

# Fabian Clendenin

**Joan M. Andrews**

Direct Dial: (801) 323-2263

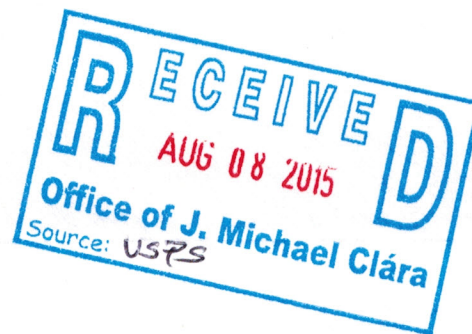
Facsimile: (801) 596-2814

jandrews@fabianlaw.com

August 7, 2015

Via U.S. Mail & Email

Ms. Nova Dubovik  
Executive Secretary  
State Records Committee  
346 S. Rio Grande  
Salt Lake City, UT 84101-1106



Re: June 8, 2015 GRAMA Appeal of Michael J. Clára

Dear Ms. Dubovik:

Further to our phone conversation of yesterday August 6<sup>th</sup>, this letter will confirm that the Board of Education of Salt Lake City School District has resolved the basis for Mr. Clára's GRAMA appeal by providing the one document that was at issue therein.

I understand that before you can strike the GRAMA appeal hearing set for August 13<sup>th</sup> from the calendar Mr. Clára will need to agree to dismiss the appeal. Pursuant to the enclosed correspondence, the District has requested that Mr. Clára take the appropriate steps to notify you that he will agree to the dismissal. That said, if Mr. Clára does not agree, it is the District's position that the appeal is moot and that there is no case or controversy capable of adjudication by the Records Committee.

Please contact me if you have any questions. Thank you for your attention to this matter.

Respectfully,

Joan M. Andrews

Enclosure

c: Michael J. Clára  
Superintendent McKell Withers  
Board of Education

ATTORNEYS AT LAW

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**SALT LAKE CITY  
SCHOOL DISTRICT**  
*Your Best Choice*

## NOTICE OF INTENT TO SELECT

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December 3, 2014

Subject: RFP # JB1541-LS Professional Legal Services

This letter is notification that it is the intent of the Board of Education to select Vancott, Bagley, Cornwall & McCarthy as the highest and most responsive scoring firm with a total combined score of 166.1 out of a possible overall score of 240. As a result, the Board of Education will enter into an agreement with Vancott, Bagley, Cornwall & McCarthy to provide Professional Legal Services to the Board of Education.

Selection is based upon a review and compliance to the requested RFP, requested additional information, interviews and meetings along with a careful comparison of the demonstrated Individual Qualifications & Experience, Firms Legal Experience, and Proposed Fee.

Score totals from the remaining respondents are as follows:

118.4 156.1 132.0 143.8 158.5 154.0

On behalf of the Board of Education, I would like to express my sincere appreciation to the following legal firms who submitted their RFP(s) in response to this request:

Burbidge & White  
Fabian & Clendenin  
Kirton McConkie  
Lear & Lear  
Snow Christensen & Martineau  
Thompson Ostler & Olsen  
Vancott, Bagley, Cornwall & McCarthy

If you have any questions, comments or concerns please feel free to contact me directly.

Sincerely,

Joe Bryant, C.P.M.  
Purchasing Supervisor  
Salt Lake City School District  
(801) 578-8264  
[joe.bryant@sleschools.org](mailto:joe.bryant@sleschools.org)

### PURCHASING

p 801.578.8257  
f 801.578.8262

Salt Lake City School District  
440 East 100 South  
Salt Lake City, UT 84111

[www.sleschools.org](http://www.sleschools.org)

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THE BOARD OF EDUCATION OF SALT LAKE CITY SCHOOL DISTRICT

Board Annual Planning Session  
and Closed Executive Session

June 16, 2015

The Board of Education of Salt Lake City School District met in a Board Annual Planning Session and Closed Executive Session at 9:12 a.m. on Tuesday, June 16, 2015, in the Board Room of the Administration Building, 440 East 100 South, Salt Lake City, Utah.

