



CITY OF SANTA BARBARA

PARK AND RECREATION COMMISSION REPORT

AGENDA DATE: January 24, 2007

TO: Park and Recreation Commission

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Kasandra Martell Appeal of Santa Barbara Arts and Craft Show Advisory Committee Decision

RECOMMENDATION: That the Commission hear the appeal of Kasandra Martell and determine whether to uphold or overturn the decision of the Arts and Crafts Show Advisory Committee regarding the incident that occurred on October 15, 2006.

DISCUSSION:

Background

The Santa Barbara Arts and Crafts Show, a program of the Parks and Recreation Department since 1965, currently has 215 members and is held every Sunday along Cabrillo Boulevard. A 5-member Advisory Committee, consisting of 4 elected members of the show and a community member, is in place to assist Recreation staff in the administration of the show and the screening of new applicants.

The show is governed by a manual of procedures and regulations that addresses all aspects of the show including requirements for membership, acceptable items to sell, appropriate behavior for artisans, procedures for election of the Advisory Committee, handling of complaints, and violations of the show rules. As part of their privilege to participate in the show, and through the purchase of their annual show permit, members agree to abide by and follow the Procedures and Regulations of the show.

When a show member is suspected of violating a show rule, there are procedures in place to investigate the alleged violation, for the Advisory Committee to meet with the show member if necessary, and for the Advisory Committee to issue appropriate penalty(ies), if necessary, to the artist. If the show member wants to appeal the Advisory Committee's decision, the show procedures allow show members to appeal to the Park and Recreation Commission. The Commission's decision is final.

Decision by the Arts and Crafts Advisory Committee Concerning Kasandra Martell

On October 15, 2006, two (2) complaints were filed with the Cultural Arts Office. One complaint was from Kasandra Martell alleging that Jeff Kennedy violated Rule J., the Code of Conduct. Ms. Martell alleges that when she arrived to secure parking near her exhibit space along Cabrillo Boulevard at approximately 5:00 a.m., she found that one of Mr. Kennedy's

vehicles was parked in the area adjacent to her exhibit space. She stated that when she requested that Mr. Kennedy not park there he started shouting at her, and ordered her to "shut up", and threatened to call the police. The second complaint was filed by Mr. Kennedy, alleging that Ms. Martell violated Rule J, the Code of Conduct. Mr. Kennedy stated that Ms. Martell used her van in a threatening manner towards him and his wife; that she pounded on his wife's car demanding that she move the vehicle from Ms. Martell's parking space. Mr. Kennedy alleges that Ms. Martell was verbally abusive and that she removed his bamboo tripod that he had left near his vehicle.

The Arts and Crafts Advisory Committee reviewed both complaints on November 14, 2006. The Committee heard from both parties and reviewed a written statement from Margaret Kennedy. The Committee questioned why these complaints were filed, as the incidents occurred prior to the start of the show and while the members were parked along the street. Some members of the Advisory Committee felt that an incident occurring prior to the start of the show was a matter to be addressed by the Santa Barbara Police Department. They asked for clarification from staff who responded that in their opinion an incident occurring at 5:00 a.m. was under the purview of the Advisory Committee as show setup officially starts at 6:00 a.m. requiring members to claim a parking space prior to that time.

After much discussion, including a suggestion by one Committee member to punish both parties, the Committee determined unanimously that while one or both of these parties may have exhibited poor behavior during this incident, based on the statements of both parties and the fact that there were no witnesses to the incident itself, they could take no action in this matter. They instructed staff to send a written summary of the meeting to each complainant and remind them of the Committee's expectation that all members of the show are to adhere to the Code of Conduct, act with the spirit of cooperation, and respect each other and other members of the show.

Ms. Martell is appealing the Committee's decision to the Park and Recreation Commission for further consideration.

Conclusion:

Staff recommends that the Park and Recreation Commission hear the appeal of Kasandra Martell and determine whether to uphold or overturn the decision of the Arts and Crafts Show Advisory Committee.

For the Commission's information, and related to the question of whether because of the time of the incident it falls under the purview of the Arts & Crafts Show Advisory Committee, the show has rules and regulations that address setup procedures which begins at 6:00 a.m., show monitors have been scheduled for work as early as 5:00 a.m. in the past (to see that the process of show members' claiming spaces and setting up their exhibits went smoothly), and the Advisory Committee has in the past addressed complaints of incidents which occurred during this same time period.

ATTACHMENTS:

1. Complaint filed by Kasandra Martell 10/15/06
2. Complaint filed by Jeff Kennedy 10/15/06
3. Written statement from Margaret Kennedy submitted 11/14/06
4. Addendum to Minutes 11/14/06- Violation Review Committee Meeting Summary
5. Results of Violation Review Committee Meeting 12/9/06
5. Appeal filed by Arturo Tello on behalf of his mother Kasandra Martell 12/18/06

SUBMITTED BY: Judith Cook, Recreation Programs Manager

APPROVED BY: Nancy L. Rapp, Parks and Recreation Director