

State Records Committee Meeting

Location: Courtyard Meeting Room, 346 S. Rio Grande St., SLC, UT 84101

Date: March 14, 2019

Time: 9:00 a.m. – 4:00 p.m.

Committee Members Present:

Tom Haraldsen, Chair, Media Representative

Kenneth Williams, Governor's Designee

David Fleming, Private Sector Records Manager

Kevin Fayles, History Designee

Patricia Smith-Mansfield, Citizen Representative

Holly Richardson, Chair Pro Tem, Citizen Representative - Absent

Cindi Mansell, Political Subdivision Representative - Absent

Legal Counsel:

Paul Tonks, Assistant Attorney General, Attorney General's Office

Nicole Alder, Paralegal, Attorney General's Office

Executive Secretary:

Gina Proctor, Utah State Archives

Telephonic participation:

None

Others Present:

Peter Schofield, Grantsville City

Jacob Green, Grantsville City Attorney

Brett Coombs, Grantsville City

Ed Berkovich

Lonny Pehrson, Attorney General's Office

Taylor Stevens, *The Salt Lake Tribune*

Rebekkah Shaw, Utah State Archives

Rosemary Cundiff, Utah State Archives

Renée Wilson, Utah State Archives

Agenda:

- Three Hearings Scheduled
 - Edward Berkovich v. Utah Attorney General's Office
 - Brady Eames v. Utah Local Government Trust
 - *The Salt Lake Tribune* v. Grantsville City
- Business:
- Discussion
- Approval of February 14, 2019, minutes, action item

- SRC appeals received, report
- Cases in District Court, report
- Retention schedules approved, action item
- Other Business
 - Legislative update by Ken Williams
 - Confirm a quorum for the next meeting
 - Next meeting scheduled for April 11, 2019, 9 a.m. - 4 p.m.

Call to Order (00:05)

The Chair, Tom Haraldsen, called the meeting to order at 9:11 a.m.

1. Edward Berkovich v. Utah Attorney General's Office (00:25)

The Chair announced the parties for the hearing and noted the Committee members' names are in front of each of them on the table. The Chair asked the Petitioner and Respondent to introduce themselves for the record: Edward Berkovich, Petitioner, and Lonny Pehrson for the Attorney General's Office. The Chair explained the procedures and stated the restrictions on sharing any mediation information. He asked the parties to acknowledge the mediation restrictions. Both parties acknowledged the restrictions.

Petitioner (1:25)

Mr. Berkovich explained there was a joint point of order. Today, he submitted materials that include materials Mr. Pehrson provided to him at the last hearing [December 14, 2017]. Mr. Pehrson also provided the documents to the Committee at that December 2017 hearing to show that the AGO had released them to Mr. Berkovich. Those materials that he and Mr. Pehrson have submitted to the Committee are partly classified as private. The previously released private material was posted on the Public Notice Website in 2017. There is a joint motion to withdraw those documents from the Public Notice Website. The second motion would be whether the Committee would want Mr. Berkovich to withdraw what he has provided to the Committee today, which is duplicative of what Mr. Pehrson provided to the Committee in December 2017. Mr. Pehrson did not intend for the documents to be posted on the Public Notice Website and Mr. Berkovich does not intend for the materials that he submitted today to be posted on the Utah Public Notice Website. Mr. Berkovich would prefer to withdraw them if the Committee intends to post them on the Utah Public Notice Website.

Motion (3:27): Ms. Smith-Mansfield stated she would like the documents removed from the Utah Public Notice Website as the Committee should not discuss the contents of materials classified as private that are provided during the open and public meeting. She prefers the materials be withdrawn. Motion to withdraw the materials from the Utah Public Notice Website.

Seconded by Mr. Fleming (5:29).

Vote (5:48): Aye: 5 Nay: 0. Motion passes 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

Petitioner Statements (6:01)

Mr. Berkovich stated the audio recording he is seeking is the portion of the deliberations in the closed meeting the Utah Prosecutor Council (UPC) held in October (2015), three years ago. The

materials are what Mr. Church distributed to the Board so they could discuss Mr. Berkovich in their meeting. Mr Berkovich reasons that the packet was the 57 pages of private material that the Committee had just been discussing that had been posted on the Utah Public Notice Website. He already knows the confidential information of the other individuals and if the audio is provided to him he would not have access to any new information that is private to other individuals because the 57-page packet was the source of that discussion.

