



Legislation Details (With Text)

File #:	25-556	Version:	1	Name:	Waiver of privilege - 2024 polling results
Type:	Staff Report	Status:		Status:	Agenda Ready
		In control:		In control:	City Council
On agenda:	12/1/2025	Final action:		Final action:	
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Title:	Adopt a Resolution to Approve and Authorize the City Manager, in coordination with the City Attorney, to Execute a Limited Waiver of the Attorney-Client Privilege for the Purpose of Releasing the June 2024 Revenue Measure Tracking Survey Results				
Indexes:					
Code sections:					
Attachments:	1. A - DRAFT Resolution (Limited Waiver)				

Date	Ver.	Action By	Action	Result
12/1/2025	1	City Council		

Adopt a Resolution to Approve and Authorize the City Manager, in coordination with the City Attorney, to Execute a Limited Waiver of the Attorney-Client Privilege for the Purpose of Releasing the June 2024 Revenue Measure Tracking Survey Results

RECOMMENDATION

Following requests from the Mayor and Council Member Viveros-Walton, City staff and the City Attorney present for the City Council's consideration the attached resolution to:

1. Authorize the limited waiver of the attorney-client privilege for the purpose of releasing the draft June 2024 community survey results; and
2. Direct staff to provide the documents for which waiver was approved in response to a Public Records Act request.

BACKGROUND

On August 1, 2025, the City received a request under the California Public Records Act (Government Code § 7920.000 et seq.) from a member of the public seeking a copy of the draft 2024 San Leandro Revenue Measure Tracking Survey Presentation. The document constitutes a draft deliberative process work product and is attorney-client privileged.

For broader context, the draft survey presentation was prepared in June 2024, per the direction of the City Council and as part of the City's efforts at that time to explore the possibility of placing a revenue measure on the November 2024 ballot. However, at the July 15, 2024 City Council meeting, the Council ultimately voted to direct staff to cease all efforts associated with placing a measure on the November 2024 ballot. As a result, the above-referenced draft attorney-client privileged record was never finalized nor made publicly available.

Under the Public Records Act, privileged communications are exempt from disclosure pursuant to Government Code § 7927.705, incorporating the attorney-client privilege established in Evidence Code § 950 et seq. Privilege, however, belongs to the City Council, and may only be waived by the

Council.

Should the City Council desire to waive privilege, City staff prepared the attached Resolution. If adopted by a majority vote of the City Council, it would authorize City staff to release the document described in the Resolution.

DISCUSSION

Staff has reviewed the requested document and determined that:

1. Disclosure would constitute a waiver of the attorney-client privilege.
2. The Council may choose to waive privilege for this specific document without affecting privilege over other related documents or communications.
3. A limited waiver that is applicable only to the identified document may be adopted to clarify the scope of disclosure and avoid any broader interpretation.

Releasing the document may support transparency on the subject matter and address public interest concerns.

FISCAL IMPACT

None.

ATTACHMENTS

- A. Draft Resolution Authorizing Limited Waiver of Attorney-Client Privilege and Release of the Record

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