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November 1, 2016

Via Certified Mail, Return Receipt Requested No. 7013 3020 0001 7088 0110  
Honorable Attorney General Ken Paxton  
Office of the Attorney General of the State of Texas  
Attention: Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Re: Public Information Request Received by Village of Salado on October 18, 2016  
Requestor: **Tim Fleischer**

Honorable Attorney General Paxton:

This firm serves as legal counsel to the Village of Salado, Texas ("City"). On October 18, 2016 the City received a public information request pursuant to the Texas Public Information Act, Tex. Gov't Code §552.001, et. seq. ("the Act") from **Tim Fleischer** ("Requestor") seeking:

- A list of complaints made against and/or about city administrator Kim Foutz
- A list of the names of those interviewed by the city attorney who was authorized to conduct the investigation into Kim Foutz
- The final recommendation and/or summary resulting from the investigation into Kim Foutz
- Communication between the Village and its insurers regarding the employment agreement with Foutz
- Invoice line items from the Village Attorney regarding the investigation into Kim Foutz. In particular, the number of hours and hourly rate charged to the Village for conducting the investigation into Kim Foutz. If the Village has not yet been billed for these hours, please release the information as soon as possible after it has been billed by the Village Attorney for this work.

The request for public information is attached hereto as Exhibit "A." On behalf of the City, I respectfully submit this request for a decision from the Office of the Attorney General pursuant to Section 552.301 of the Act.

The City contends that part or all of the information requested is excepted from public

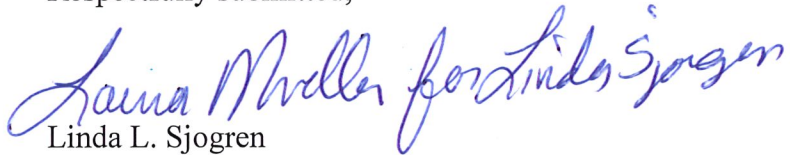
disclosure under applicable law found in Chapter 552, Subchapter C, §552.101 through §552.156 of the Act, including without limitation, §552.101 – Confidential Information; §552.103 - Litigation or Settlement Negotiations; §552.107 – Certain Legal Matters; and §552.111 – Agency Memoranda.

In accordance with Section 552.301(d) of the Act, by copy of this letter the City is notifying the Requestor that it wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure.

In accordance with Section 552.301(e) of the Act, the City will, within a reasonable time but not later than the 15th business day after the date of receiving the request from the Requestor, submit to the Attorney General a brief or other written comments stating the reasons why the referenced exceptions apply that would allow the information to be withheld. In addition, the City will submit to the Attorney General a copy of the specific information requested (or representative samples of the information) labelled to indicate which exceptions apply to which parts of the copy.

Thank you for your consideration of this matter. If you should require more information, please do not hesitate to contact me.

Respectfully submitted,

  
Linda L. Sjogren  
Assistant City Attorney,  
Village of Salado

cc: Requestor, Tim Fleischer  
Via email: [news@saladovillagevoice.com](mailto:news@saladovillagevoice.com)

Christina Lee, Village Secretary

encl.

## Exhibit A

-----Original Message-----

From: Timothy T.Fleischer [mailto:news@saladovillagevoice.com]  
Sent: Tuesday, October 18, 2016 11:51 AM  
To: Christina Lee <clee@saladotx.gov>  
Subject: Open Records Request

Ms. Lee:

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to the information of governmental agencies. I respectfully request the following information:

- A list of complaints made against and/or about city administrator Kim Foutz.
- A list of the names of those interviewed by the city attorney who was authorized to conduct the investigation into Kim Foutz.
- The final recommendation and/or summary resulting from the investigation into Kim Foutz.
- Communication between the Village and its insurers regarding the employment agreement with Foutz.
- Invoice line items from the Village Attorney regarding the investigation into Kim Foutz. In particular, the number of hours and hourly rate charged to the Village for conducting the investigation into Kim Foutz. If the Village has not yet been billed for these hours, please release the information as soon as possible after it has been billed by the Village Attorney for this work.

In the interest of expediency, and to minimize the research and/or duplication burden on your staff, I would be pleased to personally examine the relevant records if you would grant me immediate access to the requested material. Additionally, and since time is a factor, please communicate with me by telephone or email rather than by mail. My office number and email are listed below. My cell phone number is 254-458-2643.

Disclosure of this information is in the public interest because providing a copy of the information primarily benefits the general public. I therefore request a waiver of all fees and charges. If electronic records are available, these would be preferable.

I shall look forward to hearing from you promptly, as specified in the law. Thank you for your cooperation.

Tim Fleischer  
Editor-in-Chief  
254-947-5321  
news@saladovillagevoice.com

