



# REQUEST FOR LEGAL OPINION

City Attorney's Office

## Attorney-Client Privilege Communication

<b>Date:</b>	<b>Initiated By:</b>
<b>Department:</b>	<b>Division:</b>
<b>Phone:</b>	<b>Dept. Head Approval (initial to approve):</b>
<b>Subject:</b>	
<b>Requested Deadline Date:</b>	<b>Meeting Date (if applicable):</b>

### REQUEST TYPE (Check one and indicate the required attachments are enclosed)

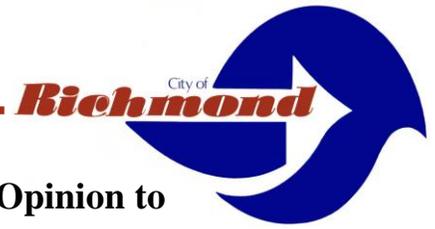
<input type="checkbox"/> <b>CONTRACT/AGREEMENT</b>  <input type="checkbox"/> Initial <input type="checkbox"/> Amendment No. ____  <b>Required Attachments</b> <input type="checkbox"/> Proposed Contract or Amendment <input type="checkbox"/> Initial Contract and All Prior Amendments (if amendment) <input type="checkbox"/> Applicable Insurance Requirements <input type="checkbox"/> Bids/Quotes or Approved Sole Source <input type="checkbox"/> After-the-Fact Form (if required) <input type="checkbox"/> Sanctuary City Compliance Stmt.	<input type="checkbox"/> <b>RESOLUTION</b>  <b>Required Attachments</b> <input type="checkbox"/> Draft Resolution <input type="checkbox"/> Agenda Report	<input type="checkbox"/> <b>ORDINANCE</b>  <b>Required Attachments</b> <input type="checkbox"/> Draft Ordinance <input type="checkbox"/> Agenda Report
<input type="checkbox"/> <b>AGENDA REPORT</b>  <b>Required Attachments</b> <input type="checkbox"/> Relevant background documents (statute, ordinance, policy, contract, court decision) <input type="checkbox"/> Relevant communications (emails, letters)	<input type="checkbox"/> <b>LEGAL OPINION/ANALYSIS</b>  <b>Required Attachments</b> <input type="checkbox"/> Relevant background documents (statute, ordinance, policy, contract, court decision) <input type="checkbox"/> Relevant communications (emails, letters)	<input type="checkbox"/> <b>OTHER (Explain)</b>  <hr/> <hr/> <b>Required Attachments</b> <input type="checkbox"/> Relevant background documents (statute, ordinance, policy, contract, court decision) <input type="checkbox"/> Relevant communications (emails, letters)

**Summarize the request** (Include context, historical background, prior actions, and need for meeting body approval (e.g., City Council, RHA, etc.). Attach a separate sheet if necessary.):

### RESPONSE BY CITY ATTORNEY'S OFFICE

1 <sup>st</sup> Review:	2 <sup>nd</sup> Review:	3 <sup>rd</sup> Review:	4 <sup>th</sup> Review:
<input type="checkbox"/> <b>APPROVED AS TO FORM</b>	<input type="checkbox"/> <b>APPROVED SUBJECT TO CHANGES SHOWN</b>		
<input type="checkbox"/> <b>REPLY BELOW/ATTACHED</b>	<input type="checkbox"/> <b>OTHER</b> _____		

**Attorney's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**Guidelines for Submitting Requests for Legal Opinion to  
the Richmond City Attorney's Office  
(last updated 4/11/2024)**

**PURPOSE:**

The purpose of this policy is to ensure:

- 1) the City of Richmond's (COR) legal interests are protected,
- 2) the efficient use of resources of the City Attorney's Office (CAO), and
- 3) the quality of the legal review and legal opinions.

The CAO provides legal opinions, research, and recommendations on specific issues made in the form of a Request for Legal Opinion (RLO) that are of legal significance for the COR. RLOs address different subject matters, including but not limited to: approvals as to form for all proposed contracts and amendments, resolutions and ordinances, agenda reports; responding to questions which require legal interpretation and guidance; and conducting legal research. RLOs, however, are not requests to conduct factual research, edit, or proof-read documents.

