

OFFICIAL APPEAL TO THE UTAH STATE RECORDS COMMITTEE

February 28, 2018

Utah State Records Committee
c/o Dylan Mace
346 South Rio Grande Street
Sale Lake City, Utah 84101
dylanmace@utah.gov

RE: Request by Cedar Hills Citizens for Responsible Government for a Hearing before the Utah State Records Committee, due to non-compliance by the City of Cedar Hills officials with State Code to provide written definitive final confirmation that ALL responsive records have been provided to our October 9, 2017 GRAMA Request, after new responsive records were “discovered”, and other “irretrievable” records have “not been destroyed” and hence reportedly exist, but have NOT been provided.

Dear Records Committee Members,

As per **Utah Code 63G-2-403**, we members of Cedar Hills Citizens for Responsible Government (hereafter “CHCRG”) **Appeals to the Utah State Records Committee** (hereafter “Committee”) to express grievance and seek relief in our GRAMA request for public records requested to ORDER the City of Cedar Hills (hereafter “City”) to openly and honestly provide definitive statements that ALL responsive public records have been provided, as required by law.

The City claims the records are “irretrievable” while simultaneously declaring they are NOT destroyed, but refuse to provide access to them even though trained and capable professionals can with relative ease access the existing golf course related data (regardless of golf software) the City says is inaccessible, they claim because the original company software provider is no longer in business.

Our Official APPEAL has standing before the Committee for at least the following reasons:

1. The City claims that it does not maintain the requested records, while acknowledging that the records have not been destroyed but “irretrievable” as per,

Administrative Rule 35-2-2(2).

2. And/or the City's failure to definitively respond, which we must consider a denial under the law **UC 63G-2-204(8)**.

Ours was a simple GRAMA request for City controlled public records surrounding golf and specifically free rounds of golf taken by current and former city officials. (see *screenshot below...*)

The screenshot shows a form titled "CITY OF CEDAR HILLS GRAMA REQUEST FOR RECORDS". The form includes the following fields and text:

- NAME:** Ken Cromar - Researcher for Cedar Hills Citizens for Responsible Government
- ADDRESS:** 9870 N. Meadow Drive CITY, STATE, ZIP: Cedar Hills, UT 84062
- DAYTIME PHONE:** 801-785-5900 or 801-400-5900 **E-MAIL:** KenCromar@BlueMoonProd.com
- DESCRIPTION OF RECORD SOUGHT:**
Please provide all public records regarding all individuals or groups who have golfed
for FREE at the Cedar Hills owned golf course over the past three years
from today Oct 9, 2017.
- I would like to inspect the records.

Instead, our October 9th GRAMA request has languished way beyond the Nov 8, 2017 election, for which the information was requested, that to this day February 28, 2018, has only provided an unclear and unsatisfactory resolution. We do not understand why the City has been so ineffective. We speculate it is possibly because previous GRAMA Requests in recent years similarly asking for public records about "round of golf" and "played by whom" – and the City's claim previous that the records did NOT exist has been admitted now to have NOT been true – thus putting themselves in the position to have indirectly acknowledging some sort of collusion and/or ineptitude in 100% compliance with Open Records law and our GRAMA requests.

We respectfully request REMEDY: We pray the Committee ORDER the City to provide ALL our GRAMA Request's responsive records immediately, and without further arbitrary and capricious cost estimates, delays, unprofessional capability or willingness to intelligently seek, search, investigate and otherwise obtain and provide the Public's record.

In determining the validity of our plea before the Committee, a number of disturbing documented facts are presented herein for the Committee's consideration – all of which

are documented in the attached email chain below starting at page 7. This pattern of Open Records law abuse includes the following:

- The City Recorder Ms. Colleen Mulvey's arbitrary records retrieval cost estimate of \$2,400 (80 hours x \$35 / hour), along with delayed request for payment, and,
- Which seemed to reflect the City's apparent politically motivated delayed and untimely responses to fulfill our GRAMA request until election day Tuesday November 8, 2017 (as evidence below will show), and,
- CHCRG's immediate request for the City's clarification and explanation of cost estimates, and,
- To which, though requested, the City provided no adequate or reasonable explanation as to why it would take so long and cost so much, followed by,
- CHCRG's renewed requests and offers of help and coaching of the City Manager and City Recorder on logical retrieval process and questioning golf software providers, and,
- Which resulted in the City requesting and obtaining simple electronic computing sort of existing record golf data, which was instantaneously retrieved, requiring no cost to CHCRG or the City, just as we had suggested to the City, -- hence going from \$2,400 cost estimate to \$0 cost, leading to,
- CHCRG's request for the City's FINAL declaration in writing of "complete fulfillment", and,
- Which then on Monday evening November 6th, resulted in new set of documents miraculously "discovered" and provided by the City, and,
- Which resulted in the City Attorney calling Ken Cromar (CHCRG's lead researcher) early the next morning, Tuesday morning November 8th (coincidentally election day! Now too late) apologizing in behalf of the City Manager who wanted it communicated that he is trying to work his Staff into full, professional, lawful compliance procedures, and his request for our patience, and,
- Followed by our CHCRG's November 17, 2017 "Official APPEAL" as per **Utah Code 63G-2-401(2) & (3)** to the Cedar Hills City Manager seeking definitive official declaration that our GRAMA was sufficiently addressed, and,
- Which did NOT come from the City Manager Chandler Goodwin, except in the form of the City Recorder Ms. Mulvey again providing the same October 30,

