

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, October 13, 2016, at 9 a.m. to 4 p.m.

**Utah State Archives Building
346 S. Rio Grande St.
Salt Lake City, UT 84101**

NOTE: The Chair may recess at 12 noon and reconvene at 12:30 p.m. for lunch when there are two or more hearings scheduled.

AGENDA

HEARINGS:

Roger Bryner vs. Clearfield City: Mr. Bryner is appealing multiple records access denials ranging from fax logs to emails correspondences from June 2015-present. (Telephonic).
Continuance.

James J. Duran vs. Department of Human Services, Division of Child and Family Services: Mr. Duran is appealing access denial to an Incident Report and photographs from Millcreek Youth Center. (Telephonic).

Alex Stuckey, *Salt Lake Tribune* vs. Cedar City Police Department: Ms. Stuckey is appealing the Cedar City Police Departments decision not to release the "police reports or investigation records."

Alex Stuckey, *Salt Lake Tribune* vs. Utah State University: Ms. Stuckey is appealing access denial to "any and all correspondence mentioning Torrey Green from 2009 to present" among specified staff and police departments.

Tracy Taylor vs. Wasatch County School District: Ms. Taylor is appealing access denial to records demonstrating the hiring process for a new school district superintendent.

WITHDRAWN/POSTPONED HEARINGS:

Susan Mathiesen vs. Utah Department of Public Safety, Bureau of Criminal Identification (BCI): Ms. Mathiesen, is requesting Criminal History Records. Appeal withdrawn.

Nicole Vowell, KSL 5 TV vs. Utah Attorney General's Office: Ms. Vowell is appealing access denial to "[a]ll search warrant affidavits issued by the AGO and/or the internet Crimes Against Children taskforce involving Chad Platt, Salt Lake County Prosecutor." Appeal withdrawn.

Advanced Lighting Illuminating Solutions vs. Park City School District: Mr. Kossin is appealing access denial to the District LED lighting upgrade project proposals, documentation of evaluation, and contract awarded. Postponed.

BUSINESS

Approval of September 8, 2016, SRC Minutes, action item

Retention Schedules, action item

SRC appeals received

Cases in District Court

Other Business

Next meeting scheduled for November 10, 2016, @ 9 a.m. to 4 p.m.

ADA: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nova Dubovik at the Utah State Archives and Records Service, 346 S. Rio Grande, Salt Lake City, Utah 84101, or call (801)531-3834, at least three days prior to the meeting.

Electronic Participation: One or more members of the State Records Committee may participate electronically or telephonically pursuant to Utah Code 52-4-207(2) and Administrative Rule 35-1-2. Please direct any questions or comments to: State Records Committee, Utah State Archives, 346 S. Rio Grande, Salt Lake City, Utah 84101 (801) 531-3834.

APPEALS TO THE STATE RECORD COMMITTEE: As of October 2016

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
Withdrawn, Denied, Incomplete, Pending Review				
2016-76	Robert Baker vs. Utah Department of Corrections (Appealed 22 August)		Telephonic Draper	Hearing Declined
<p>Mr. Baker is appealing access denial to letters that he provided. The appeal is missing the initial GRAMA request and decision letter from the governmental entity. In addition, the CAO's decision is dated June 22, 2016. The Petitioner claims he did not receive the decision until July 22, 2016. The Notice of Appeal was received by the Committee's executive secretary on August 22, 2016. The Chair, and second Committee member, Tom Haraldsen, declined to hear the appeal under U.C. 63G-2-403(1)(a). A petitioner... may appeal to the records committee by filing a notice of appeal with the executive secretary no later than 30 days after the day on which the chief administrative officer of the governmental entity grants or denies the record request in whole or in part. On September 22, 2016, Mr. Baker requested a motion of reconsideration. A courtesy response was sent explaining there is no method to appeal a records committee decision.</p>				
2016-80	Helen Redd vs. Utah Attorney General's Office (Appealed 8 September)			Hearing Declined
<p>Ms. Redd is appealing the Attorney General's Office for production of records. The Committee Chair and Mr. Fleming reviewed the appeal and determined: 1) There has not been sufficient evidence provided in your statement of facts, reasons, and legal authority in support of the appeal, that the records was maintained by the governmental entity or that the governmental entity has concealed, or not sufficiently or improperly searched for the record pursuant to Administrative Rule R35-2-2(2); 2) The State Records Committee upheld the governmental entity's claim of extraordinary circumstances at a hearing on September 8, 2016. The governmental entity has not denied records in whole or part.</p>				
2016-83	Matthew Hilton vs. Utah Department of Human Services, DCFS (Appealed 14 September)			Incomplete
<p>Mr. Hilton, on behalf of client, is appealing access denial to requested records. Petitioner did not submit an appeal to the CAO; therefore, the notice of appeal was not perfected. Recommend to resubmit the GRAMA request.</p>				
2016-88	Alex Stuckey, Salt Lake Tribune vs. North Park Police Department (Appealed 7 October)			Pending review
<p>The Petitioner is appealing access denial to police records based on the request did not meet specificity. The chief administrative officer's decision is dated September 2, 2016, the Committee's executive secretary received the notice of appeal on October 7, 2016, untimely by five days.</p>				

