

Mark Christopher Tracy
dba Emigration Canyon Home Owners Association
1160 E. Buchnell Dr.
Sandy, Utah 84094
Telephone: (929) 208-6010
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Pro Se Respondent

IN THE THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

EMIGRATION IMPROVEMENT DISTRICT,

Petitioner,

vs.

UTAH STATE RECORDS COMMITTEE, and
MARK CHRISTOPHER TRACY d/b/a
Emigration Canyon Home Owners Association

Respondents.

**MEMORANDUM OPPOSING
MOTION FOR SUMMARY
JUDGMENT**

Case No.: 210905044

Judge: Laura Scott

Pursuant to Utah R. Civ. P. 7(d) Respondent Mark Christopher Tracy (“Mr. Tracy”) d/b/a Emigration Canyon Home Owners Association (“The ECHO-Association”) hereby submits the following *Memorandum Opposing Motion for Summary Judgment* filed by Petitioner Emigration Improvement District (“EID”) through Utah Attorney Jeremy R. Cook¹ of the Salt Lake City law firm Cohne Kinghorn P.C. (“Utah Attorney Cook”) stating as follows.

¹ As Utah Attorney Cook failed to certify service of the *Motion for Summary Judgment* on the legal representative of the Utah State Records Committee as a necessary party to the proceedings per Utah R. Civ. P. 5(a)(1)(E) in connection with subsection (d), the Court should strike the motion in its entirety. See *Motion for Summary Judgment* at page 10.

I. CONCISE STATEMENT OF PREFERRED DISPOSITION AND GROUNDS

The present litigation concerns the willful refusal of a Utah special district to comply with an order of the Utah State Records Committee (“SRC”) to produce fire flow test results of public drinking water system UTAH18143 owned by EID and operated by the private Utah corporations Simplify Company (“Simplifi”) and Aqua Environmental Services (“AES”) under the Utah Government Records and Management Act (“GRAMA”).

EID through Utah Attorney Cook argues that, as a matter of law, a governmental entity may thwart a constitutional right to access public records² due to the fact that Mr. Tracy violated a ruling of the Utah Third District Court issued on April 15, 2021 and served on Mr. Tracy on June 10, 2021,³ (“Amended Judgement”), which purportedly prohibited Mr. Tracy from transmitting a lawful GRAMA request to the designated public records office of a governmental entity via email on February 11, 2020.^{4, 5, 6}

This Court should deny the motion for summary judgement for the following reasons: (i) the Amended Judgment was executed by the court and served on Mr. Tracy after transmission of the request for government records germane to the present litigation, (ii) a Utah court and governmental entity is devoid of statutory basis or legal authority to prohibit transmission of a lawful request for government documents to the designated public records office of a governmental

² Utah Code Ann. § 63G-2-102(1)(a).

³ See *Tracy v. Hon. Kouris*, Case No. 20210743-SC, Writ of Certiorari denied, December 8, 2021 (Utah).

⁴ *Motion for Summary Judgment* at Exhibit A.

⁵ *Motion for Summary Judgment* at page 9.

⁶ Mr. Tracy’s GRAMA request for fire flow test results was transmitted to Jennifer and Eric Hawkes and all publicly elected EID Trustees via email correspondence on February 11, 2021, consistent with both the decision and order of the Utah State Records Committee issued that same day, and the subsequent ruling of the Utah Court of Appeals issued on September 15, 2021.

entity, and lastly, (iii) the Utah Court of Appeals has expressly affirmed that the certified public records office and the sole shareholders of a private Utah corporation in sole physical custody of governmental records must be both identified in the GRAMA request form and served a copy of that request in order for a Utah court to determine if subsequent legal action for willful violation of GRAMA provisions⁷ is permitted. *See Tracy v. Simplifi Company et. al.* Case No. 20200705-CA, (Ut. Ct. App.), attached as **Exhibit A**.

Moreover, as EID retains no public records, and the requested government documents are in the sole physical custody of the designated “EID General Manager” and “EID Operations Manager,” pursuant to Utah R. Civ. P 19(a)(1) the Court should order the appearance of Simplifi and AES as necessary parties to these proceedings respectively.