2017 document, which FALSELY stated that our GRAMA request was responsive, apparently hoping we will accept such a response and give them cover for their errors. We reject their attempt to claim compliance with an outdated claim – that was proven by their own admission through providing of newly discovered records – to be inaccurate and false.

- As hen the City was challenged on complete on the completeness of their responses, they publicly excoriate the requestors as currently at City’s website here <http://www.cedarhills.org/node/1717>, but make no apology, correction or retraction of their false statements when they “discover new golf records” responsive to previous, similar GRAMA Requests for golf play records were not provided because they “did not exist”. See image of City’s “GRAMA Index” entry for April 13, 2012 when they claimed these records did not exist...

4/13/2012	Ken Cromar	List of free rounds of golf and names of players and policy	4/27/2012	Appeal - Response sent 6/18/12 - no appeal - closed
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Note that we made no Appeal. We trusted that the City was being honest and lawful in their response. Apparently, we’ve been wrong to have trusted the City.

- And now the City admits responsive records “exist” but cannot be accessed, because now the software company has gone out of business making the records “irretrievable”. See image of City Manager Chandler Goodwin’s recent explanation (also provided in email chain below)...

Finally, based on a press release from 2015, the City of Cedar Hills had reached out to PAR 9 to obtain records, only to find that PAR 9 had been sold to another company and all records were irretrievable. The city notified you of this in writing at the time of that request.

- All the above to which we at CHCRG say, “We give up! Despite out patience and cooperative efforts with a more reasonable and professional City Attorney in David Shaw (recently resigned due to health concerns), we no longer maintain hope that the City of Cedar Hills can or will consistently comply with their responsibility to 100% fulfill lawful GRAMA requests of public records, in a timely and professional manner, without political motivation, excuses, obfuscations, or unreasonable delays.” We must therefore officially reject their abuse of the Open Records law and seek the honorable Committee’s ORDER for Remedy by the City.
- THEREFORE, our conclusion makes it necessary for us, members of the ad hoc

group Cedar Hills Citizens for Responsible Government (CHCRG) to humbly petition the Utah State Record Committee's thoughtful investigation of the facts provided below in the email chain of events, which we pray will result in the Committee's ORDER that the City of Cedar Hills to PROVIDE ALL PUBLIC RECORDS RESPONSIVE to our CHCRG's legal and lawful October 9, 2017 GRAMA Request.

Therefore, we respectfully submit this APPEAL to the State Records Committee to carefully consider the pattern of abuses, not just with this most recent GRAMA request, -- but how this recent unfulfilled request relates to contradictory recent GRAMA responses.

Why is this GRAMA so important?

We as taxpaying residents living in Cedar Hills have been promised much regarding a golf course which was sold to voters as a promised money maker of hundred of thousands annually, which instead has resulted in not \$1 of profit in any year, which now averages over \$580,000 per year in losses (taxpayer subsidies), and the apparent misuse of the expensive "asset" by city officials and former city officials, without full accountability and documentation – or access to documentation that exists or existed – at the time it was GRAMA requested.

For example, through a recent former Cedar Hills Councilman Rob Crawley who is also a financial accounting professional CFO and former CPA, we have discovered that our former Mayor Brad Sears who resigned in 2004 had been golfing for FREE, and bringing friends for FREE, and using golf carts for FREE with allegedly approximately 590 scheduled tee-times, and 120 cancelations, meaning 470 recorded tee-times (there may be a number of unaccounted rounds played) at an estimated value of at least \$25,000. We know this because he saw the records – records which, we had GRAMA requested previously, but were not provided – but which City now acknowledges existed, but today are now "irretrievable".

