this controversial public event.

During a City Council meeting, Councilmember Glover pointedly asked the staff whether the 10:00 a.m. posted time for the beginning of the camp closing and the agenda item scheduling for discussion of the homeless issue were intentionally coordinated by staff to limit public participation in the debate on the issue.

During a City Council meeting, Councilmember Glover displayed images of uniformed public safety officers, one of which included City Employee 4 prominently in the foreground with the uniformed public safety officers in the background, as an

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<sup>44</sup> I make no findings regarding whether City Charter section 809 entitled “No Interference Between the Council and City Manager” was adhered to at Camp Ross by Councilmember Glover’s involvement there because it is beyond the scope of my investigation.

example of what he considered a heavy-handed rather than collaborative staff approach to closing the camp.

Political speech from the dais like this can be experienced as oppositional and uncomfortable. This was not abusive, derogatory, or disrespectful within the meaning of the City's Respectful Workplace Policy. This is especially so considering the importance of free speech and public debate of divergent views on important policy issues and challenges now facing the City Council, such as the homelessness challenge. Administrative Procedure Order, Section II, #1B makes clear in the last paragraph on page 1 the policy shall be applied to accommodate the right of free speech and association.

Coordination or instruction by Councilmember Glover of the Pinocchio social media post relating to City Employee 4 cannot be substantiated by a preponderance of evidence.

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## Recommendations

The City's Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, Council Policy 25.2, requires the Human Resources Director, or her designee, to make recommendations concerning complaints that are reported. The Human Resources Director and the City Manager have specifically asked me to make recommendations as a neutral party from outside the community, based upon my factual findings and conclusions.

I recommend:

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 when possible.
2. All members of the City Council should receive immediate training in:
  - a. City of Santa Cruz Administrative Procedure Order Section II, #1B (Effective April 2017), Respectful Workplace Conduct;
  - b. City Council Policy 25.2, Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy; 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, verifiable, and



interactive group training on the policies and provisions listed in recommendation 3 above, and all other important City policies applicable to City Councilmembers.

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 by individual Councilmembers at City Council meetings that include photographs of City employees should be coordinated through the City Manager's office rather than by individual direction to the City Clerk.

Thank you for the opportunity to be of service.

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# Appendix A

## Witness Correlation Table

Witness Identifier	Witness True Name	Witness Title or Capacity
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## Appendix B

### Summary of Qualifications of the Special Counsel

Joe Rose is an attorney and managing shareholder of Rose Law, APC, with offices in Westlake Village, Ventura, and Gold River, California. Rose practices public and private sector employment law and litigation, traditional labor law, and conducts administrative and workplace investigations throughout the state. Rose is a 2004 graduate of Lincoln Law School of Sacramento.

Rose is a professor of labor and employment law at Lincoln Law School of Sacramento.

Rose served as an elected member of the Board of Directors for the Cameron Park Community Services District from 1992-93, and a member and chairman of the El Dorado County Fire Protection District from 1994-96 and 2007-11. Rose also served as general counsel for the Diamond Springs-El Dorado Fire Protection District.

Rose previously served as a firefighter, paramedic, and fire inspector/investigator from 1989-2001 in California.

#### **Bar admissions**

- United States Supreme Court
- California Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. Tax Court

#### **Professional affiliations**

- State Bar of California
- Labor and Employment Law Section, State Bar of California
- American Bar Association (ABA)
- Sacramento County Bar Association
- Ventura County Bar Association
- Federal Bar Association



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: \_\_\_\_\_



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.

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**HISTORY:**

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## **Councilmembers' Handbook**

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**Prepared by the City Manager's Department/City Clerk's Division**

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# RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

## COUNCIL INTERACTIONS

In interactions with each other, Councilmembers will abide by the following principles:

- **Be Respectful:** Treat each other with respect, even when/especially when there is disagreement.
- **Engage in Open and Honest Communication:** Be direct, straightforward, and transparent with each other.
- **Be Honest and Truthful:** Act with integrity and authenticity; be ethical.
- **Address Difficult Issues:** Confront challenging topics directly; avoid talking around them or not talking about them at all.
- **Find Areas of Common Ground:** Seek areas of agreement; identify shared interests, values, and positions.
- **Be Open to Different Perspectives:** Keep an open mind; be willing to change your views with new information, data, etc.
- **Give the Benefit of the Doubt:** Freely give credit for good intentions; avoid ascribing bad intentions.
- **Role Model Good Leadership:** Be professional; adhere to standards of civility; demonstrate effective leadership for the community.
- **Be Considerate of Each Other's Time:** Manage expectations about responsiveness and availability; recognize the time limitations and constraints of your colleagues.



