

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 2-319 OF THE FRESNO MUNICIPAL CODE, RELATING TO CONFIDENTIALITY OF ATTORNEY-CLIENT PRIVILEGED AND PERSONNEL RECORDS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-319 is added to the Fresno Municipal Code to read:

SECTION 2-319. ATTORNEY-CLIENT PRIVILEGE.

(a) Any person, including City officials and employees, and former City officials or employees, providing written materials or an image of written materials, or disclosing the content of materials, that are clearly marked "Confidential Attorney Client Privileged" or "Confidential Personnel Record," or disclosing the content of attorney client privileged closed session materials or discussions, to any unauthorized person is prohibited. For the purpose of this Section, "unauthorized person" shall mean any person or entity to whom disclosure is not approved in advance by a majority vote of Council, or in advance in writing by the City Attorney.

(b) Any unauthorized person or entity receiving such materials shall not disclose or disseminate the materials to anyone else, and shall return the materials without retaining a copy upon demand of the City Attorney.

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

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(c) A waiver of the attorney-client privilege may be approved only by Council majority vote or pursuant to a claim or defense asserted by the City Attorney in a legal matter.

(d) The City Attorney, or independent counsel hired by the City Attorney or the Council, may prosecute willful violations as a misdemeanor with maximum penalties as set forth in this code.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:

DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie Doerr Date
Chief Assistant City Attorney