SCHEDULED HEARINGS

2016-46	Jason Jensen, behalf of Lewine Mary Tapia vs. Salt Lake City Police Department (Appealed 18 May)		Hearing rescheduled November 10, 2016
Mr. Jensen, on behalf of the Tapia family, is appealing access denial to incident reports for a 1998 case.			
2016-56	James J. Duran vs. Department of Human Services, Division of Child and Family Services (Appealed 13 June)	Telephonic Federal Prison Camp, CO.	Hearing rescheduled October 13, 2016
Mr. Duran is appealing access denial to an Incident Report and photographs from Millcreek Youth Center.			
2016-65	Roger Bryner vs. Clearfield City (Appealed 14 July)	Telephonic	Hearing rescheduled October 13, 2016
Mr. Bryner is appealing multiple records access denials ranging from fax logs to emails correspondences from June 2015-present. Continuance.			
2016-70	Susan Mathiesen vs. Utah Department of Public Safety, Bureau of Criminal Identification (BCI) (Appeal 1 August)		Appeal withdrawn
Ms. Johnson, on behalf of Susan Mathiesen, is requesting Wilma Johnson Brown's (mother) Criminal History Records. Ms. Brown disappeared in 1943 and has not been heard from since.			
2016-71	Alex Stuckey, Salt Lake Tribune vs. Utah State University (Appealed 1 August)		Hearing scheduled October 13, 2016
Ms. Stuckey is appealing access denial to "any and all correspondence mentioning Torrey Green from 2009 to present" among specified staff and police departments.			
2016-72	Alex Stuckey, Salt Lake Tribune vs. Cedar City Police Department (Appealed 1 August)		Hearing scheduled October 13, 2016
Ms. Stuckey is appealing the Cedar City Police Departments decision not to release the "police reports or investigation records that mention from 2010 to present."			
2016-73	Nicole Vowell, KSL 5 TV vs. Utah Attorney General's Office (Appealed 9 August)		Appeal withdrawn
Ms. Vowell is appealing access denial to "[a]ll search warrant affidavits issued by the AGO and/or the internet Crimes Against Children taskforce involving Chad Platt, Salt Lake County Prosecutor."			

2016-74	Advanced Lighting Illuminating Solutions vs. Park City School District (Appealed 10 August)		Hearing rescheduled November 10, 2016
Mr. Kossin is appealing access denial to the District LED lighting upgrade project proposals, documentation of evaluation, and contract awarded.			
2016-77	Richard Wilson, SIPRUT vs. Utah Tax Commission (Appealed 30 August)		Hearing rescheduled November 10, 2016
Mr. Wilson is appealing the Department's responsiveness to the GRAMA request for records relating to Intuit/Turbo Tax fraudulent filing.			
2016-75	Jack Brown vs. Washington County Attorney's Office (Appealed 22 August)	Telephonic Draper	Hearing rescheduled November 10, 2016
Mr. Brown is appealing a fee waiver denial to receive records in paper form versus in CD format.			
2016-78	Tracy Taylor vs. Wasatch County School District (Appealed 1 September)		Hearing scheduled October 13, 2016
Ms. Taylor is appealing access denial to records demonstrating the hiring process for a new school district superintendent.			
2016-79	Chad Lambourne vs. Washington County Sheriff's Office (Appealed 7 September)		Hearing scheduled November 10, 2016
Mr. Lambourne is appealing access denial to multiple records (disciplinary actions, policies, training certificates). The chief administrative officer did not respond to the appeal affirming access denial to records.			
2016-81	Paul Wach vs. Utah Department of Corrections (Appealed 13 September)	Telephonic Draper	Hearing scheduled November 10, 2016
Mr. Wach is appealing access denial to his "Cautions" record.			
2016-82	Jane Whalen vs. City of St. George (Appealed 14 September)	Telephonic St. George	Hearing scheduled November 10, 2016
Ms. Whalen is appealing access denial for Entrada Golf Course and Ledges Golf Course 2015 water usage records.			
2016-84	Lee Davidson, Salt Lake Tribune vs. Utah Transit Authority (UTA) (Appealed 29 September)		Hearing scheduled November 10, 2016
Mr. Davidson is appealing partial access denial to "current contracts or agreements with Labor Relations Institute (LRI) and/employee Rebecca Marie Smith, including showing amounts to be paid by UTA for their services."			
2016-86	Nate Carlisle, Salt Lake Tribune vs. Utah County Sheriff's Office (Appealed 5 October)		Hearing scheduled November 10, 2016
The Petitioner is appealing partial access denial to records pertaining to a Utah County Sheriff's Deputy.			

2016-87	Jessica Miller, Salt Lake Tribune vs. Utah County Sheriff's Office (Appealed 5 October)		Hearing scheduled November 10, 2016
The Petitioner is appealing partial access denial to "Copies of Spillman Case Access Logs of any employee of Brigham Young University, including its police department, who accessed any investigation by an outside police agency in the last 18 months."			
2016-85	Lori Williams vs. Pleasant Grove City (Appealed 4 October)		Hearing scheduled December 8, 2016
Ms. Williams is appealing access denial to Pleasant Grove Strawberry Days Committee ledgers, financial and accounting records, expenses, sponsorships, donations, contributions, sales and income for 2014-2016.			
2016-89	Eric Peterson vs. Utah Department of Health (Appealed 11 October)		Hearing scheduled December 8, 2016
The Petitioner is appealing access denial to "information on prescription drug overdoses, specifically the "Report on Prescriptions Found With Body" form, excluding the name of the deceased individual."			
Notice of Compliance or Notice of Intent to Appeal			
Decision & Order	Case Title/ Participants	Due	Intent
16-36	Jessica Miller, SLTrib v. Provo and Orem City	October 19	
16-33	Michael Clara vs. UTA	October 19	

October 2016 State Records Committee Case Updates

District Court Cases

Utah Legal Clinic v. Salt Lake City Corp., 3rd District, Salt Lake County, Judge Gardner, Case No 160905336, filed August 25, 2016.

Current Disposition: Answer filed on behalf of the Committee on September 7, 2016. Salt Lake City filed a Motion for Summary Judgment on September 16, 2016, and then filed a notice to submit on October 7, 2016, and requested a hearing regarding the motion.

Salt Lake Tribune v. Utah State Records Committee, 3rd District, Salt Lake County, Judge Scott, Case No. 160904365, filed July 12, 2016.

