

GRAMA Notice of Appeal to Chief Administrative Officer

used to appeal a denial to the chief administrative officer of any governmental entity

Note: Utah Code § 63G-2-401(1) provides that a requester or interested party who is aggrieved by a governmental entity's access determination may appeal the determination within 30 days by filing a notice of appeal to the entity's chief administrative officer.

Requester or interested party information:

Name: Tracy Taylor, Wasatch Taxpayers Association

Date: 08-May-2023

Address: 451 N 1300 E

City: Heber

State: UT

ZIP code: 84032

Daytime phone number: (435) 503-1121

Email address: tracy@etracytaylor.com

Appeal to:

Government agency or office: Heber City

Chief Administrative officer's name (if known): Matt Brower?

Address: 75 N Main

City: Heber

State: Utah

ZIP code: 84032

Phone number: (435) 654-0757

Email address: mbrower@heberut.gov

Explanation of relief sought:

Note: Relief can relate to denial of access to records (Utah Code § 63G-2-401(1)) as well as unreasonable denial of request for a fee waiver (Utah Code § 63G-2-203(6)) or extraordinary circumstances (Utah Code § 63G-2-401(1)(b)).

To what type of denial does this appeal relate?

- Denial of access to records
- Denial of a request for a fee waiver
- Contest of claim of extraordinary circumstances

Note: A chief administrative officer can apply the weighing provision, which means that he or she can order disclosure of records that were properly restricted if he or she determines that, in a specific instance, the interests favoring access are greater than or equal to the interests favoring restriction, Utah Code § (63G-2-401(6)). For this reason, a requester's convincing argument will be helpful.

From your response: Below is additional information Heber City is able to provide with regard to your request.

1. Documentation, and all correspondence from/to the FAA- Our appeal: you said up to 10 days, it's been 18 days. A./B. Cost/benefit analysis was presented in the City Council meeting on January 17, 2023. Item 1 and October 18, 2022 Item 2 – both available on Heberut.gov under Agendas and Minutes page.

Our appeal: The documents we requested are NOT contained in these meeting minutes. The B2 budget is there, but NOT the C2 budget, let alone an analysis of B2 vs C2 as requested.

C. The litigation from the October 18, 2022, City Council meeting is currently ongoing and is private and protected.

Our appeal: We are invoking the weighing provision, which we believe applies here, considering this is a lease agreement with a vendor for 50 years, and it will financially affect Heber City taxpayers for decades. Also, we understand that the FAA grant assurances requires the same terms of this agreement to be offered to any other vendor in the future with no discrimination. Heber citizens deserve the right to see if this is attainable prior to execution.

Details and inclusions for notice of appeal:

Note: Utah Code § 63G-2-401(3) provides that the requester or interested party may include a statement of facts, reasons, and legal authority in support of an appeal.

What inclusions accompany this appeal?

- ✓ Statement of facts, reasons, and legal authority in support of appeal
- ✓ Copy of original records request
- ✓ Copy of denial from the governmental entity's records officer

Note: Utah Code § 63G-2-204(9) provides that failure to respond is equivalent to a denial.

Is this appeal based on a records officer's failure to respond? yes no

Note: Utah Code § 63G-2-401(4) provides separate time lines for requests involving confidentiality claims.

Does this appeal involve a confidentiality claim? yes no unknown.

Request assistance

A petitioner may request assistance from the government records ombudsman. The ombudsman serves as a resource for a person who is filing an appeal relating to a records request. The ombudsman may also attempt to mediate disputes between requesters and responders (Utah Code § 63A-12-111(2)).

Rosemary Cundiff
Government Records Ombudsman
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