Mr. Berkovich discussed his arguments related to the minutes, including the 57-page packet, and other individuals; the closed meeting; the Committee's weighing authority; and that there was no public notice of the meeting, no agenda for the meeting, and no stated reason in the minutes to go into the closed session. Because of the defects in the process, public policy is for public bodies that hold closed meetings under these circumstances should not be able to restrict access to the records about the person about whom the meeting was held. This is a violation of the Open and Public Meetings Act (OPMA).

He understands that he needs to file a claim in district court about an illegally held meeting. He suggests that the minutes the Committee has reviewed have never been approved, voted on, or publicly posted and that is what the Utah Prosecutor Council is asking the Committee to rely on to restrict access from him. However, the Committee has inherent power that they unconsciously use. If the meeting minutes had no motion or legal reason stated to go into a closed session and no vote approving them nor publicly posted them, then the minutes are from an open meeting.

Mr. Berkovich stated that Salt Lake City Corporation (SLC) v. Chapman does not apply because SLC could make a valid claim that the meeting was closed. In this case, the claim is not credible. A statement in the UPC brief states that the "sole purpose" or reason for holding the closed session was to discuss his character, his professional competence and his physical and mental health. This is not stated in the minutes. The minutes state, to discuss a personnel matter. They did not sign a sole purpose affidavit. Mr. Berkovich discussed his issues with his submitted GRAMA request being considered by UPC to be part of pending litigation.

Questions from the Committee:

The Committee confirmed that Mr. Berkovich believes that there is other information on the audio recording that he has not received.

The Committee clarified that Mr. Berkovich's weighing provision argument would not be based on a benefit to the public unless there was something egregious said about him on the audio recording. Then the public interest argument would be valid.

The Committee clarified that the audio recording may be released on a limited basis. The State Records Committee could limit the requester's use for further disclosure. Some suggestions Mr. Berkovich made were that he could listen to the audio recording while an individual from the Respondent's office remained in the room with him.

Respondent Statements (22:10)

Mr. Pehrson stated that the majority of Mr. Berkovich's presentation was an attempt for the Committee to overstep its authority and dive into whether the meeting was closed appropriately in compliance with OPMA.

Mr. Pehrson referenced Utah Code §63G-2-305(32), a record of a recording of a closed portion of a meeting of a public body can properly be classified as protected.

Mr. Pehrson stated that it was clear from the transcript that it was a closed meeting. Whether there were technical issues with the closure of the meeting under OPMA that must be addressed in District Court. In Chapman, the Committee reached the correct decision that they do not have jurisdiction to rule whether the meeting was properly closed. They cannot get into any weighing authority for public interest with these records during this hearing.

The Committee can determine whether the record has been properly classified as protected if it meets certain criteria. One such criteria is whether they are records from a closed meeting.

The statute does not state, from a “properly” closed meeting.

Mr. Pehrson reviewed the classification of the record. He explained that the record was properly reviewed and determined to be part of a closed meeting. It was properly classified as protected. The office redacted or segregated the closed meeting information and notified the Petitioner the reason for the classification and it was properly identified as protected. The office fully complied with GRAMA. The term, “properly,” goes with the classification not the meeting.

Mr. Pehrson addressed Mr. Berkovich’s suggestion that there is some inherent power the Committee has. His waiver idea that the office waived any right to classify it as protected because they provided a redacted version is presumption of regularity with regard to Chapman. These are legal ideas with no authority, no legal support for it, no case law and no prior precedent.

The Office or UPC has not waived its right to classify the recording because they released other types of records. GRAMA is clear on this. GRAMA §63G-2-305(32), identifies many types of records and each type is required to be classified independently from another record; transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body.

Mr. Pehrson explained that Mr. Berkovich believes that he has all the information already and wondered then, what is the point in obtaining the recording?

OPMA states the courts are the exclusive forum for asserting denial of any right under OPMA or determine OPMA’s applicability to discussions or decisions of a public body. See Utah Code §52-4-303(3)(b).