**RLO PROCESS:**

**1. Submission:**

- 1) **All RLOs must be submitted in writing, utilizing the RLO form.**

The RLO form is available at:

<https://www.ci.richmond.ca.us/DocumentCenter/View/738/AP250-1-Request-for-Legal-Opinion-or-Funding?bidId=>

➤ **A RLO submission not sent using the RLO form will be returned for resubmission.**

- 2) **All RLOs must be sent via email to: [rlo\\_attorney@ci.richmond.ca.us](mailto:rlo_attorney@ci.richmond.ca.us).**

No RLO may be verbal, sent directly to an attorney or CAO staff member, or via alternate channels of communication. This ensures coordination and tracking to avoid duplication of effort, efficient use of resources, objectivity, and accountability.

➤ **A RLO submission not sent via the RLO email will be returned for resubmission.**

3) **All RLOs require full disclosure of underlying, relevant facts and documentation.**

All RLO forms should be filled-out completely and attach all relevant documentation. Drafts of contracts, resolutions, ordinances, and agenda reports should be in final form, thoroughly researched, and fully proof-read before attaching to a RLO form.

2. **Review of RLO Submission:**

When an RLO is received, CAO staff will review for completeness (the RLO form is filled out completely; the indicated documents are attached).

➤ **A RLO submission that is incomplete, does not enclose all pertinent documentation, and/or is not in final form will be returned for resubmission.**

3. **Attorney Assignment:**

Once staff determines the RLO is complete, an attorney will be assigned within 24 hours. The requester will receive an email confirmation noting the assigned attorney. If necessary, the assigned attorney may contact the requester for clarification, further information, or additional documents. The assigned attorney will then conduct a thorough and detailed review of applicable law(s) and documents relevant to the issue(s) presented. Once the research is complete, the attorney prepares a response to the RLO. There may be several levels of review with the requester before the RLO is ultimately approved with the assigned attorney's signature.

➤ **All email communications between the attorney(s) and requestor should include a cc to [rlo\\_attorney@ci.richmond.ca.us](mailto:rlo_attorney@ci.richmond.ca.us) for tracking purposes.**

4. **Review Times and Response Dates:**

➤ **All RLOs require a minimum of 5-business day response time (exclusive of holidays and RLOs received after 5 p.m. on weekdays and on weekends).**

Once an attorney is assigned to an RLO, the requester will receive an initial response date. The response date may change if, during review, additional information is needed, revisions are required for approval, and/or more time is required due to the issues presented in the RLO.

Attorneys have an ethical duty of due diligence, and must often review and analyze statutes, case law, and numerous documents to render informed, well-researched, and well-analyzed opinions on legal questions. As such, "One Size Doesn't Always Fit All." RLOs which require more detailed review and analysis may require more time. There may be circumstances when a quicker review is needed, but that should be the exception rather than the rule. If the opinion involves complex issues, the Chief Assistant City Attorney may assign additional attorney(s) to review the RLO, which may require additional time.

For example, City Attorneys are often asked by council members that ordinances adopted by another agency or “model” ordinances be considered as a possible approach to address COR issues. Although this can save time, particularly if the “model” ordinance has already been legally tested, an ordinance that works for one agency does not necessarily address the needs of or meet the requirements of another. As such, thorough review and customization by the CAO is imperative before considering the adoption of a “model” ordinance.

Below are anticipated review times for frequently requested RLOs, but CAO reserves the right to determine review times on a case-by-case basis based on the novelty or complexity of the issue presented:

<b>Type of RLO</b>	<b>Anticipated Review Time Needed</b>
Contracts (valued at \$10,000 or less)	5 business days
Contracts (valued at more than \$10,000)	10 business days
Agenda Reports Only	5 business days
Agenda Reports with RLO Approved Resolutions, Ordinances, or Contracts	10 business days
Resolutions	15 business days
Ordinances	20 business days
Legal Opinion/Analysis Memoranda	20 business days

## **5. RLO Response**

The CAO will issue a final response to an RLO in writing via email. The assigned attorney will return a signed RLO form and may attach documentation, such as a memorandum, relevant statutes or ordinances, and/or applicable cases when appropriate.