II. STATEMENT OF FACTS

1. The ECHO-Association owns senior perfected surface water right 57-8947 (a16183) located in Emigration Canyon and is currently registered as a “dba entity” of Mark Christopher Tracy with the Utah Department of Commerce under entity no. 10847808-0151.
2. Sometime in August 1998, EID assumed legal title and financial liability of water system UTAH18143 from The Boyer Company LC and City Development Inc., through politically influential private land developers Kem Gardner and Walter J. Plumb III.
3. On September 26, 2014, Mr. Tracy commenced legal action under the federal False Claims Act (“FCA Litigation”) against EID trustees, managers, Eric Hawkes and the aforementioned private land-developers including the former CEO of Energy Solutions and EID Advisory

⁷ *See e.g.* Utah Code Ann. § 63G-2-801(3)(a).

Committee Chairman R. Steve Creamer (“EID Chairman Creamer”) in what has alleged to be to longest and most lucrative water grabs in the history of the State of Utah.⁸

4. EID has no employees, no office, no business premises, and operates entirely through “independent contractors” such as Simplifi, AES and Utah Attorney Cook.
5. Devoid of a physical presence, EID retains no government records per Utah Code Ann. § 63G-2-204(1)(a).
6. Sometime in 2013, EID awarded Emigration Canyon Deputy Major Jennifer Hawkes and her spouse Eric Hawkes through Simplifi a no-bid contract to operate water system UTAH18143 with Mr. Hawkes assuming title as EID General Manager, EID Financial Manager, EID Election Specialist, and the EID Certified Public Records Officer registered with the Utah Ombudsman.
7. In the calendar year 2020, EID through Eric Hawkes transferred **\$162,343.42** of public funds to himself and Jennifer Hawkes through Simplifi – a salary exceeding both the Utah State Governor and Salt Lake City Mayor. *See* true and correct copy of the Utah Transparency website, administered by the Utah State government at <https://transparent.utah.gov/>, last accessed on March 24, 2022, attached as **Exhibit B**.
8. AES is identified as the “EID Water System Operator” and is the only entity allowed to conduct fire flow tests required for the issuance of water letters by EID through Simplifi for new building permits in Emigration Canyon.

⁸ *United States ex rel. Tracy v. Emigration Improvement District et al.*, Case Nos.: 0:17-cv-04062, 717 F. App’x 778 (10th Cir. 2017); 0:18-cv-04109, 804 Fed.Appx. 905 (10th Cir. 2020); 0:19-cv-04021, 804 Fed.Appx. 905 (10th Cir. 2020); 0:19-cv-04022, 804 Fed.Appx. 905 (10th Cir. 2020); 0-21-cv-04059 and 0-21-cv-4143, Briefing Order, March 10, 2022 (10th Cir.).

9. EID’s “physical location” is registered with Utah State Lt. Governor’s office at the private residence of Jennifer and Eric Hawkes.
10. Utah Attorney Cook expressly confirmed the legal status of Simplifi, Jennifer Hawkes and Eric Hawkes as the “EID Public Records Office.”⁹ See email correspondence of Utah Attorney Cook dated February 24, 2021, attached as **Exhibit C**.
11. The Emigration Oaks Private Urban Development located in EID’s service area has been identified as an area prone to wild-fire fatalities.¹⁰
12. On October 18, 2013, EID Chairman Creamer prevented EID from installing 8-inch water lines connecting the Upper Freeze Creek Well to the EID water distribution system thereby effectively reducing fire flow protection of all properties not owned by EID Chairman Creamer. See excerpt of EID trustee meeting minutes attached as **Exhibit D**.
13. In September 2020, Mr. Tracy submitted a GRAMA request for fire flow test results to Mr. Hawkes as the certified public records officer and EID public records office leading to proceedings before the Utah State Records Committee (“SRC”).
14. The requested public records are directly related to pending state and federal litigation against Utah Attorney Cook as the current legal representative of both EID and Simplifi.¹¹

⁹ During proceedings before Judge Kouris, Utah Attorney Cook had argued that Jennifer Hawkes “has nothing to do with EID” despite her position as a shareholder of Simplifi. See Motion to Vacate Decision and Order in *Tracy v. Simplifi et. al*, Case No. 20220219-SC, filing confirmation, February 28, 2022 (Utah).

