

September 12, 2012

Honorable Utah State Records Committee:

Thank you for your time and effort to help resolve important issues and questions regarding the responsibility of public entities to provide prompt and open access to its citizens of government records, etc. We appreciate that you recognize that we, the people, own the government; the government does not own us.

This short letter is to confirm to you that, as a citizen and resident of Cedar Hills, I desire to be informed and knowledgeable as to the actions or inactions of our public officials and not only have requested information from the City at various times, but encouraged the requests and looked forward to receiving the information that would be received in response to the GRAMA request or requests which are the subject of the appeal now before the Committee. With respect to this appeal, may I briefly address the following points:

1. It seems unfortunate that time and time again over the past couple of years, for whatever reason or reasons, our city servants have often sought to delay, impede or refuse to promptly and completely comply with a myriad of GRAMA requests. It would seem that if actions taken were transparent and without error or dishonesty, our city servants would be quite anxious to open city records to allay any concerns or suspicions of its citizens, thus laying such to rest.
2. Why does the City want to provide paper copies of thousands of records, rather than simply preparing electronic duplications of the existing electronic records, a procedure that would be far less time consuming and costly? Paper copies have not been requested, and, in fact, have been specifically not requested. The City cannot charge the time or cost of reviewing, compiling or preparing the paper copies, as the paper copies do not comply with the request. See Utah Code Ann. Section 63G-2-203.
3. The \$700.00 fee paid to the City by a number of citizens should be waived, as per Subsection (4) of Section 63G-2-203, referenced above. The information to be obtained upon compliance with this GRAMA request is anxiously awaited by a goodly number of our citizens, including me, and is of significant public benefit. Hopefully it will help to calm the concerns and suspicions of many citizens regarding the actions of our public officials, or will reveal improprieties and help the citizens to discover the truth as to the actions of its public servants.
4. Our City Attorney has argued that Rule 26 of the Utah Rules of Civil Procedure apply to GRAMA requests. We have seen no proof of such except his

statement, which we reject without clear and convincing evidence that it does. We have, nevertheless, determined to substantially comply with his request to return certain information which he argues was private and should not have been delivered by returning the disc containing the information, removing the information from our private website, and requesting that anyone with access to it, sequester that information until it is determined that it is or is not private, or for a reasonable time if no effort is made by the City to prove that it is private.

5. We believe the City Attorney has misinterpreted or strained the interpretation of paragraph 7 of this Committee's June 26, 2012 Order. He appears to believe that the City has the total freedom to deliver the requested GRAMA information in whatever format it desires, rather than complying with the request that it be delivered in electronic format. We request the Committee to clarify that the City is to deliver it in the format requested, especially since that would be quickest and most economical way.

6. I strongly believe and demand that the City remove from the printed material delivered to the Committee all references to the personal history of any appellant in this action, as the personal unrelated history of any individual is totally unrelated to the issues at hand; not to mention that the information is not complete and inferences made therein are incorrect, untrue and potentially libelous. I believe this personal attack is not only unrelated and unwarranted, but is reprehensible. Please require that it be removed and deleted from the record.

7. I believe that the City has been dilatory and evasive in properly and timely completing and fulfilling the GRAMA request, as ordered by the Committee, even taking into account a possible short extension of the time granted to fulfill it. Sanctions should be applied, including assessing a \$500.00/day penalty. However, in order to protect Cedar Hills residents from possible monetary consequences, if the City immediately and completely fulfills the GRAMA request, including delivery in electronic format, a privilege log listing all documents not provided and explanations as to why with respect to each document, and a waiver of the \$700.00 fee for supplying the documents in the public interest, the penalty would be waived.

Thank you once again for your time and attention given to this matter and your protection of our public rights.

Jerry Dearing  
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