



TO: Policy and Operations Committee
- Toby Goddard
- Reed Geisreiter

FROM: Marian Olin, Port Director

DATE: September 8, 2020

SUBJECT: Port Commission Policies and Procedures Manual Update: Role in Human Resources

Recommendation: *Consider developing a recommendation to the full Commission to add Section 2130, Roles and Responsibilities of the Port Commission in Human Resources, to the Port Commission Policies/Procedures Manual*

BACKGROUND

Vice-chairman Goddard suggested the Port Commission consider adding a new section to its policy and procedures manual to define the primary roles and responsibilities of the Commission in human resources. The item has been listed on the Commission's review calendar since January 2020.

Vice-chairman Goddard drafted the policy for review and worked with management staff to refine and edit the document (Attachment A).

ANALYSIS

The document is not intended to change or expand upon the Port District's existing Personnel Policies Handbook. Accordingly, Port District counsel, Tim Davis, will participate in the committee meeting to provide his input and perspective before the document is finalized for consideration by the full Commission.

The Commission's existing policies and procedures manual currently contains some references to human resources and personnel, found in Sections 2010, *Code of Ethics*; 2120 *Anti-Harassment / Anti-Discrimination*; and, 2090 *Port Director Performance Evaluation Policy*. The draft policy is not intended to repeat or reiterate guidance contained in other sections, though it may provide reference as appropriate. The policies and procedures manual is appended as Attachment B.

Staff is seeking direction from the committee and counsel on any recommended refinements to the document, and a recommendation from the committee for consideration by the full Commission.

ATTACHMENTS: A. – DRAFT – Port Commission Policies and Procedures Manual, Section 2130, Roles and Responsibilities of the Port Commission in Human Resources
B. – Port Commission Policies/Procedures Manual, revised 04/26/16

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Roles and Responsibilities of the Port Commission in Human Resources
NUMBER: 2130

2130.1 The Santa Cruz Port District exists to provide small craft harbor facilities and related services for the public benefit. To accomplish this goal, the Port District employs a professional workforce of full-time and seasonal, part-time personnel to perform a wide range of administrative, operational, and maintenance duties.

2130.2 Most of the day-to-day administration of human resource activities, including recruitment, hiring, evaluation, and promotion, is the responsibility of District staff. Nevertheless, the Port Commission, as the governing board for the Port District, also has important roles and responsibilities in the area of Human Resources.

- 2130.2.1** In general, the Port Commission's responsibilities are to:
- Support and assess the performance of the Port Director;
 - Approve the Personnel Policies Handbook;
 - Approve salary structure and benefits packages;
 - Approve organizational structure and job descriptions, and;
 - Set a positive tone for communications and culture in the workplace.

2130.2.2 The Commission's role in human resources is important not only to promote an efficient, effective, and respectful work environment at the harbor, and require District compliance with applicable state, federal and local labor laws.

2130.3 Purpose. The purpose of this policy is to identify the specific responsibilities of the Port Commission with respect to human resources and provide clarity where Commission involvement in matters involving Human Resources is to be avoided.

2130.4 Port Director Performance. The Port Director is employed by and serves at the will of the Port Commission. The Port Commission is responsible for evaluating the performance of the Port Director in writing at least once each year, using a process that provides for dialogue and encourages feedback. Reference Port Commission Policy 2090.

2130.5 Personnel Policies. It is the intent of the Port Commission to maintain a personnel policy handbook. The personnel policy handbook will serve as a comprehensive resource for Port Commissioners, staff, and members of the public regarding personnel matters.

2130.5.1 The Port Commission has the authority to adopt, amend, or repeal personnel policies as it deems appropriate, and the responsibility to ensure that District policies are updated from time to time. The Port Director has the authority to prepare and recommend revisions to the personnel policies, as well as to make updates as needed to reflect changes in law.

2130.6 Classification and Compensation. It is the intent of the Port Commission that the Port District periodically prepare a classification and compensation study to strive to remain competitive with similar employers in terms of salary and benefit packages to attract and retain a high-quality workforce.

2130.6.1 The Port Commission is responsible for approving changes to classification steps and grades.

2130.7 Organizational Structure and Job Descriptions. The total number of full-time equivalent employees shall be approved by the Port Commission.

2130.7.1 The Port Director is responsible for recommending changes to the organization to meet the evolving interests of or conditions facing the Port District. New, full-time represented positions shall not be created and filled until the appropriate salary grade has been determined by the Port Director and approved by the Port Commission. Changes in salary grade for existing positions that are indicated in a classification and compensation study and are recommended by Port Director require approval by the Port Commission.

2130.7.2 Substantive revisions to job descriptions that are associated with substantive changes to the duties performed by a particular class shall be subject to approval by the Port Commission. Non-substantive changes to job titles and duties or corresponding knowledge, skills, and abilities may be approved administratively by the Port Director.

2130.7.3 The Port Commission may lay off any represented employee from a position whenever, in the judgement of the Port Director, it becomes necessary due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists.

