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February 3, 2012

Sharon L. Wolff
3 Painter Street
Rio Dell, CA 95562

Re: Renewed Public Records Act Request

Dear Ms. Wolff:

This letter follows my correspondence to you dated January 20, 2012, and your reply to me dated January 23, 2012. With respect to the record productions requests stated in your January 8, 2012 correspondence and supplemented by your January 23, 2012 correspondence, please note the following:

Regarding your request for the production of the “investigative report” relating to Mr. Hale, I have reviewed the lengthy correspondence chain between yourself and Mr. Martinek on the subject, including the August 1, 2011, letter you recently referenced. As you are aware, on behalf of the City of Rio Dell, Mr. Martinek previously asserted that the document you seek is subject to attorney-client privilege, and is exempt from disclosure as a personnel record. Unlike the statement appearing in your January 8, 2012 correspondence, the reasons cited for withholding the document were not simply the exemption for personnel records, Mr. Martinek’s August 1, 2011 correspondence clearly asserts attorney-client privilege as well. Based on a review of the matter, I must concur with the position. The report appears to fall squarely within the attorney-client privilege, and is further protected as attorney-work product. The investigation was not commissioned by the City Council or City staff, it was commissioned by the City Attorney and is the work product of the attorney’s thoughts and assessments respective to the attorney’s evaluation of municipal liability concerns.

Regarding your request for production of the employment “settlement agreement” with former City Manager Ms. Nancy Flemming, after further review and assessment and

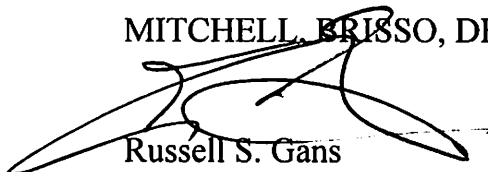
in response to your renewed request, a severance agreement entered between the City and Ms. Flemming does appear to be subject to disclosure under the California Public Records Act. I am acquiring a copy of the document from the City files now, and will mail the document to you on **February 10, 2012**, unless a Court order issues in the interim preventing disclosure.

Reviewing the remainder of the requests stated in your January 8, 2012 correspondence, it appears that all responsive documents not otherwise exempt from disclosure were produced previously in your past exchanges with Mr. Martinek, to the extent documents exist.

Thank you for your time and attention to this correspondence. If you have any questions regarding the content of this letter you can contact the undersigned.

Very truly yours,

MITCHELL, BRISSE, DELANEY & VRIEZE, LLP



Russell S. Gans

RSG/jg

cc: Ron Henrickson (via e-mail)