Current Disposition: Motion to Dismiss to be filed on behalf of Committee on August 25, 2016, memorandum contra by the Tribune on September 9, 2016, and a reply memorandum by the Committee on September 23, 2016. BYU has been allowed by the court to intervene in the case, and has joined in the Motion to Dismiss.

Roger Bryner v. Utah State Records Committee, 3rd District, Salt Lake County, Judge Faust, Case No. 160903793, filed June 15, 2016.

Current Disposition: Appeal of Committee's June 15, 2016 Committee decision from remand in Case No. 150701062. Motion to dismiss entire case filed on behalf of Committee and members of the Committee on August 19, 2016. Mr. Bryner filed a memorandum opposing motion to dismiss on September 19, 2016, with reply memorandum filed on behalf of the Committee on September 23, 2016.

Bryan Thatcher v. Utah Dept. of Public Safety, 3rd District, Salt Lake County, Judge Kouris, Case No. 160903910, filed June 20, 2016.

Current Disposition: Answer filed by Department of Public Safety on July 11, 2016, answer filed for the Committee on July 14, 2016.

Roger Bryner v. Utah Dept. of Health et. al., 3rd District, Salt Lake County, Judge Gardner, Case No. 160903244, filed May 23, 2016.

Current Disposition: Motions to dismiss Patricia Smith-Mansfield, Rosemary Cundiff, and Nova Dubovik on August 10, 2016. Mr. Bryner filed a memoranda opposing dismissal of Ms. Mansfield and Ms. Cundiff, but allowed Ms. Dubovik to be dismissed (September 22, 2016). Mr. Bryner filed a motion to consolidate cases, opposed by DTS. Motion to dismiss State of Utah filed on October 6, 2016.

Roger Bryner v. City of Clearfield, 2nd District, Davis County, Judge Connors, Case No. 160700423, filed April 27, 2016.

Current Disposition: Case dismissed on October 3, 2016. After an *in camera* review, court ruled no documents responsive to Mr. Bryner's request satisfying Mr. Bryner leading to voluntary dismissal of case.

Ramon Somoza v. Utah County Comm., 4th District, Utah County, Judge McDade, Case No. 150401904, filed Dec. 10, 2015.

Current Disposition: Hearing held on September 13, 2016. Court held that the Motion to Quash Service is granted (Utah County not properly served), and Motion to Dismiss Utah County Commission and Utah county Attorney also granted (not proper parties to case). Court also granted Mr. Somoza's motion for extension of time to serve "Respondent", allowing Mr. Somoza time to serve Utah County.

Roger Bryner v. City of Clearfield, 2nd District, Davis County, Judge Morris, Case No. 150701062, filed October 20, 2015.

Current Disposition: Motion for Summary Judgment filed by Mr. Bryner on September 30, 2016. Hearing scheduled by the court for October 19, 2016.

Paul Amann v. Utah Dept. of Human Resources, 3rd District, Salt Lake County, Case No. 150904275, filed June 24, 2015.

Current Disposition: Show cause hearing held on September 13, 2016. Parties attempting to consolidate cases.

Swen Heimberg v. Utah Dept. of Public Safety, 3rd District, Salt Lake County, Case No. 150904273, Judge Bates, filed June 24, 2015.

Current Disposition: Motions hearing set for December 5, 2016 for case.

Robert Baker v. Utah Dept. of Corrections, 3rd District, Salt Lake County, Case No. 150903610, Judge Harris, filed May 29, 2015.

Current Disposition: Mr. Baker voluntarily requested that appeal be dismissed based upon lack of jurisdiction of the trial court. Dismissal entered on September 27, 2016.

Utah Dept. of Human Resources v. Paul Amann, 3rd District, Salt Lake County, Case No. 150901160, filed February 19, 2015.

Current Disposition: Show cause hearing set for October 19, 2016.

William Sherratt v. Utah Dept. of Corrections, 6th District, Sanpete County, Case No. 140600023, filed April 23, 2014.

Current Disposition: Corrections' Motion to Quash Service granted, but court also granted Mr. Sherratt's motion to extend time to serve Corrections properly.

Appellate Court Cases

Salt Lake City v. Jordan River Restoration Network, Utah Court of Appeals, Case No. 20160098.

Current Disposition: Case currently before the Court of Appeals. A request to file a transcript of the trial has been filed.

Taylor vs. WSD
Handout

Tracy Taylor

From: Tracy Taylor [tracy@etracytaylor.com]
Sent: Tuesday, September 22, 2015 3:06 PM
To: 'Nova Dubovik'
Subject: FW: WSD- email Grama request
Attachments: TTaylor Denial.pdf; email retrieval fee estimate.pdf

Hi Nova-

As a follow up to our hearing with the record's committee on September 10th, and since the school district included this grama request in their appeal response, I am asking you to please forward this grama request response from the Wasatch School District to the record's committee members. In our effort to compromise the email request (from 1 year to 3 months) we are now being charged more than triple the original request. The low estimate is now much larger than the original \$1500 estimate.

*The citizens, and transparency, have lost ground.
How may we inspect emails free of charge per Utah Code 63G-2-203 and -204? We asked that question during our hearing, but it was not answered.
And is this new charge now considered "a reasonable price to charge for processing" these emails for us to inspect in person?
Thanks*

Tracy Taylor
cell: 435 503-1121
tracy@etracytaylor.com

Confidentiality Notice: This e-mail may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive from the recipient), please contact the sender by reply e-mail and delete all copies of the message.

