



CITY OF SANTA BARBARA
PARKS AND RECREATION COMMISSION REPORT

AGENDA DATE: December 21, 2016

TO: Parks and Recreation Commission

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Santa Barbara Arts and Crafts Show Appeal

RECOMMENDATION: That the Commission deny the appeal of Jeff Kennedy and uphold the decision of the Arts and Crafts Show Advisory Committee regarding the issuance of a written warning to Mr. Kennedy for violating the Code of Conduct.

DISCUSSION:

Background

The Santa Barbara Arts and Crafts Show (Show), a program of the Parks and Recreation Department since 1965, currently has 171 members and is held every Sunday and holiday Saturdays along Cabrillo Blvd. A five-member Arts and Crafts Show Advisory Committee (Committee), consisting of four elected members of the show and a community member, assists Recreation staff in the administration of the show and the screening of new applicants. A Parks and Recreation Commission (Commission) liaison is also assigned to the Committee.

The Show is governed by a manual of procedures and regulations that addresses membership requirements, acceptable items to sell, appropriate behavior for artisans, procedures for election of the 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 Show Procedures and Regulations.

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

Incident Review

Arts and Crafts Show member David Sugich submitted a written complaint on July 2, 2016, against Jeff Kennedy in which Mr. Sugich claimed that Mr. Kennedy physically assaulted him after a dispute over space claiming for a Saturday holiday show that morning. Senior Recreation Supervisor Jason Bryan researched the complaint and received additional information from Mr. Sugich including evidence of an injury he sustained. A request was sent to Jeff Kennedy requesting a response to the complaint; Mr. Kennedy did not submit a response until the day before the Committee's violation meeting on October 5, 2016. (Attachments 1-4)

Decision by the Committee Concerning Jeff Kennedy

A meeting of the Committee was convened on October 5, 2016, to review the Notice of Violation and provide Mr. Kennedy an opportunity to respond. The Committee heard from David Sugich at that meeting. Although Mr. Kennedy was not present, his statement was read in its entirety at the meeting. Committee members asked questions of Mr. Sugich and received public comment before voting unanimously to issue Mr. Kennedy a written warning for violating the Code of Conduct. (Attachments 5-7)

Appeal by Jeff Kennedy

The Show rules allow a member to appeal the decision of the Committee to the Commission by filing an appeal with the Parks and Recreation Director within ten days after the receipt of the Committee's written decision. The Department received Mr. Kennedy's appeal on October 24, 2015. (Attachment 8)

Code of Conduct

When each show member joins the Santa Barbara Arts and Crafts Show, they complete and sign an application where they agree to comply with the show's procedures and regulations. The Parks and Recreation Department's Code of Conduct is specifically included in the show's procedures and regulations, and requires appropriate conduct between show members and with staff to maintain a safe and positive atmosphere at the show. The conduct of each individual in the Show reflects on the City organization, the Parks and Recreation Department, and the Show as a whole. (Attachment 9)

RECOMMENDATION:

Staff recommends that the Commission deny the appeal of Jeff Kennedy and uphold the unanimous decision of the Committee.

- ATTACHMENTS:**
1. 7/2/16 – Complaint form submitted by David Sugich against Jeff Kennedy
 2. 7/4/16 – Email from Mr. Sugich with additional details on the incident
 3. 7/29/16 – Email to Mr. Kennedy requesting a response from the complaint
 4. 9/16/16 – Notice of violation and with hearing date issued to Jeff Kennedy
 5. 10/4/16 – Statement from Mr. Kennedy read at violation hearing
 6. 10/5/16 – Draft minutes from the Committee violation review meeting
 7. 10/18/16 – Letter to Mr. Kennedy communicating the violation meeting outcome
 8. 10/24/16 – Email from Mr. Kennedy requesting an appeal to the Committee’s decision
 9. Santa Barbara Arts and Crafts Show Procedures and Regulations
 - a. Compliance with the Code of Conduct
 - b. Violation Notice and Procedure
 - c. Penalties

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APPROVED BY: Jill E. Zachary, Parks and Recreation Director