

January 8, 2012

Ron Henrickson, City Manager

Rio Dell City Hall

675 Wildwood Ave.

Rio Dell, CA 95562

Re. Renewed Public Records Act Request

Dear Mr. Henrickson:

I am hopeful that the new attorneys recently hired by Rio Dell will have a better understanding of the Public Records Act and compliance with records requests than what we have experienced with the prior attorney, Mr. Martinek. Despite clear regulations and numerous cited court precedent, almost every single request for a public document that we have submitted over the years has been summarily rejected by Mr. Martinek with the same inapplicable rationale of "personnel record" or "attorney/client privilege." There has been a tremendous amount of wasted time and effort trying to block public records from release; we can only guess at the amount of public funds that have been spent trying to prevent the public from receiving information that is clearly specified in the law. The on-going saga of our requests for public records can be read at [www.riodelltimes.com/FreedomofInformationAct](http://www.riodelltimes.com/FreedomofInformationAct) which will provide background information to the new attorneys if they choose. However, the requests we have made are very straight forward and clearly mandated in the law; it should be a simple matter to approve the release of public records.

I request a copy of the following:

1. Any and all documents/information – from 2003 to the present - pertaining to of any investigation involving public works, including but not limited to any investigative reports. Mr. Martinek confirmed, in writing, the existence of an investigative report into public works under then director Jim Hale, but refused to disclose the report under the guise of "personnel record." Mr. Martinek's rationale was that if any documentation involved a public employee, which they all do in some manner, then it is protected as a personnel

record. This is clearly not legitimate. Our past correspondence with Mr. Martinek provides numerous citations into applicable law and precedent surrounding investigations such as this.

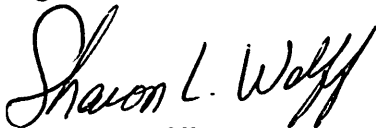
2. Any and all documents/information – from 2003 to the present - pertaining to any actions taken regarding the employment status of Jim Hale, including but not limited to any settlements or settled claims involving Mr. Hale and documentation as each council members vote (as per Gov't Code 6254.8, Brown Act § 11125.2, Gov't Code 54957.1(3)(A)).
3. Any and all documents/information – from 2003 to the present – pertaining to the employment status of Mrs. Nancy Flemming, including any settlements or settled claims involving Mrs. Flemming as well as each council members vote (as per Gov't Code 6254.8, Brown Act § 11125.2, Gov't Code 54957.1(3)(A)).

These are not new requests. These are renewals of previous request that did not result in my obtaining access to the information described in the three requests described above.

My requests were denied on the grounds that the information I am looking for is either employee personnel records or is protected by the attorney client privilege. I realize that it is always possible that some of the information I want to access is exempt from disclosure but I don't believe that these reasons are a valid excuse for preventing me from seeing all of the information I've requested. If the City holds back anything, for each individual item of information I want to know the reason why I am being denied access to that information, the date, sender or author, the recipient, the type of document or information, the number of pages and subject matter of the document being withheld. I won't accept any blanket objections. I want to know, is the City holding back a report? A letter? A paragraph? A line from an email? And if so, why can't I see it?

I look forward to finally receiving the public records that we have been requesting for almost a year now.

Regards,



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