



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 2, 2016
TO: Mayor and Councilmembers
FROM: City Clerk Services Division, Administrative Services Department
SUBJECT: Response To Grand Jury Report Regarding "City of Santa Barbara Commissions, Committees, and Boards"

RECOMMENDATION:

That Council review and approve a draft letter in response to the findings and recommendations of the 2015-2016 Santa Barbara County Civil Grand Jury report titled, City of Santa Barbara, Commissions, Committees, and Boards and authorize the City Administrator to sign the response letter and forward it to the Presiding Judge.

DISCUSSION:

On June 6, 2016 the Santa Barbara County Civil Grand Jury delivered to the City of Santa Barbara a copy of the report titled, *City of Santa Barbara, Commissions, Committees, and Boards*.

The report included three findings and recommendations which require written responses from the City. California Penal Code Section 933(c) requires that the governing body of each public agency which is the subject of a report from the county civil grand jury respond on the findings and recommendations contained in the report which are relevant to that particular public agency. Staff has drafted a proposed response letter from the City for Council approval. The County Civil Grand Jury has requested a response by September 4, 2016.

ATTACHMENT(S): 1. Draft Response Letter from City of Santa Barbara to the Presiding Judge of Santa Barbara County Superior Court
2. 2015-2016 Grand Jury Report entitled, "City of Santa Barbara, Commissions, Committees, and Boards"

PREPARED BY: Sarah P. Gorman, City Clerk Services Manager
SUBMITTED BY: Kristine E. Schmidt, Administrative Services Director
APPROVED BY: City Administrator's Office



City of Santa Barbara

Office of Mayor

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August 2, 2016

Helene Schneider
Mayor

Honorable James Herman
County Courthouse
1100 Anacapa St.
Santa Barbara, CA 93101

City Hall
735 Anacapa Street
Santa Barbara, CA
93101-1990

Santa Barbara County Grand Jury
1100 Anacapa St.
Santa Barbara, CA 93101

Mailing Address:
P.O. Box 1990
Santa Barbara, CA
93102-1990

Reference: Response to Santa Barbara Civil Grand Jury Report Titled "City of Santa Barbara, Commissions, Committees, and Boards"

Judge Herman and Grand Jury Members:

Tel: 805.564.5323
Fax: 805.564.5475

The City of Santa Barbara City Council is providing its responses to the above-referenced Civil Grand Jury Report.

The City appreciates the opportunity to respond to the Grand Jury Report.

In accordance with the Grand Jury's direction, answers are provided below pursuant to Section 933.05 of the California Penal Code.

Findings, Recommendations and Responses

Finding 1:

The City of Santa Barbara has at least 38 commissions, committees and boards, some of which may have outlived their purpose. No review process exists concerning their relevance.

Recommendation 1 (Sunset Rule):

That the City of Santa Barbara City Council review at least every five years the functioning, productivity, and relevance, of all advisory groups and continue, merge, or delete their mandates.



City Response:

The City Council will undertake to review the statuses of Advisory Group every two years, as part of the biannual Advisory Groups guidelines review.

Finding 2:

The City of Santa Barbara's website does not make a clear distinction between decision making and advisory bodies.

Recommendation 2:

That the City of Santa Barbara City Council makes a clear distinction which Committees and Boards have decision-making mandates and those that are advisory only to the City of Santa Barbara City Council.

City Response:

At times, certain Committees are decision-making, and some are advisory. The City of Santa Barbara Charter and Municipal Code are available online for review of the role of a given body's role and responsibilities.

Finding 3:

The City of Santa Barbara's website does not contain current information about committees, boards and commissions.

Recommendation 3:

That the City of Santa Barbara City Council update the section of the website dealing with Committees, Boards and Commissions.

City Response:

The City will continue to update the website as appropriate.

