

THE BOARD OF EDUCATION OF SALT LAKE CITY SCHOOL DISTRICT

Board Business Meeting  
and Closed Executive Session

January 7, 2014

The Board of Education of Salt Lake City School District met in a Board Business Meeting and Closed Executive Session at 5:37 p.m. on Tuesday, January 7, 2014, in the Board Room of the Administration Building, 440 East 100 South, Salt Lake City, Utah.

ROLL CALL

Members Present: President Kristi Swett, Vice President Heather Bennett, J. Michael Clára, Rosemary Emery, Dr. Douglas Nelson, Tiffany Sandberg, and Laurel H. Young.

Members Excused: Lavenita Vaitai, Student Member.

Also Present: Superintendent McKell Withers; Janet Roberts, Business Administrator; Patrick Garcia, Associate Superintendent School Support; Alan Kearsley, Director of Finance and Salt Lake Association of School Administrators representative; Sue Parker, Elementary School Support; Michael Williams, Director of Development and External Relations; Principal Rae Louie, Beacon Heights Elementary School; John Robson, board legal counsel from Fabian, Attorneys at Law; Susan McFarland, President, Salt Lake Teachers Association; Sharon Grey, President, Salt Lake Educational Office Personnel Association; David Brown, Squire & Co.; Jason Olsen, Public Information Officer; Lisa Schencker, *Salt Lake Tribune*; Allison Sisam, Business Administration Office; and others in the audience.

In accordance with the agenda prepared for the Board Business Meeting of January 7, 2014, seven 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 Swett, who presided.

REQUIRED ANNUAL OPEN MEETING TRAINING

Board members received training from John Robson, board legal counsel from Fabian, Attorneys at Law, on Utah's Open and Public Meetings Law from 5:37 p.m. to 6:05 p.m. Mr. Robson provided board members with a handout entitled "Excerpts from Utah's Open and Public Meeting Act (1/7/14)." A copy of the handout has been added to the official minutes.

1. CLOSED EXECUTIVE SESSION

At 6:05 p.m. a motion was made, after which members excused the audience and remained in the board room:



to the following: whether the evaluation had been completed, not being able to obtain a copy of the evaluation, and his concern that para-professionals had been laid-off prior to the holiday break without adequate notice in order to pay bonuses due for the Horizonte School Improvement Grant. Superintendent Withers reported the evaluation was part of the Grant, the contract for the evaluation outlined the payment schedule, and the final evaluation report will be available at the close of this the final year of the grant. He noted the termination of para-professionals would have been a site based decision, said he thought para-professionals at the school had been informed months ago there would be a change, and told Mr. Clára he would ask for the rationale behind the decision.

Human Resources Department Report included new contract employment for six employees, and releases for seven. Item #A2 from the Consent Agenda

^(5) A motion was made that the board approve the Human Resources Department Report. Approval was given to the motion on a vote of 5 to 2 with Mr. Clára and Ms. Emery voting "No".  
\*\*(Sandberg and Young)

Mr. Clára said he had requested the Human Resources Department Report be pulled from the Consent Agenda because he had concerns over the hiring of the Director III in the Superintendent's office. He said in looking back through his paperwork, he did not see a Director III position on the Salary Schedule approved by the Board in July. Mr. Garcia said there have been Director III positions, there are employees currently being paid on the lane, and if it was not on the schedule, it was due to an error.

Ms. Emery reminded board members she had voiced her disagreement with hiring an attorney. She said the district has gone all these years without an in-house attorney and she would rather the funds be used for a full time teacher. Superintendent Withers reported the issue has been discussed multiple times throughout the years. He said some of the primary duties of the in-house attorney will be to review contracts, support for the Board Policy Subcommittee, help with and review 504 requests, GRAMA requests, and parliamentarian for the board. For clarification it was noted John Robson will continue to serve as the board's attorney.

Policy I-10, Educational Equity and Advocacy. Item #A5e from the Consent Agenda.