¹⁰ Thomas J. Cova, Justin P. Johnson “Microsimulation of neighborhood evacuations in the urban wildland interface” in Environment and Planning, volume 2211-29 (2002), available at the website administered by the ECHO-Association at https://echo-association.com/?page_id=7603 last edited on March 24, 2022 at 11:07 AM.

¹¹ Although an “independent EID contractor” Utah Attorney Cook and Cohne Kinghorn P.C. assumed legal representation of Eric Hawkes for the FCA litigation at public expense.

15. On February 11, 2021, the SRC ruled that because two of the three GRAMA request forms submitted to Eric Hawkes had identified only “Simplifi Company” and not “Emigration Improvement District c/o Simplifi Company” it denied two of the three appeals.¹²
16. Mr. Tracy presented Eric Hawks a revised GRAMA request for fire flow test results the same day with the designation “Emigration Improvement District c/o Simplifi Company” consistent with the ruling of the SRC. *See* GRAMA request dated February 11, 2021, attached as **Exhibit E**.
17. On April 7, 2021, during the Utah Supreme Court’s review of the district court’s dismissal of Mr. Tracy petition for de novo judicial review following receipt of a duplicitous data file from Eric Hawkes believed to conceal groundwater mining of Emigration Canyon’s Twin Creek Aquifer by Simplifi and AES, Utah Third District Court Judge Mark S. Kouris issued an amended judgement finding Mr. Tracy to be a “vexatious litigant” for having requested government records from the designated public records office of a governmental entity.^{13, 14}
18. On August 23, 2021, the SRC granted Mr. Tracy’s appeal and ordered EID to produce fire flow test results within 30 days.
19. On September 14, 2021, the Utah State Court of Appeals ruled that a request for governmental records must identify the public records office and controlling shareholders

¹² According to the SRC, the third GRAMA request was titled accordingly and Mr. Tracy’s appeal was affirmed.

¹³ *See* Motion for Summary Judgement at Exhibit A.

¹⁴ As neither the district court nor Utah Attorney Cook served Mr. Tracy a copy of the Amended Judgment, and Judge Kouris withheld Mr. Tracy’s notice of appeal dated June 10, 2021, from the court docket until September 3, 2021 (*see Tracy v. Hon. Kouris*. 20210891-SC, Writ of Cert. denied, December 8, 2021 (Utah)), Mr. Tracy must submit an revised notice of appeal of the Amended Judgement prior to April 15, 2022, pursuant to Utah R. App. P. 4(g)(2).

and must be served on the same before the appellate court can determine if the same are exempt from GRAMA provisions.

III. ARGUMENT

A. Motion for Summary Judgment Standard.

Pursuant Utah R. Civ. P. 56(a) the trial court “shall grant summary judgment if the moving party shows that there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law.”

The “purpose of summary judgment is to eliminate the time, trouble, and expense of trial when it is clear as a matter of law that the party ruled against is not entitled to prevail.” *Amjacs Interwest, Inc. v. Design Assoc.*, 635 P.2d 53, 54 (Utah 1981). For instance, summary judgment is appropriate against a party who “fails to set forth facts sufficient to establish the existence of an element essential to that party’s case.” *Christiansen v. Union Pacific R.R. Co.*, 2006 UT App 180, ¶ 6, 136 P.3d 1266 (internal quotations and citations omitted).

In the instant action, EID must demonstrate that, as a matter of law, it may disregard an order of the SRC to disclose fire flow test results of public drinking water system or, in the alternative that the district court had jurisdiction to order that a GRAMA request may not be transmitted to the designated public records office at a prior date.

Pursuant to Utah Code Ann. §63G-2-204(6)(a), this court will review the SRC decision de novo.

B. A Utah Court and Governmental Entity Must Have a Statutory Basis to Deny a Constitutional Right to Access to Public Records.

