BRYAN CAVE LEIGHTON PAISNER LLP, #145700
Gregory B. Iannelli, 026549
Two North Central Avenue, Suite 2100
Phoenix, Arizona 85004-4406
Telephone: (602) 364-7000
Fax: (602) 364-7070
Email: gregory.iannelli@bclplaw.com

Attorneys for Petitioner Goldwater Institute

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

GOLDWATER INSTITUTE, an Arizona nonprofit organization,

Petitioner,

vs.

TOLLESON UNION HIGH SCHOOL DISTRICT NO. 214, an Arizona public school district,

Respondent.

No.

COMPLAINT FOR SPECIAL ACTION – ACCESS TO PUBLIC RECORDS UNDER A.R.S. § 39-121.02

BRYAN CAVE LEIGHTON PAISNER LLP
TWO NORTH CENTRAL AVENUE, SUITE 2100
PHOENIX, ARIZONA 85004-4406
TELEPHONE: (602) 364-7000

Petitioner Goldwater Institute alleges as follows for its special action complaint against Respondent Tolleson Union High School District No. 214.

INTRODUCTION

1. This is a special action complaint brought pursuant to Arizona's Public Records Law, A.R.S. § 39-121 et seq., and the Arizona Rules of Procedure for Special Actions.

2. Petitioner Goldwater Institute ("Goldwater" or "Petitioner") seeks relief from Respondent Tolleson Union High School District No. 214 ("District" or "Respondent"), which has imposed an unlawful, excessive, and unreasonable fee of $1.00 per page for copies of public records, effectively denying Petitioner meaningful access to records that are, by law, open to public inspection.

3. Arizona's Public Records Law reflects a strong public policy favoring open government and broad public access to government records. The statute permits a public body to recover, at most, the actual cost of reproducing records. The District's $1.00-per-

page fee bears no relationship to that cost of copying, which is typically between $0.05 and $0.25 per page. The District has never justified the fee; its Superintendent has instead dismissed Petitioner's objection, writing that the parties would "just agree to disagree that $1 is not reasonable." This constitutes an unlawful barrier.

4. When Petitioner requested that the District produce records in electronic format, which would have eliminated nearly all copying costs, its Superintendent characterized Petitioner's request for basic spending records as a "witch hunt." The District's conduct demonstrates a pattern of obstructing, rather than facilitating, public access to government records in violation of Arizona law.

PARTIES

5. Petitioner Goldwater Institute is a 501(c)(3) nonprofit organization located in Phoenix, Arizona. Goldwater conducts research and analysis on matters of public concern, including school district financing and expenditures. Goldwater submitted the public records requests at issue for non-commercial purposes.

6. Respondent Tolleson Union High School District No. 214 is a public school district organized and existing under the laws of the State of Arizona, with its administrative offices located at 9801 West Van Buren Street, Tolleson, Arizona 85353. The District is a public body subject to Arizona's Public Records Law, A.R.S. § 39-121 et seq.

JURISDICTION AND VENUE

7. This Court has original jurisdiction over this special action pursuant to A.R.S. § 39-121.02 and Article 6, Section 14 of the Arizona Constitution. A special action is the appropriate remedy for enforcement of public records rights under Arizona law. A.R.S. § 39-121.02(A); *Lake v. City of Phoenix*, 222 Ariz. 547, 551 ¶ 17 (2009).

8. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401 because the Respondent District is located in Maricopa County and the acts giving rise to this action occurred in Maricopa County.

BRYAN CAVE LEIGHTON PAISNER LLP
TWO NORTH CENTRAL AVENUE, SUITE 2100
PHOENIX, ARIZONA 85004-4406
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FACTUAL BACKGROUND

A. The First Public Records Request

9. On March 30, 2026, Goldwater Institute submitted a public records request to the District through its Vice President of Litigation, Jon Riches. Mr. Riches emailed Superintendent Jeremy Calles a request for all purchase orders the District issued during the 2024–2025 fiscal year (June 1, 2024, to June 30, 2025) ("March 30 Request").