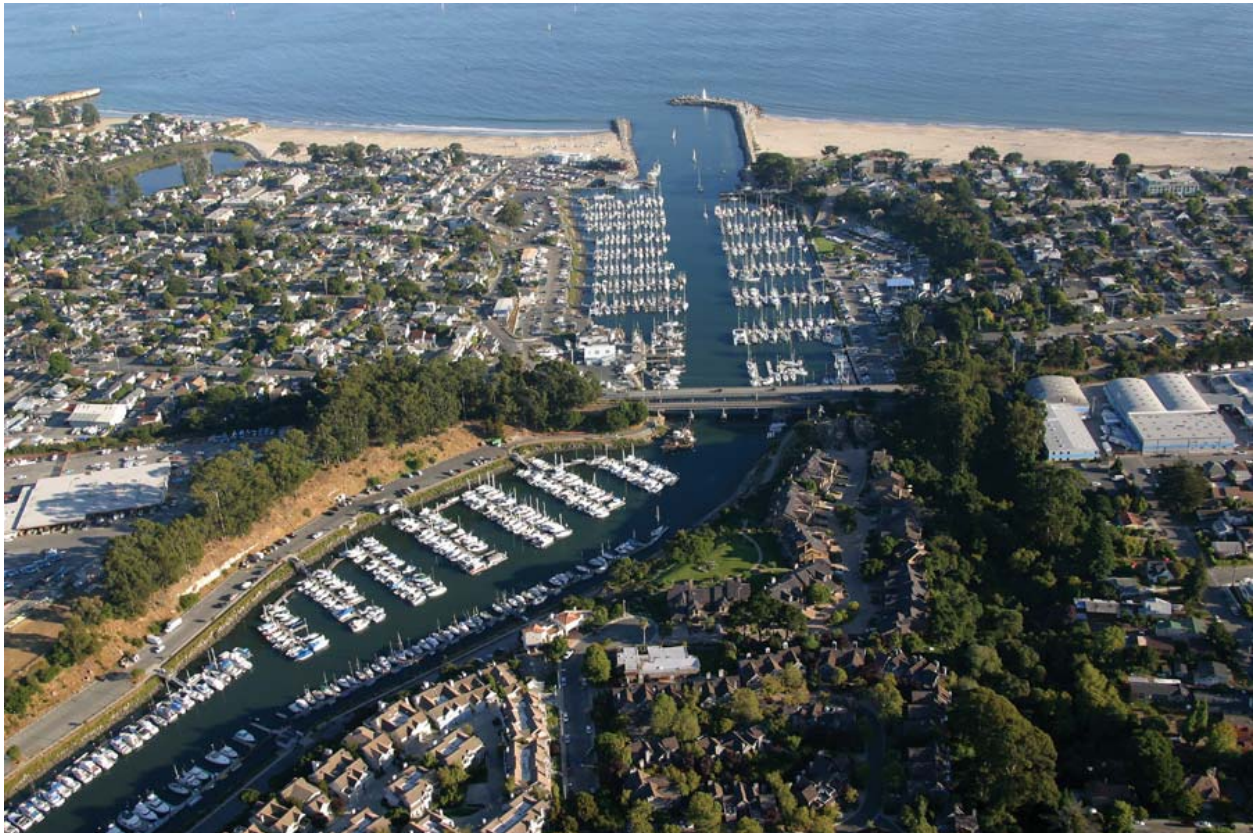
2130.8 Disciplinary Actions. In general, the Port Commission is not involved in the performance review of an employee (other than the Port Director) or disciplinary actions taken by Port District personnel. Furthermore, there should be no direct intervention by a Port Commission member into a personnel issue.

2130.8.1 In such instances, however, where an employee has received a Notice of Decision imposing serious disciplinary action, and chooses to appeal that decision, the Port Commission performs the role of the hearing body for the purpose of handling the appeal, in accordance with the process detailed in Section 13.4 of the personnel policy manual. The Commission shall have the authority to affirm, revoke, or reduce the disciplinary action imposed against the employee, but may not provide for discipline more stringent than that imposed by the District.

2130.9 In accordance with Section 3040, Open Government, the Port Commission shall conduct the public's business in open and publicized meetings, except for the limited circumstances under which the law allows closed sessions, including conference with labor negotiators.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES



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*Adopted by the Santa Cruz Port Commission 06/23/09
Revised 06/28/11
Revised 04/26/16*

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

INTRODUCTION

Santa Cruz Port District is a municipal corporation and a political subdivision of the State of California. It is governed by an elected Board of Commissioners; the policies are administered through an executive officer, the Port Director.

The responsibilities and authority of the Board of Commissioners are prescribed in the State of California Harbors and Navigation Code, Part 4, Sec. 6200. Per Harbors and Navigation Code section 6240.5, the *"Uniform District Election Law (Part 4 [commencing with Section 10500] of Division 10 of the Elections Code) shall govern all district elections for port commissioners."*

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

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Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Purpose of Port Commission Policies / Procedures
NUMBER: 1000

1000.1 It is the intent of the Santa Cruz Port Commission of the Santa Cruz Port District to maintain a manual of Policies and Procedures. Contained therein shall be a listing of the Commission's current guidelines, being the rules and regulations enacted by the Commission's from time to time. The Policies and Procedures will serve as a resource for Commissioners, staff and members of the public in determining the general manner in which matters of Santa Cruz Port Commission business are to be conducted.

1000.2 If any policy or procedure is in conflict with rules, regulations or legislation having authority over Santa Cruz Port District, said rules, regulations or legislation shall prevail.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Adoption / Amendment of Policies
NUMBER: 1010

1010.1 Consideration by Port Commission to adopt a new Port Commission policy or amend an existing policy may be initiated by any Commissioner or the Port Director. The proposed adoption or amendment shall be initiated by a Commissioner or the Port Director submitting a written draft of the proposed new or amended policy by way of the harbor office, and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Port Commission.