Your Committee may be interested to know that current and recent City officials including our new Mayor Jenney Rees (then a Councilwoman) have regularly claimed publicly and in writing that we CHCRG have "never won any Appeal" before your Records Committee, and have lost every time. Not so. Our first and most significant Appeal we made before you was June of 2012, wherein retired Judge Daniels excoriated City officials for not maintaining the public email records, allowing the Councilmember emails to be held on private email accounts where months of emails were allowed to be "destroyed by email service providers", and motioned that the City of Cedar Hills immediately provide responsive email records. The Committee voted in FAVOR of – and declared our "Appeal granted".

12-11

Ken Cromar vs.
City of Cedar Hills

E-mails to and/or from certain members of the City of Cedar Hills governing
body

Appeal
granted

see Committee's website at... <https://archives.utah.gov/src/srcappeals-2010-2012.html>

This APPEAL before the Committee resulted in over 6000 pages of public record being released, but again, unfortunately almost a year later – and of course well past the election for which they were requested -- again. This has been the clear pattern before and since that June 2012 Appeal before the honorable Committee.

Today's Appeal before you is simply the most recent malfeasance and abuse of power by the City of Cedar Hills regarding public records, that we felt rose to the level of our plea for your assistance in obtaining remedy. (albeit too late for yet another election)

We look forward to coming before the Committee to answer questions and rebut the City's predictable "explanations" and "justifications" at the earliest possible Committee Hearing.

To that end, we respectfully submit our Petition of APPEAL,

Ken Cromar

Ken Cromar - researcher for and behalf of a number of individuals from
Cedar Hills Citizens for Responsible Government
former elected Cedar Hills Councilman - 1994 to 2000
9870 N. Meadow Drive
Cedar Hills, UT 84062
801-785-5900

EMAIL CHAIN

DOCUMENTING EXCHANGES REGARDING

OCT 9, 2017 GRAMA REQUEST

BY

CEDAR HILLS CITIZENS FOR RESPONSIBLE GOVERNMENT
(via Ken Cromar – lead Researcher & former Councilman)

TO CITY OF CEDAR HILLS, UTAH

EMAIL CHAIN – Regarding Golf GRAMA Request, alleged fulfillment, APPEAL and non-response from newest to oldest. Please start reading at end with original Oct. 9, 2017 GRAMA Request submission, and work your way to the top ending back here ending January 29, 2018.

Begin forwarded message:

From: Chandler Goodwin <CGoodwin@cedarhills.org>
Subject: RE: OFFICIAL APPEAL regarding GRAMA Request fulfillment Fwd: October 9, 2017 GRAMA Request
Date: January 29, 2018 at 10:46:49 AM MST
To: Ken Cromar <kencromar@bluemoonprod.com>
Cc: Colleen Mulvey <cmulvey@cedarhills.org>

Ken,

Please see the attached response to your GRAMA request from October 30, 2017. Please let me know if you have any questions.

Regards,

Chandler Goodwin
City Manager
City of Cedar Hills



CEDAR HILLS

October 31, 2017

Ken Cromar
9870 N Meadow Drive
Cedar Hills, UT 84062

Re: *October 30, 2017 GRAMA Request*

Mr. Cromar;

My office received your request for records on October 30, 2017, the request asks for all public records/communications regarding golf play; including but not limited to tee times, player names and including but not limited to free, traded, or paid play on whatever means, including but not limited to so-called PAR 9 software used from CH golf course opening through December 2014, stored within city office and/or through PAR 9 software creators offices or wherever located. Also, if these records have been destroyed please provide date of destruction, who authorized the destruction, and who performed the destruction.

The city changed the golf course reservation software system (PAR 9) in December of 2014; at that time PAR 9 removed the software which contained the golf reservation records. The city attempted to contact PAR 9 in an effort to obtain the records you are requesting and has found out that PAR 9 is no longer in business, therefore the records you are requesting are no longer available to us.

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. The city's current chief administrative officer is Chandler Goodwin, the City Manager/Planner. 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.

Regards,

Colleen A. Mulvey
City Recorder

Begin forwarded message:

From: Ken Cromar <kencromar@bluemoonprod.com>

Subject: Re: OFFICIAL APPEAL regarding GRAMA Request fulfillment Fwd: October 9, 2017 GRAMA Request

Date: January 26, 2018 at 1:37:45 PM MST

To: Chandler Goodwin <CGoodwin@cedarhills.org>, Colleen Mulvey <cmulvey@cedarhills.org>

Chandler,

Thx again for visiting the other day.

As discussed then, weren't you going to check with Colleen and get back with me? Thought I would have heard back by now.

KC

On Jan 19, 2018, at 4:18 PM, Ken Cromar <kencromar@bluemoonprod.com> wrote:

Chandler & Colleen,

I had hoped to bring this up with you Chandler today, but we're delayed. My email was to you Chandler, but maybe it's better to prepare for Monday by giving Colleen a chance to jump in beforehand.

