



Legislation Details (With Text)

**File #:** ID19-11548    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Passed

**File created:** 11/1/2019    **In control:** City Council

**On agenda:** 11/7/2019    **Final action:** 11/7/2019

**Title:** BILL - (For introduction) - Approve 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.

**Sponsors:** Mike Karbassi, Garry Bredefeld, Mayor's Office

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord Adding 2-319 Confidentiality.pdf, 2. Revised Confidentiality Report(2).pdf, 3. Revised Ordinance(2).pdf

Date	Ver.	Action By	Action	Result
11/7/2019	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**November 7, 2019**

**FROM:** Councilmembers Karbassi, Bredefeld, and Mayor Brand

**BY:** Doug Sloan, City Attorney

**SUBJECT**

BILL - (For introduction) - Approve 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.

**RECOMMENDATION**

Approve the Ordinance, which would prohibit dissemination of attorney client privileged or confidential personnel records to any unauthorized person. Violations may be punished as a misdemeanor.

**EXECUTIVE SUMMARY**

Dissemination of confidential attorney client privileged or personnel records to unauthorized persons can be damaging to the City's legal and financial interests or violations of individuals' privacy rights. Without this ordinance, there may be no effective means of enforcement.

This ordinance prohibits disclosures of clearly marked attorney client privileged or personnel records to unauthorized persons. Also, should an unauthorized person receive such materials, the ordinance

prohibits further disclosure, and requires return of the records upon demand of the City Attorney.

The maximum penalties pursuant to the Charter and Municipal Code include fines of up to \$1000 and/or up to one year in jail (Charter section 1502). The City Attorney, or independent counsel hired by the Council or City Attorney, may enforce.

### **ENVIRONMENTAL FINDINGS**

This action is not a project under CEQA.

### **FISCAL IMPACT**

None.

Attachment: Ordinance