



County of Santa Cruz

DEPARTMENT OF PARKS, OPEN SPACE & CULTURAL SERVICES

979 17TH AVENUE, SANTA CRUZ, CA 95062

(831) 454-7901 FAX: (831) 454-7940 TDD/TTY: call 711

JEFF GAFFNEY
DIRECTOR

PARKS AND RECREATION COMMISSIONER WORKSHOP AGENDA

Monday, February 12th, 2024
2:00pm – 6:00pm
Special Meeting

Alternate Meeting Location:
Aptos Village Park Clubhouse
100 Aptos Creek Road
Aptos, California 95003

2:00pm-2:20pm – Welcome and introductions

2:20pm-3:00pm – Brown Act & Bylaws Overview & Q&A.....page 2 - 5
County Counsel (John Nguyen)

3:00pm-3:30pm – Powers and Duties from Bylaws
County Counsel (John Nguyen) & Director Jeff Gaffney

3:30pm-3:50pm - Rosenberg’s Rules & New Commissioner’s Welcome Packet

3:50pm-4:00pm – Break

4:00pm-4:15pm – County Parks Friends (Mariah Roberts)

4:15pm-4:45pm - Review of Strategic Plan 5-year Update

4:45pm-5:45pm – Goal setting discussion and decisions. Commission Work Plan development.
Selection of subcommittee members.

5:45pm-6pm – Wrap up: Summary of Workplan/Goals and Q&A with staff.

COUNTY COUNSEL
JASON M. HEATH

Chief Asst. County Counsel
Ruby Márquez

Lead Asst. County Counsels
Melissa C. Shaw
John B. Nguyen



COUNTY OF SANTA CRUZ
OFFICE OF THE COUNTY COUNSEL
701 Ocean Street, Room 505 · Santa Cruz, CA 95060
Tel: (831) 454-2040 · Fax: (831) 454-2115
Email: CountyCounsel@SantaCruzCountyCA.gov

Assistant County Counsels

Ryan Thompson
Justin A. Graham
Suzanne D. Yang
Katy P. Walker
Ann P. Jackson
Negine Mansour Sewitsky
Anthony Corso
Michael J. De Smidt
Arthur G. Wille
Megan Marevich
Carla R. Cox

SANTA CRUZ COUNTY PARKS & RECREATION COMMISSION WORKSHOP

Monday February 12, 2024

A BROWN ACT CONVERSATION

By John B. Nguyen

1. Brown Act Public Policy & Intent

A. Government Code section 54950 states the Declaration of the Public Policy:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

B. The Brown Act provides the rules on the relationship between a public board/commission and the public. The main rules provide for (1) notice to the public before the meeting (regarding when and where a public board is going to meet, and what that board is going to talk about), (2) opportunities for the public to participate during those board meetings, and (3) exceptions to the public participation rules (i.e., closed session).

2. HYPOTHETICAL

RECREATION AND RESPONSIBILITY: A BROWN ACT COMPLIANCE STORY

Parks and Recreation Commission Background

The Parks and Recreation Commission is an advisory commission that consists of five members. The Commission was established pursuant to Santa Cruz County Code (“SCCC”) 2.70. In addition, SCCC 2.70.040(A) requires the Commission to comply with the Brown Act. The Commission’s next regularly scheduled meeting is on Monday February 12, 2024 at 2pm.

Posting of the Agenda

On Friday February 9, 2024 at 5pm, County Parks staff posted the Agenda on the County’s website and sent copies of the Agenda to each of the Commissioners. The Agenda was only available on the County’s website.

Communications Between Commissioners Adam, Brenda, and Connie

On Saturday afternoon, Commissioner Adam reviewed the Agenda and saw an Action item regarding approval of the Commission meeting schedule. He knew that both Commissioners Brenda and Connie had a conflict with the proposed June meeting date since they were scheduled to attend a State Parks conference on behalf of the Commission. He immediately called Commissioner Brenda about the scheduling conflict. She suggested moving the June meeting date to the following week. They both agreed to request a new June meeting date. After the call, Commissioner Adam sent a Facebook message to Commissioner Connie about the proposed change in the date. Commissioner Connie responded to Commissioner Adam via a text message about her agreement and that she will vote in favor of the new June meeting date.

