

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Maureen Benson, City Clerk *mb*

DATE: December 1, 2016 (CC Meeting of 12/7/16)

SUBJECT: Consider Scheduling Mandatory Ethics Training and Sexual Harassment Prevention Training for City of Moorpark Local Agency Officials and Management Staff

BACKGROUND AND DISCUSSION

Staff is requesting the City Council approve the scheduling of Ethics Training in 2017, pursuant to Government Code Sections 53234 – 53235.2, and as defined in Policy 2.4 of the City Council Policies Resolution:

“Policy 2.4: Ethics Training

All City Councilmembers, Planning Commissioners, Parks and Recreation Commissioners, Arts Commissioners, Library Board Members, and any other member of the legislative body (as defined by Government Code Section 54952) that receives any type of compensation, salary, or stipend or reimbursement of expenses, shall attend Ethics training within twelve (12) months of assuming office and receive no less than two (2) hours of said training within two (2) years of assuming office and every two (2) years thereafter, as required by Government Code Section 53235 et seq. All City management staff shall be required to either attend Ethics training scheduled by the City Clerk, or complete authorized internet training, and obtain a certification of completion once every odd numbered calendar year. In addition to City management staff, the City Manager may designate other City employees and/or contract staff that will also be required to attend Ethics training.

In January of every year, the City Clerk shall provide the City Council, Planning Commission, Parks and Recreation Commission, Arts Commission, and Library Board with information on training available to meet the requirements of this policy and applicable state law. Within the first three months of each odd numbered year, the City Clerk shall schedule group Ethics training and will invite the members of the City Council, all Commissioners, all Board Members, all City Management staff, and all other City Manager designated employees and contract staff to attend. Any member of the City Council, Commissioner, Board Member, management employee, designated employee, or designated contract staff unable to attend the scheduled group Ethics training shall be required to complete other Ethics training that complies with requirements of Government Code Section 53235 et seq. The City Clerk shall maintain a record of completion on the required Ethics training, for each person, consistent with applicable state law.”

During the month of February 2017, regularly scheduled City Council meetings occur on February 1 and 15. Ethics Training in 2017 should occur prior to February 13, in order to maintain the mandatory two-year training compliance since the last group Ethics Training in 2015. Staff is recommending the Ethics Training be scheduled for Wednesday, February 8. The required training time is two hours.

In addition, mandatory Sexual Harassment Prevention Training is a new requirement of AB 1661 approved by the Governor on September 29, 2016:

“AB 1661 Local government: sexual harassment prevention training and education

Existing law requires all local agency officials to receive training in Ethics, at specified intervals, if the local agency provides any type of compensation, salary, or stipend to those officials. Existing law also requires any civil or political subdivision of the state and all cities to provide at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified.

This bill would additionally require local agency officials, as defined, to receive sexual harassment prevention training and education if the local agency provides any type of compensation, salary, or stipend to those officials, and would allow a local agency to require employees to receive sexual harassment prevention training or information. The bill would also require an entity that develops curricula to satisfy this requirement to consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content.”

The City currently contracts with Liebert, Cassidy Whitmore (LCW) for human resources related legal services, including participation in the LCW Ventura/Santa Barbara Employment Relations Training Consortium. LCW has provided a preliminary quote of \$1,650 to \$1,950 for a 2-hour training workshop (the variation in the cost is based on the training presenter selected). The LCW cost for two, two-hour workshops presented in the same day is \$2,200 to \$2,750. Travel costs could add \$500 to the total one-day training cost. The City contracts with Richards, Watson & Gershon for City Attorney services, and one or both trainings could also be potentially conducted by the City Attorney or other RWG attorney for a similar price.

The Sexual Harassment Prevention Training for the Mayor and two Councilmembers who will begin their new term on December 7, 2016, must be accomplished within the first six months of taking office and every two years thereafter. Appointments for the Arts, Planning, and Parks and Recreation Commissions are expected to be completed in January 2017, and completing the group Ethics Training in early February 2017 and the group Sexual Harassment Prevention Training before June 2017 will achieve compliance for these newly appointed local agency officials. Although the Library Board members have different terms of appointment, they will also be asked to attend any scheduled training to achieve compliance with the current mandatory training requirements.

If the Council approves the group training, all City Council members, Commissioners/Board Members, and City management staff will be notified in writing and

asked to attend. Because the Sexual Harassment Prevention Training options may be very limited, including no current free online training, attendance for elected officials and Commissioners/Board members should be mandatory.

Training scheduling options for the City Council to consider include:

1. Scheduling Ethics Training on Wednesday, February 8, 2017 (to stay on the current 2-year schedule), and providing staff with date options for scheduling the Sexual Harassment Prevention Training on a different date, or
2. Scheduling both Ethics Training and Sexual Harassment Prevention Training on February 8; or
3. Scheduling both trainings on two evenings, including February 8 and another date to be determined by the City Council (this would provide more flexibility, since it is difficult to find one day when everyone is available).

If both trainings are scheduled for the same day, one training could begin at 5:00 p.m. followed by the second training at 7:00 p.m., and staff could arrange for a light dinner or snacks for participants. If only one training is to be scheduled per evening, the start time could be later, such as 6:30 or 7:00 p.m.

Staff has not confirmed trainer availability for any specific date, and any scheduled training will have to be confirmed after direction is received from the Council at the December 7 meeting. If alternate arrangements need to be subsequently approved, staff will reschedule discussion of the mandatory training on a subsequent agenda. Staff will also be scheduling an update of the City Council Policies Resolution to include Sexual Harassment Prevention training requirements similar to the current Ethics Training policy language.

FISCAL IMPACT

As summarized in the agenda report, there is an expected cost savings to schedule the Sexual Harassment Prevention training and the Ethics Training for the same date (Option 2, above), and this is considered the least cost option. Option 3 provides the most flexibility with both trainings scheduled for two different dates. Although there is a free online Ethics Training option, having everyone complete online Ethics Training would require a lot of staff time to enforce compliance and obtain mandatory certificates of completion, so staff prefers scheduling at least one evening Ethics Training. The current fiscal year budget already has \$2,500 budgeted for the mandatory 2017 Ethics Training cost; however, the new Sexual Harassment Prevention training cost may need to be incorporated into the annual mid-year Budget amendment agenda report at an estimated cost of up to \$2,450 for one training in one day. Combining two classes on one day could reduce the cost for the second training to only \$800 (two trainings on the same day costs a

maximum of \$3,250). Scheduling both classes on two days would cost approximately \$6,500, of which \$2,500 is budgeted (requiring an estimated \$4,000 budget adjustment).

STAFF RECOMMENDATION

Direct staff to schedule the two-hour Ethics Training on February 8, 2017, with the meeting time as determined by the City Council and direct staff as deemed appropriate for scheduling the two-hour Sexual Harassment Prevention Training prior to June 2017.