1010.2 Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Port Commission and shall require an affirmative vote by a majority vote of the full Commission.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Conflict of Interest
NUMBER: 1020

1020.1 The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code. It may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and the Port Commission's most recently adopted Conflict of Interest Code in which members of the Port Commission and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the Santa Cruz Port District.

1020.2 Under the Act, public officials are disqualified from participating in decisions in which they have a financial interest. The Act does not prevent officials from owning or acquiring financial interests which conflict with their official duties nor does the mere possession of such interests require officials to resign from office.

The disqualification provision of the Act hinges on the effect a decision will have on a public official's financial interests. When an official determines there is a conflict of interest, that official cannot participate in the making, or use his or her official position to influence the making of that decision at any level of the process.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Claims Against the District
NUMBER: 1030

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1030.1 Property Damage Claims

In the course of the District's operations – maintenance, groundwork, dredging, etc. – damage to property occasionally occurs due to the proximity of the District's facilities to the private property. When District employees are aware that property has been damaged in the course of their work, a report shall be prepared and given to the Port Director in a timely manner.

When a property owner informs a District employee of damage to their property, the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations.

As soon as possible after information about the damage has been received, it shall be given to the Port Director. The Port Director shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Port Commission, the information will be given to the Port Director. Commissioners shall not independently investigate claims, but may go with staff to observe.

Investigations shall be done in a timely fashion by Port District staff and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the Port Director.

The Port Director shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of repairs will not exceed \$5,000.

If the cost of repairs is stated by claimant or estimated to exceed the \$5,000, the claim will be submitted to Port Commission. The claimant shall be notified of the Board's action regarding their claim.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

1030.2 Personal Injury, Wrongful Death, Other Non-Property Claims

Claims for personal injury/wrongful death shall not be investigated by District staff or Commissioners but shall be immediately forwarded to the District's insurance company.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Financial Reserve Policy *(adopted by Port Commission November 24, 2015)*
NUMBER: 1040

The purpose of this policy is to strengthen the financial stability of the District against economic uncertainty, unexpected situations such as natural or man-made disasters, unanticipated drop in revenues, and other unforeseen emergencies or extraordinary circumstances that the Port District may face that are infrequent in occurrence.

1040.1 Target Amount Held in Reserve

The Port District will strive to hold in reserve an amount equal to 25 percent of the District's annual operating expenses in the current fiscal year's adopted general fund budget. The District recognizes that reserve fund amount may fluctuate and may need to be rebuilt over time as needed.

1040.2 Funding Sources

The reserve fund will generally come from one-time revenue and from excess revenues over expenditures. Examples of one-time revenue include infrequent sales of Port District assets, infrequent revenues from development and grants, or other sources that are typically non-recurring in nature.

1040.3 Conditions on Use of Reserves

The use of reserves shall generally be limited to unanticipated, non-recurring needs. Reserve fund balances shall not be used for normal or recurring annual operating expenditures.

The Port Director shall make recommendations to the Port Commission for use of reserves. Appropriations from this reserve fund shall require a resolution approved by the Port Commission.

Requests for use of reserves shall occur only after exhausting the current year's budgetary flexibility. The Port Director shall, within six months of its use, present to the Port Commission a plan and timeline for replenishing the reserve fund.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Code of Ethics
NUMBER: 2010

2010.1 The Santa Cruz Port District Commission is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to to the Port District, its constituents, users, and the general public. In order to assist in the governance of the behavior between and among members of the Port Commission, the following rules shall be observed.

2010.1.1 The dignity, style, values and opinions of each Commissioner shall be respected.

2010.1.2 Responsiveness and attentive listening in communication is encouraged.

2010.1.3 The needs of the Port District, its constituents, users, and the general public shall be the priority of the Port Commission.

2010.1.4 The primary responsibility of the Port Commission is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are handled by District staff.

2010.1.5 Commissioners should commit themselves to emphasizing the positive, avoiding negative forms of interaction.

2010.1.6 Commissioners should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

2010.1.7 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Commission takes action, Commissioners should commit to supporting said action and not to create barriers to the implementation of said action.

2010.1.8 Commissioners should practice the following procedures:

2010.1.8.1 In seeking clarification on informational items, Commissioners may directly approach appropriate staff member(s) to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

2010.1.8.2 Commissioners shall refer complaints which require further resolution directly to the Port Director.

2010.1.8.3 In handling items related to safety, concerns for safety or hazards shall be reported to the Port Director or harbor office. Emergency situations shall be dealt with immediately by seeking appropriate assistance.

2010.1.8.4 In presenting items for discussion at Commission meetings, see Policy #3020.

2010.1.8.5 In seeking clarification for policy-related concerns, especially those involving legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the Port Director.

2010.1.9 When approached by harbor staff concerning specific District policy or personnel matters, Commissioners shall direct inquiries to the appropriate staff supervisor, pursuant to and in accordance with the approved Personnel Policies Handbook and Memorandum of Understanding (MOU). The chain of command should be followed.

2010.2 The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

2010.2.1 When responding to constituent requests and concerns, Commissioners should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

2010.2.2 Commissioners should develop a working relationship with the Port Director wherein current issues, concerns and District projects can be discussed openly.