ROLL CALL

Members Present: President Heather Bennett, J. Michael Clára (arriving at 9:45 a.m.), Rosemary Emery, Melissa Ford, Katherine Kennedy, and Kristi Swett.

Members Excused: Vice President Tiffany Sandberg and Student Member Josh Whisenant.

Also Present: Superintendent McKell Withers; Janet Roberts, Business Administrator; Patrick Garcia, Associate Superintendent School Support; Kristina Kindl, Director of Policy and Legal Services; Craig Ruesch, Interim Executive Director Human Resources; Barbara Kuehl, Executive Director, Academic Services/Professional Development; Christine Marriott, Director of Assessment and Evaluation; Misty Suarez, Director of Student Services; Michael Williams, Director of Development and External Relations; Ann Cook, Supervisor, Early Childhood; Kim Knettles, Interim Title I Director; Jennifer Newell, Language & Cultural Instructional Coach; Florence Vincent, board legal counsel from Van Cott, Bagley, Cornwall & McCarthy (excused herself during the Closed Executive Session and returned after the lunch break); Lorena Riffo-Jenson and Robert Fuehr, VOX Creative; Jason Olsen, Public Information Officer; Allison Sisam, Business Administration Office; and others in the audience.

In accordance with the agenda prepared for the Board Annual Planning Session of June 16, 2015, two motions were made. Items are reported as listed in the agenda and not necessarily in the order they were considered.

The meeting was called to order by President Bennett, who presided.

1. CLOSED EXECUTIVE SESSION

A. Litigation, Negotiations, and/or Property

At 9:12 a.m. a motion was made, after which members excused the audience and remained in the board room:

<sup>A</sup>(1) That the board meet in Closed Executive Session to consider litigation, negotiations, and/or property. Approval was given to the motion on a vote of 5 to 0 with Mr. Clára absent at the time of the vote.

\*\* (Kennedy and Swett)



August 7, 2015

J. Michael Clára  
974 South 1400 West  
Salt Lake City, Utah 84104

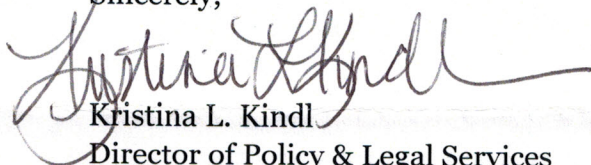
Re: GRAMA Request to Salt Lake City School District Dated 4/29/2015

Dear Board Member Clára:

On May 12, 2015, the Salt Lake City School District responded to your GRAMA request for, among other things, records relating to security at board meetings in which you were referenced. One email string was withheld on the basis that it was deemed an attorney-client privileged communication. After consultation with the sending and receiving parties as to the intent of the communication, and further review, it appears that this document may be classified as a public document insofar as the communication may be viewed as business correspondence. Accordingly, I am providing you with a copy of the email string that was previously withheld. Please be aware that this is the only responsive document which was not previously turned over to you in the district's response.

Insofar as you now have received all the records which are responsive to your request, a hearing before the State Records Committee is no longer required. Please contact the State Records Committee to cancel the hearing, and inform them that the requested documentation has been provided to you.

Sincerely,



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

Enclosure

cc: Salt Lake City School District Board Members  
McKell Withers, Superintendent  
Janet Roberts, Business Administrator  
Florence Vincent, Board Legal Counsel  
Joan Andrews, Legal Counsel





**From:** Kristina Kindl  
**To:** [Heather Bennett](#); [McKell Withers](#); [Janet Roberts](#); [Patrick Garcia](#); [Florence Vincent](#)  
**Subject:** RE: Security at Board Meetings  
**Date:** Wednesday, April 29, 2015 10:25:00 AM

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Heather:

My thoughts are that this individual (Mr. Clara's personal security) is not allowed in closed session, but he is allowed to attend the public/open session just like any other member of the public. He needs to sit with other members of the public, and unless invited by the board (as an entity – not one member) to sit up with the board, he is not allowed to do so.

Hey, there is still time for me to amend B-2 to include a seating chart to cover these types of situations.