## **QUORUM**

Four members of the City Council (AKA "Council") constitute a quorum to do business, but less than that number may adjourn from time-to-time. When there is no quorum, the Mayor, Vice Mayor, or any other Councilmember shall adjourn the meeting. If no Councilmember is present, the City Clerk Administrator shall adjourn the meeting.

## **AGENDA**

All written petitions, communications, and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a regular or adjourned regular meeting should be delivered to the City Clerk Administrator no later than the time established by current administrative policy. The Mayor, in consultation with the City Manager, City Clerk Administrator, and department heads will establish the agenda and the order of the agenda. The Mayor may invite the Vice Mayor to attend agenda review meetings for preparation to preside over the Council meeting should the Mayor be unavailable. The City Clerk Administrator shall compile the agenda, listing all matters to be considered by the Council according to the order of business, numbering each item consecutively. A copy of the agenda, complete with all accompanying agenda reports and other background materials, shall be delivered to each Councilmember, the City Attorney, City Manager, Assistant City Manager, and department heads, so as to be available to the recipient no later than the Friday preceding the Council meeting. The agenda packet with supporting material will be available to the public on the City's website no later than the Friday preceding the Council meeting. The agenda only, without the supporting material, is available to the public in the City Manager's Department/City Clerk's Division and is posted on the bulletin board outside the City Council Chambers no later than the Friday afternoon preceding the Council meeting, and in the Council Chambers during each meeting.

Generally, only those matters listed on the agenda shall be finally acted upon by Council. However, if a matter is deemed by any Councilmember, the City Manager, City Clerk Administrator, or City Attorney to be urgent, it may, in accordance with the Brown Act, be added to the agenda and acted upon by the Council if an explanation of the urgency is stated in an open Council meeting and a majority, or super majority, depending upon the applicable provisions of the Brown Act, of the Council consents to hear it.

## **ORDER OF BUSINESS**

The business of the Council at regularly scheduled meetings shall be disposed of in the following order:

### Afternoon Session (start time determined by Mayor):

- Call to Order
- Roll Call
- Pledge of Allegiance
- Administrative Business (Introduction of New Employees; Presentations; Presiding Officer's Announcements; Statements of Disqualification; Additions and Deletions; Oral Communications Announcement; City Attorney Report on Closed Session; City Manager Report)
- Consent Agenda
- Council Business (Public Hearings and General Business)
- Administrative Business (Council Meeting Calendar; Council Memberships in City Groups and Outside Agencies;)
- Oral Communications (on or around 5:30 p.m.)
- Adjournment (if no Evening Session is scheduled)
- Recess to Evening Session (if scheduled)

### Evening Session (start time determined by Mayor):

- Call to Order
- Roll Call
- Administrative Business (Presentations)
- Council Business (Public Hearings and General Business)
- Adjournment

Whenever reasonably necessary to expedite the business of the meeting or to accommodate members of the public, the presiding officer may alter the order of business. The presiding officer will solicit Councilmembers' views but ultimately will make the decisions if and how to change the agenda. A Councilmember should alert the presiding officer should he/she expect a large group to be in attendance.

### ***Special Meetings Procedures***

The Mayor will set the order of business for special meetings. Oral communications are not required during special meetings. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

## **CONSENT AGENDA**

Councilmembers will attempt to have their questions about consent agenda items answered by City staff in advance of the Council meeting. Councilmembers may ask a brief clarifying question about a Consent Agenda item without pulling it. If there is a policy question or deeper line of questioning, the item should be pulled from the Consent Agenda.

Should a Councilmember want to pull an item from the Consent Agenda, the Councilmember will provide the Presiding Officer and City Manager advance notice of intent to pull the item. The Councilmember will announce which items he/she intends to pull at the beginning of the Consent Agenda.

Prior to the Council's consideration of the Consent Agenda, members of the public are invited to comment on any Consent Agenda items. After public comment, any Councilmember may remove Consent Agenda items from the Consent Agenda. Items which remain on the Consent Agenda will be acted upon by the Council pursuant to a single motion. Items removed from the Consent Agenda will be considered after the Council vote on the Consent Agenda. Members of the public may comment on removed Consent Agenda items prior to the Council action on these items.