I did not understand what was lacking. As I read Colleen's email check list and thought I had covered all requirements. What did you think was missing from the requirements please?

Thanks,

Ken

Begin forwarded message:

From: Colleen Mulvey <cmulvey@cedarhills.org>

Subject: OFFICIAL APPEAL regarding GRAMA Request fulfillment Fwd: October

9, 2017 GRAMA Request

Date: November 20, 2017 at 4:07:28 PM MST

To: "kencromar@bluemoonprod.com" <kencromar@bluemoonprod.com>

Cc: Chandler Goodwin <CGoodwin@cedarhills.org>

Mr. Cromar,

Thank you for your November 20, 2017 email titled *Official Appeal regarding GRAMA Request fulfillment*. The city does consider your GRAMA requests completed and fulfilled. If it is your intent to appeal any of the information provided to you in regards to your October 9, 2017, October 30, 2017 and November 13, 2017 GRAMA requests, we ask that it be done pursuant to Utah Code 63G-2-401(2) & (3), which state, "the notice of appeal shall contain: (a) the name, mailing address, and daytime telephone number of the requester or interested party; and (b) the relief sought. (3) The requestor or interested party may file a short statement of facts, reasons, and legal authority in support of the appeal."

Regards,

Colleen A. Mulvey, MMC
City Recorder
City of Cedar Hills
10246 N Canyon Road
Cedar Hills, UT 84062
(801) 785-9668 ext. 503

From: Chandler Goodwin
Sent: Monday, November 20, 2017 10:27 AM
To: Colleen Mulvey
Subject: FW: [SPAM] OFFICIAL APPEAL regarding GRAMA Request fulfillment Fwd: October 9, 2017 GRAMA Request
Importance: Low

From: Ken Cromar [<mailto:kencromar5@gmail.com>]
Sent: Friday, November 17, 2017 4:00 PM
To: Chandler Goodwin
Subject: [SPAM] OFFICIAL APPEAL regarding GRAMA Request fulfillment Fwd: October 9, 2017 GRAMA Request
Importance: Low

OFFICIAL APPEAL

Chandler,

In light of documents provided on November 6, 2017 in a separate GRAMA request, questions regarding the fulfillment of this GRAMA request. Please re- address whether documents have surfaced heretofore unprovided responsive to this GRAMA request Mulvey referenced below.

As per the email below regarding appeal, and your providing of additional documents AFTER the initial “fulfillment” please accept this APPEAL until such time as the City OFFICIALLY declares COMPLETE fulfillment of this GRAMA request.

Ken Cromar

Ken Cromar - researcher for
Cedar Hills Citizens for Responsible Government
former elected Cedar Hills Councilman
9870 N. Meadow Drive
Cedar Hills, UT 84062
801-785-5900

[more ...]



CEDAR HILLS

October 31, 2017

Ken Cromar
9870 N Meadow Drive
Cedar Hills, UT 84062

Re: *October 30, 2017 GRAMA Request*

Mr. Cromar;

My office received your request for records on October 30, 2017, the request asks for all public records/communications regarding golf play; including but not limited to tee times, player names and including but not limited to free, traded, or paid play on whatever means, including but not limited to so-called PAR 9 software used from CH golf course opening through December 2014, stored within city office and/or through PAR 9 software creators offices or wherever located. Also, if these records have been destroyed please provide date of destruction, who authorized the destruction, and who performed the destruction.

The city changed the golf course reservation software system (PAR 9) in December of 2014; at that time PAR 9 removed the software which contained the golf reservation records. The city attempted to contact PAR 9 in an effort to obtain the records you are requesting and has found out that PAR 9 is no longer in business, therefore the records you are requesting are no longer available to us.

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. The city's current chief administrative officer is Chandler Goodwin, the City Manager/Planner. 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.

Regards,

Colleen A. Mulvey
City Recorder

Begin forwarded message:

From: Ken Cromar <kencromar5@gmail.com>
Subject: Fwd: October 9, 2017 GRAMA Request
Date: November 17, 2017 at 3:54:33 PM MST
To: Chandler Goodwin <cgoodwin@cedarhills.org>

OFFICIAL APPEAL

Chandler,

As per the email below regarding appeal, and your providing of additional documents AFTER the initial "fulfillment" please accept this APPEAL until such time as the City OFFICIALLY declares COMPLETE fulfillment of this GRAMA request.

Ken Cromar

Ken Cromar - researcher for
Cedar Hills Citizens for Responsible Government
former elected Cedar Hills Councilman
9870 N. Meadow Drive
Cedar Hills, UT 84062
801-785-5900

Begin forwarded message:

From: Colleen Mulvey <cmulvey@cedarhills.org>
Subject: October 9, 2017 GRAMA Request
Date: November 6, 2017 at 4:47:33 PM MST
To: "kencromar@bluemoonprod.com" <kencromar@bluemoonprod.com>

Ken,

In regards to your October 9, 2017 GRAMA request asking for records of all individuals or groups who have golfed for free at the Cedar Hills owned golf course over the past three years.