10. A true and correct copy of the March 30 Request is attached as Exhibit 1.

11. The Purchase Order Request stated that electronic production was "preferable and acceptable," offered $100.00 for copies, and advised that search costs may not be charged. *See* A.R.S. § 39-121.01(D)(1); *Hanania v. City of Tucson*, 128 Ariz. 135, 136 (App. 1980) (an agency may not charge fees for the time spent searching for records).

12. The next day, March 31, 2026, Superintendent Calles rejected Petitioner's objection to the $1.00-per-page fee—"We are going to just agree to disagree that $1 is not reasonable"—justifying it by comparison to hotel business centers and attorney billing rates rather than the District's actual cost (the "March 31 Response").

13. A true and correct copy of the March 31 Response is attached as Exhibit 2.

14. Calles also asserted that electronic reproduction is "not required by law," called the request a "blanket witch hunt," and offered only a "public library style" inspection at a file cabinet.

15. Nearly five months later, on August 27, 2026, the District estimated that at least 6,500 purchase orders were responsive and that copies would cost $13,000.00 at $1.00 per page ("August 27 Estimate").

16. A true and correct copy of the August 27 Estimate is attached as Exhibit 3.

17. That same day, Mr. Riches asked whether the District would produce the records electronically "so as to avoid or mitigate the copying fees."

18. On September 11, 2026, the District refused, stating it "is not obligated to provide copies of records in an electronic format" and again asked whether Goldwater wished to "proceed" at the $1.00 per page rate.

BRYAN CAVE LEIGHTON PAISNER LLP
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19. To date, the District has not produced any records.

B. The Second Public Records Request

20. On August 20, 2026, Goldwater personnel submitted a second public records request to Joseph Ortiz, Director of Public Relations and Marketing at the District, with a copy to Superintendent Calles ("August 20 Request").

21. A true and correct copy of the August 20 Request is attached as Exhibit 4.

22. The second request sought copies of invoices, receipts, and other itemized records relating to expense vouchers approved at the August 18, 2026, meeting of the District's Governing Board (Item F.2. on the posted meeting agenda). The request identified thirty-seven (37) specific expense voucher items, totaling significant expenditures, including items such as payments to Jet Limousines ($15,670.84), KTAZ advertising ($35,400.00), School Systems Alliance ($32,930.00), and NBCUniversal Media ($8,720.93), among others, and $16.07 for 15 pages plus estimated postage.

23. The second request likewise stated that electronic production was "preferable and acceptable," offered to pay $200.00 for copies, and advised that search costs may not be charged.

24. Ms. Lupita Goodman, Executive Assistant to the Superintendent and Governing Board, responded on September 11, 2026, with Invoice No. 20260820, charging 348 pages at $1.00 per page plus $14.95 in estimated postage, for a total of $362.95. A separate invoice charged 15 pages at $1.00 per page ($15.00) plus $1.07 in estimated postage, for a total of $16.07 ("September 11 Invoice").

25. A true and correct copy of the September 11 Invoice is attached as Exhibit 5.

C. The District's Fees Are Excessive and Unlawful

26. The District applied a uniform $1.00-per-page fee to both of Petitioner's requests. This fee is grossly excessive and bears no reasonable relationship to the District's actual cost of reproduction.

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27. Electronic production would have cost the District next to nothing. Industry-standard photocopying costs are typically between $0.05 and $0.25 per page and the District has not demonstrated that the actual cost of copying is $1.00 per page.

28. Kyrene Elementary School District, in contrast, was sent a nearly identical request to the one sent on March 30, 2026. The Kyrene District promptly responded with responsive electronic documents produced free of charge.

29. A $13,000.00 charge for a single year of purchase orders is such an exorbitant fee that it effectively denies access to public records and constitutes an unreasonable restriction on the right..

30. Petitioner expressly requested electronic production of the records. By refusing to provide records electronically, while insisting on paper copies to be charged at $1.00 per page, the District converted a ministerial duty into a revenue-generating barrier.

31. Upon information and belief, the $1.00-per-page fee includes impermissible search or retrieval costs bundled into the per-page copying charge, as the District's reference to the "significant cost to pulling those records" suggests—in violation of A.R.S. § 39-121.01(D)(1).