It is acceptable to register a "no" vote on an item on the Consent Agenda without pulling the item from the Consent Agenda. The Councilmember would state that the Councilmember wishes to vote "no" on the item, with or without a brief explanation, before the Mayor calls the vote. After the vote, the Mayor will announce the outcome as: "Motion carries unanimously with the exception of Councilmember A voting "no" on item x."

## **STANDARD PROCEDURE FOR GENERAL BUSINESS AND PUBLIC HEARING AGENDA ITEMS**

Councilmembers may make motions before or after public comment on an agenda item, as the maker of the motion sees fit. The general order for items:

- Staff or Sponsoring Councilmember Presentation
- Council Questions
- Council Motion (Should Councilmember elect to make motion ahead of public comment)
- Public Comment
- Council Motion (Should the Councilmember elect to make the motion after public comment)
- Council Questions
- Council Comments and Deliberation
- Vote

## **STANDARD PROCEDURE FOR GENERAL BUSINESS AND PUBLIC HEARING AGENDA ITEMS *(continued)***

Generally, there is a preference for reserving Councilmembers comments for the deliberative process after questions have been asked and answered.

### **DECORUM IN COUNCIL MEETINGS**

#### ***Requirements***

1. Councilmembers will refrain from texting and the use of social media while at the dais, except in case of urgent need or emergency.
2. Councilmembers will use their computers or devices to access their agenda materials, and use e-mail as needed for business purposes, such as communicating with the City Clerk during the meeting or checking e-mails from the public. E-mails sent to the group citycouncil@ e-mail account will continue to be forwarded to Councilmembers' individual City e-mail accounts by the City Clerk, as possible, during the Council meeting. The City Clerk will not print hard copies and distribute them during the meeting.
3. While the Council is in session, all persons shall preserve order and decorum. Any person disrupting the Council meeting shall be barred by the presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council. Any member of the public who fails to comply with the rules of order and decorum after being warned by the presiding officer, thereby requiring the presiding officer to interrupt the meeting once again to restore order, shall be considered to be disrupting the Council meeting.
4. Every member of the public and every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, should confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. Members of the public addressing a council meeting shall speak from the public lectern and speak into the microphone so that comments can be broadcast and recorded.
5. No persons other than Councilmembers and necessary City staff are permitted on the Council dais.

## **DECORUM IN COUNCIL MEETINGS *(continued)***

Except as otherwise set forth below, no audio/visual recording devices may be left unattended at the speaker's lectern or elsewhere in the Council Chambers. Cell phones, beepers, and similar devices shall be turned off or inaudible in Council Chambers during Council meetings.

6. Individuals may place, and leave unattended, audio recording devices at the designated location in Council Chambers on the window ledge adjacent to the "Press Box" sign.
7. Individuals shall not be allowed to bring furniture into Council Chambers, or other items that might obstruct free passage within or ingress to or egress from Council Chambers, or to place any such obstructions in Council Chambers aisles or passage ways.

### ***Enforcement***

The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum inside and outside of the Council Chambers.

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

### ***Announcements***

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

## **DECORUM IN COUNCIL MEETINGS *(continued)***

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

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

### **DUTIES OF PRESIDING OFFICER**

The Mayor (or in the Mayor's absence, the Vice Mayor) shall be the presiding officer of the Council. In the absence of the Mayor and the Vice Mayor, the City Clerk Administrator or Deputy City Clerk shall call the Council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Vice Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the item of business then pending before the Council.

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

### **PROCEDURAL RULES FOR MOTIONS AND DEBATES**

#### ***Presiding Officer***

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



## **PROCEDURAL RULES FOR MOTIONS AND DEBATES (*continued*)**

### ***Councilmember***

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

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

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

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

### ***Regular Motion***

Any Councilmember, with the exception of the presiding officer, may make a regular motion. A regular motion is debatable.