The attached documents are additional records containing information on free rounds of golf.

If you have any difficulty opening the attachments feel free to contact me.

Thank you.

Colleen A. Mulvey, MMC
City Recorder
City of Cedar Hills
10246 N Canyon Road
Cedar Hills, UT 84062
(801) 785-9668 ext. 503



2017 Resident Coupon
Tracking S...dsheet.xlsx
14 KB



Employee Golf Benefit
Record.pdf
1.8 MB

[Above is screenshot for reader convenience only. Actual docs provided separately.]

Begin forwarded message:

From: Ken Cromar <kencromar5@gmail.com>
Subject: Re: [SPAM] Fwd: \$2,400 for GRAMA request on FREE golf?! RE: October 9, 2017 GRAMA Request
Date: October 26, 2017 at 9:17:36 AM MDT
To: Chandler Goodwin <CGoodwin@cedarhills.org>
Cc: Marilyn & Jerry Dearing <jwdearing@gmail.com>, Paul & Diane Sorensen <paulsorensen7@gmail.com>, Russ & Linda Fotheringham <Russ_Fotheringham@hotmail.com>, Sam Bushman <libertyroundtable@gmail.com>, Curtis & Wanda MacPherson <illusionproductions@gmail.com>

Good Morning Chandler,

Thanks for inviting me to the clubhouse to see the golf software and how it relates to CHCRG's public records GRAMA request and the City's claim of 80 hours to fulfill it. Shall we meet in the clubhouse lobby at 12 noon? Does that work for you?

Also, you might recall my mentioning Ms. Mulvey's email from 2 years prior which I had included in my **October 23, 2017 at 6:00:47 PM MDT** email, about the City's contradictions contained there when comparing Ms. Mulvey's estimate of 80 hours estimate (\$2,400? Is it \$30 / hour? She didn't say.). On August 26, 2015, Ms. Mulvey wrote:

"The city no longer maintains records you are requesting because of change in the golf course reservation software system that occurred in December of 2014. These records...have a retention of one year, however, all golf course reservation records before December 2014 are no longer available to us." (*see reconstructed email chain that includes her email below*)

Maybe you could come prepared to talk about this as it relates to our current GRAMA request too please?

Lastly, please find the misleading public chastisement PDF of "Ken Cromar" written by Jenney Rees (please confirm she is the author?) attached below. She wrote, "all records were irretrievable" and the "free rounds for city employees and officials... is now tracked on paper." Why not on the golf reservation software — is it that poor? Was she honest & accurate here throughout the rambling letter filled with nuances and parsing of words, — and does the City still stand by her 2015 statement? If so, then certainly at least the 3 years of handwritten free rounds she mentioned "tracked on paper" could be photocopied and handed to me at noon today, probably in less than 60 seconds — in a preliminary/partial fulfillment of our GRAMA request? That would demonstrate some good will on the part of the City to CH residents / voters, wouldn't you agree?

Chandler, I am encouraged by your outreach. I believe you are trying to be honorable. Refreshing! Thank you!

See you at noon today at the clubhouse?

Ken Cromar

Ken Cromar - researcher for
Cedar Hills Citizens for Responsible Government
former elected Cedar Hills Councilman
9870 N. Meadow Drive
Cedar Hills, UT 84062
801-785-5900

[NOTE: The following Oct 8, 2015 document is remains posted (see screenshot) without correction at <http://www.cedarhills.org/node/1717>]

The screenshot shows a web browser window with the URL www.cedarhills.org/node/1717. The page features a navigation menu with links for RESIDENTS, VISITORS, DEPARTMENTS, GOVERNMENT, and CONTACT. The main content area is titled "STATEMENT FROM THE CITY" and includes a sub-header "STATEMENT FROM THE CITY OF CEDAR HILLS". The text states: "The City is committed to making sure that residents receive accurate information about issues facing our city, so that we can better work together to make Cedar Hills a great place to live. This statement addresses some recent claims about inaccurate or incomplete information regarding city records." Below this text is a link to "Statement from the City of Cedar Hills". To the right, there is a section for "UPCOMING EVENTS" listing "Bingo" on February 27, 2018, "Planning Commission Meeting" on February 27, 2018, "Mommy & Me Music Makers" on February 28, 2018, and "Football Skills Camp Begins" on March 6, 2018. A "View More" link is provided. Below the events is a "CALENDARS" section with links for "City Calendar", "Events & Recreation Center Calendar", and "Park Calendar". The footer contains contact information: "10246 N Canyon Road, Cedar Hills, Utah 84062" and "Phone: 801-785-9668 • Fax: 801-796-3543".