CAUSE OF ACTION

(Violation of Arizona's Public Records Law, A.R.S. § 39-121 et seq.)

32. Petitioner incorporates by reference all of the foregoing paragraphs as though fully set forth herein.

33. Arizona's Public Records Law provides that public records shall be open to inspection by any person at all times during office hours. A.R.S. § 39-121.

34. A public body may not charge for time spent searching for or retrieving records, and any copying fee must be reasonable and tied to the actual cost of reproduction. A.R.S. § 39-121.01(D)(1); *Hanania*, 128 Ariz. at 136.

35. Fees for public records must bear a reasonable relationship to the actual cost of reproduction and excessive fees constitute an unlawful restriction on access to public

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PHOENIX, ARIZONA 85004-4406
TELEPHONE: (602) 364-7000

records. *See id.*; *Star Pub. Co. v. Parks*, 178 Ariz. 604, 605 (App. 1993); Ariz. Op. Atty. Gen. No. I13-012.

36. Arizona courts have further held that an agency may not charge fees for search costs incurred when producing public records. *Hanania*, 128 Ariz. at 136.

37. Arizona law also recognizes that electronic records are public records subject to production in electronic form. *Lake*, 222 Ariz. at 551 ¶ 14. The law must be construed in favor of the public's right to know the activities of government. *Id.* at 549 ¶ 8. *See also ACLU v. Arizona Dep't of Child Safety*, 240 Ariz. 142, 146 ¶ 9 (App. 2016).

38. The District violated the Public Records Law by (a) imposing a $1.00-per-page fee untethered to its actual cost of reproduction; (b) recovering search and retrieval costs through that fee; and (c) refusing electronic production of records that, on information and belief, it maintains electronically.

39. The District's refusal to produce records in electronic format, despite Petitioner's express request for electronic production, further demonstrates that the District's fee structure is designed to obstruct, rather than facilitate, public access to government records.

40. Each violation, individually and collectively, constitutes a denial of access to public records under A.R.S. § 39-121.02.

41. Petitioner has no adequate remedy at law. A special action is the appropriate remedy for enforcement of public records rights under Arizona law. *Lake*, 222 Ariz. at 551 ¶ 17.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Goldwater Institute respectfully requests that this Court enter judgment in its favor and against Respondent Tolleson Union High School District No. 214, and grant the following relief:

A. Order the District to promptly produce the public records requested in Petitioner's public records requests dated March 30, 2026, and August 20, 2026, at a lawful,

BRYAN CAVE LEIGHTON PAISNER LLP
TWO NORTH CENTRAL AVENUE, SUITE 2100
PHOENIX, ARIZONA 85004-4406
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reasonable fee that does not exceed the District's actual cost of copying, and in electronic form;

B. Declare that the District's $1.00-per-page copying fee is unlawful, unreasonable, and in violation of A.R.S. § 39-121 et seq.;

C. Enjoin the District from charging fees for public records that exceed its actual cost of reproduction or that include search or retrieval costs;

D. Award Petitioner its reasonable attorneys' fees and costs pursuant to A.R.S. § 39-121.02(B);

E. Grant such other and further relief as this Court deems just and proper.

DATED this 19th day of November, 2026.

BRYAN CAVE LEIGHTON PAISNER LLP

By /s/ Gregory B. Iannelli
Gregory B. Iannelli
Two North Central Avenue, Suite 2100
Phoenix, Arizona 85004-4406
Attorneys for Petitioner Goldwater Institute

BRYAN CAVE LEIGHTON PAISNER LLP
TWO NORTH CENTRAL AVENUE, SUITE 2100
PHOENIX, ARIZONA 85004-4406
TELEPHONE: (602) 364-7000

EXHIBIT 1

March 30, 2026

SENT VIA EMAIL

Jeremy Calles, Superintendent
Tolleson Union High School District
9801 West Van Buren Street
Phoenix, Arizona 85353
Jeremy.Calles@tuhsd.org

Subj: Copies of all P.O.'s made by the Tolleson Union High School District during the 2024-2025 fiscal year from June 1, 2024, to June 30, 2025.

