

**State Records Committee
346 South Rio Grande St.
Salt Lake City UT 84101**

Date of Hearing: August 13, 2020

To the State Records Committee:

I appreciate the opportunity to appeal to your State Records Committee, along with the Wasatch Taxpayers Association (WTPA), the decision by the Wasatch School District's (WSD) to deny us a key document in helping the citizens of Wasatch County determine if the land the WSD already purchased for \$6 million, for a new high school, will negatively impact the taxpayers if allowed to go forward with construction. This document may show the amount of wetlands found on the property, and therefore could determine the costs required in perpetuity to mitigate these wetlands with the Army Corps of Engineers. Our November 2019 \$150 MIL bond election failed, mostly due to the voter's concerns of this parcel of land and the costs associated with it.

Chronological Order of WTPA's GRAMA requests to Wasatch School District

- **January 8, 2020-** First GRAMA request for all Engineer Reports and Invoices pertaining to the site of proposed new high school. Bio -West Engineer Invoice and report were not included in the 13 invoices released by Wasatch School District. We were made aware, after posting this info on our website, that the Bio-West Engineer report was omitted from the list released.
- **February 13, 2020- GRAMA BEING APPEALED-** Second GRAMA request asked specifically for the Bio-West invoice and report. The Wasatch School District gave WTPA the invoice of **\$5777.64** dated May 31, 2019, but refused to release the actual report (Wetlands Delineation Field Study).
- **February 28, 2020-** Delineation Report denied by Wasatch School District
- **March 27, 2020-** WTPA appealed to Wasatch School District.
- **April 10, 2020-** Final denial by Superintendent Paul Sweat, Wasatch School District.

Bio-West Engineers entered into a contract with Wasatch School District on 5-16-2019 and did a wetlands delineation report sometime in May- June 2019, and was GRAMA requested by us. The Wasatch School District denied its release, claiming that it was a draft and not a formal document.

It must be noted that our original GRAMA request of 1-8-2020 for all invoices and reports by all engineers, did not include either the Bio-West invoice nor the wetlands delineation report. We then GRAMA requested it by name on 2-13-2020, and were given the invoice but the report was denied with this explanation:

- ***Invoice and all reports or drafts done by Bio-West Engineers.*** The invoice for Bio-West is attached. The draft done by Bio-West Engineers is expressly excluded by Utah Code Sec. 63G-2-305(22).

March 27, 2020- Our response to Wasatch School District's denial

I'm sorry to have to take up your time dealing with this, when there are many other things the school district is dealing with right now, but we need to appeal your denial of our GRAMA request dated February 13, 2020.

Your denial of the Bio-West wetlands delineation map is being appealed.

-You stated your reason for denial is Utah Code Sec. 63G-2-305(22), which says it is a draft. We disagree, and consider this document as a stand-alone document and NOT a draft.

-Also, this supposed protected record is also subject to this code:

63G-2-306. Procedure to determine classification.

- (1) If more than one provision of this chapter could govern the classification of a record, the governmental entity shall classify the record **by considering the nature of the interests intended to be protected** and the specificity of the competing provisions.
- (2) **Nothing** in Subsection [63G-2-302\(2\)](#), Section [63G-2-304](#), or [63G-2-305](#) **requires a governmental entity to classify a record as private, controlled, or protected.**

There is NO requirement for you to protect this record, if you think the greater public good would be served by releasing it.

We believe there is a strong benefit to the community to release that document because it would help the taxpayers of Wasatch County understand their possible future, annual and in perpetuity, wetlands mitigation costs to develop the North Fields land the school district wishes to put a new high school complex on. The wetlands delineation map information directly affects the financial stability of citizens of Wasatch County.

We disagree with the Wasatch School District's reasoning that this document is only a draft. We show in the attached Bio-West contract dated 5-16-2019, that this report was a necessary component of the contract:

In Section 2, Item 1- it references the correct item as the "Wetland Delineation and Threatened and Endangered Species Field Study". The Wasatch School District, and taxpayers, paid Bio-West Engineers for this report. Also, another engineer was hired afterwards to conduct the exact same studies later in the Summer. We GRAMA requested this contract, but the formal cancellation of this contract was not included.

We also referenced the weighting provision argument for its release, and explained how this document may shed light on the possible costs to mitigate these wetlands in perpetuity. This will directly affect the financial stability of Wasatch County residents and taxpayers.

We ask for this document to be released to the Wasatch Taxpayers Association.

We have always posted any public documents we receive to our website:

WasatchTaxpayersAssociation.com

Thank you for your time,

Tracy Taylor

Wasatch Taxpayers Association