



October 14, 2013

Mr. P. Ken Cromar  
9870 N Meadow Drive  
Cedar Hills, Utah 84062

Re: *Response to GRAMA Request dated October 1, 2013*

Mr. Cromar;

You submitted a GRAMA request to the City of Cedar Hills on October 1, 2013, asking for emails and text records. The description of the request is lengthy and accordingly is attached hereto. You expressly direct the City as follows:

“To be perfectly clear, this is NOT a request that the City organize, compile, format, manipulate, package or tailor the email and text records in any manner whatsoever as described under 63G-2-203. We are NOT asking for such organizing, compiling, formatting, manipulating, packaging or tailoring services, of the email and text records in any manner whatsoever.

The City will honor your clear request and will not compile any of its records in response to your GRAMA request.

The records you request are not kept or maintained by the City in the organization or format you desire. Without compiling records, the City cannot provide any documents.

The City does not consider this a denial, as the City is merely complying with your instructions.

You purportedly have submitted your GRAMA request on behalf of others who you call the Cedar Hills Citizens for Responsible Government. We have looked for such an organization in the State of Utah. No organization by that name is registered with the Utah Department of Commerce. This raises the question of who, if anyone, authorized you to represent them, and how? In the future, if you wish to submit GRAMA requests for unregistered groups, please identify who is in the group and show written authorization of your approval to act on their behalf. In the absence of credible evidence that you are acting on behalf of others, the City will consider your submission to be from you, personally.

The City notes that if you lift your directive to not compile any records, that the City does have responsive documents.

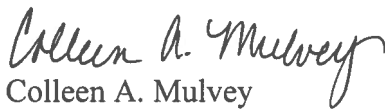
The City records retention policy only maintains email records for one year.

The records you request are not maintained by the City in the format of your request. Accordingly, if you were to countermand your directive to NOT compile and gather records, then the City would be required to search, retrieve, compile, format, manipulate, package, summarize, or tailor its records to fulfill your request. Pursuant to Utah Code Section 63G-2-203 the City is allowed to charge you the actual direct administrative cost of your requests and where the estimated cost exceeds \$50, the City may require payment of future estimated fees before beginning to process the request. As you fully know, the City has some experience fulfilling similar GRAMA requests. The last such request required more than 40 hours to fulfill, and the request did not involve emails from even half as many people. The City estimates that it would consume at least 80 hours to compile responsive records consistent with your October 1, 2013 GRAMA request, if you were to resubmit that request without restrictions on compiling records. The cost per hour is \$29. Thus, the estimated fee to compile records consistent with your October 1, 2013 GRAMA request would be \$2,320. You would need to pay that amount before the City would incur any obligation to gather records responsive to a new request consistent to your October 1, 2013 GRAMA request. If actual costs exceeded \$2,320, which is very possible, then the City would stop gathering records once it reached pre-paid estimates and seek further direction from you on whether you desired to spend more. If the direct administrative costs were actually less than \$2,320 you would receive a refund. Of course, all of the above in this paragraph assumes that you would submit a new GRAMA request with the same scope as your October 1, 2013 GRAMA request, but without the insistence that the City NOT compile records.

Again, the City does not consider this response to be a denial because the City agrees to comply with your demand that it not compile any records.

Any person aggrieved by a governmental entity's access determination may appeal the determination within 30 days to the chief administrative officer of the governmental entity by filing a notice of appeal at the address on this letter. The City's current chief administrative officer is Mr. David Bunker, the City Manager/Engineer. The notice of appeal shall contain the following information: the petitioner's name, mailing address, and daytime telephone number; and the relief sought, and the petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.

Sincerely,



Colleen A. Mulvey  
City of Cedar Hills  
City Recorder