The present motion for summary disposition merits little discussion.

EID through Utah Attorney Cook has failed to identify any statute or legal authority that a Utah court or a governmental entity has authority to deny disclosure of government records because a copy of the GRAMA request form was transmitted at an earlier date to the designated public records office of a governmental entity as mandated under Utah Code Ann. 63G-2-204(1)(a).

Moreover, the Utah Court of Appeals has expressly ruled that it maintains subject matter jurisdiction over private corporations and controlling shareholder in sole possession of public records.¹⁵ However, the court ruled that a GRAMA request form must both identify the public records office and be served on the controlling shareholders in sole possession of public records before the court may determine if injunctive relief for willful violations of GRAMA provisions is warranted.¹⁶

C. Simplifi and AES are Necessary Parties to the Present Action.

Under Utah R. Civ. P. 19(1) the court shall join a party if in his absence complete relief cannot be accorded among those already parties.

As noted above, EID retains no public records, and no entity other than Simplifi and AES maintains physical custody of the public documents related to the operation of water system UTAH18143.

Moreover, as Simplifi is funded entirely with public funds per Utah Code 63G-2-103(b)(i) to carry out the public's business and will not deprive the court of subject matter jurisdiction it should be ordered by the Court to enter appearance in the present proceedings.

¹⁵ Exhibit A at footnote no. 4.

¹⁶ *Id.* at page 4.

IV. CONCLUSION

For the foregoing reasons, Mr. Tracy requests that the Court strike or in the alternative deny EID's Motion for Summary Judgment in its entirety. The Court should further order Simplifi and AES to appear for further proceedings per Utah R. Civ. P. 19(a)(1).

DATED this 24th day of March 2022.

**MARK CHRISTOPHER TRACY DBA
EMIGRATION CANYON HOME OWNERS
ASSOCIATION**

/s/ Mark Christopher Tracy
Mark Christopher Tracy
Pro Se Respondent

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March 2022, a true and correct copy of the foregoing **MEMORANDUM OPPOSING MOTIONS FOR SUMMARY JUDGMENT** was served via email to the following:

Jeremy R. Cook
jcook@ck.law
COHNE KINGHORN, P.C.
111 E. Broadway, Suite 1100
Salt Lake City, Utah 84111
Attorney for Petitioner Emigration Improvement District

Paul H. Tonks
phtonks@agutah.gov
Assistant Attorney General
Utah Office of Attorney General
4315 S. 2700 W. 3rd Floor
Salt Lake City, Utah 84129
Attorney for Respondent Utah State Records Committee

/s/ Mark Christopher Tracy

EXHIBIT A

SEP 14 2021

IN THE UTAH COURT OF APPEALS

<p>MARK CHRISTOPHER TRACY, Appellant, <i>v.</i> SIMPLIFI COMPANY, JENNIFER HAWKES, AND ERIC HAWKES, Appellees.</p>	<p>ORDER Case No. 20200705-CA</p>
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Before Judges Christiansen Forster, Harris, and Hagen.

Mark Christopher Tracy filed a petition for review in the district court complaining that Simplifi Company, Jennifer Hawkes, and Eric Hawkes (collectively, Respondents) had violated Utah's Government Records Access and Management Act (GRAMA), and asking the court for an injunction and other relief. Respondents filed a motion asking the district court to dismiss Tracy's petition. The court granted that motion, and Tracy now appeals. We affirm the district court's determination, and we do so in this unpublished order. Our rules of appellate procedure empower us to decide any case in an expedited manner, without issuing a published opinion; we elect to do so here, determining on our own motion that this matter is appropriate for such disposition. *See* Utah R. App. P. 31(a) ("The court may dispose of any qualified case under this rule upon its own motion before or after oral argument."); *id.* R. 31(b)(1), (5).

Emigration Improvement District (the District) is a governmental entity created by Salt Lake County that is authorized to provide water and sewer services to houses located in Emigration Canyon. Eric Hawkes is the District's representative and its designated records officer. Simplifi is a private company contracted to operate and maintain the public water system owned by the District. Eric and Jennifer Hawkes are directors of Simplifi.

