



SUPERINTENDENT'S OFFICE

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October 1, 2014

Sent via electronic mail only

J. Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
E-mail: donMiguelSLC@gmail.com
michael.clara@slcschools.org

Re: GRAMA Request to Salt Lake City School District Dated 9/17/14

Dear Board Member Clara,

On September 17, 2014, the Salt Lake City School District ("District") received your GRAMA request for documents "pertaining to or associated with the Closed Executive Session [sic] of the Salt Lake City School Board, convened on August 7, 2014 and September 16, 2014." (Emphasis omitted). Specifically, you requested "all records of the school board's vote to go into Closed Executive Session, the presiding officer's signed affidavit, deliberations and any paperwork distributed during those meetings."

In response to your request for the record of the school board's vote to go into closed executive session on August 7th and September 16th, the audio recordings of both those meetings are available on the district's website along with the approved minutes of the August 7th meeting. I am providing you with links to those files for your convenience.

1. [Link](#) to audio recording of August 7, 2014 board meeting;
2. [Link](#) to approved minutes of August 7, 2014 board meeting;
3. [Link](#) to audio recording of September 16, 2014 board meeting;

The presiding officers' signed affidavits for both meetings have been sent to you as pdf attachments to the email containing this letter.

As stated in the Open and Public Meetings Act, "[b]oth a recording and written minutes of closed meetings are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304." Utah Code Ann. §52-4-206(5). Accordingly, at this time the district is denying your request for a record of the deliberations of these closed meetings. You should, however, be aware that because the September 16th deliberations you

are seeking involved a “discussion of the character, professional competence or physical or mental health of an individual,” there is no recording and there are no minutes of this discussion. To be clear, even if the law allowed for the disclosure of these deliberations, no record exists for the district to provide to you.

You also requested any paperwork that was distributed during those meetings pertaining to certain topics. With regard to the August 7, 2014, litigation topic that was discussed by Superintendent Withers, no paperwork was distributed. With regard to the September 16, 2014, discussion at issue, the only paperwork related to that topic was what you already received at the meeting. As you may recall, you were provided with a copy of a draft financial document in that closed session. Drafts are protected records under GRAMA, and need not be disclosed to the public. However, as we have discussed before, because you are a member of the Salt Lake City School District Board of Education, your access to documents is not the same as the general public’s access. Therefore, I am providing you with another copy of this draft document which you must treat as a protected document and may not share with the public.

Your GRAMA request also included the following two statements:

1. “I am also requesting any emails pertaining to the [August 7th litigation topic] that was discussed; beginning June 3, 2014, to the present.”
2. “I am also requesting emails pertaining to the [September 16th topic] that was discussed; beginning January 28, 2014, to the present.”

With regard to your first statement, you were already provided with the requested emails dated from June 3, 2014, up through August 13, 2014. Accordingly, GRAMA does not require us to fill this portion of your request because it “unreasonably duplicates” a prior records request. Utah Code Ann. §63G-2-201(8)(a)(iv). You are being provided with the remainder of the records responsive to this request dated August 13, 2014, through September 17, 2014. However, insofar as these records relate to imminent litigation, they are classified as protected, and you must maintain that classification and not re-disclose these records. Utah Code Ann. §63G-2-305(23)(b).

In response to your second statement, I am providing you with the requested emails. However, these documents are protected pursuant to multiple provisions of GRAMA. See, Utah Code Ann. §§63G-2-305(10), (16), and (18). Again, you must maintain the confidential nature of these documents and not re-disclose either the documents or their contents.

The documents have been sent to you as pdf attachments to the email containing this letter. If you have any difficulty in opening any of the attachments, please contact Britta Barney at 801-578-8348.

As we have discussed, because you are a member of the Salt Lake City School District Board of Education, your access to documents is not the same as the general public’s access.

Accordingly, I am providing you with two distinct sets of documents; one set comprises the documents I would provide to requesting members of the public, and the other set contains the protected information which you are entitled to view based on your position as a board member. As always, all protected information that is being provided to you as a board member must be kept and maintained in a confidential manner and must not be disclosed.

Pursuant to District Policy C7, Records Management, and its corresponding administrative procedures, you have a right to appeal this decision to the district's chief administrative officer, Janet Roberts. Any such appeal must be filed within thirty (30) days from the date of this letter. An appeal must be initiated by filing a Notice of Appeal, and include the appellant's name, mailing address, daytime telephone number and the requested relief. Additional information such as a statement of facts, the basis for appeal, and any supporting legal authority may also be included in your appeal.

Please contact me if you have any further questions regarding this response.

Sincerely,



Kristina L. Kindl
Director, Policy & Legal Services
Salt Lake City School District

Enclosure

cc: Salt Lake City School District Board Members
McKell Withers, Superintendent
Janet Roberts, Business Administrator