2010.2.3 Commissioners function as a part of the whole, and have power as a body – Commissioners do not have any individual power in District matters. Issues which are the purview of the full Commission should be handled by the Commission as a whole, rather than by individual members, to ensure the decision-making process is public. This does not limit individual Commissioners from meeting with, and discussing matters with their constituents.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Attendance at Meetings
NUMBER: 2020

2020.1 Members of the Port Commission shall attend all regular and special meetings of the Commission unless there is good cause for absence.

2020.2 Any Commissioner unable to attend any meeting should notify the Chairman and the Port Director at the earliest opportunity.

2020.3 A vacancy shall occur as defined in Government Code Section 1770.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Expenditure Reimbursement
NUMBER: 2030

2030.1 Purpose. The purpose of this policy is to prescribe the manner in which Port Commissioners may be reimbursed for actual and necessary expenditures related to Port District business.

2030.2 Scope. This policy applies to all members of the Port Commission and is intended to result in no personal gain or loss to a Commissioner. Per Harbors and Navigation Code Section 6251, Commissioners shall serve without compensation.

2030.3 Implementation. Whenever Commissioners desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the Port Director no later than 60 days after expenditure. Out-of-state travel requires prior authorization by the Port Commission. Pre-authorization is not required for in-state travel. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.

2030.4.1 The Port Director will review and approve reimbursement requests.

2030.4.2 All expenses must be reasonable, actual and necessary, and Commissioners are encouraged to exercise prudence in all expenditures.

2030.4.3 The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.

2030.4.4 Expenditures for food and lodging will be appropriate and reasonable.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Chair
NUMBER: 2040

2040.1 The Chair of the Santa Cruz Port Commission shall serve as chairperson at all Commission meetings. S/he shall have the same rights as the other members of the Commission in voting, and any discussion of issues or actions.

The Chair shall act as facilitator and preserve strict order and decorum at all Port Commission meetings. If there is an appeal to a decision or directive by the Chair, the Port Commission, as a whole, shall rule by majority. No individual Commissioner has authority in deciding the outcome of an appeal.

2040.2 In the absence of the Chair, the Vice-chair of the Commission shall serve as chairperson over all meetings of the Board. If the Chair and Vice-chair are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting, typically the senior (longest tenured) Commissioner.

2040.3 The Chair (and the Vice-chair) serve on a calendar-year basis, selected by the Commission at its meeting in December (for the following year).

2040.4 It is customary that the Vice-chair is elected as Chair, but the Commission is not bound by this tradition in selecting its presiding officer.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Commissioners
NUMBER: 2050

2050.1 Commissioners shall thoroughly prepare themselves to discuss agenda items at meetings of the Port Commission.

2050.1.1 All Commissioners have the right to place items on the agenda by requesting staff to do so. Under usual circumstances, staff must be notified at least one week before the meeting date in order to prepare the agenda packet (sooner if a committee meeting is required). The time limit for placing emergency items on the agenda shall be as dictated by the Brown Act. In the event that Commissioners or staff feel that the item should not be on the agenda due to time constraints, the Chair shall make the final decision and determine priority. *(Per adopted Commission policy 4/3/01.)*

2050.1.2 Information exchanged before meetings shall be distributed through the Port Director, and all Commissioners will receive a copy of all information being distributed.

2050.1.3 Copies of information exchanged before public meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.

2050.2 Commissioners shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Commission meetings.

2050.3 Commissioners shall defer to the Chair for conduct of meetings of the Port Commission, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Commission.

2050.4 The Chair may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

2050.5 Commissioners shall disqualify themselves from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Commissioners should not abstain from the Commission's decision-making responsibilities.

2050.6 Requests by individual Commissioners for substantive information and/or research from District staff will be channeled through the Port Director.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Standing / Ad Hoc Committees
NUMBER: 2060

2060.1 The Chair shall appoint standing committees, and may appoint ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Commission. The duties of an ad hoc committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its work is finished.

2060.2 The Chair shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January. The committee Chair is the current Commission Chair, or senior Commission member.

2060.3 Committees are comprised of less than a quorum (2) of the Commission and do not have any binding, decision-making power. Committees review issues in depth and formulate recommendations for consideration by the full Commission .

2060.4 In the event there is a split decision at the committee level, the item shall automatically be forwarded for review by the full Commission at the next regular meeting, with no committee recommendation. *(Adopted by Port Commission 4/3/01.)*

2060.5.1 All meetings of standing committees shall conform to the Brown Act open meeting laws.

2060.5.2 Because any member of the public can attend public committee meetings, non-committee member Port Commissioners may attend committee meetings; however, they may not participate in the decision-making process. Non-committee member Commissioners can only participate in the discussion as a member of the public, during the period set aside for public input. Following the public discussion, the committee-Chair will close the meeting to further public input, and the committee members will then take over discussion of the agenda item(s) and vote on recommendations to be made to the full Commission. *(Adopted by Port Commission 6/25/96.)*

Non-committee member commissioners attending a committee meeting shall make a statement that they are attending the meeting as a member of the public.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Commission Authority
NUMBER: 2070

2070.1 The Port Commission is the unit of authority within the Port District. Apart from his/her normal function as a part of this unit, Commissioners have no individual authority. As individuals, Commissioners may not commit the District to any policy, act, or expenditure.

2070.2 Commissioners do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Ethics Training
NUMBER: 2080

2080 All Commissioners of the Port District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, in compliance with Article 2.4 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code (Assembly Bill 1234).