From: KEITH JOHANSEN [mailto:KEITH.JOHANSEN@wasatch.edu]
Sent: Friday, September 18, 2015 3:23 PM
To: Mark Davis; Shad Sorenson; DEBBIE JONES; BLAIK BAIRD; ANN HORNER; tracy@etracytaylor.com
Subject: Re: Grama request past due

Ms. Taylor,

In response to the GRAMA request that you submitted on 28 August 2015:

- 1. Purchase contracts, appraisals, and closing documents for lots purchased on Ranch Dr., Daniel, UT**
- I am attaching all documents regarding the purchase of lots 7 and 8 in the Daniel Estate subdivision, Daniel, UT.
- 2. All emails between Superintendent, Business Administrator, and School Board during April, May, and June, 2015** - your request for a fee waiver is denied (see attached.) The process of appealing this denial is included on the attached denial form. The estimated cost for retrieving the emails is attached

and payment will be required before the retrieval process is started.

3. All digital device and software curriculum contracts with all suppliers - the contract with the digital curriculum supplier is attached. There are no contracts for the purchase of the devices, and the cost of the devices was supplied to you in the response to a previous GRAMA request.

Keith Johansen
Business Administrator

Ms. Taylor,

I have received your request for an appeal. I assume that the appeal refers to the comments and questions that you noted on Items #3, #5, and #6. My responses (in italics) will be centered on these three areas where you are asking for records.

#3. All emails for a year between the Board, superintendent, and business administrator.

Your request for a fee waiver is denied. I find that the time estimates required, with accompanying fee, to facilitate such a request is reasonable. In response to your request as to why, the recovery process goes like this:

- *A recovery set of files must be created for each individual email account.*
- *An archive set of documents must be created for each week of the year (52 archive files) to catch any deleted files. We pull these from our archived backup systems (we have 2 because of the changeover in software this year).*
- *When the recovery files are in place, each email account has to be opened and the correspondence to each person is located.*
- *A matrix of folders are created and then the mails are individually checked for content to protect private or protected records (UCA 63G-2-307). The fact that these have not been classified yet is also reasonable because the law allows that to be done at the time a record request has been done (UCA 63G-2-307.2).*
- *When the emails are isolated and compiled, they have to be printed or archived into readable format (pdf files).*

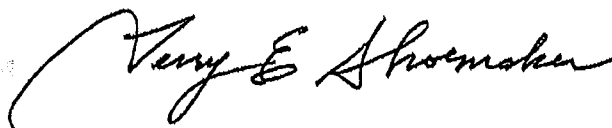
Therefore, as the law allows, we must receive payment of \$1500 (60 research hours times \$25 per hour) to facilitate this records request, and will not start on doing so until the fee is paid in full. I see no other way to reformulate your request for records.

#5 Improvements to the pool for the last seven years.

Once again, your request for a fee waiver is denied due to the amount of time required to facilitate the request for records. I find it reasonable that three hours of research time is needed. As you show in your email to me, some of the records can be accessed on the State of Utah Transparency website and the USOE website for school district financial information. We were required to change our previous financial information system by the USOE in 2012, and so we do not have easy access to the data for previous years on the old financial system that we were using. The additional 3 hours of research time to access old files in an old system is reasonable to me. To have access to this data you would have to pay the \$75 fee (3 hours of research times \$25 per hour) in advance before records could be produced. The current TIS pool will not be remodeled. If a bond succeeds and we can build a new pool facility, then the current pool will be filled in so that the space that it now occupies can be used for other educational purposes.

#6 Curriculum books broken down by grade and year, from 2000-2013.

Though this is not what you originally GRAMA requested, and in an effort to be helpful, it is possible to access previous textbook expenditures. Some of the records can be accessed on the USOE web site for district expenditures on textbook. But to access textbook expenditures by school, we would have to access our previous financial information system. Because we were required to change our previous financial information system by the USOE in 2012, we do not have easy access to financial data for previous years on the old financial system that we were using. We would need 3 hours of research time to access old files in the old system. To have access to this data you would need to pay the \$75 fee (3 hours of research times \$25 per hour) in advance before records could be produced.



Description of record	Complete citation of classification or court rule/order, state statute, federal statute, or federal regulation, and statement of reason
1- post-retired employees	not denied - see email
2- Daniel property documents	not denied - see email
3- all emails in last year	fee waiver is denied - fee to begin process is \$1,500.00 (60 hrs. x \$25.00/hr)
4- building additions	not denied - see email
5- pool improvements	fee waiver is denied - fee to begin process is \$75.00 (3 hours)
6- text books	fee waiver is denied - fee to begin process is \$75.00 (3 hours)
7- procedure	denied - see email

~~*~~

To: Terry Shoemaker, Superintendent
From: Dustin Miller, Associate Technology Director
cc: Jill Cottam
Date: September 9, 2015
Re: GRAMA Request Retrieval Process

This is an overview of the process and the estimated costs associated with the latest GRAMA request for the April-June 2015 time period.

1. A recovery set of files must be created for each individual email account.
- This process will take a *minimum* of 15 minutes of work per email account.
2. An archive set of documents must be created for each email account in order to catch any deleted files. We pull these from our archived email system.
- This process will take a *minimum* of 8 hours of work.
3. When the recovery files are in place, each email account has to be opened and the correspondence to each person is located.
- This process will take a *minimum* of 1-2 hours of work per email account.
4. A matrix of folders are created and then the mails are checked for content.
- This will take approximately 1-3 hours for each person. Could go up to 21 hours of work.
5. When the emails are isolated and compiled, they have to be printed or archived into readable format (pdf files).
- The final step will take about 1-2 hours depending upon the volume of emails.

