

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
AGREEING TO CONFIDENTIALITY REQUIREMENTS AND
DELEGATING AUTHORITY TO CITY MANAGER AND CITY
ATTORNEY TO SIGN NEW MANDATORY MEDIATION
DISCLOSURE STATEMENT IN ACCORDANCE WITH SB 954**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to SB 954, which went into effect on January 1, 2019, an attorney must provide to his or her client a printed disclosure containing the confidentiality restrictions related to mediation, and the client must sign a printed acknowledgment stating that the client has read and understands the confidentiality restrictions, prior to a mediation occurring;

WHEREAS, due to Brown Act requirements, the City Council does not and cannot attend mediations, rather City Attorney's Office staff attends mediation and reports back to Council in closed session the amount of the settlement demand (in the event that settlement demand exceeds the authority granted to the City Attorney and City Manager under the City Code);

WHEREAS, City Code § 1.15.090 grants settlement authority to the City Attorney and City Manager up to \$50,000 in claims and litigation matters and up to \$250,000 in worker's compensation matters;

WHEREAS, due to the processes utilized by the City to litigate and resolve its claims, including codified delegation of settlement authority, it would be most effective and efficient to delegate authority to sign the new mandatory mediation confidentiality disclosures to the City Attorney and City Manager; and

WHEREAS, the City Council understands and recognizes the importance of fostering candid discussions of sensitive information during the mediation process, in furtherance of the parties' good faith efforts to resolve the dispute, and agrees to maintain the confidentiality of such information provided to Council by staff following mediation.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS

FOLLOWS:

1. That the City Council has read and understood the required Mediation Disclosure Notification and Acknowledgement form, attached as Exhibit A. The City Council acknowledges and agrees to abide by state law and keep confidential information received through the mediation process, including that information provided to Council by staff following mediation. The City Council understands and agrees that the information received through the mediation process cannot be used in later legal processes including in a malpractice claim brought by the City against its counsel of record.

2. That the City Council hereby grants to the City Manager, or her/his designee, the authority to execute a Mediation Disclosure Notification and Acknowledgement form, attached as Exhibit A, on behalf of the City as the "Client" as required by SB 954 in those cases in which the City Attorney's Office is acting as counsel of record for the City.

3. That the City Council hereby grants to the City Attorney, or her/his designee, the authority to execute a Mediation Disclosure Notification and Acknowledgement form, attached as Exhibit A, on behalf of the City as the "Client" as required by SB 954 in those cases in which the City has retained outside counsel to act as counsel of record for the City.

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4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Mediation Disclosure Notification and Acknowledgement Form