2080.1 All ethics training shall be provided by entities whose curricula has been approved by the California Attorney General and the Fair Political Practices Commission.

2080.2 Commissioners shall obtain proof of participation after completing the ethics training.

2080.3 District staff shall maintain records indicating both the dates that Commissioners completed the ethics training and the name of the entity that provided the training.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Port Director Performance Evaluation Policy
NUMBER: 2090

2090 The Commissioners of the Port District shall evaluate the performance of the Port Director in writing at least once each year. The evaluation shall include an assessment of the performance of the Port Director and fulfillment of the duties and responsibilities specified in the job description, as well as the Port Director's performance and fulfillment of mutually agreed upon goals and objectives.

2090.1 Each evaluation shall occur in closed session, and coincide with the contract term. The Clerk of the Board shall maintain a notification system, which tracks the evaluation date, to ensure the Commission and Port Director are notified of upcoming evaluations.

2090.2 The evaluation format shall be established by the Commission and may allow the Port Director to conduct a self-evaluation.

2090.3 During the scheduled closed session, Commissioners shall meet as a group with the Port Director, to verbally discuss the components of the performance evaluation. The Commission will receive input and feedback from the Port Director, relative to his/her assessment, and discuss future performance expectations.

2090.4 Following the meeting with the Port Director, Commissioners shall determine an overall evaluation of the Port Director's performance during the review period, and provide written notification to the Port Director of this assessment, along with any recommended compensation adjustments, as appropriate. A copy of this written evaluation shall be placed in the Port Director's personnel file.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Disposal or Sale of Surplus Equipment
NUMBER: 2100

2100 Disposal or Sale of Surplus Equipment.

2100.1.1 Commission takes action to declare equipment surplus if value is more than \$5,000.00, and authorize staff to dispose of it through sale, donation to a charitable organization(s), scrap or other means. Commission takes action to approve any minimum bid price or best offer.

2100.1.2 Port Director has authority to declare equipment surplus if value is \$5,000.00 or less, and authorize staff to dispose of it in a manner commensurate with 2100.1.1 (above).

2100.1.3 If an item declared surplus is sold, it must be advertised for sale and provide information about any minimum bid price or best offer and deadlines for submission of bids or offers. Advertisement will also note that the District reserves the right to reject any or all bids, and that all equipment is sold AS IS.

2100.1.4 Bids or offers are opened by staff and items are sold to the highest bidder if minimum bid or offer price is met. In the event that bids or offers submitted are below the minimum asking price, staff will use discretion in determining whether or not the highest offer is reasonable, and if the equipment should be sold or readvertised, or otherwise disposed of as described in 2100.1.5 (below).

2100.1.5 If no offers or bids are submitted, or if bids or offers submitted are below the minimum asking price, the equipment may be readvertised, kept for a future sale, donated to a charitable organization or scrapped.

2100.1.6 Port District asset and depreciation schedules will be updated as necessary to reflect the disposition of items declared surplus that have been sold, donated or scrapped.

2100.1.7 All revenue generated from the sale of surplus property shall be deposited in the Port District's general fund unless otherwise directed by the Port Commission.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Commission Correspondence
NUMBER: 2110

2110.1 The Commission encourages its constituents, harbor users and the general public to actively participate in the governance process through written correspondence or oral communication (Policy 3010.3).

2110.1.1 Correspondence addressed to the Commission or individual Commissioners relating to matters of governance and policy shall be included on the next regular agenda under "Written Correspondence."

2110.1.2 Correspondence from the public included in regular agendas shall not be anonymous, inflammatory, contain personally-directed remarks or infringe on another's individual's rights or privacy under the law.

2110.1.3 Routine matters concerning the operational aspects of the District are to be handled by District staff (Policy 2010.1.4). Items related to safety, emergency situations, or policy-related concerns shall be handled as provided for in Policies 2010.1.8.1 to 2010.1.8.5.

2110.2 The Brown Act specifically prohibits the use of technological devices "...to develop a collective concurrence as to action to be taken on an item by the members of the legislative body." Furthermore, the District's Open Government Policy 3040, states that the Commission shall conduct its business in public. Commissioners shall avoid communication with other Commissioners through the use of technological devices that may intentionally or unintentionally cause a serial meeting to occur and collective concurrence to be reached outside of the public meeting process.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Anti-Harassment / Anti-Discrimination
NUMBER: 2120

2120.1 The Santa Cruz Port District Commission is committed to providing an environment that is free of harassment and discrimination to ensure effective governance and operation of the District. The District prohibits sexual harassment as well as harassment or discrimination because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, sex, gender identity, gender expression, gender, sexual orientation, marital status, age over 40, military or veteran's status, pregnancy, childbirth or related medical conditions, or any other basis protected by federal, state or local law, ordinance or regulation, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics. This policy applies to elected Port Commissioners involved in governance of the District and prohibits Commissioners from harassing employees, unpaid interns or volunteers, vendors, visitors and members of the public. Employees of the District are also subject to anti-harassment / anti-discrimination policies, as governed by law and outlined in the District's Personnel Policies Manual and/or Memorandum of Understanding(s).

2120.2 Harassment or discrimination because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, sex, gender identity, gender expression, gender, sexual orientation, marital status, age over 40, military or veteran's status, pregnancy, childbirth or related medical conditions, or any other basis protected by federal, state or local law, ordinance or regulation, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics is prohibited, including, but not limited to the following behavior:

2120.2.1 Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwelcome sexual advances requests for sexual favors, invitations or comments regarding an individual's legally protected characteristics;

2120.2.2 Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, computer images, or gestures regarding an individual's legally protected characteristics.

