

RESOLUTION NO. 54-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND WAIVING THE PRIVILEGE UNDER BUSINESS & PROFESSIONS CODE SECTION 6149 TO ALLOW PUBLIC DISCLOSURE OF AGREEMENTS THE CITY OF RICHMOND ENTERS INTO FOR THE PROVISION OF LEGAL SERVICES

WHEREAS, pursuant to Article IV, Section 3 of the Charter of the City of Richmond, the City Attorney shall act as legal advisor to the City Council and represent the City in all actions; and

WHEREAS, in fulfilling the obligation to act as legal advisor to the Council and represent the City in all actions, the City Attorney may retain the services of outside law firms to provide legal advice and represent and defend the City in all aspects of municipal law litigation; and

WHEREAS, California Business and Professions Code Section 6149 provides that a written fee contract for legal services shall be deemed a privileged, confidential attorney-client communication and not subject to public disclosure unless the privilege is waived by the City Council; and

WHEREAS, to increase transparency, the City Council desires to provide for a limited waiver of the attorney-client privilege to allow for public disclosure of legal services agreements to the extent those agreements are otherwise disclosable under the California Public Records Act; and

WHEREAS, by this action the City Council does not intend to waive any other aspect of the attorney-client privilege or any other exemption set forth under the California Public Records Act when it comes to public disclosure of particular legal services agreements.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richmond, that there shall be a limited waiver of the attorney-client privilege that exists pursuant to the provisions of Business and Professions Code Section 6149, to allow for public disclosure of legal services agreements to the extent those agreements are otherwise disclosable under the California Public Records Act; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council does not intend to waive any other provision of the attorney-client privilege and authorizes the City Attorney to use her/his discretion to redact specific information that would otherwise be protected pursuant to the provisions of Business and Professions Code Section 6149 that she/he deems is necessary to protect the interests of the City.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held May 18, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 54-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 18, 2021.



Pamela Christian, Clerk of the City of Richmond