Utah Code §52-4-206(5), states a recording, transcript, report, and written minutes of a closed meeting are protected records under [GRAMA], except that the records may be disclosed under a court order only as provided under Section §52-4-304 (OPMA).

Mr. Pehrson argued that Chapman is fatal to Mr. Berkovich’s case. Chapman is directly on point here. In Chapman, they are discussing minutes from a closed meeting. This Committee debated this extensively. The Committee never discussed whether the meeting was properly closed. There was no presumption the meeting was properly closed. Mr. Pehrson urges the Committee to make the same finding here and deny Mr. Berkovich’s appeal.

Petitioner Closing (32:53):

Mr. Berkovich states that Chapman is a case where it was not a challenge to a proper closing of a meeting. He questioned whether the Committee has authority to make a decision about a proper closing of a public meeting. Chapman is different in this meeting. In this case, there are issues with the closure.

He stated that if this is a properly closed meeting or deemed to be closed, the record is protected and the Committee could give him the audio recording on a limited basis because

there is public interest in making sure public bodies are in compliance with OPMA. He just wants to know what is on the audio recording about him.

Respondent Closing (34:45)

Nothing to add.

Deliberation (34:58)

Motion by Ms. Smith-Mansfield: The audio recording is properly classified as protected under §63G-2-305(32). GRAMA makes a distinction in the types of records that can be discussed and presented in open and closed meetings. The Attorney General's Office makes a good point and there is a difference in procedure and protected classification. The Committee should not consider the weighing provision. There is no public interest. (See *Poll v. So Weber City*. State Records Committee Case No. 02-01.)

Seconded by Mr. Williams.

Vote **(42:22)**: Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

The hearing is concluded **(42:58)**. An order will be issued within seven business days and both parties will receive a copy of the order. Each party has 30 days to appeal the decision to district court.

2. Brady Eames v. Utah Local Government Trust (44:10)

The Chair announced the hearing. The Chair reviewed the procedures. The Chair noted that the Petitioner is not present at today's meeting. The Chair asked the Respondent to introduce himself for the record. A. Craig Hale for the Utah Local Government Trust (ULGT). The Chair reminded the party that mediation discussions are not allowed to be referenced in his testimony and asked the party to acknowledge the restrictions on discussions of mediation. Mr. Hale acknowledged the restrictions.

Respondent Statements(45:30)

Mr. Hale explained that he did not provide a written statement. His understanding is that Mr. Eames requested a number of emails from ULGT, municipalities, and other organizations for emails between Mr. Hale and his clients, including ULGT. Mr. Hale was the only person qualified to sort through his emails to determine which emails would be classified as attorney-client privileged communications and which are not privileged. He is the only one that can perform the work and he greatly discounted the fee. He informed Mr. Eames that there is a \$150.00 fee for doing the work. That is the ULGT position. The fee is reasonable and should be imposed.

Questions from Committee (48:20)

The Committee clarified whether the appeal information from the Petitioner is for emails and a fee waiver.

(1:04:18) Motion made by Mr. Fleming: The appeal is denied because there has been no denial of access to the records. Seconded by Ms. Smith-Mansfield.

Vote: Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

The hearing concluded **(1:07:45)**. An order will be issued within seven business days and both parties will receive a copy of the order. Each party has 30 days to appeal the decision to district court.

1:08:00 Five-minute break.

1:08:10 Resume.

3. Salt Lake Tribune v. Grantsville City (1:08:15)

The Chair announced the hearing. The Chair reviewed the procedures. The Chair asked the Petitioner and Respondent to introduce themselves for the record. Taylor Stevens, Petitioner/government reporter for *The Salt Lake Tribune*. Peter Schofield and Jacob Green on behalf of Grantsville City. The Chair reminded the parties that mediation discussions are not allowed to be referenced in their testimony and asked the parties to acknowledge the restrictions on discussions of mediation. Both acknowledged the restrictions.