2120.2.3 Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;

2120.2.4 Retaliation for having reported or threatened to report harassment; and,

2120.2.5 Persistently disturb or bother; torment, pester; badger, vex, plague, hector or molest or persecute.

2120.3 Any Port Commissioner, unpaid intern, volunteer, vendor, visitor or member of the public who believes that they have been harassed or discriminated against by another Port Commissioner should provide a written complaint to the Chair or Vice-chair and Port Director (depending on the identity of the harasser) as soon as possible after the incident. Employees who believe that they have been harassed or discriminated against by a Port Commissioner or other person should follow written District policy to report complaints. Employees should note that failure to use the District's complaint procedure to timely report complaints may have an adverse effect on their harassment and/or discrimination claims if such claims are subsequently litigated.

2120.3.1 Harassment or discrimination complaints involving a Port Commissioner will be referred immediately to the Chair, Vice-Chair and Port Director, as appropriate, who will undertake an immediate, thorough and objective investigation of the harassment or discrimination allegation(s).

2120.4 If it has been determined that harassment or discrimination has occurred, effective and appropriate remedial action will be taken in accordance with the circumstances involved. Any Port Commissioner determined to be responsible for harassment or discrimination will be subjected to appropriate disciplinary action. Whatever disciplinary action is taken against the harasser will not be made known to the person lodging the complaint to protect the confidentiality and privacy of personal information, and effective action will be taken to remedy any loss to the employee or the individual resulting from the harassment or discrimination. Retaliation by the Port Commission against anyone filing a complaint will not be permitted or tolerated.

2120.5 Employees, unpaid interns or volunteers, vendors, visitors and members of the public are encouraged to immediately report any incident of harassment or discrimination by Port Commissioners so that complaints can be quickly and fairly resolved.

2120.6 In accordance with Government Code Section 53237.1, Port Commissioners shall undergo mandatory harassment prevention training within 6 months of taking office and every 2 years after.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Commission Meetings
NUMBER: 3010

3010.1 Regular meetings of the Santa Cruz Port Commission shall be held on the 4th Tuesday day of each calendar month at 7 pm. Any changes to the regular meeting date and/or time, shall be publicly noticed in accordance with the Brown Act.

3010.2 Regular, special and emergency meetings of the Santa Cruz Port Commission, including standing committee meetings, shall be conducted and posted in accordance with the Brown Act.

3010.3 Public Comment. An item shall be placed on each regular meeting agenda labeled "Oral Communication" to provide citizens with an opportunity to express views on matters not otherwise on the agenda. The Chair shall conduct the meeting to ensure citizens have an opportunity to express their views during Oral Communication or as part of discussion of regular agenda items, in accordance with the rules provided herein. To preserve order and decorum at meetings, the Chair shall require that members of the public only address the Commission with permission of the Chair, or as otherwise required by law, and request that persons wishing to address the Commission begin by completing a "Speaker Card" which includes the speaker's name and topic of interest. The Chair shall generally limit remarks from individual speakers to three (3) minutes, except as otherwise specifically provided for in these rules, or except as time is increased or decreased by the Chair. The Chair shall request that speakers avoid repetition of the remarks of prior speaker's and speak only to the agenda item under consideration.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Commission Actions and Decisions
NUMBER: 3020

3020.1 Action can only be taken by a majority vote of the full Port Commission. Three (3) Commissioners of the Commission's 5-member board represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three votes to be effective.

3020.2 The Commission may give direction that is not formal action. Such direction does not require formal procedural process. Such direction at Commission meetings includes the Commission's directives and instructions to the Port Director.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

POLICY TITLE: Rules of Order for Commission and Committee Meetings
POLICY NUMBER: 3030

3030.1 General.

3030.1.1 Action items shall be brought before and considered by the Commission by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Commission prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules – such as Robert's Rules of Order.

3030.1.1.1 If a Commissioner believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the Chair. If there is an appeal to a decision or directive by the Chair, the Port Commission, as a whole, shall rule by majority. No individual Commissioner has authority in deciding the outcome of an appeal (see Section 2040, Chair).

3030.2 Obtaining the Floor.

3030.2.1 Any Commissioner desiring to speak should address the Chair and, upon recognition by the Chair, may address the subject under discussion.

3030.3 Motions.

3030.3.1 The Chair shall provide an opportunity for the public in attendance to comment, prior to a motion being made or acted upon.

3030.3.2 Any Commissioner may make or second a motion. Though the Chair is not restricted from making and / or seconding a motion, the Chair will provide other Commissioners with the primary opportunity to do so, since the principal role of the chair is to act as facilitator and keep order at meetings. A motion shall be brought and considered as follows:

3030.3.2.1 A Commissioner makes a motion; another Commissioner seconds the motion; and typically the Chair restates the motion.

3030.3.3 Once the motion has been seconded, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the Chair will call for the vote.

3030.3.3.1 If the public in attendance has had an opportunity to comment on the proposed action, any Commissioner may move to immediately call the question being debated to a vote, suspending any further debate. To carry, the motion must be made, seconded, and approved by a majority vote of the full Commission.

3030.4 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

3030.4.1 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Commissioners who moved and seconded, or by a new motion and second.

3030.4.2 Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Commission.