On July 2, 2020, Tracy submitted a GRAMA request via email to the District. On its face, the request was made to "Emigration Improvement District," and was not directed to any of the Respondents. The request was delivered to Eric Hawkes, at his official District email address (eric@ecid.org), apparently in his capacity as the District's designated records officer. The request was not sent to any email associated with Simplifi or Jennifer Hawkes. In the request, Tracy sought "[a]ll laboratory test results

(‘chemical analysis’) for the presence of lead contamination in public drinking water system No. ‘18143’ (Emigration Improvement District) for the past ten (10) years.” Tracy also asked for an expedited response to the request.

On July 9, 2020, Eric Hawkes, on behalf of the District, responded by email to Tracy’s GRAMA request, stating as follows:

The District received your GRAMA request regarding the Lead Testing for the past 10 years. Your request for an expedited response has been denied. We are looking at the costs associated with providing this information to you and will get back with you as soon as possible.

Tracy considered this response a complete denial of his GRAMA request—a position apparently not shared by the District, who viewed the July 9 email as a denial only of the request for expedited treatment—and subsequently appealed the denial to the District’s chief administrative officer.

On July 27, 2020, Eric Hawkes, on behalf of the District, sent another email to Tracy, this time stating as follows:

I have attached a copy of the results of the latest lead & copper testing. I believe you have already received the previous testing results from [the Utah Division of Drinking Water] as per your [separate] GRAMA request. Thank you for your patience as we have been processing these results and working with [the Utah Division of Drinking Water]. The District has sent the homeowners a copy of their results and sent a public notice to water users on the copper results. Please let me know if you have any questions.

About two weeks later, Tracy filed a petition for judicial review of the allegedly denied GRAMA request and requested an injunction along with an award of attorney fees. *See* Utah Code Ann. §§ 63G-2-404, -802 (LexisNexis 2019) (establishing the procedure for seeking judicial review of a denied GRAMA request, and authorizing a district court to enjoin a governmental entity and award attorney fees under GRAMA when appropriate). Importantly, Tracy’s petition did not name the District as a respondent from whom relief was sought; instead, the petition named Respondents as the parties from whom relief was sought. In the petition, however, Tracy clearly identified the GRAMA request at issue as the one he submitted to the District on July 2, 2020. Indeed, a copy of that GRAMA request was attached to the petition, and (as noted

above) that GRAMA request was directed only to the District, and not to any of the Respondents.¹

Instead of answering the petition, Respondents filed a motion, pursuant to Utah Rule of Civil Procedure 12(b)(6), asking the court to dismiss Tracy's petition. In the motion, Respondents asserted that Tracy had failed to state a claim upon which relief could be granted because there was "no basis for [Tracy] to sue Simplifi, Mr. Hawkes, and Mrs. Hawkes based on a claim that the Emigration Improvement District ('the District') did not respond to a GRAMA request." The district court ultimately granted Respondents' motion to dismiss, concluding among other things that Respondents were not proper parties to the action and Tracy was entitled to no relief against them.

Tracy now appeals. "A ruling on a motion to dismiss presents a legal question that we review for correctness, affording no deference to the district court's decision." *Turner v. Staker & Parson Cos.*, 2012 UT 30, ¶ 7, 284 P.3d 600. "A motion to dismiss is appropriate only where it clearly appears that the plaintiff would not be entitled to relief under the facts alleged or under any set of facts he could prove to support his claim." *Larsen v. Davis County School Dist.*, 2017 UT App 221, ¶ 9, 409 P.3d 114 (quotation simplified).

"GRAMA establishes a process through which an individual may request access to a government record." *McKittrick v. Gibson*, 2021 UT 48, ¶ 20 (citing Utah Code Ann. § 63G-2-204(1)). "And when a governmental entity denies such a request, GRAMA establishes a process to appeal that decision." *Id.* (citing Utah Code Ann. §§ 63G-2-401 to -404, -701(5)-(6)). Specifically, GRAMA permits a party to file "[a] petition for judicial review of an order or decision." *See* Utah Code Ann. § 63G-2-404(1)(a).

