

THE TRIALS OF GOVERNING THE CITY OF SOLVANG

IS THIS WHAT YOU VOTED FOR?

INTRODUCTION

From its earliest beginnings our democratic form of government has required an informed and participatory electorate in order to succeed. When the citizen voter does not pay attention to what the elected officials do or fails to exercise their responsibility to vote and thereby voice their opinion as to how the government should function, the system breaks down into a non-responsive and therefore an ineffective group of leaders. The officials may pursue their own interests at the expense of the public they are supposed to represent. It is this voter apathy that further disenchant the electorate with its representatives. Apathy also permeates other layers of management and staff.

KEY ISSUES

The 2001-2002 Grand Jury (Jury) received numerous complaints regarding the governance of the City of Solvang (City). These complaints ranged from a demoralized and unstable staff to the over controlling City Council (Council) that dwells on operational minutia while failing to provide strong policy guidance and leadership. Often minor agenda items are discussed meeting after meeting without resolution. The complaints were sufficiently broad based to warrant a thorough investigation by this Jury. Some 20 present and past council members, employees and citizens were interviewed. Numerous council meetings were attended and an examination of pertinent public records was conducted. The structure of other comparable cities¹ in California was reviewed to provide a basis for evaluation.

Staff Turnover

Governing the City has not been without problems for some time. In 1995-96 the Santa Barbara County Grand Jury undertook an investigation and report on the well-publicized state water problems. This report² is available to the public and it is strongly recommended that every concerned citizen of the City be aware of its contents. Although the hotly contested issues of bringing state water to the community of Solvang have been resolved through extensive and expensive litigation, some of the fundamental problems that were behind that issue persist today and, if not corrected, will continue to contribute to a dysfunctional government. No city council can make informed policy decisions without the support of a stable, professional staff.

¹ A survey based on 12 cities with comparable population.

² Available on the Grand Jury web site at www.sbcgj.org.

The City has suffered from an unstable and insecure staff for many years. The City currently has 29 employees on its' staff, however, in the last two years there have been 17 turnovers. Since the City was incorporated in 1985, it has gone through seven City Managers. Most recently, the position of City Manager was vacant from July 2001 to February 2002. The position of Director of Public Works is currently vacant. The prior Public Works Director only held the position for 14 months. There have been six people in this position. The current Planning Director has held the position for only 10 months and has announced his resignation effective June 1, 2002. There have been six prior Planning Directors. The City Clerk, the official record keeper of the City, has changed three times in the last three years.

Council Conduct

This Jury attempted to ascertain the reasons for the high turn over and short tenure of staff. A number of issues were identified. However, consistently the view was expressed that members of Council interfered with staff's performance of their job. There were repeated examples of individual members of the Council giving specific instruction to subordinate members of staff. Another frequently heard complaint was that members of the Council would publicly berate and embarrass members of the staff instead of following the maxim of praising in public and punishing in private. In a city manager form of government, as adopted by the City, the City Council should give policy direction by a majority vote. This policy is then to be executed by the staff. When individual members of the Council express their personal direction to subordinate staff, it not only undermines and frustrates the authority and effectiveness of the City Manager but creates tension among the Council as well. Publicly berating members of staff has had the effect of stifling staff and has made them reluctant to provide information and ideas to assist the City Council in performing its duties.

Over the past several months Jury members have observed virtually every City Council meeting. It is evident from observing these meetings that staff has not provided council with all the information it should have in making decisions. Furthermore, several of the individuals interviewed by the Jury expressed the view that some decisions have been made by Council members without being fully apprised of all the facts. The previously described relations between council and staff are not conducive to a full exchange of information and thereby preclude the best-informed decision making.

Micro-Management

It was apparent to the Jury, from its investigation, that there is a lack of understanding of the respective roles and responsibilities of the staff and council. These problems are neither new nor original with the City. There are no formal academic or professional requirements to be elected to the City Council. However, fulfilling various duties and demands of city government requires a great deal of knowledge and insight into

governmental operations if the duties are to be performed effectively. One of the best methods of learning how to become a better public official is through participation in the many seminars and training programs offered by The League of California Cities. This organization brings together a wide range of experience and expertise in local government. Sadly, only one member of the Solvang city government team has participated in the Leagues activities. Public officials, in the comparable cities surveyed, regularly attend the League of California Cities programs. It is strongly recommended that every member of the Council and senior City staff make it their duty to attend as many of the League functions as possible. Classes are presented on how to perform as a City Council member, Mayor, City Manager, City Clerk and the role of the City Attorney. The League offers an opportunity for public officials in all positions of city government to share their experiences and to learn about solutions to common problems that beset all city government.

Finances and Purchasing

Another area in which the City fails to function effectively is in the administration of its financial affairs. The City Council has adopted a purchasing ordinance which delegates some contracting, and purchasing authority. The practical experience has been that Council approves all expenditures, regardless of whether they had been previously approved in the adoption of the annual budget. This is yet another example of micro-management by the Council that preoccupies itself with matters that should be routine administration of policy.

It is recommended that purchasing procedures be reviewed to insure there are clear delegations of authority to specific officers or positions in specific dollar amounts and these delegations be implemented without the need for further Council approval. Budget approval and appropriations pursuant thereto, should be sufficient Council authority to make expenditures under the purchasing ordinance. It is further recommended that a formalized authority be adopted, such as a succession resolution, which defines who has authority to act when that position is vacant or the individual holding that position is out of the city or is otherwise unable to act. An example is the current vacancy in the position of Director of Public Works. The purchasing ordinance gives certain authority and responsibility to the Public Works Director and there is no express delegation of that authority to anyone while the position is vacant.