	Cost @ \$85/hour
Low estimate hours total: 40	\$ 3400.00
High estimate hours total: 63	\$ 5355.00

Wasatch COUNTY SCHOOL DISTRICT

GRAMA - NOTICE OF RECORDS REQUEST DENIAL

To: Tracy Taylor

Address: N/A

Date: 9-10-15

Your request received on 8-28-15 for the following records or portions of records has been denied:

Fee waiver - see email

Reason for denial:

Records have been classified as: (specific citations included as applicable)

Private pursuant to UCA _____

Controlled pursuant to UCA _____

Protected pursuant to UCA _____

Records are exempt from disclosure by the following:

Student Records covered by FERPA: _____

Court rule or order: _____

Statute, regulation or ordinance: _____

Name of person denying request: Keith Johansen

Title of person denying request: Business Administrator

You have the right to appeal the denial to the chief administrative officer of the agency within time allowed by UCA 63G-2-403. Your notice of appeal must include your name, mailing address, a daytime telephone number, and an explanation of what relief you are seeking. Please include any supporting documentation such as a copy of the original request and agency denial. The notice of appeal should be sent to:

Chief Administrative Office: Supt. Terry Shoemaker

County Agency and address: 101 E. 200 N. Heber City, UT 84032

The following is a partial (and by no means comprehensive) list of the failings of the Wasatch County School District Board of Education to comply with the Open and Public Meetings Act in regards to the recording and minutes requirements.

A look at the past few months:

December 18, 2014 Study session (No minutes or audio posted either on the District website or on PMN)

Study session to study capital needs as it relates to "Elementary school facilities, Middle level school facilities, Bus compound and storage areas, Technology systems facilities, expansion of high school facilities, Swimming Pool and other recreational facilities.

March 19, 2015 Study Session: (No minutes posted on either website)

Purpose of the meeting is for a social media report and discussion on proposed new pool, transportation, new elementary and new junior high school.

May 21, 2015 Study session (No audio or minutes posted on either website)

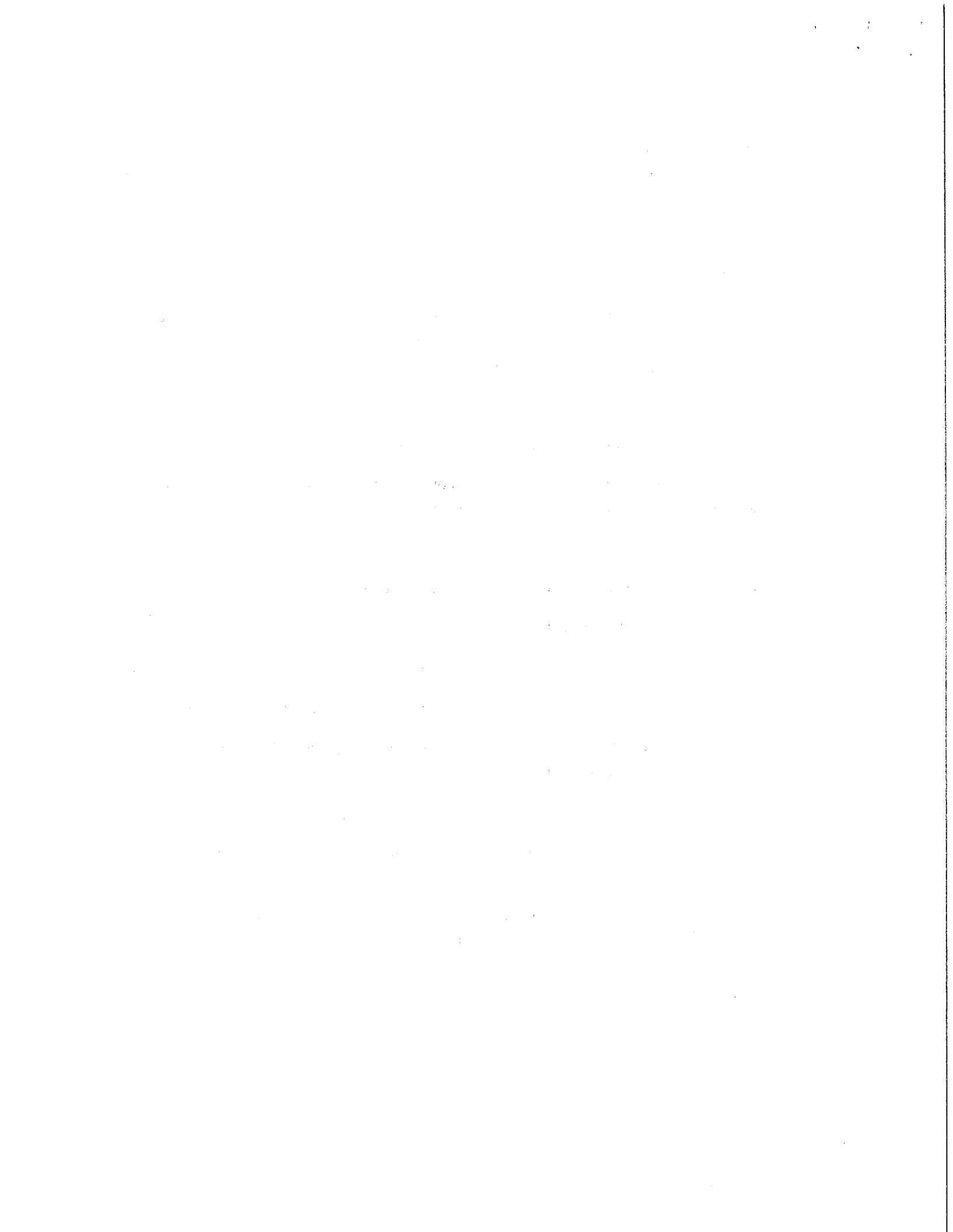
Study session for Technology audit report.

June 16, 2015 Budget Hearing (No minutes posted for the regular meeting on either website.)

Does this mean that they did not adopt a budget for FY 2015-16, and did they not amend the budget for 2014-15 (by millions of dollars)?

July 7, 2015 Study session (No minutes of either the study session or board meeting are posted yet on either website).

