



CITY OF  
**HAYWARD**  
HEART OF THE BAY

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**DATE:** September 16, 2008  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Revisions to the Council Member Handbook

**RECOMMENDATION**

That Council adopt the attached resolution accepting the additions and revisions to the Council Member Handbook.

**BACKGROUND**

The Council Member Handbook provides general information and Council procedures for the facilitation of its proceedings. Additions, which are attached, are due to recent legislation requiring training every two years in ethics as well as on sexual harassment. Another addition includes the updating of information related to Brown Act regulations, Council Member benefits, the revised agenda format, and minor reorganization of the Handbook complete these revisions. A copy of the entire Council Handbook with revisions is available in the Office of the City Clerk.

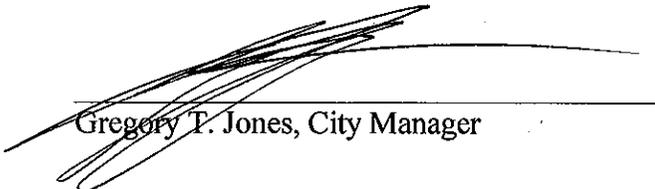
**FISCAL IMPACT**

There is no fiscal impact at this time.

Recommended by:

  
\_\_\_\_\_  
Angelina Reyes, City Clerk

Approved by:

  
\_\_\_\_\_  
Gregory T. Jones, City Manager

Attachment: Additions to the Council Handbook

*Council Handbook*  
09/16/2008

## ADDITIONS TO THE COUNCIL HANDBOOK

### TRAINING REQUIREMENTS

AB 1234, now California Government Code Section 53234 was signed into law on October 7, 2005. This law requires, among other things, that all local agencies that provide compensation, salary or a stipend to, or reimburses the expenses of members of a legislative body must provide Ethics Training to local agency officials by January 1, 2007, and every two years thereafter.

In 2005, AB 1825, now California Government Code Section 12950.1, was signed into law. It mandates immediate and continual Sexual Harassment Training for supervisors. This law increases the training obligations of all employers, who have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action...if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

Members of boards, commissions, task forces and committees established by Council are also required to obtain the above described training.

### BENEFITS

In accordance with the Public Employees' Medical and Hospital Care Act, medical coverage and a dental plan are provided to members of the City Council.  
(Resolution 86-310 and 97-107)

### CONFIDENTIAL COMMUNICATIONS IN CLOSED SESSION

To address a long-standing problem associated with confidential communications in closed session and how to maintain the confidentiality of such discussions, in 2003, the Legislature passed Assembly Bill 1945 ("AB 1945"), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council, or upon advice of the legal counsel or negotiator handling the matter. In the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) The body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) If the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) If the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

**DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION ACCEPTING THE ADDITIONS AND REVISIONS TO THE COUNCIL MEMBER HANDBOOK**

BE IT RESOLVED that the City Council of the City of Hayward hereby accepts the additions and revisions to the Council Member Handbook as follows:

**Section 1. TRAINING REQUIREMENTS**

AB 1234, now California Government Code Section 53234 was signed into law on October 7, 2005. This law requires, among other things, that all local agencies that provide compensation, salary or a stipend to, or reimburses the expenses of members of a legislative body must provide Ethics Training to local agency officials by January 1, 2007, and every two years thereafter.

In 2005, AB 1825, now California Government Code Section 12950.1, was signed into law. It mandates immediate and continual Sexual Harassment Training for supervisors. This law increases the training obligations of all employers, who have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action...if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

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**Section 2. BENEFITS**

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(Resolution 86-310 and 97-107)

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Section 3. CONFIDENTIAL COMMUNICATIONS IN CLOSED SESSION

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IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward