

SENT VIA E-MAIL

October 13, 2022

Shawn Herring
sherring@regiondesignllc.com

Re: GRAMA Request/Appeal to State Records Committee

Dear Mr. Herring:

I write to supplement Vineyard City's May 12, 2022 decision on your January 28, 2022 GRAMA request, which you have since appealed to the State Records Committee.

You will recall that you and Vineyard City Recorder Pam Spencer worked together to establish the criteria and parameters for the City's search for records responsive to your request. The date range you agreed upon was 2017 to the date of the GRAMA request.

Last week, Vineyard City learned that former City Manager Jake McHargue ("McHargue") sent an e-mail to former Acting City Manager George Reid ("Reid") on February 3, 2022, with screenshots of text messages sent between McHargue and Mayor Julie Fullmer in September 2020. In the messages, McHargue and Mayor Fullmer exchange edits to draft of the letter that was sent to the United States Environmental Protection Agency during the same month ("EPA Letter"). You received a copy of the EPA Letter with the City's initial response to your GRAMA request.

It appears the text messages didn't turn up in the City's search for two reasons: (1) the subject of the e-mail from McHargue to Reid was "WIFIA" and WIFIA was not one of the agreed-upon search terms; and (2) Jake forwarded screenshots of the text exchange to George Reid on February 3, 2022, which date was beyond the date range searched by the City (the City searched up to the date of the GRAMA request, which was January 28, 2022).

Because the text messages between McHargue and Mayor Fullmer were about the subject of your request and were sent within the date range of our agreed-upon search, the City must supplement its initial response with the following information: City Recorder Pam Spencer reviewed the screenshots sent by McHargue. Because the sole content of the record are edits to a draft of the EPA Letter, she has classified the record as PROTECTED pursuant to Utah Code Ann. § 63G-2-305(22). I uphold her decision to do so.

Unless you wish to withdraw your appeal to the State Records Committee ("SRC"), the City will plan on addressing this issue before the SRC in November, as the SRC has previously scheduled.

Sincerely,



Ezra Nair
City Manager

Cc: Rosemary Cundiff, State Records Ombudswoman