In the present case, Tracy apparently attempted to seek judicial review of the District's alleged denial of a GRAMA request he made to and served upon the District on July 2, 2020. But Tracy did not name the District as a party to this action. Instead, he filed his action against Respondents, none of whom—at least according to the allegations set forth in the petition²—were ever named in a GRAMA request. Tracy has

1. In deciding whether to grant a motion to dismiss, courts may properly consider documents attached to the complaint, in addition to the complaint itself. *See Oakwood Village LLC v. Albertsons, Inc.*, 2004 UT 101, ¶ 10, 104 P.3d 1226.

2. In reviewing a district court's order dismissing a case for failure to state a claim, "we assume the truth of the factual allegations in the complaint and draw all reasonable inferences therefrom in the light most favorable to the plaintiff." *See Fehr v. Stockton*, 2018 UT App 136, ¶ 8, 427 P.3d 1190 (quotation simplified).

no grounds to bring an action against Respondents for judicial review of a denied GRAMA request when he never submitted a GRAMA request to Respondents in the first place. In short, Tracy is not entitled to relief under the facts alleged in his petition because the alleged denial of the GRAMA request was made by the District, not Respondents. If Tracy had alleged that he had submitted a GRAMA request to Respondents, or if he had sued the District instead of Respondents, the situation may be different.³ But here, where Tracy's GRAMA request was directed only to the District, but his petition for review is addressed only to Respondents, his petition states no claim upon which relief may be granted.⁴

Accordingly, we AFFIRM the district court's order granting the Respondents' motion to dismiss.

Dated this 14th day of September, 2021.

FOR THE COURT:



Ryan M. Harris, Judge

3. We do not mean to suggest that it would have been proper to serve a GRAMA request on Respondents. Although the parties spent much of their briefing energy on whether GRAMA applies to nongovernmental entities and individuals, it is not necessary for us to reach that issue to resolve this appeal.

4. Respondents attempt to characterize the problem with Tracy's petition as one grounded in subject-matter jurisdiction. But that is an inapt characterization. Utah district courts—which are courts of general jurisdiction—of course have subject-matter jurisdiction to consider petitions for judicial review regarding potential GRAMA violations. *See* Utah Code Ann. § 63G-2-404 (LexisNexis 2019). The fact that Tracy may not have sued the right parties, or that he otherwise does not meet the statutory requirements for a GRAMA claim, does not implicate the court's subject-matter jurisdiction; rather, it simply means that Tracy's claim lacks merit. *See, e.g., Zion Village Resort LLC v. Pro Curb U.S.A. LLC*, 2020 UT App 167, ¶¶ 51–55, 480 P.3d 1055.

EXHIBIT B

Data

- CSV
- Excel
- HTML
- JSON

Id	Year	Entity	Vendor	\$ Net Amount
6	2015	Emigration Improvement District	Simplifi	2,132.29
7	2015	Emigration Improvement District	Simplifi Co.	42,000.00
8	2016	Emigration Improvement District	Simplifi Company	90,151.56
8	2017	Emigration Improvement District	Simplifi Company	88,723.77
8	2018	Emigration Improvement District	Simplifi Company	91,189.23
8	2019	Emigration Improvement District	Simplifi Company	133,260.26
8	2020	Emigration Improvement District	Simplifi Company	162,343.42
8	2021	Emigration Improvement District	Simplifi Company	29,567.24

EXHIBIT C

From: Jeremy Cook <jcook@ck.law>
Date: February 24, 2021 at 2:40:28 PM PST
To: mark.tracy72@gmail.com, The ECHO-Association <m.tracy@echo-association.com>
Cc: "Eric Hawkes (eric@ecid.org)" <eric@ecid.org>
Subject: GRAMA Requests

Mr. Tracy,

As you are aware, on February 10, 2021, Judge Kouris awarded fees against you and in favor of EID's records office, Eric Hawkes, Simplifi Company and Jennifer Hawkes related to a previous GRAMA request that you submitted to EID. Judge Kouris found that the filing of a GRAMA appeal against Eric Hawkes, Jennifer Hawkes and Simplifi Company (all of which you have continued to include in your GRAMA request despite Judge Kouris' decision) lacked merit and was filed in bad faith.