Petitioner Statements (1:09:08)

Ms. Stevens explained the background of this appeal. She received an anonymous letter in December 2017, concerned about the mayor's dealings with residents and public officials. She made a few calls and talked to six people who would put their names on the record and had had political dealings with the mayor. They said the mayor runs the city in a bullying manner and sometimes uses physical aggression to intimidate those that disagree with him. Two were elected officials two were city employees and two were residents trying to get an initiative passed. Ms. Stevens published their claims in January 2018. Soon the story, not impending litigation, prompted the city to hire an outside attorney to open an investigation. An investigation probably would not have been opened had it not been for the news story. Her record request was denied and classified as protected and subject to attorney-client privilege because the city hired an outside attorney to complete the investigation. GRAMA does provide that documents prepared in anticipation of litigation are protected. Ms. Stevens claims that the outside investigator's report was prompted by *The Salt Lake Tribune* reporter's story and not a pending legal action. The Utah Supreme Court ruled in Southern Utah Wilderness Alliance (SUWA) v. The Automated Geographic Reference Center (AGRC), within the Division of Information Technology, "The mere existence of a relationship between a government entity and its attorney or attorneys does not rise to the level of being protected under attorney-client privilege." Ms. Stevens reviewed that Supreme Court decision. They were not protected by the attorney work product doctrine. Their mere use in litigation does not render them exempt under GRAMA.

Ms. Stevens reviewed a State Records Committee decision when the Committee agreed with the Supreme Court's decision, in Alex Stuckey v. Utah State University. The record request was for a final report that the university's president had asked for related to allegations of sexual assault in the campus community. The Committee reversed the Respondent's denied and protected record decision and found that simply because an attorney did the work does not itself convert the work into attorney work product or attorney-client communications. With no

evidence for a demand letter or notice of claim for a lawsuit, the investigative report should be deemed public.

Ms. Stevens reviewed the three-prong test for attorney-client communications and attorney work product:

- 1) attorney-client relationship;
- 2) transfer of confidential information;
- 3) purpose was to obtain legal services or advice.

Ms. Stevens reviewed the Supreme Court decision in *Deseret News v. Salt Lake County*.

Respondent Statements (1:17:55)

Mr. Schofield introduced the attorneys that were with him-Brent Coombs, Grantsville City Attorney, and Spencer Phillips, the outside attorney that did the investigation.

Mr. Schofield discussed the SUWA case cited and the three-prong test was discussed. It is clear under GRAMA that if information is covered by attorney-client privilege as established by the three prongs, then it is protected. There arose at the city, after some reporting that she did, controversy about the mayor's conduct. Concerns were addressed by the city council meeting in a closed meeting and legal counsel was sought. The city council asked the city attorney to engage legal counsel and ask the outside counsel to conduct an investigation into potential claims and allegations that were made. He interviewed more than two dozen individuals in confidence. He assured each person that their names and concerns would remain confidential. Mr. Phillips presented a legal analysis, liabilities, legal claims, and an opinion. He provided a response to the request for an outside investigation included in a 16-page report. Only the City Attorney has viewed the report. The City Council received an oral presentation regarding the findings in a closed meeting. There is some public interest in it. There has been no attempt by the city council to keep this private to protect Mayor Brent Marshall. The investigation was done as the city sought legal counsel to fully understand the potential liability to the city.

In the Deseret News case, there was no discussion about attorney-client privilege. In that case, the investigative report was released to members of the county. The county did not take the position, in that litigation, that the documents were protected by the attorney-client privilege. In SUWA, it is clear that if documents do fall within attorney-client privilege, then they are protected. The three prong test was met in this case with Grantsville City.

The City Council, without the mayor, discussed in closed session potential litigation and legal liability and sought outside counsel, selected outside counsel, and sought advice and an opinion from outside counsel after the investigation, which fully meets the three-prong test criteria in SUWA. There was an attorney-client relationship. There was a request for legal advice, and a transfer of confidential communication was provided.

Mr. Schofield discussed GRAMA §63G-2-305(17) and §63G-2-305(18). The work product exception discussion in *Salt Lake City Corporation v. Mark Haik*, was whether it qualifies as attorney work product. Grantsville City's outside attorney's investigation report also is attorney work product and prepared by an attorney for legal advice that was sought.

