

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #1

DISCUSSED BY SCPRC		APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC		PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

The Commission does not have access to independent legal analysis under the City Attorney.

Change to Existing Policy(s): Provide the Commission with access to legal counsel independent of the City Attorney's office.

SCPRC RECOMMENDATION RATIONALE

The City Attorney is the attorney for the City of Sacramento, as an entity. As such, the City Attorney and the City's relationship is protected by attorney-client privilege, which prevents the disclosure of confidential communications between the client and the attorney. For example, a legal analysis by the City Attorney to the City on whether the City is following state law does not have to be shared with third-party, such as the Commission.

For this reason, we recommend that the SCPRC have access to legal counsel independent of the City Attorney's office. Independent legal counsel would afford the Commission a legal opinion that might differ from the City Attorney. We believe that the City Charter allows for this action to occur. Section 72 of the City Charter outlines the duties of the City Attorney as follows:

a. "The city council shall appoint a city attorney and shall prescribe the qualifications, duties and compensation of such officer. The city attorney shall serve as legal counsel to the city government and all officers, departments, boards, commissions and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. In situations where the city attorney determines there is a conflict in representation by that office, the city council may authorize the retention or other legal counsel to represent one of the conflicting parties. The city attorney shall appoint all other members of the city attorney's office."

SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
 - Minute Marker: 38:37 and 1:00:28
- Staff Report: https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887
 - Page 2 and 10

SPD unable to implement, requires further input from other city departments and offices.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A