KK

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**From:** Heather Bennett  
**Sent:** Wednesday, April 29, 2015 9:09 AM  
**To:** McKell Withers; Janet Roberts; Patrick Garcia; Kristina Kindl; Florence Vincent  
**Subject:** Fwd: Security at Board Meetings

For your information. Please advise.

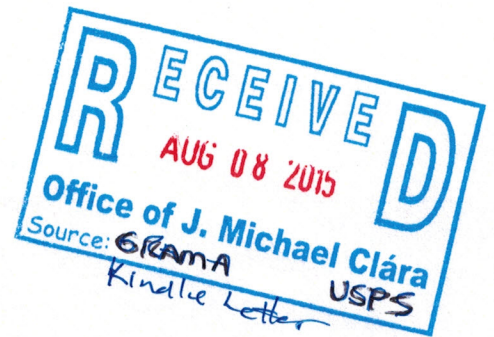
Heather

Begin forwarded message:

**From:** Michael Clára <[donmiguelslc@gmail.com](mailto:donmiguelslc@gmail.com)>  
**Subject:** Security at Board Meetings  
**Date:** April 29, 2015 at 8:52:14 AM MDT  
**To:** Heather Bennett <[Heather.Bennett@slcschools.org](mailto:Heather.Bennett@slcschools.org)>  
**Cc:** Katherine Kennedy <[katherine.kennedy@slcschools.org](mailto:katherine.kennedy@slcschools.org)>, Melissa Ford <[m.ford@comcast.net](mailto:m.ford@comcast.net)>, Rosemary Emery <[rosemary.emery2@gmail.com](mailto:rosemary.emery2@gmail.com)>, Kristi Swett <[kristi.swett@slcschools.org](mailto:kristi.swett@slcschools.org)>, Tiffany Sandberg <[Tiffany.Sandberg@slcschools.org](mailto:Tiffany.Sandberg@slcschools.org)>

Heather,

I wanted to inform you that I too will be bringing my own private security to the next Board meeting. He feels he can best protect me by sitting behind me and I



have no objection to his analysis of the situation.

Un abrazo,

**Michael Clára**

801-205-0389

Board Member, District 2

**§ 53-3-401, Utah Code:** Notwithstanding a local school board's status as a body corporate, an elected member of a local school board **serves and represents the residents of the local school board member's district**, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board. HB 250 -

Local School Board Amendments /2014 Legislative Session





Human Resources Board Report  
January 7, 2014

NEW CONTRACT EMPLOYMENT				
Name	Date	Position	Location	Salary
Chamberlain, Becky	12/13/2013	Teacher	Whittier/Indian Hills ELP	\$42,229.00
Hendrick, Melissa	1/6/2014	Teacher	Hawthorne	\$42,134.00
Jackson, Casey	12/9/2013	Teacher	West	\$53,114.00
Kindl, Kristina	1/13/2014	Director III	Superintendent's Office	\$96,546.00
Pratt, Alexander	12/16/2013	Teacher	Lincoln	\$42,134.00
Serpe, Catherine	1/13/2014	Teacher	Hawthorne	\$42,134.00
CONTRACT RENEWALS				
Name	Eff. Date	Position	Location	Salary
CONTRACT CHANGES				
Name	Eff. Date	From	To	Salary
NON-CONTRACT TO CONTRACT EMPLOYMENT				
Name	Eff. Date	From	To	Salary
RELEASES				
Name	Eff. Date	Position	Location	Reason
Case, Steve	11/26/2013	Teacher	West	Retirement
Heward, Veri	1/15/2013	Bus Driver	Transportation	Retirement
Higginson, Margaret	12/20/2013	Teacher	Whittier	Retirement
Jensen, Elsie	1/2/2014	Administrative Assistant	Superintendent's Office	Retirement
Tuley, Alesha	1/17/2014	Teacher	Hillside	Resignation
Walker, Katherine	1/10/2014	Teacher	Hawthorne	Resignation
West, Maralyn	12/20/2013	Teacher	North Star	Retirement



Exhibit: A2  
Board Meeting : 01/07/2014