STATEMENT FROM THE CITY OF CEDAR HILLS
October 8, 2015

Where inaccurate or incorrect information is publicly advanced, the City feels it is in the interest of the community to provide an accurate and correct summary. Recently, statements made on a public website present inaccurate or incomplete information regarding city records. The City wishes to address those statements.

The claim has been made that the city has destroyed golf-related records, that cost estimates given to retrieve records are arbitrary in an effort to discourage records requests, and that city officials refuse to provide golf course financials to residents of Cedar Hills. These claims are false.

There are instances where the city provides free golf. Residents are given free golf on their birthday, on resident appreciation day, and each household receives a gift certificate for one free round of golf each year. Military veterans may receive free golf on Veterans' Day. Employees and elected officials are eligible for free golf, but can only use this benefit when there is no paying customer scheduled for a tee time. This is considered a fringe benefit and the employee or elected official is taxed on the value of the benefit, as outlined by IRS regulations.

The original GRAMA request from Mr. Cromar asked for records of all free golf provided during 2014. The system that the city utilized in 2014 to track rounds of golf, called Par 9, did not provide the city with the capability of tracking rounds of free golf with the associated "for no charge" reason code. The system only allowed for staff to indicate that no money was received. However, this did not always mean that the rounds were free. For example, golfers are able to purchase a punch pass for 10 rounds of golf. When the punch pass is used, staff will mark off the round played on the pass but in the system it is marked as "no charge" for that date. The city also marks "no charge" for golf rounds that are offered in exchange for other services for which the city would normally pay, such as advertising, course improvements, and business development.

Because the system did not allow staff to track free golf from prepaid golf, staff estimated it would take 20 hours to review all records from 2014 to determine which rounds were truly free. This was communicated to Mr. Cromar, who later reduced his request to cover one week in August 2014. Staff reached out to Par 9 to obtain those records as the city had transitioned to a new software in December of 2014. It was at this time that the city learned Par 9 had been sold to another company and all records were irretrievable. The city notified Mr. Cromar of this in writing. Mr. Cromar was later provided records for all free golf rounds for city employees and officials that were given in 2015 as this information is now tracked on paper.

City staff and officials believe in transparency and obey all laws regarding records requests. At no time has staff tried to prevent or dissuade an individual from making a GRAMA request. Estimates are given on good faith and refunds are given if the cost to provide records was less than originally anticipated. There has never been an attempt to withhold information on free rounds of golf, but the limitations of the software used in 2014 to track golf rounds does present challenges to extracting the data. The city is now tracking on paper any free rounds of golf given to employees or City Council members, but the names and payment details of all other golfers is considered proprietary and is not be released.

Lastly, all residents may view the city financials, including those related to the golf course, at any time. These are posted on the city's website and are audited by an outside agency on an annual basis. Additionally, the Golf Course Finance Committee, which was created in 2013 and consists of employees, officials, and residents from throughout the city, has provided a presentation of the golf course financials and is currently working on an additional analysis that discusses legal, financial, and social aspects of the golf course. This will be posted to the city's website when it is complete.

Those wishing to view the audited financial statements may find them online at cedarhills.org/finance-documents/financial-statements. Additional questions may be directed to the city manager.

For additional information or for media inquiries please contact Jenney Rees at 801-358-8730 or via email at jrees@cedarhills.org.

Find us on Facebook at www.facebook.com/cedarhillsutah and on Twitter at [@CedarHills_Utah](https://twitter.com/CedarHills_Utah).



Cedar Hills | 10246 N. Canyon Road, Cedar Hills, UT 84062 | www.cedarhills.org

On Oct 24, 2017, at 2:25 PM, Chandler Goodwin <CGoodwin@cedarhills.org> wrote:

Okay, I will be available during lunchtime on Thursday. Let me know when you would like to sit down and I will schedule it.

From: Ken Cromar [<mailto:kencromar5@gmail.com>]

Sent: Tuesday, October 24, 2017 2:20 PM

To: Chandler Goodwin

Subject: Re: [SPAM] Fwd: \$2,400 for GRAMA request on FREE golf?! RE: October 9, 2017 GRAMA Request

Importance: Low

Oops! The spell-check looks to have erased the THURSDAY midday.
Sorry.

On Oct 24, 2017, at 2:18 PM, Chandler Goodwin <CGoodwin@cedarhills.org> wrote:

Ken,

I am away from the office tomorrow for a land use training. Is there a time on Thursday that works for you?

