

David L. Alvord, *Mayor*
Mark Seethaler, *Council Member*
Chuck Newton, *Council Member*
Donald J. Shelton, *Council Member*
Steve Barnes, *Council Member*
Christopher J. Rogers, *Council Member*



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

August 4, 2014

Ms. Julie Holbrook

VIA U.S. MAIL

[REDACTED]
South Jordan, UT 84095
Daytime Phone – 801-787-9673

RE: APPEAL OF RECORDS REQUEST DENIAL FOR A DRAFT REPORT OF MULLIGANS FINANCES.

Dear Ms. Holbrook:

I am in receipt of your email sent Saturday July 26, 2014 appealing the “denial of records request of 3, July 2014”. Your appeal was received by the South Jordan City Recorder on Monday July 28, 2014. I have reviewed your request, the records which have been requested, and the City’s response to your request for the “[d]raft report from City Council mtg of 2 July CC: audit of Mulligans” (“Draft Report”). Based on my review, I find that the City’s decision that the Draft Report is not public, correct and therefore I agree with the previous decision not to provide the Draft Report.

The information provided to me in your appeal and the City’s documentation indicates that you made two requests. The first was for the engagement letter with the independent consultant and Draft Report. The second was for invoices and payments made for a Forest City study from 2012-2014. The City provided records of invoices and payments but determined that pursuant to the Governmental Records Access Management Act (G.R.A.M.A.) the engagement letter and Draft report were not records and therefore did not provide them. After a discussion with you I decided to release the engagement letter to you but declined to release the Draft Report.

The basis of my decision is that the Draft Report is a draft as named by the consultant, considered by the City and identified by you. Further, G.R.A.M.A. clearly defines a record and states that a temporary draft is not a record. U.C.A. § 63G-2-103(22)(b)(ii). Further, even if the draft were determined to be a record, it is protected and not subject to disclosure unless otherwise classified as public. U.C.A. §63G-2-305 (22). As the City Council decided not to continue with the consultant’s services to finish the Draft Report, and never made the Draft Report public, the City’s decision not to release the report was correct.

You have the right to appeal this denial to the State Records Committee or District Court within 30 days pursuant to UCA 63G-2-402.

Should you have any questions or wish to discuss this matter please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary L. Whatcott", with a long horizontal flourish extending to the right.

Gary L. Whatcott
City Manager

cc: I. Robert Wall, City Attorney
Anna M. West, City Recorder