3030.4.3 Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Commission.

3030.4.4 Motion to Refer to Committee. A main motion may be referred to a Commission committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Commission.

3030.4.5 Motion to Close Debate and Vote Immediately. As provided above, any Commissioner may move to close debate and immediately vote on a main motion by calling the question.

3030.5 Decorum.

3030.5.1 The Chair shall take whatever actions are necessary and appropriate to preserve order and decorum during Commission meetings, including public hearings. The Chair may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the Chair, or otherwise disrupting the meeting.

3030.5.2 The Chair may also declare a short recess during any meeting.

3030.6 Amendment of Rules of Order.

3030.6.1 The Commission may, either formally or informally at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

Santa Cruz Port District

PORT COMMISSION POLICIES / PROCEDURES

TITLE: Open Government
NUMBER: 3040

3040 It shall be the policy of the Santa Cruz Port Commission to conduct its business in an open and transparent manner by:

3040.1 Conducting the public's business in open and publicized meetings, except for the limited circumstances under which the law allows closed sessions, and ad hoc meetings in accordance with California Government Code Sections 54950 - 54962, as amended (known as the *Ralph M. Brown Act*); and,

3040.2 Allowing and encouraging the public to actively participate in meetings; and,

3040.3 Allowing public inspection of documents and records generated by the Port District as defined by the California Government Code Sections 6250 – 6270.5, as amended (known as the California Public Records Act, except when non-disclosure is specifically authorized by law.



TO: Policy and Operations Committee
 FROM: Blake Anderson, Harbormaster
 DATE: September 8, 2020
 SUBJECT: Vessel Insurance Policy Enforcement Mechanisms

INFORMATION

The Port District's vessel insurance policy went into effect January 1, 2019. The policy requires all vessels (including recreational, commercial, and business use) to remain currently insured to retain a slip license at Santa Cruz Harbor. The vessel insurance policy is included as Attachment A. The policy excludes vessels occupying dry storage, rack storage, catamaran storage, launched vessels, and human-powered watercraft. Owners of transient vessels are requested, but not required, to provide proof of insurance for short-term berthing. Stays beyond the two-week maximum may be required to provide proof of insurance as a condition of the extension, which requires Harbormaster approval.

In September 2019, an initial compliance review was presented to the Commission (Attachment B). At that time, approximately 70% of licensees were deemed in compliance with the policy, with approximately 30% listed as lacking coverage. After reviewing the report, the Commission recommended the item be sent to the Policy and Operations Committee for discussion of future enforcement measures.

The purpose of today's meeting is to discuss enforcement measures which are needed to achieve greater compliance with the policy. Table 1 depicts compliance statistics as of September 8, 2020, and demonstrates the status of the vessel insurance program without enforcement mechanisms.

Table 1

Type	Total Occupied Slips	Total Insured	Total Needing Insurance
Commercial Fishing Vessels	54	15	39
North Harbor	490	179	311
South Harbor	333	176	157
Total	877	370 (42%)	507 (58%)

Of the 507 licensees listed above as needing insurance, approximately 258 or 51% have an expired insurance certificate on file (i.e., they have provided an insurance certificate to the District, but it has subsequently expired). Since inception, only 249 or 28% of licensees have failed to provide any sort of insurance documentation to the District.

Staff anticipates that most of the licensees with expired certificates have in fact renewed their policies; however, an updated certificate has not been automatically forwarded to the District, as initially assumed. Staff is performing the necessary outreach to obtain updated certificates, and in doing so

has confirmed that coverage appears to have been extended and is valid for the majority of boat owners.

A considerable amount of staff time is required to monitor this program. Without adequate enforcement measures, achieving full compliance is difficult, if not impossible. For instance, if a licensee's coverage is found to be deficient, the policy is entered into the database for recordkeeping purposes and the slip renter is notified that they are missing elements in their coverage. Oftentimes, the customer does not follow-up with their insurance company and the Port District does not receive updated information, and the follow-up cycle continues.

To ensure compliance moving forward an enforcement mechanism should be established. Rather than revoking slips for non-compliance, staff recommends a progressive approach, with revocation being the last resort.

DISCUSSION OF ENFORCEMENT MEASURES

The following options are proposed for discussion:

OPTION 1:

Measure: Withhold Annual Slip Renter Parking Permits

Method: Effective January 1, 2021, slip renters would be required to present their insurance declaration page (demonstrating minimum policy requirements) in order to pick up 2021 parking stickers. Insurance cards or binders would not be accepted, as they do not contain the necessary policy information.

Outreach: Outreach could be performed immediately via direct mail, email blast, and newsletter publication to allow ample time for slip renters to obtain insurance prior to January 1.

Comments: Although insurance policies expire at different points throughout the year (i.e. an insurance policy could expire on January 8, shortly after it is presented to obtain parking stickers), staff believes that if slip renters are required to present proof of current insurance each year, that coverage is more likely to be maintained year-round.

OPTION 2:

Measure: Impose a monthly "Uninsured Vessel Fee"

Method: Effective January 1, 2021, impose a monthly uninsured vessel fee of \$75 to slip licensees who do not have a current insurance certificate on file with the District. For those slip renters with expired certificates, the penalty would be assessed 60 days after expiration. The penalty would be applied for no more than 12 months before initiating the slip revocation process (see option #3). For slip licensees with commercial fishing vessels, the Harbormaster would have discretion to extend the penalty period beyond 12 months, on a case-by-case basis.