Communications Between Commissioner Don and His Son

On Sunday morning, Commissioner Don on his walk in a County park saw that an area of the park would benefit from additional trees. Commissioner Don knew his son’s landscaping business was about to go out of business. He approached his son to see if he was available to do the work. His son was thrilled with this opportunity and immediately accepted this offer. Commissioner Don also told his son to go to the local farmers market to persuade Commissioners Brenda and Connie to vote in favor of his proposal. Commissioners Brenda and Connie met every Sunday at the farmers market for a Commission subcommittee meeting.

Communications Between Commissioners Don And Chair Edward

Commissioner Don then called Commissioner Edward who is the chair of the Commission to put an action item on the Agenda for the upcoming Monday meeting to use County funds for the tree plantings. Commissioner Edward also thought it was a great idea and agreed to add this proposal to the Monday meeting Agenda. He told Commissioner Don that he would vote in favor of his proposal.

Communications Between Commissioner Don's Son And Commissioners Brenda and Connie

Later that morning, Commissioner Don's son, feeling happy about the offer, saw Commissioners Brenda and Connie at the local farmers market. He informed them of his father's proposal and requested that they vote in favor of this proposal. Both Commissioners agreed to vote in favor of Commissioner Don's tree planting proposal and for the County to contract with his son's landscaping business.

Car Accident and Communications Between Chair Edward and the Other Commissioners

On Monday morning, a major car accident occurred at an intersection near a County building. One of the cars driven by Chair Edward collided into the County building damaging the conference room where the Commission was scheduled to meet later that afternoon. Chair Edward who sustained no injury determined that the building damage was significant and that the conference room was unsafe. Chair Edward decided to move the meeting to a historical two-story building on a neighboring property owned by his friend. The conference room in this historical building was on the second floor and access to this conference room was only available by using the stairs. When Chair Edward got to his office an hour later, he immediately sent an email to all of the Commissioners and County Parks staff regarding the change in the meeting location.

The Meeting and Commissioner Don's Participation By Phone

At 2 pm on Monday February 12, four Commissioners met at the conference room on the second floor of the historical building along with County Parks staff. Instead of attending in-person, Commissioner Don went to the County park so he could show by video the Commission the area of his proposed tree plantings. Commissioner Don made a telephonic appearance at the 2pm meeting.

Discussion at the Meeting on Moving the June Meeting Date

When the Commission meeting schedule Action item was up for discussion, Commissioner Adam moved to change the June meeting date to the following week. A discussion was held between the Commissioners following public comment.

Commissioners Adam, Brenda, and Connie voted in favor of the meeting date change and Commissioner Don and Chair Edwards voted against the change since they had a planned vacation that day. The Commission meeting schedule with the change in the June meeting date was approved by majority vote.

The Motion to Add the Tree Planting Proposal to the Agenda

After the Commission meeting schedule vote, Chair Edward moved to add Commissioner Don's tree planting proposal to the Agenda which was seconded by Commissioner Don. Fred, a member of the public sitting in the audience, requested to speak on this item. However, Chair Edward denied his request because Fred constantly made negative public comments about Chair Edward's voting decisions. Fred who was still upset about having to sign an attendance sheet in order to enter the conference room shouted derogatory comments at Chair Edwards and disrupted the meeting. Chair Edward then moved to hold a closed meeting on Commissioner Don's proposal which Commissioner Don seconded. After a brief discussion between the Commissioners in the closed meeting, all Commissioners voted in favor of hiring Commissioner Don's son to perform the tree planting. The meeting was adjourned after this vote.

- A. Are there any Brown Act violations?
- B. Are there any other issues or concerns?
- C. What are the remedies and penalties for a Brown Act violation?

3. References & Resources

- A. Brown Act: Government Code section 54950 et seq.
- B. League of California Cities – Open & Public VI: A Guide to the Ralph M. Brown Act (<https://www.calcities.org/resource/open-public-v-a-guide-to-the-ralph-m.-brown-act>)