

Tuesday, February 5, 2008

Jeffrey Wells, City Attorney
City of Fort Morgan
Fort Morgan, CO 80701

Dear Mr. Wells,

In both the City's responses to The Fort Morgan Times' Jan. 30, 2008 public records requests it stated... *"Some of the documents you have requested are not open to public inspection as set forth in C.R.S. 24-70-204 (a) (IV) as they constitute privileged information under the attorney client privilege."*

Upon the direction of our attorney, Christopher P. Beall, I have been instructed to ask the City to provide the following information in a timely manner for each assertion.

1. A listing (Privilege Log or Vaughn Index) identifying the author or recipient of the documents referred to above, the date of each document and a description of each document (letter, memo, e-mail, note or other).

I assumé three working days (12:30 Friday, February 8) should be enough time to comply with this request. If you need further clarification, please do not hesitate call me as soon as possible.

In advance, thanks for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Holland".

William R. Holland
Publisher

Cc: Michael Nagy



February 12, 2008

William R. Holland, Publisher
The Fort Morgan Times
329 Main Street
Fort Morgan, CO 80701

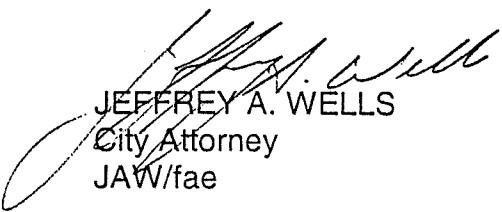
Re: Open Records Request

Dear Mr. Holland:

This letter is in response to your February 5, 2008, request made pursuant to the Colorado Open Records Act. In your request, you state your desire for the City Attorney to prepare a privilege log or Vaughn Index related to documents to which the attorney-client privilege has been asserted. In my research, I have not found any requirement that the City is required to create documents under the Open Records Act. This would include the creation of a privilege log. Further, it is my understanding that a privilege log would only be required in the event you were to file suit under the Open Records Act to seek the inspection of these documents.

However, in an effort to avoid additional litigation, I have prepared a privilege log which meets the burden of proof to establish that a privilege exists and protects the documents you have requested. I am hopeful that this will resolve your concerns with regard to these records. If you have any questions, please feel free to contact me.

Cordially,


JEFFREY A. WELLS
City Attorney
JAW/fae