Outreach: Outreach could be performed immediately via direct mail, email blast, and newsletter publication to allow ample time for slip renters to obtain insurance prior to January 1.

Comments: The Port District will make clear that payment of the uninsured vessel fee does not afford the slip licensee any type of insurance coverage. A similar fee is currently assessed at the Boatyard (\$10/day).

OPTION 3:

Measure: Slip Revocation

Method: Effective January 1, 2021, utilize the slip revocation process as a last resort to gain compliance.

Outreach: Minimal

Comments: Slip revocation should be considered only as a last resort and only after all reasonable efforts have been made to gain compliance. Staff hopes to achieve compliance by other methods without utilizing the revocation process.

Other options considered, but deemed infeasible or problematic include issuing citations, deactivating electronic key access, and withholding services.

COMPLIANCE ISSUES / REMEDIATION MEASURES

Insurance companies require an out of the water survey before insuring larger vessels (typically 27 feet and above). Prices for survey hauls at the boatyard are currently \$10/foot with a \$250 minimum. The survey haul includes a pressure wash and 1 hour in the slings for inspection and light maintenance. The committee may wish to discuss the feasibility of offering a temporary special on survey hauls as additional incentive to gain compliance (Ex: 20% off survey hauls from Oct. 1 to Dec. 31).

ATTACHMENTS: A – Vessel Insurance Policy
B – 2019 Vessel Insurance Compliance Review



VESSEL INSURANCE POLICY

Adopted June 26, 2018

Commencing January 1, 2019, or upon acceptance of a slip assignment, all vessels (including recreational, commercial, and business use) must remain currently insured to retain slip license at Santa Cruz Harbor. Vessel insurance must, at a minimum, meet the following criteria:

(a) Commercial & Recreational Vessels (including business use)

1. Provide general Liability (Protection and Indemnity) vessel insurance coverage, including wreck removal and pollution coverage, with a minimum policy limit of \$300,000.
2. Vessel insurance policies shall name the Santa Cruz Port District (SCPD) as *Additional Insured*, if available from the underwriter. A Certificate of Insurance certifying coverage limits shall suffice only if an endorsement naming SCPD as *Additional Insured* is unavailable from the underwriter.¹
3. Owners of transient vessels are requested, but not required, to provide proof of insurance for short-term berthing privileges. Owners of transient vessels requesting berthing beyond the two-week maximum may be required to provide proof of insurance as a condition of the extension, which requires Harbormaster approval.

(b) Additional Requirements

1. Subletters shall be required to provide proof of insurance for their vessels in accordance with this policy.
2. Insurance policies for vessels held in partnership must list the individual names of each vessel partner.

(c) Excluded Vessels

1. This vessel insurance policy is not applicable to:
 - a. Vessels occupying:
 - i. Dry Storage (Twin Fountains & North Harbor Dry Storage)
 - ii. Rack Storage
 - iii. Catamaran Storage
 - b. Launched Vessels
 - c. Human-Powered Watercraft

¹ An additional insured endorsement provides the District with added protections, such as notification of a pending cancellation and the ability to streamline the claims process, in the event a claim is filed.



TO: Port Commission
 FROM: Latisha Marshall, Harbormaster
 DATE: September 16, 2019
 SUBJECT: Vessel Insurance Compliance Review

INFORMATION

The Port District's vessel insurance policy went into effect January 1, 2019. The policy requires all vessels (including recreational, commercial, and business use) to remain currently insured to retain a slip license at Santa Cruz Harbor. The vessel insurance policy is included as Attachment A. The policy excludes vessels occupying dry storage, racks, catamarans and visitor end-tie spaces.

Prior to the policy's effective date, staff performed extensive outreach to inform slip renters of the upcoming policy change. It was anticipated that a transition period of approximately six months to one year would be required to gain compliance by a majority of slip renters. The Commission was supportive of delaying enforcement measures for non-compliance during this transition period, until ample data was available to compile a compliance review (scheduled for Fall 2019).

Sufficient time has passed since the implementation of the vessel insurance policy, and a majority of slip licensees have demonstrated compliance. A table depicting compliance as of September 2019, is below and breaks out the number of commercial fishing vessels. The data shows the total number of vessels required to be insured (i.e. current slip occupancy, and not total wet berths.¹), but for simplicity, excludes vessels which may be required to carry insurance, but occupy north harbor inside-tie space.

Type	Total Occupied Slips	Total Insured	Total Needing Insurance
Commercial Fishing Vessels	70	38	32
Other Vessels (Recreational / Business Use / Interagency)	757	544	213
Total	827	582	245

To ensure compliance by all slip licensees, staff will need to implement some form of enforcement going forward. Enforcement measures could include slip revocation, deactivation of electronic key fobs, or withholding slip renter parking permits for 2020. Alternatively, the transition period can be extended for a specified period of time and additional outreach can be performed to see if compliance rates rise.

Staff recommends enforcement of the vessel insurance policy be referred to the Policy-Operations Committee for further review and development of a recommendation on how to implement enforcement going forward.

ATTACHMENTS: A – Vessel Insurance Policy

¹ Total Wet Berths: There are 838 rentable wet berths in the harbor, 58 of which are designated as commercial fishery slips on R, S and T docks. Wet berthing does not include north harbor inside-ties, dory ties or visitor end-tie spaces, though vessels occupying these spaces may be required to carry insurance.