In accordance with Utah Code Ann. 63G-2-203(8)(a), a governmental entity may require payment of past fees and future estimated fees before beginning to process a request if: (ii) the requester has not paid fees from previous requests. Based on your request, the fees owed to Eric Hawkes, Jennifer Hawkes and Simplifi Company are clearly past due and owing fees related to the attached GRAMA requests. Accordingly, EID will not process to the attached GRAMA requests until the amount of \$5,758.50 is paid in full (see attached Judgment).

Thanks,
Jeremy

<image001.png>

<image002.png>

Jeremy R. Cook
111 East Broadway, 11th Floor
Salt Lake City, Utah 84111
Phone: 801.363.4300 (after hours ext. 133) | Cell: 801.580.8759
jcook@cohnkinghorn.com

EXHIBIT D

EMIGRATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES REGULAR MEETING
THURSDAY, OCTOBER 18, 2013
EMIGRATION CANYON FIRE STATION
5025 EMIGRATION CANYON ROAD
SALT LAKE CITY, UTAH

Board Members in Attendance: Mike Hughes – Chairman, David Bradford, Mark Stevens

Ex Officio: Fred Smolka – EID General Manager, Jeremy Cook—Legal Counsel, Craig Neeley—Aqua Engineering, Joe Smolka—Project Manager

In the absence of Chair Hughes, Vice Chair Stevens called the meeting to order at 5:15 p.m.

4. New well progress report

Homeowners Association denied the District’s application for an easement to get an 8-inch line to Pioneer Fork Road and presented several options for the Board to consider as shown in his report. Steve Creamer with the Homeowners Association stated that the Board felt enough trees had been cut down. Although the EID previously stated they would try to keep the number of trees cut down to a minimum, that did not happen, and the HOA did not want another swath cut. He stated that they appreciate the good job the District has done of hiding the building, and keeping the trees there will keep it hidden. They believe there are other ways of handling this and do not want to take out more trees. Kathy Christensen expressed concern about the septic line that comes through that area and stated that she did not want the water line anywhere near it. Mr. Creamer stated that the Board would prefer that the District remain in its existing right-of-way.

Chair Hughes asked about the difference in cost to go through the right-of-way and modify the vault. Mr. Neeley replied that it would cost about \$10,000. He reviewed the alternatives in his report and described the work required for each option. Chair Hughes recalled that they spent extra money to put in a bigger hole and run a bigger line and questioned whether it is wise to try to push it through a 4-inch line for the last 400 feet. Mr. Neeley acknowledged that they would lose flow.

EXHIBIT E

GRAMA Request Form

Note: Utah Code § [63G-2-204](#) (GRAMA) requires a person making a records request furnish the governmental entity with a written request containing the requester's name, mailing address, daytime telephone number (if available); and a description of the record requested that identifies the record with reasonable specificity.

Requester's information

Name: Mark Christopher Tracy dba EMIGRATION CANYON HOME OWNERS ASSOCIATION Date: February 11, 2021
Address: 1160 E. Buchnell Dr.
Sandy, UT 84094
City/State/zip: 929-208-6010
Daytime telephone number: _____

Request made to

Government agency or office: Emigration Improvement District aka Emigration Canyon Improvement District c/o Simplifi Company
Address: 271 N. Margarethe LN
Salt Lake City, UTAH 84108
City/State/zip: _____

Records requested

Note: The more specific and narrow the request, the easier it will be for an agency or office to respond to the request. If you are unsure about the records' description, contact the agency or office records officer.

Note: Government keeps records in "series" or groups of records. To find out what series an agency or office maintains, visit the Archives' website, <http://archives.utah.gov>. The record series retention schedules on the Archives' website include relevant descriptions.

Title or series number of records (if known): _____

Description of records including all relevant information—location of event(s) described in records, city, county, address; date range of the records; names of the person(s); and subject of the request.

All fire flow test results of water system 18143 owned by Emigration Improvement District and operated by Simplifi Company since August 1, 1998.
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