The purpose of the study session was a discussion of the Dan Jones survey regarding the proposed bond election and discussion of year round school.



Tracy Taylor

To: Patricia Nelson
Subject: RE: FW: Wasatch School District OPMA compliance

From: Patricia Nelson [mailto:patricianelson@utah.gov]
Sent: Wednesday, September 30, 2015 1:41 PM
To: tracy@etracytaylor.com
Cc: Ryan Roberts
Subject: Re: FW: Wasatch School District OPMA compliance

Tracy,

Please see attached letter that was mailed to the Board today. Unfortunately, there are no penalties for the Board failing to post their meeting minutes on the Utah Public Meeting Notice website or even their own website. It's something that should be brought up in the next election cycle.

Ryan said he mentioned to you that our office does, however, monitor compliance with the Transparency website. If the district isn't in compliance with Transparency reporting, their funds will be withheld.

Thank you for your diligence in monitoring the Board.

Patricia

From: Tracy Taylor [mailto:tracy@etracytaylor.com]
Sent: Monday, September 14, 2015 12:33 PM
To: 'John Dougall'; 'Paul Tonks'
Subject: Wasatch School District OPMA compliance
Importance: High

Hi John and Paul-

There was a state records committee hearing September 10th, and many issues were brought up about Wasatch School District's failure to comply with OPMA even after they were notified by the public numerous times.

Included here are some of the handouts that were given to the committee.

- No expenses for 2013 (for 2 years) on transparent.utah.gov
- Not one recording, nor minutes, on the PMN website even after they were notified on Aug

10/12/2016

28, 2015 (2 weeks before this hearing- attached). Just checked, still no attempt to start updating. (see attached for that email thread)

<http://www.utah.gov/pmn/files/178577.pdf>

- On their own website- **no minutes** of their June 7th 2015 budget hearing.

WSD Minutes:

<http://www.wasatch.edu/site/default.aspx?PageType=3&ModuleInstanceID=1688&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=21382&PageID=61>

WSD audio:

<http://www.wasatch.edu/Page/5381>

- No minutes of numerous work/study sessions in the last year. December 18, 2014 study session is discussed in the recording of last week's meeting (21:25 into recording).

<http://www.utah.gov/pmn/files/archive/178553.mp3>

After the public record of Thursday's meeting, we are hoping for some follow up by your offices to hold the Wasatch School District accountable for their lack of compliance. Penalties are in order with your office reporting these issues, so that ALL school districts will be aware of complying. Diligent citizens have TRIED for years to remind, and even nag, them to comply- and they have a \$64 mil budget they're administering.

Please help us, and all taxpayers, in the state by getting the Wasatch School District's attention by administering some penalties for their ongoing violations.

Thank You,

Tracy Taylor

cell: 435 503-1121

tracy@etracytaylor.com

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OFFICE OF THE
UTAH STATE AUDITOR

September 30, 2015

Board of Education
Wasatch County School District
101 East 200 North
Heber City, UT 84032

Members of the Board:

Our office has recently received a complaint that the Wasatch County School District is not compliant with the Open and Public Meetings Act (the Act) regarding the publishing of the Board's meeting minutes on the Utah Public Notice website (www.pmn.utah.gov).

School districts are considered a 'state public body' as defined in section 52-4-203(4)(a)(v) of the Act. As such, school districts must follow section 52-4-203(4)(e) of the Act, which requires school districts to post the following to the Utah Public Notice website:

- Approved meeting minutes within 3 days after approval ("approved minutes" means written minutes that have been approved by the public body that held the open meeting); and
- Audio recordings of meeting minutes (or a link to the audio recording) within 3 days of the meeting.

Per our review of the Utah Public Notice website as of September 29, 2015, the Board has failed to post audio recordings or meeting minutes for any of its meetings. We urge the Board to properly post the audio recordings and meeting minutes for at least the previous fiscal year and review its policies and procedures to ensure future compliance with the Open and Public Meetings Act.

As a reminder, any meetings where a quorum of the board is present must comply with the Open and Public Meetings Act. This would include, but not be limited to, study or working sessions and executive meetings.

We appreciate your dedicated service to your community and the service of your district personnel. Please feel free to contact me at patricianelson@utah.gov or 801-538-1334 if you have any questions or concerns.

Sincerely,

Patricia R. Nelson
Local Government Audit Supervisor

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the need for a systematic approach to data collection and the importance of using reliable sources of information.

3. The third part of the document focuses on the analysis and interpretation of the collected data. It discusses the various statistical and analytical tools that can be used to identify trends and patterns in the data.

4. The fourth part of the document discusses the implications of the findings and the need for further research. It emphasizes that the results of the study should be used to inform decision-making and to guide the development of policies and procedures.

5. The fifth part of the document provides a summary of the key findings and conclusions of the study. It highlights the main points of the research and the implications for the organization's future operations.

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Wasatch County School District: Board of Education

Entity: Wasatch County School District

Body: [Board of Education](#)

Subject: Business

Notice Title: Board Executive Session

Notice Type: Notice, Meeting

Event Start Date & Time: October 8, 2015 10:00 AM

Description/Agenda:

Notice is hereby given that the Board of Education will hold an executive session on October 8, 2015, at 10:00 a.m. at the Wasatch Education Center located at 101 E. 200 N., Heber City, UT. This will be a strategy session to discuss the purchase, sale, exchange, or lease of real property and a strategy session to discuss pending or reasonably imminent litigation.

KEITH JOHANSEN

Business Administrator

Wasatch County School District

Notice of Special Accommodations:

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the Superintendents office at 435-654-0280 at least one day prior to the meeting.