Nepotism

In an effort to reduce problems of nepotism, the City adopted a formal Anti-Nepotism Policy (Policy) in July 2001. The Policy does not cover members of the City Council or provide for independent review when the City Manager is the subject of a nepotism question. The Jury recommends the Policy be amended to include members of the City

Council and to provide for independent review when the City Manager or a member of the City Council is alleged to be in violation of the Policy.

General Plan Update

A comprehensive review and update of the City General Plan has not been undertaken since its initial adoption in 1988. Since that time, major changes and fluctuations in the local, state and national economy have occurred. State law requires a periodic review and update of the plan. Of the comparable cities surveyed, all had updated their General Plan. The Jury recognizes that Council has initiated a review of the Housing Element, however, this review is due to be completed every five years and is now nine years overdue. Traffic problems anticipated in the 1988 circulation element of the General Plan have become a reality and the recommended solutions therein have not been resolved. Many of these problems can not be solved by the City alone.³ The City needs to be much more aggressive in developing a current coordinated comprehensive plan to address these issues. The City needs to become a much squeakier wheel with the appropriate agencies, armed with current professional documentation to support its position.

City Management

The City recently appointed a new City Manager. This person brings considerable experience to the City in the field of public works for a community that has had many problems in this area. The City sought to fill the position with an individual who had prior experience as a City Manager in a city with a tourist-based economy. Only time will tell whether the new manager can rebuild and pull together a dedicated professional staff that can meet these needs. Much will depend upon the ability of Council to focus on developing broad policy guidelines for the future of Solvang and to avoid the pitfalls of trying to run every aspect of the City.

Some members of the Council believe they must challenge the work of staff in order to maintain authority and avoid the perception of being a “rubber stamp”. A Council member does not become a “rubber stamp” for staff actions if they approve staff recommendations that carry out policy directed by clear Council actions. It is only in blindly approving staff initiatives which deviate from Council policy or that attempt to fill a void when the Council has failed to provide adequate guidance, that the Council does not perform its independent oversight.

The City has also added the position of Assistant City Manager to its staff at an annual salary of \$86,736. When coupled with the salary increases given to the position of

³ Regional planning and circulation require coordination with Cal Trans, the County of Santa Barbara and Santa Barbara County Association of Governments (SBCAG).

Director of Public works, the Director of Planning and the recently created position of full time Fire Chief, it represents a very significant increase in personnel cost. None of the cities of similar size, which the Jury surveyed, have an Assistant City Manager. The Jury recommends that the City reconsider the need for the position of Assistant City Manager.

CONCLUSION

This report is addressed to all the citizens of Solvang. This Jury asks each of you: "Is this what you voted for? Did your inattentiveness or your failure to exercise your responsibility as a citizen in this community contribute to these problems?" You only get the kind of government that you want if you voice your opinion at the polls and at City Council meetings. Let your elected officials know what you expect of them to make the City of Solvang a better place to live.

FINDINGS AND RECOMMENDATIONS

FINDINGS

Finding 1: There have been numerous complaints by the citizens who are concerned with the functioning of the City of Solvang's government.

Finding 2: There are indications of the staff being demoralized.

Finding 3: There is instability and a high turnover rate of employees.

Finding 4: Some members of Council have a practice of dealing directly with subordinate staff on operational day to day functions.

Finding 5: Staff is hesitant to make recommendations due to public intimidation or lack of support by Council.

Finding 6: A cooperative team effort is missing between staff and Council.

Finding 7: The intimidation and instability of staff results in less than adequate briefing of Council.

Finding 8: Clear policy direction by Council was not apparent to the staff.

Finding 9: Some members of Council have preoccupied themselves with administrative and operational details.

Finding 10: The conditions found in Findings 2 through 9 result in:

- the failure to address pertinent issues,
- delay in decision making,
- important decisions being made without all the facts being presented.

Finding 11: The Anti-Nepotism Policy does not cover the City Council and does not provide for an independent review when the City Manager is the subject of a nepotism question.

Finding 12: The City Plan has not been updated since 1988, with the exception of the Land Use Element, which was amended in 1995.

Finding 13: Of the comparable cities surveyed, none had an Assistant City Manager.

Finding 14: The City lacks written guidelines delegating authority when a position is vacant or the office holder is absent or otherwise unable to act.

RECOMMENDATIONS

Recommendation 1: The City Council and senior City management should attend as many of the League of California Cities' programs as possible.

Recommendation 2: Council meeting agenda items need to be resolved in a timely manner.

Recommendation 3: A succession resolution should be adopted.

Recommendation 4: Update the City General Plan and its various elements with scheduled reviews.

Recommendation 5: Work more actively with CalTrans, the County and the Santa Barbara County Association of Governments (SBCAG) to implement the updated plan.

Recommendation 6: Amend the Anti-Nepotism Policy to include members of the City Council and to provide for independent review when the City Manager or a member of the City Council is alleged to be in violation of the Policy.

Recommendation 7: Exercise restraint when addressing personnel issues in public meetings.

Recommendation 8: The Council must establish and maintain a supportive leadership role that fosters a stable professional staff.

Recommendation 9: The Council must act as a body through its chosen chief executive officer, the City Manager.

Recommendation 10: The Council should insure there is a clear delegation of authority to specific individuals with defined dollar amounts and then permit staff to carry out the delegation without further Council approval.

Recommendation 11: The City should reconsider the need for the position of Assistant City Manager.

AFFECTED AGENCIES

The City of Solvang

Findings 1 through 14

Recommendations 1 through 11