Sincerely,

Helene Schneider, Mayor
City of Santa Barbara

Cc: City of Santa Barbara Councilmembers
Maria Millsaps, Foreperson, 2016-16 Santa Barbara Civil Grand Jury



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93101



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**GRAND JURY
SANTA BARBARA COUNTY**

RECEIVED

JUN 6 2016

City Council
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

**MAYOR & COUNCIL OFFICE
SANTA BARBARA**

June 6, 2016

To Members of the City Council,

On behalf of the 2015 - 2016 Santa Barbara County Grand Jury, I am enclosing a copy of our report, titled "City of Santa Barbara, Commissions, Committees, and Boards" for your review and response.

The Grand Jury, County Counsel, and Presiding Judge James Herman have approved this report. The pertinent sections of the California Penal Code require the following:

- You are receiving this report two working days prior to its release to the public; you shall not disclose this report prior to its public release (California Penal Code Section 933.05(f)).
- You must respond to each relevant Finding and Recommendation in this report.
- You must submit your original response to Presiding Judge James Herman.
- You must also submit a printed copy to the current impaneled Grand Jury.
- If you are an elected county officer or agency head, the response time is not later than 60 days from the date of receipt of our report.
- If you are the governing body of a public agency subject to the reviewing authority of the Grand Jury, the response time is not later than 90 days of receipt of our report.

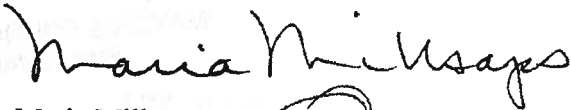
Your response will be posted on the Grand Jury website and may be included in our final report.

Please send your response to:

The Honorable James Herman **and**
County Courthouse
1100 Anacapa St.
Santa Barbara, CA 93101

Santa Barbara County Grand Jury
1100 Anacapa Street
Santa Barbara, CA 93101

Respectfully yours,



Maria Millsaps
Foreperson
2015 - 2016 Santa Barbara County Grand Jury



CITY OF SANTA BARBARA

Commissions, Committees, and Boards

SUMMARY

The 2015-2016 Santa Barbara County Grand Jury (Jury) was asked to investigate potential conflicts of interest among the City of Santa Barbara's (City) appointed commissions, committees, and boards and the influence of their members on the City's policies. The City has functioning advisory groups to the City Council, Charter Boards, and Commissions required by Article VIII of the City Charter. The City also makes appointments to four groups created by California State law. The Jury looked into the very large number of these advisory groups, their responsibilities and their influence. The Jury considered the following questions: Do conflicts of interest exist; have some of these entities outlived their usefulness; do some of them have overlapping mandates? The Jury concluded that the answer to these questions is sometimes yes.

BACKGROUND

The Santa Barbara County Grand Jury (Jury) received a complaint questioning an advisory committee member's influence on the City of Santa Barbara's (City) Council decisions. The complainant was concerned that these positions may attract volunteers with potentially prejudicial motives or with conflicts of interest, real or perceived. The complainant questioned whether the objective decision making process of the City Council has been influenced unduly, resulting in disregard of the public good.

The City of Santa Barbara has at least 38 commissions, committees, and boards that all provide advice to the Santa Barbara City Council (Council). The Jury noted that the numbers of groups do not always agree in various parts of the City's websites. There are 11 committees that were part of the original Santa Barbara City Charter. These City Charter Committees often have decision making mandates. A clear distinction should be made between these decision making bodies and those which are purely advisory.

METHODOLOGY

The Jury interviewed a present committee member, senior City employees, former City employees, City engineers, a City planner, a City zoning ordinance officer, and an ex-council member. The Jury reviewed requested documents from the City, the City's web pages, and the website of the Fair Political Practices Commission.

OBSERVATIONS AND ANALYSIS

Engaged citizens volunteer to serve on those advisory groups in which they have interest and knowledge. Some boards require detailed knowledge of the field such as the Board of Architectural Review. Some boards denote an interest in the subject, such as Art in Public Places. All of the advisory groups require a moderate to great amount of personal time and commitment. In several of the advisory groups, participation has historically been a stepping stone to running for public office. The Jury noted that some groups have outlived their mandate, such as the 2006 Measure P Committee (marijuana enforcement priority). Others appear to have overlapping mandates.