Chandler

From: Ken Cromar [<mailto:kencromar5@gmail.com>]

Sent: Tuesday, October 24, 2017 2:16 PM

To: Chandler Goodwin

Cc: Marilyn & Jerry Dearing; Paul & Diane Sorensen; Angela & Lars Johnson; Sam Bushman

Subject: [SPAM] Fwd: \$2,400 for GRAMA request on FREE golf?! RE: October 9, 2017 GRAMA Request

Importance: Low

Chandler,

Thank you most sincerely for your outreach phone call.

Sorry, I cannot accept your offer of meeting today (slammed). But I look forward to accepting your invitation to meet at the golf course to review the GRAMA fulfillment process within the clubhouse record keeping software. You said tomorrow doesn't work. I can break away for "lunch" to meet sometime midday. What in that window works for you please?

Thanks,

NOTE: The following is ADDED to complete the email chain communication AND provide Colleen Mulvey related letter from August 28, 2015 below — and mentioned above...

Begin forwarded message:

From: Ken Cromar <kencromar5@gmail.com>

Subject: \$2,400 for GRAMA request on FREE golf?! RE: October 9, 2017 GRAMA Request

Date: October 23, 2017 at 6:00:47 PM MDT

To: Colleen Mulvey <cmulvey@cedarhills.org>

Cc: Chandler Goodwin <cgoodwin@cedarhills.org>, Marilyn & Jerry Dearing <jwdearinger@gmail.com>, Paul & Diane Sorensen <paulsorensen7@gmail.com>, Russ & Linda Fotheringham <Russ_Fotheringham@hotmail.com>, Barbara Cromar <barbaracromar@gmail.com>, Sam Bushman <libertyroundtable@gmail.com>, Curtis & Wanda MacPherson <illusionproductions@gmail.com>, Angela & Lars Johnson <angelschef@yahoo.com>, Julie Sessions <jwsessions@biomerics.com>, Ron & Rhonda Millett <ronnrhonda@yahoo.com>, Michael & Cosette Stuy <michaelstuy@hotmail.com>

Ms. Mulvey,

While your email below is disappointing, it is NOT surprising.

Based on a clear pattern we've observed by the CH City Records Office, we have no reason to trust your calculations of 80 hours, or 2 full weeks to fulfill a small & simple GRAMA -- is provided in good faith. Indeed, assuming our GRAMA request is fulfilled accurately, it is interesting that your estimate "coincidentally" makes it too late for CH residents to know who has been golfing for FREE on the backs of the taxpayers — before the election is over. Convenient! Or, is this intentionally calculated Ms. Mulvey?

Your 80-hours cost calculation is also highly suspicious because of your own letter from 2 years ago, dated Aug 26, 2015 (attached below), responding to a similar GRAMA from CHCRG for Free golf public records. Therein YOU admit you have new golf course reservation software, and that you destroyed many of the golf course records. In other words, with new software you should be able to get whatever public records you have with a couple of keystroke word searches in 15 minutes — LESS time than it probably took to draft your email asking for approximately \$2,400 (your estimated 80 hrs x approximately \$30/hr previously) assuming you have even one year's worth of records.

That answer leads to a much bigger question, Ms. Mulvey:

WHY destroy any electronic golf course records — which take virtually no storage space anyway — assuming the City is obeying the State Code in preserving records already? Does Mayor Gygi, incumbent candidates Jenney Rees and Denise Anderson and

the Council have something to hide? No extra storage drive purchases required! Who and when were the "golf course reservation record" retention (preservation) policy changed? And who instructed you to destroy golf records? How can the City Council / City Manager be accountable for the extremely expensive "valuable" golf course asset if potential revenues are given away if golf records have been destroyed?

Your email appears to me to document brilliantly timed utter incompetence on the part of you and/or City Staff, — and/or political collusion within the City offices. If so, this appears specifically designed to thwart "open, honest and transparent" government, by facilitating and enabling apparent theft of golf revenue via free golf for a small elite special interest group and their secret friends — at the expense of Cedar Hills taxpayers.

Ms. Mulvey, can you offer better analysis or explanation of your "80 hour estimate" (about \$2,400) response please?

Most Sincerely,

Ken Cromar

Ken Cromar - researcher for
Cedar Hills Citizens for Responsible Government
former elected Cedar Hills Councilman
9870 N. Meadow Drive
Cedar Hills, UT 84062
801-785-5900

[more ...]