## **PROCEDURAL RULES FOR MOTIONS AND DEBATES (*continued*)**

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

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

### ***Friendly Amendment***

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

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

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



## **PROCEDURAL RULES FOR MOTIONS AND DEBATES *(continued)***

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

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

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

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

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

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

## **PROCEDURAL RULES FOR MOTIONS AND DEBATES *(continued)***

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

Any Councilmember, with the exception of the presiding officer, may make a motion to rescind a prior Council Action. A Council action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the Council. Action taken pursuant to resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable. Except in the case of an emergency or where the Council makes the necessary findings and adds the item to the agenda as a late item in accordance with Brown Act requirements, a request to rescind a prior action of the Council, not already agendized for that meeting, will not be acted upon at the same meeting at which the request is presented but will be continued to the next meeting to permit notification of interested persons. Nothing in this rule shall be construed as limiting the authority of the Council from again considering at a future Council meeting an item it had considered and acted upon at a prior Council meeting and thereafter taking action upon that item at variance with the prior Council action or which supersedes the prior Council action.

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

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

### ***Multiple Motions***

A maximum of three motions may be pending at any given time during a Council meeting. Subsequent motions shall be rejected by the presiding officer until less than three motions are pending. When two or three motions are pending, the last pending motion made shall be the first motion voted on by the Council. For example, if a regular motion and a motion to amend are simultaneously pending, the vote on the motion to amend shall be taken first and the vote on the regular motion shall be taken second. By way of further example, if a regular motion is followed by a substitute motion which, in turn, is followed by a motion to table (refer to page 15, Motion to Table), the vote on the motion to table shall be taken first, followed by the vote on the substitute motion and then, if necessary, followed by the vote on the regular motion.

## **ADDRESSING THE COUNCIL AFTER PUBLIC COMMENT IS CLOSED**

After public comment on an item is closed, no person shall address the Council except upon the request of a member of the Council through the presiding officer.

## **COUNCIL ACTION**

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

Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded and until the motion has been restated by the presiding officer or the City Clerk Administrator. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. Ordinances and resolutions may be introduced and passed by reading the title only; they shall be read in full only when requested by a majority of the Council.

### ***Disqualifications***

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

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

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

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

## **COUNCIL ACTION *(continued)***

### ***Voting***

Any Councilmember, with the exception of the presiding officer, may make a motion. Any Councilmember including the presiding officer may second a motion. Any motion which is not seconded by a Councilmember shall die for lack of a second. With the exception of a motion to suspend the rules, which requires a two-thirds affirmative vote for passage, any motion shall pass if a majority of present Councilmembers vote in favor of the motion. Any motion shall fail if a majority of present Councilmembers vote in opposition to the motion or if there is a tie vote on the motion by present Councilmembers. A resolution shall require four affirmative Councilmember votes for adoption. Except as otherwise stated in the City Charter, an ordinance shall require four affirmative Councilmember votes for adoption.

### ***Vote Required***

#### ***1. Ordinances and Resolutions***

Legislative action shall be taken by the Council only by means of an ordinance or resolution. Except where a greater number of votes is required by statute or Charter, any ordinance or resolution introduced or passed must receive the affirmative votes of at least four (4) members of the Council.

#### ***2. Minute Orders***

Administrative matters may be acted upon by minute order. These actions may be taken by motion and, unless subject to Charter, statutory or Constitutional requirements, shall be deemed passed upon receiving a majority vote of all Councilmembers present.

### ***Tie Vote***

If a tie vote should occur on an appeal to the Council of an administrative decision, or on any matter before the Council, the tie vote shall be resolved as follows:

#### ***1. Disqualification***

A tie vote resulting from a disqualification of one or more Councilmembers, with no Councilmembers absent and no vacancies on the Council shall constitute a denial of the appeal, or a defeat of the motion.

## **COUNCIL ACTION *(continued)***

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

#### ***2. Absence***

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

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

A tie vote at the next regularly scheduled City Council meeting on a matter which has been continued as a result of a tie vote constitutes a denial of the appeal or defeat of the motion.

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

Any Councilmember, with the exception of the presiding officer, may make a motion to table. If adopted, the motion requires that all discussion of the item under consideration at the time of the motion be halted immediately without further discussion. The motion may or may not include a specific time at which the Council will resume consideration of the item. However, a motion which does not include a specific resumption time shall not be construed as precluding the Council's ability to resume consideration of the item at any future City Council meeting. A motion to table is not debatable.

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

Any Councilmember, with the exception of the presiding officer, may make a motion to adjourn. If adopted, the motion requires the Council to immediately cease its meeting and to adjourn to the next regularly scheduled or specially scheduled Council meeting.

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