



Michael Clara <donmiguelslc@gmail.com>

Re: GRAMA Requests, Pending and Future

1 message

Michael Clára <donmiguelslc@gmail.com>

Wed, Sep 2, 2015 at 6:27 PM

To: Heather Bennett <Heather.Bennett@slcschools.org>

Cc: Tiffany Sandberg <Tiffany.Sandberg@slcschools.org>, Kristi Swett <Kristi.Swett@slcschools.org>, Rosemary Emery <rosemary.emery2@gmail.com>, Katherine Kennedy <Katherine.Kennedy@slcschools.org>, Melissa Ford <m.ford@comcast.net>, McKell Withers <McKell.Withers@slcschools.org>, Janet Roberts <Janet.Roberts@slcschools.org>, Kristina Kindl <Kristina.Kindl@slcschools.org>, Luz Escamilla <lrobles@utahsenate.org>, Sandra Hollins <hollinssandra@gmail.com>, Angela Romero <angela.romero37@gmail.com>, Ben Wood <bwood@sltrib.com>, Cristina Flores <cflores@sbgvtv.com>, Archie Archuletta <loarch@msn.com>, evansjme <evansjme@sisna.com>, Curtis Linton <curtis.linton@schoolimprovement.com>, steven asay <asays@katewwdb.com>, blast@le.utah.gov, kimcoleman@le.utah.gov, greghughes@le.utah.gov, Curt Bramble <curt@cbramble.com>, mmadsen@le.utah.gov, dthatcher@le.utah.gov, Aaron Osmond <aosmond@le.utah.gov>, wniederhauser@le.utah.gov, amillner@le.utah.gov, brad.smith@schools.utah.gov, Daniel Burton <dan.burton@gmail.com>, "ARQUETTE, ROD" <RODARQUETTE@clearchannel.com>, "Ray, Eric" <ERICRAY@clearchannel.com>

Bcc: "J. Michael Clára" <donmiguelslc@gmail.com>

President Heather Bennett,

You will recall, I did not attend last night's Board meeting because I believe that the manner in which the reattorney hired to represent the Board of Education was done in violation of the Board's policies and in violation of Utah's Procurement Code as well as Utah's Open and Public Meeting Act.

You can expect not to see me at future Board meetings until that issue is resolved. Because you denied my request to place the issue on the agenda, does not mean I too will ignore the violations.

As to the threat of charging me a fee for requested documents; I will continue to request information through whatever means is most effective. If my asking for information is ignored or dismissed, I will utilize Utah's GRAMA statute, as I have consistently been doing.

When I am no longer a member of the Board of Education, then request will be made by Michael the citizen. In the mean time, please understand, the requests I do submit, are made in the name of those that elected me -THE PEOPLE of Salt Lake City's West-Side.

You may not be aware, that under GRAMA there is a provision for the agency to wave fees. As I indicate in my requests: Utah Code §63g-2-203(4) encourages agencies to fulfill a records request without charge. Based on Utah Code §63g-2-203 (4a), I am requesting a waiver of copy costs because releasing the records primarily benefits the public rather than a person. Furthermore, based on Utah Code §63g-2-203 (4c) my "legal rights are directly implicated by the information in the record" as I am an elected member of the Board of Education (see Utah Code §53A-3-402).

Should the District choose to now start assessing fees or a fine for information, I can assure

you that I will not pay!

I will instead exercise my right under GRAMA and appeal that decision to the State Records Committee if need be.

The last time I went to the Records Committee with an appeal, the information I was seeking was provided to me in spite of the bureaucracy wasting taxpayer dollars on three attorneys in an effort to deny my request.

I would betray the trust given to me, by those that elected me, if I allowed this institutional dysfunction to intimidate me into being ignorant and void of required information. "It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it" (Federalist 48).

This is yet another example of what I call the "cannibalization of public education". The very agency that I have oversight for, utilizes its resources to prevent me from obtaining information. Information that I require in order to set policy, budget and the direction of the District.

As a member of the Board of Education, I should not even have to submit a GRAMA request. That is however, the only effective way I have been able to obtain information that I need in order to adequately represent the interest of my community.

By way of illustration, I currently have a group of employees reporting to me that the District did not contribute the appropriate amount of funding into their Utah Retirement System accounts.

When I sent an email to the administration inquiring about this accusation, I was told that the situation is rectified and that the employee accounts are now current.

When I sent an email to Business Administrator Janet Roberts, asking how this happen, she had the Superintendent's Attorney Kristina Kindl reply to my email by telling me what I already knew. Ms. Kindl ends her email by telling me to direct further questions to the Superintendent or the Board President.

When I asked for the dollar amount that was used to back-fill the difference in the URS accounts, I am told that it is a "closed door session" issue and any answers will be provided in only that context.

How are finances of the district a "closed door" issue? I find no record where the Board approved millions of dollars going to URS because someone in the District allocated funding to well there is the rub, I don't know where the original funding went or who approved the allocation of back-fill funding. Needless to say, it is contrary to Utah law to expend

education monies without an official act of the Board of Education!

So, this is how an issue graduates to a GRAMA request. You really think that threatening to make me pay for this GRAMA request will prevent me from getting to the bottom of this URS fiasco?

The part you and the Superintendent are missing, is that this is a PUBLIC school system, not a private one. This is the people's money, not the Withers & Roberts fund.

The people and their elected representatives have every right to know how the business of the District is being conducted. I have a right to know why money budgeted for retirement was used for some other purpose! The employees that were shorted have a right to know what happen!

Nevertheless, I have every confidence that the law is greater than a bureaucracy that wants to conduct business in secret and out of the public eye for its own ends. Federalist 48 tells us "It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it".

This latest ploy will only serve to embarrass the administration and expose them for who they really are. I have been consistent in demonstrating that these types of maneuvers on the part of the District administration do not slow me down nor do they detour me from serving the people that elected me. Shame on you for promoting the interest of an out of control bureaucracy over that of the citizens of Salt Lake City.

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 Wed, Sep 2, 2015 at 3:52 PM, Heather Bennett <Heather.Bennett@slcschools.org> wrote:

Dear Michael,

I am sorry you were not able to attend the board business meeting yesterday, September 1, 2015. We had great discussions about several topics in which you have indicated keen interest, including SAGE results, discipline trends by race and ethnicity, and efforts currently underway to address inequities and provide appropriate supports for all students.

After some discussion last night, the board reached consensus that our district administrators should follow the administrative procedures for Policy C-7, Records Management (<http://www.slcschools.org/policies/documents/C-7-AP.pdf>), for all individuals who file requests for information under Utah's Government Records and Management Act (GRAMA). Please see especially Section IV.B., outlining the costs associated with fulfilling such requests.

As you know, the district has waived fees for you in the past and even provided additional information to you as a board member in response to GRAMA requests. This practice was suggested by John Robson, who served previously as counsel to the board and district. Mr. Robson, members of the superintendency, and the board president and vice president at the time had all hoped the practice would help establish trust between you and district officials. Unfortunately, this departure from board policy has not proven efficacious and has become unsustainable.

You are, of course, free to continue filing GRAMA requests as a citizen. District officials will respond as they would to any member of the public.

I would urge you to seek information in a collaborative and collegial manner, using the avenues open to all board members as described in Policy B-1, Board of Education Legal Status, Responsibilities, and Ethics.

Respectfully,

Heather

Heather Bennett, President
Salt Lake City School District Board of Education
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