August 26, 2015

Ken Cromar
9870 N Meadow Drive
Cedar Hills, UT 84062

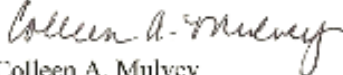
Re: *August 12, 2015 GRAMA Request*

Mr. Cromar;

My office received your request for records on August 12, 2015, the request asks for records of all free rounds of golf played at the Cedar Hills Golf Course during the week of August 11 – 17, 2014. The city no longer maintains the records you are requesting because of a change in the golf course reservation software system that occurred in December of 2014. These records are classified as *Reservation Records* and have a retention date of one year; however, all golf course reservation records before December 2014 are no longer available to us.

If you have any questions, please feel free to contact me at your earliest convenience.

Regards,


Colleen A. Mulvey
City Recorder

Begin forwarded message:

From: Colleen Mulvey <cmulvey@cedarhills.org>

Subject: October 9, 2017 GRAMA Request

Date: October 20, 2017 at 12:39:41 PM MDT

To: "kencromar@bluemoonprod.com" <kencromar@bluemoonprod.com>

Ken,

Please see the attached letter regarding your October 9, 2017 GRAMA request for records.

This letter has also been mailed to you via the Post Office.

If are unable to open the attachments please let me know.

Thank you.

Colleen A. Mulvey, MMC

City Recorder

City of Cedar Hills

10246 N Canyon Road

Cedar Hills, UT 84062

(801) 785-9668 ext. 503





CITY OF CEDAR HILLS GRAMA REQUEST FOR RECORDS

NAME: Ken Cromar - Researcher for Cedar Hills Citizens for Responsible Government
ADDRESS: 9870 N. Meadow Drive CITY, STATE, ZIP: Cedar Hills, UT 84062
DAYTIME PHONE: 801-785-5900 or 801-400-5900 E-MAIL: KenCromar@BlueMoonProd.com
DESCRIPTION OF RECORD SOUGHT: _____

Please provide all public records regarding all individuals or groups who have golfed

for FREE at the Cedar Hills owned golf course over the past three years

from today Oct 9, 2017.

I would like to inspect the records.

_____ I would like to receive copies of the record. I understand that I will be responsible for the costs to provide the records. I authorize the cost up to \$_____. I further understand that I will be contacted if the estimated costs are greater than the amount I have specified, and that the City will not respond to a request for copies for which I have not authorized adequate costs.

_____ I am the subject of the record.

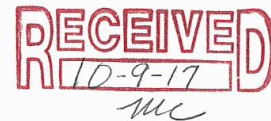
_____ I am the person who provided the information.

_____ I am authorized to have access by the subject of the record or by the person who submitted the information. (Provide authorization.)

NOTE: Copies of the information being requested will be provided as soon as reasonably possible, but no later than ten (10) business days after receiving this written request.

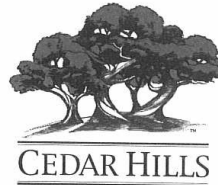
NOTE: The request may be delayed if all the information is not provided.

by: P. Kuntz Oct. 9, 2017
Signature



CITY USE ONLY		
Date Requested: <u>Oct 9, 2017</u>	Date Due: _____	Date Completed: _____
Fees Due: \$ _____	Hours: _____	Copies: _____ Postage: _____ Supplies: _____
Copies: \$.25 per 8.5x11 page; \$.50 per 11x17 page		
Rate for compiling, formatting, summarizing, etc., is based on the hourly rate of the person who can fill the request.		
Information Provided: _____		

Revised 3/27/12



October 20, 2017

Ken Cromar
9870 N Meadow Drive
Cedar Hills, UT 84062

Re: *Response to GRAMA Request dated October 9, 2017*

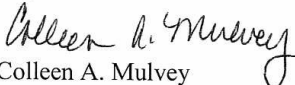
Mr. Cromar;

My office received your request for records on October 9, 2017, this request asks for all public records regarding all individuals or groups who have golfed for free at the Cedar Hills owned golf course over the past three years. The City of Cedar Hills is very willing to comply with your request, and will do so within the guidelines and requirements of the Government Records Access Management Act found in Title 63G, Chapter 2 of the Utah Code (the "Act"). The records that you are requesting are not maintained in one simple format so the information requires the time of staff members to gather, sort, and compile.

Before these records can be provided to you, they must be gathered, sorted and compiled, and the Act provides that you, as the requestor, should shoulder the cost of gathering, sorting, and compiling the requested records and that where the estimated cost exceeds \$50, that you must pay the estimated cost before the city begins to process your request (See Utah Code Section 63G-2-203). The city estimates that gathering, sorting or compiling the requested records will take approximately 80 hours which will result in fees exceeding \$50. If you wish to proceed with this request please inform the city and we will provide you with an estimated cost for this process.

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. The city's current chief administrative officer is Chandler Goodwin, the City Manager/Planner. 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.

Regards,


Colleen A. Mulvey
City Recorder

*** END ***