\*(6) A motion was made that the board approve Policy I-10, Educational Equity and Advocacy as outlined in Exhibit A5e.  
\*\*(Young and Nelson)

Mr. Clára said he had requested Policy I-10, Educational Equity and Advocacy, be pulled from the Consent Agenda. Noting the board's previous discussion on Action Item E1, he said it was his hope the board would abide by the policy.

## F. SUPERINTENDENT'S REPORT

### 1. Miscellaneous Updates:

Federal Resources: Superintendent Withers reported the two year budget negotiated by the Federal government will save the district from the sequestration cuts. He said 87% was restored and there are still some questions on what that means for the other 13%, but for now the news is more positive than it had been.



Michael Clara &lt;donmiguelslc@gmail.com&gt;

**RE: GRAMA Request of 4/29/2015**

1 message

**COPY FOR YOUR  
INFORMATION****Kristina Kindl** <Kristina.Kindl@slcschools.org>

Wed, May 13, 2015 at 3:40 PM

To: Michael Clára &lt;donmiguelslc@gmail.com&gt;

Cc: Heather Bennett &lt;Heather.Bennett@slcschools.org&gt;, Katherine Kennedy &lt;Katherine.Kennedy@slcschools.org&gt;, Kristi Swett &lt;Kristi.Swett@slcschools.org&gt;, Lisa Alleman &lt;Lisa.Alleman@slcschools.org&gt;, Melissa Ford &lt;Melissa.Ford@slcschools.org&gt;, Michael Clara &lt;Michael.Clara@slcschools.org&gt;, Rosemary Emery &lt;rosemary.emery2@gmail.com&gt;, Tiffany Sandberg &lt;Tiffany.Sandberg@slcschools.org&gt;, McKell Withers &lt;McKell.Withers@slcschools.org&gt;, Janet Roberts &lt;Janet.Roberts@slcschools.org&gt;, "Florence M. Vincent" &lt;fvincent@vancott.com&gt;

Mr. Clara:

When I use that language in a GRAMA response, I am the attorney, and the client (with whom I have the attorney-client privilege) is the district itself. However, the district necessarily acts through its administrators and other employees. Accordingly, the privilege protects from disclosure any communications that I have with district administrators and employees, so long as the communication is related to my representation of the district. Insofar as I represent the district, as an entity, any personal communications made to me or communications made to me that are adverse to the district's interests, would not be covered by attorney-client privilege. (For example, if someone e-mails me that he likes ham salad, or emails me that they are stealing money from the district, those communications would not be privileged.) Otherwise, the communications that I have with district administrators or district employees in which I am acting as a legal advisor for the district are protected and exempt from disclosure.

Sincerely,

**KRISTINA L. KINDL**

Director, Policy &amp; Legal Services

Salt Lake City School District

440 East 100 South

Salt Lake City, UT 84111

Phone: 801-578-8432

Fax: 801-578-8586



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error, please notify me by email, and then please delete and destroy all copies of this message. Thank you.

**From:** Michael Clára [mailto:donmiguelslc@gmail.com]

**Sent:** Wednesday, May 13, 2015 2:40 AM

**To:** Kristina Kindl

**Cc:** Heather Bennett; Katherine Kennedy; Kristi Swett; Lisa Alleman; Melissa Ford; Michael Clara; Rosemary Emery; Tiffany Sandberg; McKell Withers; Janet Roberts

**Subject:** Re: GRAMA Request of 4/29/2015

Kristina,

In citing Utah Code 63G-2-305(17) - who is the attorney and who is the client you are referring to?

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

On Tue, May 12, 2015 at 1:00 PM, Britta Barney <Britta.Barney@slcschools.org> wrote:

Hello all,

Mr. Clara has requested that all his GRAMA responses be sent to him via USPS. As carbon copy recipients of this GRAMA response, this email will serve as your carbon copy. Attached please find a response letter and the document responsive to Mr. Clara's GRAMA request of 4/23/2015.

Please let me know if you have any difficulties with the attachment.

Best,