Notice of Electronic or telephone participation:

Not Available

Other Information

This notice was posted on: October 06, 2015 02:08 PM

This notice was last edited on: October 11, 2016 08:48 AM

Board/Committee Contacts

Member	Email	Phone

Meeting Location:

101 E 200 N
Heber City, 84032

[Map this!](#)

Contact Information:

Jill Cottam

jill.cottam@wasatch.edu 435-654-0280 x.4102

Download Attachments:

[10.08.15 Executive Session.pdf](#) Other
Added: 2015/10/06 02:08 PM

Audio File Address

<http://www.wasatch.edu/Page/5381>

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Wasatch County School District: Board of Education

Entity: Wasatch County School District

Body: [Board of Education](#)

Subject: Business

Notice Title: Board Study Session

Notice Type: Meeting

Event Start Date & Time: September 1, 2016 5:00 PM

Description/Agenda:

Welcome &
Board Business

Study Session Items

1. Roundtable discussion between School Board and District Administration

Notice of Special Accommodations:

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the Superintendents office at 435-654-0280 at least one day prior to the meeting.

Notice of Electronic or telephone participation:

Not Available

Other Information

This notice was posted on: August 31, 2016 01:39 PM

This notice was last edited on: October 11, 2016 09:46 AM

Board/Committee Contacts

Member	Email	Phone

[Please give us feedback](#)

Meeting Location:

101 E 200 N
Heber City , 84032

[Map this!](#)

Contact Information:

Jill Cottam
jill.cottam@wasatch.edu 435-654-0280 x.4102

Download Attachments:

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Added: 2016/08/31 01:39 PM

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Tracy Taylor

From: KEITH JOHANSEN [mailto:KEITH.JOHANSEN@wasatch.edu]
Sent: Monday, June 18, 2012 5:08 PM
To: tracy@etracytaylor.com
Subject: RE: Wasatch School District budget adoption protest

Ms. Taylor,

I am attaching the complete, unabridged budget document for 2013, in Excel format. The 2012 budget column in this document includes the amendments discussed at the hearing held June 14, 2012.

I am also attaching a copy of the powerpoint presentation used in that meeting.

Keith Johansen
Business Administrator
Wasatch County School District

keith.johansen@wasatch.edu>>> "Tracy Taylor" tracy@etracytaylor.com> 6/15/2012 10:27 AM >>

Hi Keith-

I would like an electronic version, via email, of the 2013 budget, as well as the amendments to the 2012 budget that you adopted last night.

I look forward to receiving those on Monday. Thank you.

Tracy Taylor
cell: 435 503-1121
tracy@etracytaylor.com
efax: 435 604-8553

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From: KEITH JOHANSEN [mailto:KEITH.JOHANSEN@wasatch.edu]
Sent: Thursday, June 14, 2012 1:29 PM
To: tracy@etracytaylor.com
Subject: Re: Wasatch School District budget adoption protest

Ms. Taylor,

We will forward to you the unabridged, proposed 2013 budget to you within the 5 days, as you requested.

We will be discussing at tonight's meeting the concern expressed about the availability of the budget report within the time requirements.

Keith Johansen

>>> "Tracy Taylor" tracy@etracytaylor.com> 6/13/2012 12:54 PM >>

10/12/2016

Hello Mrs. Ann Horner and Mr Keith Johansen-

Please consider this email a formal GRAMA request for the full, unabridged, proposed 2013 budget. We would like an expedited time of 5 days considering the adoption of this budget is eminent. Thank you.

We, at the Wasatch Taxpayers Association, have some concerns about the budget that was presented on your website on Friday, June 8, 2012. Therefore, tomorrow night, Thursday June 14, 2012 we will be formally protesting your adoption of the budget, Action item 3.01, on the attached agenda. We are formally asking you to delay your adoption until the next scheduled July WSD board meeting. The first page of the budget states that it needs to be returned to auditor by July 15, or Aug 15 (with an extension). There is no reason you need to adopt this budget on June 14, 2012.

These are our concerns:

1. **Your public notice states that the budget was available on June 4, 2012 for public viewing. It was not, even when a member of our organization visited your district offices personally on June 6th. He asked 3 people, one of which the superintendent secretary, who said that no one had a copy available there.**

Subject: Public Notice for Board of Education
From: "[log in to unmask]" <[log in to unmask]>
Reply-To: [log in to unmask]
Date: Mon, 4 Jun 2012 08:27:02 -0600
Content-Type: multipart/alternative

Parts/Attachments:  [text/plain](#) (12 lines) ,  [text/html](#) (59 lines)

BUDGET HEARING AND ADOPTION NOTICE

In accordance with Articles 15 through 17, Section 4(B) (B6 through 4(B) (B17) (B3, School Laws of the State of Utah, 1967, a public hearing will be held on the 2012(B) (B13 Appropriations and Expenditures Budget for Wasatch County School District at the Wasatch Education Center, 101 East 200 North, Heber City, Utah, at 7:00 p.m. on June 14, 2012. A copy of said budget has been placed on file with the Business Administrator of the Board of Education as well as the district website for public inspection. Also proposed will be an increase in the 2011(B) (B12 Budget from funds currently available. Pursuant to Article 15, Section 4(B) (B15) (B8 of the above code, the Appropriations and Expenditures Budget for the 2012(B) (B13 school year will be adopted at 7:00 p.m. on June 14, 2012 at the Wasatch Education Center, 101 East 200 North, Heber City, Utah. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Superintendents office at 435(B) (B654) (B0280 at least one day prior to the meeting. KEITH JOHANSEN Business Administrator Wasatch County School District Published in The Wasatch Wave June 6 and 13, 2012.

