

March 19, 2011

City of Rio Dell

Ron Henrickson, City Manager

675 Wildwood Ave.

Rio Dell, CA 95562

Dear Mr. Henrickson;

Re. Freedom of Information Act Request

Prior to your tenure as City Manager, there were a number of closed door sessions held by the council regarding the city manager evaluation (Nancy Flemming) and the director of public works (Jim Hale) personnel matter. These items were cited on the agenda of meeting after meeting throughout 2009. For example, the agenda of 1.6.09 listed the closed session item "2009/0106.17 Employment Status-Public Works Director" or the agenda of 3.3.09 which listed "2009/0303.01 Public employee performance evaluation - City Manager." There were never any action items reported after months of these types of closed door agenda items. There was no action item reported after the closed door session held on 7.7.09 when Flemming is believed to have resigned. The city would have had to accept her resignation or terminated her contract, either of which constitutes an action requiring disclosure. Once an action has been taken, it is required to be disclosed in a public session but this has been an ongoing issue for quite awhile. If any action is reported, it is done after the closed door session ends which is long after any attendees of the public meeting have left. This generally meets the minimal requirements of disclosure but fails in the intent of public disclosure since there is no one there to hear the reported information. I would like to know what outcome or action was ever taken in relation to the closed door session items regarding the city manager as well as the former public works director. I would also ask that the council add an item to their agenda for regular council meetings where any actions taken in the prior closed door session is reported out. This will allow for greater transparency by the city which is desperately needed in order to rebuild the trust that will be required to move forward with the compensation committee report recommendations.

There was a special meeting held on 1.20.09 which included a conference with the city auditors from Mann, Urrutia & Nelson, CPA's where audit results were discussed. This meeting was held during the early hours of the work day which prevented us and others from being able to attend. According to the minutes, the council discussed having a special audit done for "the purpose of investigating certain findings from the annual audit." The meeting was continued to 1.29.09 where council member Thompson criticized then city manager Nancy Flemming for refusing "to exercise her powers and duty (responsibility) granted her" and "the City Council has known of some of the stated charges for over two years yet did not take appropriate action under the responsibility to the citizens of Rio Dell by ordering the City Manager to investigate the rumors and report back to the council." I would like to receive a copy of the audit results that were being discussed at that meeting. I would also like to know if a special audit was conducted and if so, receive a copy of the results of that audit.

Finally, the city initiated meetings with the public regarding the Compensation Committee Report which I attended. Since that time I haven't heard any updates on the progress or status of those recommendations. The meetings held so far were instructive and a good first step in moving the city forward and we would encourage you to continue with that effort. Drastic changes are needed in Rio Dell as it is obvious that the status quo is not and has not been working for a long time now. It is imperative that the city confront the issues of the past publically in order to move forward in a new direction. Citizens of Rio Dell need to have faith in their city administration and this has been sorely lacking for a long time. Audits or investigations into questionable activities and their outcomes need to be public information rather than kept quiet as has been the practice. The citizens need to be confident that their money is being used wisely and that the standard way of operating that Rio Dell has done for so many years of hiding information and brushing serious issues under the carpet will no longer be tolerated. We appreciate your willingness to confront very difficult and politically volatile issues such as what is found in the Compensation Committee Report and we encourage you to continue in that effort.

Documents/information sought under the Freedom of Information Act:

1. Any and all action items taken regarding the perpetual closed door agenda item "Employment Status-Public Works Director" and the supporting/related documentation.
2. Any and all action items taken regarding the perpetual closed door agenda item "Public Performance Evaluation-City Manager" and the supporting/related documentation.

3. Any and all documents related to the former Public Works Director Jim Hale; any investigations done into that department during or regarding his tenure and the end of his tenure. Including any agreements or settlements along with the terms.
4. Audit report discussed during the 1.20.09 Special Meeting
5. Any and all special audit reports investigating the results of the above mentioned audit

Thank you for your attention to this request. Please contact us via email or postal service at the address listed below.

Regards,

Sharon L. Wolff

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