There has been no legal claim directed at the city, but the city wanted information from counsel about potential liabilities or claims that could come from this. There is no requirement that a matter must rise to a specific level or receive a letter from an attorney that they might sue

someone for any reason for the city to seek outside counsel or ask for an independent investigation. This is not an attempt to keep the matter private. The Grantsville City Council wanted to fully understand the circumstance that they were dealing with and seek legal counsel to advise them on the fallout from the circumstances. The records falls into at least two of the protected classifications, §63G-2-305(17) attorney-client privilege, §63G-2-305(18) attorney work product privilege, and §63G-2-305(10) internal investigations conducted by cities.

Questions from Committee (1:27:12)

The Committee determined that the city council hired legal counsel to conduct a confidential investigation into the mayor's conduct. He interviewed over 25 people who were concerned. Most individuals asked for confidentiality and wanted their names kept private. He completed independent legal research and applied facts to the laws so that the city council would understand the potential legal ramifications of the conduct. The only document the Salt Lake Tribune requested and has not received is the 16-page report.

Investigative records, done on behalf of the city, whether in the physical possession of the city, may be owned by the city. No known legal action been has been taken against the mayor. He received the oral report and no action was taken. The investigation is closed and resolved by the city. The behaviors described have followed the mayor from over 40 years ago, not solely in his capacity as the mayor. He is a polarizing personality in the community. The city attorney received the written report. The city council received an oral presentation at a closed session.

Closing by Petitioner (1:31:57)

Ms. Stevens asserts that the 16-page report is discovery. Grantsville City makes it seem as though it is all legal advice. There could be a limited amount of redaction to satisfy both parties for keeping confidentiality and benefitting the public. This does speak to the mayor's conduct as a public official. Any disciplinary actions that were considered are of public interest. They have not produced a legal claim or a demand letter to initiate a claim of pending litigation. Ms. Stevens asks the Committee to let the public understand. Her claim was the importance of public interest goes to the core of how a public official conducts him/herself.

Question from Committee (1:34:28)

The Committee asks the Respondent to address how this information meets the second part of Gold Standard for transferring confidential information.

Closing by Respondent (1:34:55)

Mr. Schofield states that it is incorrect to assume that the only time an attorney-client privilege is invoked is when a legal claim is written. An attorney-client privilege can be invoked when a client seeks legal counsel for advice on what are the legal implications from a particular situation. You do not have to have an actual legal claim filed with the city or a law suit filed in order for attorney-client relationship to be established and attorney-client privilege to be valid.

The attorney that was hired to conduct the investigation interviewed 25 people with some relationship to Mayor Marshall. These 25 people shared confidential information to the attorney who then conveyed it to the city through the report. The report was regarding legal

advice, how he reviewed each claim by these individuals, and what impact on the law and what legal impact that would have on the city. That is the transfer of confidential information. SUWA makes this clear that there is an attorney-client relationship. Salt Lake City v Haik, makes it clear that this is considered attorney work product. These are clearly present. Both standards are met and align with GRAMA §63G-2-305(17) & (18).

The 16-page opinion was the result. Everything the outside legal counsel did for this investigation is what goes into his legal opinion. It cannot be redacted. It all falls within the protected standard.

Questions from the Committee:

The Committee asked the Respondent to speak to whether the public interest is such that information should be released.

Mr. Schofield explained that the public interest weighing provision would occur where you have two or three clear exceptions where the statements are protected. The city council was careful in their evaluation of the information and about seeking legal counsel in order to determine that the legal implications that were present for the city outweigh the public interest in having the material released.

Motion to go *in camera* (1:39:30):

Ms. Smith-Mansfield made the motion to go *in camera*. Seconded by Mr. Fleming.

Vote: Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

Motion to go back in open session (1:41:07):

Ms. Smith-Mansfield made the motion to go back in open session. Seconded by Mr. Fleming.

Vote: Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

Back in session

Deliberation(1:41:30):

These are improperly classified in that the Gold Standard requires:

- 1) the attorney client relationship to exist. In this case, that is true.
- 2) the transfer of confidential information occurred. In this case, that is not entirely true.
- 3) The purpose of transfer is to obtain legal advice. In this case, that is not true.