No process is evident that calls for periodic review of the effectiveness and/or continued need for these committees. Additionally, there is no "sunset" rule in place whereby the committee's mandate would be revoked automatically unless it is extended intentionally.

Number of Vacancies

How many vacancies are there? According to the City's website, there are currently 43 open positions on its various advisory committees. Currently, for example, 15 committees have no vacancies, and one has six. Among the four State mandated appointments, two have current vacancies; the Housing Authority Commission has three vacancies, the Central Coast Commission for Senior Citizens has one. Table 1 shows which committees currently have unfilled positions.

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Table 1 - City Committees, Boards, and Commissions

Committee Title	Committee Size	Vacancies*	Required By
Access Advisory Committee	7	0	Optional
Airport Commission	7	0	City Charter
Airport Public Art Advisory Comm.	7	0	Optional
Architectural Board of Review	7	0	City Charter
Arts Advisory Committee	7	0	Optional
Building & Fire Code Board of Appeals	8	1	Optional
Central Coast Commission for Senior Citizens	12, of which Santa Barbara is 1	1	State Mandate
Civil Service Commission	5	0	City Charter
Community Development & Human Services Committee	13	3	Optional
Community Events & Festivals Comm.	7	0	Optional
Creeks Advisory Committee	7	2	Optional
Downtown Parking Committee	7	1	Optional
Fire & Police Commission	5	0	Optional
Fire & Police Pension Commission	5	2	Optional
Front Country Trails Task Force	6-All City/County Empl	No Data	Optional
Golf Advisory Committee	7	Outdated Data	Optional
Harbor Commission	7	2	City Charter
Historic Landmarks Commission	9	0	City Charter
Housing Authority Commission	7	3	State Mandate
Integrated Pest Management Advisory Committee	5	No data	Optional
Library Advisory Committee - County	18, Santa Barbara provides 1	2, one from Santa Barbara	Optional
Library Board	5	2	City Charter
Living Wage Advisory Committee	7	2	Optional
Measure P Committee	7	4	Optional
Metropolitan Transit District Board	7, Santa Barbara provides 2	0	State Mandate
Mosquito & Vector Management Dist.	1	0	State Mandate
Neighborhood Advisory Council	13	4	Optional
Noise Abatement Committee	No data	No data	Optional
Oversight board	7	0	Optional
Parks & Recreation Commission	7	2	City Charter
Planning Commission	7	0	City Charter
Rental Housing Mediation Board	10	3	Optional
SB Arts & Crafts Show Advisory Comm.	5	2	Optional
Santa Barbara Youth Council	15	6	Optional
Sign Committee	6	0	Optional
Single Family Design Board	7	1	Optional
Sister Cities Board	3	0	Optional
Staff Hearing Officer	1	0	Optional
Street Tree Advisory Committee	5	0	Optional
Sustainability Committee	7 City Employees	0	Optional
Transportation & Circulation Committee	7	0	Optional
Water Commissioners Board of	5	0	City Charter

*As of the date of this report.

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Application Process

An application to fill a vacancy on a committee, commission, or board is submitted to the Council. The application form is available on this website: (<http://www.santabarbaraca.gov/gov/brdcomm/app.asp>). The applicant must provide personal information and agree to provide financial information if requested. The Council reviews the applications, interviews applicants, and makes appointments twice yearly. Applicants are interviewed at City Council meetings open to the public. Appointments are later made, by a majority vote, also at City Council meetings open to the public¹. In most instances, an applicant must be a City of Santa Barbara resident. Exceptions exist in cases where the committee advises an entity whose jurisdiction covers areas outside of the City limits. (Examples are Metropolitan Transit District, Library Advisory Committee, Central Coast Commission for Senior Citizens, and Santa Barbara Youth Council.)

