

ORDINANCE NO. 4154

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 2.70 OF THE HUNTINGTON BEACH MUNICIPAL  
CODE RELATING TO OPENNESS IN LABOR NEGOTIATIONS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 2.70.010 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.70.010 Applicability**

This chapter shall apply to all labor negotiations between the City and any employee, group of employees or City-recognized collective bargaining unit(s) (hereinafter "association") (hereinafter collectively referred to as "Affected Employees") in the securing of labor agreements in the form of Memorandums of Understanding ("MOU") or amendments thereto including "side letters" with the City relating to and/or having a material relationship to wages, hours, and terms and conditions of employment that are within the scope of bargaining.

Any discussions, meet and confers, negotiations, and/or other communications between the City and association(s) Affected Employees regarding proposed changes to wages, hours, and/or any other terms or conditions of employment within the scope of bargaining may also be referred to in this chapter as "labor negotiations."

SECTION 2. Section 2.70.020 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.70.020 Pre-Negotiation, Meet and Confer on Ground Rules**

The City Manager and/or designee(s) shall meet with Affected Employees regarding any and all ground rules, including, but not limited to, confidentiality, at the commencement of Labor Negotiations. Nothing within this Ordinance shall be construed to limit, bind or otherwise dictate either party's position with respect to any mandatory subject of bargaining, including ground rules. To the extent that any negotiated ground rules, including the confidentiality of proposals, conflicts with any provisions of this Chapter 2.70, the negotiated ground rules will control and supersede inconsistent provisions of this Ordinance.

SECTION 3. Section 2.70.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.70.030 Negotiator**

- A. Where an independent negotiator is deemed not necessary by the City Council for a particular labor negotiation, the City Manager or designee will act as the lead negotiator (“designated negotiator”) on behalf of the City. No designee may be a member of an association.
- B. An independent negotiator may be appointed by the City Council to lead the City in labor negotiations. If an independent negotiator is deemed necessary by the City Council, he or she shall: (1) not be an employee of the City; (2) not be a member of the public pension plan that covers City employees; and (3) have a demonstrated expertise in negotiating labor and employment agreements on behalf of municipalities.
- C. The City Council may designate one or more executive or management level employees to assist the designated or independent negotiator as deemed appropriate.
- D. The City Council shall report out to the public the identity of the designated or independent negotiator for each labor negotiation upon designation.

SECTION 4. Section 2.70.040 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.70.040 Negotiation Disclosures to Public**

- A. After the first submitted offer and counter-offer have been made, the City Council shall report to the public within 24 hours of accepting or rejecting a submitted written proposal or portion thereof from Affected Employees. The subject written proposal shall be made public by posting on a designated area of the City’s website. This section shall not mandate publication of City Council-directed future proposals and/or the analytical thought process utilized by the City Council in labor negotiations.
- B. No verbal or written reports or publications to the public regarding offers and counter-offers waive the attorney-client privileges that attach to closed session. All other information communicated during closed session, excluding offers and counter-offers, will remain subject to and covered by the privilege. By passing the ordinance codified in this chapter, the City Council does not waive this privilege of confidentiality.

SECTION 5. Section 2.70.050 of the Huntington Beach Municipal Code is hereby amended to read as follows:

- A. Except for the first offer and counter-offer made, the Director of Finance shall cause to be prepared a report determining the fiscal impacts attributed to each term and condition of employment of each subsequent written proposal (offer and/or counter-offer) resulting from labor negotiations, using the current MOUs as a baseline. These cost reports will be presented for review by the City Council, the affected association, and the general public within 20 days after said proposal is made.

B. The Director of Finance shall also cause to be prepared a report determining the fiscal impacts attributed to each term and condition of employment in the final, tentatively agreed upon labor agreement resulting from labor negotiations, which is reduced to writing in the form of an MOU between the City and the association. This cost report will be presented for review by the City Council, the affected employees, and the general public at least 5 calendar days prior to the final MOU being acted upon by City Council.

SECTION 6. Section 2.70.060 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.70.060 Council Member Disclosures**

Each City Council member shall disclose both during closed sessions and publicly in open sessions, the identity of any and all representatives of the Affected Employees with whom the City Council member has had any verbal, written, electronic or other communication(s) regarding a subject matter of pending labor negotiations.

SECTION 7. Section 2.70.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.70.070 Adoption of Memorandum of Understanding**

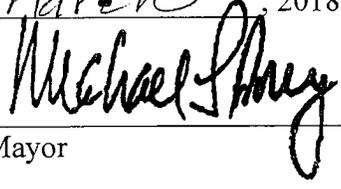
A. A proposed MOU shall be introduced at the City Council not more than 30 days after the initial City Council consideration and tentative approval.

B. At each City Council meeting, the proposed MOU shall be agendized as an administrative item.

C. The rendering of a final City Council determination regarding adoption of an MOU shall only be undertaken after the matter has been heard at a minimum of two open City Council meeting, wherein the public has had the opportunity to review and comment on the matter.

SECTION 8. This ordinance shall become effective 30 days after its adoption.

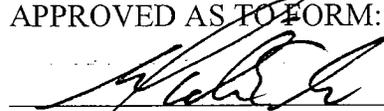
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk 3/20/18 EB

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney NW

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Human Resources

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **February 20, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **March 19, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:** O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy

**NOES:** None

**ABSENT:** Brenden

**ABSTAIN:** None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on March 29, 2018.  
In accordance with the City Charter of said City.  
Robin Estanislau, City Clerk  
Senior Deputy City Clerk

  
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City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California