Ms. Smith-Mansfield found that the records might have been properly classified under §63G-2-305 although the witness statements are publicly known, and are not protected. When an investigation is closed the classification of §63G-2-305(10) (d) is no longer valid. Even when the investigation is done by an attorney that end result was not legal advice. The record is more properly classified as private under §63G-2-302(2) (a), a current employee of a governmental entity and are classified as public. The record is not properly classified pursuant to §63G-2-305(17) & (18). Ms. Smith-Mansfield felt that a weighing provision would be in the public interest.

Motion made by Ms. Smith-Mansfield: The record is Improperly classified as protected under §63G-2-305(17) & (18) and should be classified as protected under employee records under §63G-2-302(2) (a) and the investigative records as protected under §63G-2-305(10)(d).
Seconded by Mr. Williams.

Vote (1:49:05): Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

Discussion of weighing provision (1:49:15):

Motion made by Ms. Smith-Mansfield: Human Resource issues have a different classification and become public only if they are sustained and disciplinary action is taken and all avenues for appeals are over. There is a public interest in this. The record should be redacted to protect the issues of §63G-2-305(10) (d), so that parts could be protected but make a clear distinction that some comments that were made were publically known so the identifying information for these individuals should be redacted. But their comments should be provided. Release a personnel record that is considered generally private due to the public interest is greater.
Seconded by Mr. Fleming.

The reason the Committee did not cite §63G-2-302(2) (d), a clearly unwarranted privacy interest, since privacy for elected government officials is very low. The public interest outweighs the privacy interest. The protected portion of the record should not be released. The Committee may invoke the weighing provision pursuant to §63G-2-403(11) (b). Public service is an honor when individuals are working on behalf of the people. The private portion of the record should be redacted and provided.

Vote: Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

The hearing concluded (1:57:53). An order will be issued within seven business days and both parties will receive a copy of the order. Each party has 30 days to appeal the decision to district court.

Five-minute break (1:58:00). Reconvene (1:58:25)

BUSINESS (1:58:30)

Discussion

Motion to Approve February 14, 2019, Minutes

The motion was made by Mr. Fleming. Seconded by Mr. Williams.

Vote: Aye -5, Nay – 0 with 1 Abstention. Motion carries 5-0. Mr. Haraldsen, Ms. Smith-Mansfield, Mr. Fleming, Mr. Williams voting for the motion. Mr. Fayles abstained.

Report on Appeals Received (1:59:00)

The executive secretary reviewed the status of appeals received. She reviewed the appeals under review and denied appeals.

Report on Cases in District Court (2:08:40) Paul Tonks, Assistant Attorney General, provided updates on the current appeal cases under judicial review.

Retention Schedules (2:16:30): 29725 Public Utilities presented by Renee Wilson.

Motion to Approve the Retention Schedule (2:18): made by Mr. Williams. Seconded by Mr. Fleming.

Vote: Aye: 5 Nay: 0. Motion carries 5-0. Mr. Haraldsen, Mr. Fayles, Mr. Williams, Mr. Fleming, and Ms. Smith-Mansfield voting in favor of the motion.

Other Business (2:18:05): Mr. Williams provided a legislative update on the status of Senate Bills 25 and 108 during the 2019 Legislative session. Mr. Williams discussed the Executive Appropriations meeting at 12:10 p.m. today. Senate Bill 197, BYU was in agreement with Senator Bramble's proposal. He reached out to the stake holders so that this was a mutual agreement. Senate Bill 108 was passed. Senate Bill 25 was passed.

The Committee discussed that there is an exemption for some governmental entities to be exempt from Utah Code §63A-12 and exempts them from records management.

The next meeting is scheduled for April 11, 2019, from 9:00 a.m. to 4:00 p.m. The Chair queried whether a quorum will be present for the next meeting and determined that at least five Committee members will be present.

Motion to Adjourn by Mr. Fleming (2:27:50). Seconded by Mr. Fayles.

The Chair adjourned the March 14, 2019, State Records Committee meeting at 12:10 p.m.

This is a true and correct copy of the March 14, 2019, SRC meeting minutes, which were approved on April 11, 2019. An audio recording of this meeting is available on the Utah Public Notice Website at <https://archives.utah.gov>

x *Gina Proctor*
Executive Secretary