



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: PUBLIC DISCLOSURE OF DOCUMENTS PERTAINING TO OUTSIDE COUNSEL	Policy Number A-15	Page Number: 1 of 4
	Date Adopted: 05/24/1994	Revised Date:

BACKGROUND:

El Dorado County is a public entity which maintains records, the disclosure of which is governed by the general law of the state, including the California Public Records Act, Government Code §§6250 et seq., and the Brown Act, Government Code §§54950 et seq. Certain of these privileges and exemptions from public disclosure limit the right of public access to county records pertaining to outside counsel.

The county recognizes that access to information concerning the conduct of public affairs in general, and the expenditure of public funds in particular, are fundamental and necessary rights of every citizen of El Dorado County, but also recognizes that revealing confidential information concerning the county's legal affairs has the potential to harm the county and increase the county's financial exposure in both litigation and non-litigation matters. The public has the right to expect that the county will perform its duty to preserve all of its legal rights, and to protect the public treasury from any harm that might be caused by improvident disclosure of otherwise privileged information.

By this policy, the Board of Supervisors makes certain disclosures of the financial records concerning its relations with outside counsel, and creates a near report to be issued periodically which summarizes the bills and payments to outside counsel. The intent is to preserve all legally applicable privileges and exemptions from disclosure that pertain to records concerning the county's relations with its outside counsel, except as specifically waived by this policy.

This policy is intended to replace all previously existing policies, practices or customs, and to be binding on all county officers, employees and departments.

POLICY:



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1. All written contracts for the retention of outside counsel, whether for litigation or non-litigation matters, shall be available for public review. In those instances in which the Board of Supervisors makes a determination that revealing the matter involved would be potentially harmful to the county, the contract available for public review shall be redacted to delete specific reference to the matter involved.
2. Upon request, the bills received from outside counsel in non-litigation matters, or in litigation matters in which the litigation has been finally adjudicated or otherwise terminated, shall be made public. Bills for legal services in cases still in active litigation shall be made public, with the bills redacted to omit all information except the date, the identity of outside counsel, the matter and the total amount of the bill.
3. Upon request, the county's payment records non-litigation matters, or litigation matters which the litigation has been finally adjudicated or otherwise terminated, shall be made public. If requested, payment records for legal services cases still active litigation shall be made public with the payment records redacted the same manner as the bills.
4. For non-litigation matters and for litigation cases which have been finally adjudicated or otherwise terminated, the County shall make available quarterly for public review a summary report of the bills received from and the payments made to outside counsel which identifies the outside counsel, identifies generally the case or matter for which work was performed, and lists the dates and amounts of the bills received and the payments made during the reporting period. In regard to cases in pending litigation at the time the report is prepared, the report shall list only the total amount paid in all pending litigation matters for the period reported on.



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5. When retention of outside counsel has been authorized by the Board of Supervisors meeting a closed session, the Board of Supervisors shall thereafter make a public announcement of the retention at its public session, the identity of the outside counsel, the case or matter involved, and shall then publicly record its vote by motion thereon. In those instances in which the Board of Supervisors makes a determination that revealing the matter involved would be potentially harmful to the county, the matter shall not be identified.

6. The Board of Supervisors expressly preserves all privileges and exemptions from disclosure to the full extent authorized by law, except to the limited extent these privileges and exemptions are waived herein limited waiver of confidentiality is intended to be construed narrowly, and shall not be construed as a waiver of otherwise applicable privileges or exemptions.

This limited and narrow waiver is made in the public interest in that the public may know the manner in which public monies are spent with respect to legal matters and litigation. However, the Board of Supervisors expressly declares that such limited waiver relates ONLY to matters of finance, i.e., billings and payments of fees, and not to matters of substance.

7. This general policy is provided for the guidance of, and is binding on, all county officers and employees. It is not intended to preclude the Board from making individual case-by-case disclosures in its discretion. Any request for records that involves any documents related to outside counsel, or any legal or otherwise privileged matters in general, shall be forwarded to the County Counsel for review before any disclosure is made.

Primary Departments: County Counsel



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Risk Management

Auditor-Controller

References:

California Public Records Act, Government Code §6250 et seq.

Brown Act, Government Code §54950 et seq.