2. **You moved your regular scheduled WSD board meeting up from June 21, 2012 to June 14, 2012 –posted on June 4, 2012.**
3. **The following recording of the WSD representatives on local radio, discuss budget:**
http://www.4shared.com/mp3/wlyeXtxM/Impact_6-7-12_Pt_2_School_Boar.html
 (if podcast requires signing in- sign in as heberut password – heber)
 - Budget info discussed @28:00 min into recording
 - Wasatch High School construction costs discussed @31:00
4. **The budget posted on your website is an abridged version. Our Wasatch Taxpayers Association fiscal committee has stated to the WTPA members that they cannot analyze this budget with any thoroughness.**

We ask that you postpone the adoption of this 2013 budget until your regularly scheduled July meeting, so an appropriate budget can be quickly delivered and analyzed. We look forward to working closely with the Wasatch School District board in the future fiscal decisions of our school district.

Thank you for your time,

Tracy Taylor

Chair, Wasatch Taxpayers Association

Tracy Taylor

To: Menlove, Martell
Subject: RE: WSD GRAMA request appeal DENIED

The Wasatch Taxpayers Association met with the Utah GRAMA Ombudsman and the Wasatch School District on Monday afternoon, June 10, 2013, to mediate the release of the full proposed 2014 budget to our organization since it is a public document. Supt. Terry Shoemaker, and business administrator, Keith Johansen, agreed to honor our request for a full budget, unabridged in an excel spreadsheet by FRIDAY June 14, 2013. The budget hearing was on June 18, 2013.

From: Menlove, Martell [mailto:Martell.Menlove@schools.utah.gov]
Sent: Friday, June 07, 2013 2:29 PM
To: tracy@etracytaylor.com
Cc: Allen, Dixie; Shoemaker, Terry .
Subject: RE: WSD GRAMA request appeal DENIED

I appreciate being included in this email stream for information purposes.
My inclusion on an email sent from someone else should not be considered as agreement. I do not believe that is the intent or purpose of "reply all".

Martell Menlove

From: Tracy Taylor [mailto:tracy@etracytaylor.com]
Sent: Friday, June 07, 2013 9:25 AM
To: Shoemaker, Terry .; Allen, Dixie; Menlove, Martell; rcundiff@utah.gov; 'ANN HORNER'; 'BLAIK BAIRD'; 'DEBBIE JONES'; 'Mark Davis'; 'Shad Sorenson'
Subject: RE: WSD GRAMA request appeal DENIED

Thank you for your timely response, Supt. Shoemaker. Since you have "replied to all" on this email, I am assuming all of the people cc'd in this email agree with your decision unless I receive a response very soon from any of them.

There are many concerns with the fact that these are the only contracts for administration and teachers that you seem to possess, and that the superintendent, business administrator and board members use this limited budget, that you post on your website, for their decision making on a \$52 million budget (even though we received a more detailed one last year after our GRAMA request).

Time is of the essence on these documents since you are scheduled to hold a public hearing on the proposed 2014 budget on June 18, 2013. I'm sorry to see you have denied the public this basic info.

*Tracy Taylor, Chair
Wasatch Taxpayers Association
cell: 435 503-1121
tracy@etracytaylor.com*

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From: TERRY SHOEMAKER [mailto:TERRY.SHOEMAKER@wasatch.edu]

Sent: Thursday, June 06, 2013 12:29 PM

To: tracy@etracytaylor.com; dixieleeallen@gmail.com; martell.menlove@schools.utah.gov; rcundiff@utah.gov; ANN HORNER; BLAIK BAIRD; DEBBIE JONES; Mark Davis; Shad Sorenson

Subject: Re: GRAMA request appeal

Ms. Taylor,

I have reviewed your GRAMA appeal. The appeal request has been denied. Please see the attached denial.

Thanks.

Supt. Shoemaker

>>> On 5/31/2013 at 10:28 AM, "Tracy Taylor" <tracy@etracytaylor.com> wrote:

Superintendent Shoemaker-

Please consider this an appeal to the response by Mr Johansen below. Attached is the original GRAMA request I submitted May 23, 2013. It clearly states my request, but maybe I didn't use the correct terminology that school districts use? What do you call these documents?

1- The 2014 full, unabridged budget is not the edited version you usually post on the website for the public. We cannot analyze the limited budget you post online. I would like all lines of the budget, all pages, emailed to me please.

**** Since the budget was not released last year to the public 10 days prior to the budget hearing, per state code, we feel the need to request it in advance so the citizens have time to digest the information. We had to GRAMA this full budget last year as well, but not all pages were included but some were supplied to the public at the second budget hearing the month after adoption.*

2- This cannot be the full, unabridged contracts for the positions I requested. There must be the original contract signed with all terms and conditions which is what I asked for? The individual contracts should contain items such as vacation, sick pay, hours, duties, performance requirements, and may include more info in policies, benefits and descriptions. The yearly contract addenda I specifically noted in the GRAMA as something I didn't want (which I received last year when I requested this info) is exactly what I received again. Please email me the full original contracts as requested.

We are asking for an expedited response. The Wasatch Taxpayers Association is a legitimate organization and we are trying to supply much needed information to the community. Please visit our website to see our total volunteer effort. www.wasatchtaxpayersassociation.com

Thank you.

*Tracy Taylor, Chair
Wasatch Taxpayers Association
cell: 435 503-1121
tracy@etracytaylor.com*

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From: KEITH JOHANSEN [<mailto:KEITH.JOHANSEN@wasatch.edu>]

Sent: Thursday, May 30, 2013 9:46 AM

To: tracy@etracytaylor.com

Subject: response to GRAMA request

Ms. Taylor,

In response to your GRAMA request dated May 23, 2013:

1. the full, unabridged budget for fiscal year 2014 is not completed at this time and therefore your request is denied. The budget will be posted to the district website as soon as it is completed, no later than June 5th, 2013.
2. attached to this email are the contracts for Superintendent, Business Administrator, Auditor, and a basic teacher's contract with all terms and conditions, as requested.

You have a right to appeal this decision with Superintendent Shoemaker within 30 days of this denial. The appeal must be in writing.

Keith Johansen
Records Officer