Conflict of Interest

How do conflict of interest laws affect the various City committees? The answer to this question varies, depending on which committee is being discussed. They generally fall into one of three categories:

1. Twenty groups for which ethics and conflict of interest training is mandated by California State law (Assembly Bill 1234, enacted in 2005); and City Resolution 14-068.
2. Fourteen groups which are exempt from AB 1234 but are still required by the City to conform to ethics requirements by City Resolution 13-006.
3. Remaining groups who are exempt from the AB 1234 law but are required by the City's Code of Conduct to follow all State conflict of interest laws.

The Jury was told that appointment to the advisory boards and committees is inherently a political process and having committee members representing "special interests" is not uncommon, and not necessarily undesirable. The Jury was also told that a separate analysis might be required to determine if a conflict of interest exists in a given situation. The selection process can result in politically motivated appointments. A volunteer's employment in a field closely related to their advisory role may well enhance their livelihood and could also be a benefit to the citizens of the City. A "personal financial effects" rule requires a volunteer to abstain from discussion and voting in select situations.

Although, the decision making authority of the various committees, commissions, and boards is varied, the level of concern for conflicts of interest should not vary.

¹ Guidelines for the City of Santa Barbara Advisory Groups, pages 10 and 11, February 12, 2013
<https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=11620>

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Volunteer groups are often advisors to the City Council. The burden of objective and impartial decision making is on the City Council, whose members answer to the public. The City Council members have had mandatory ethics training and make open-meeting public decisions that the voting public can scrutinize. The Council should consider whether the same conflict of interest and ethics training required of Council members should be added as a requirement to the remaining advisory groups, as well.

The City of Santa Barbara's advisory groups are subject to the Brown Act. They conduct announced meetings with an agenda and are all open to the public. Meeting minutes are recorded by a City employee and posted on the City's web site. Each advisory group has a City employee as a liaison along with support staff, who are also City employees. The City bears the cost of each advisory group and their support staff.

Is there a "sunset" provision in place?

The Jury determined that no provision exists for eliminating advisory groups that may have outlived their usefulness. As a result, bureaucratic inertia may set in and the committees just continue in existence, accomplishing nothing other than expending the time of support staff and tax payer money. The Jury recommends City Council review the functioning of the committees and their mandates every five years.

Are all of these committees necessary? Do their mandates overlap?

The Jury's answer to the first question is, probably not, but this decision is up to the City Council. The community may not need, for example, separate advisory committees for Airport Public Art oversight, Arts Advisory (except the airport), and oversight of the Arts and Crafts show. The purpose of the website is to provide data to prospective volunteer committee members to help them decide whether to apply. On the other hand the Water Commission site is well done and contains much useful information.

FINDINGS AND RECOMMENDATIONS

Finding 1

The City of Santa Barbara has at least 38 commissions, committees, and boards, some of which may have outlived their purpose. No review process exists concerning their relevance.

Recommendation 1 (Sunset Rule)

That the City of Santa Barbara City Council review at least every five years the functioning, productivity, and relevance, of all advisory groups and continue, merge, or delete their mandates.

Finding 2

The City of Santa Barbara's website does not make a clear distinction between decision making and advisory bodies.

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Recommendation 2

That the City of Santa Barbara City Council makes a clear distinction which Committees and Boards have decision-making mandates and those that are advisory only to the City of Santa Barbara City Council.

Finding 3

The City of Santa Barbara's website does not contain current information about committees, boards, and commissions.

Recommendation 3

That the City of Santa Barbara City Council update the section of the website dealing with committees, boards, and commissions.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests the Santa Barbara City Council to respond to the enumerated findings and recommendations within the 90 day statutory time limit:

City of Santa Barbara City Council – 90 days

Findings: 1, 2, and 3

Recommendations: 1, 2, and 3