Dear Mr. Calles:

Arizona law and public policy require open and transparent government. To that end, Arizona has broad public records laws favoring disclosure of records made and kept by government agencies. See ARIZ. REV. STAT. § 39-121.01(A)(2).

Pursuant to Arizona Revised Statutes § 39-121 et seq., we respectfully request the following public records in your custody:

(1) Copies of all purchase orders made by the Tolleson Union High School District during the 2024-2025 fiscal year from June 1, 2024, to June 30, 2025.

Electronic production of records and information is preferable and acceptable. We request your response as soon as possible. If responsive records cannot be produced within ten (10) business days, please contact me with your progress and expected completion date.

This request is for non-commercial purposes.

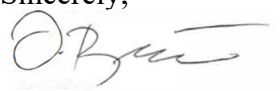
We are willing to pay $100.00 for copies of the public records requested. Please note, however, an agency may not charge a fee for any search costs incurred when producing public records. *See* A.R.S. 39-121.01(D)(1); *Hanania v. City of Tucson*, 128 Ariz. 135 (App. 1980).

Additionally, if some records are available prior to the production of other records, please provide on a rolling or continuing basis as the records are available.

Should you have any questions regarding this request, please do not hesitate to contact me at (602) 462-5000 or jriches@goldwaterinstitute.org.

Thank you for your prompt attention to this matter.

Sincerely,



Jon Riches
Vice President of Litigation
Scharf-Norton Center for Constitutional Litigation
at the Goldwater Institute

EXHIBIT 2

Outlook

Re: Goldwater Public Records Request

From Jeremy Calles <Jeremy.Calles@tuhsd.org>
Date Tue 3/31/2026 11:53 AM
To Jonathan Riches <jriches@goldwaterinstitute.org>; Sophia Lepore <slepore@goldwaterinstitute.org>; Lindsey Perry <lperry@azauditor.gov>

Jon,

We are going to just agree to disagree that $1 is not reasonable. The court is charging $0.50 a page for basic items that take little to no effort to produce, and I can give you plenty of examples of companies or agencies who charge more than $1. The next time you stay at a hotel, ask their business center what they will charge you just to make copies of the document that you are providing. They didn't even have to go to a file cabinet to find it for you, and you can pay $1.69 per page, but I'm sure that you don't ever comment to them that you think their fee isn't reasonable. If you were billing somebody for your hours just to read this email then you would probably bill it out as a 15 minute increment for $75, just to read the email and you think the $1 is unreasonable.

As for electronic reproduction, that's not required by law, and we've already gone over that before. I'm sure you had a fun conversation with Chris about inspection and yes, you can come down during business hours. This is going to be public library style without the Dewey Decimal System. We will point you to the file cabinet and you can go through it, but the expectation is that you do not disrupt our employees who are trying to work, you do not take anything from the file or mutilate or damage any of the documents. If you are good with that, then our calendar and work hours are posted on our website. Whoever you send, just have them ask for me so I can reiterate our expectations and walk them back to the file cabinet.

Jeremy I. Calles
Superintendent
. . . . . .
Tolleson Union High School District | 623.478.4000 | www.tuhsd.org

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From: Jonathan Riches <jriches@goldwaterinstitute.org>
Sent: Tuesday, March 31, 2026 10:10 AM
To: Jeremy Calles <Jeremy.Calles@tuhsd.org>; Sophia Lepore <slepore@goldwaterinstitute.org>; Lindsey Perry <lperry@azauditor.gov>
Subject: RE: Goldwater Public Records Request

CAUTION: [EXTERNAL EMAIL] ***This email originated from outside of TUHSD. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe.***

Hi Jeremy,

We requested electronic production, and any fees for copying must be reasonable. $1 per page for copying, particularly for electronic production, is not reasonable.

In any event, without conceding that the copying charge is reasonable, under the circumstances, we would like to arrange for inspection rather than copying. A.R.S. 39-121 ("Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours."); *Hanania v. City of Tucson*, 128 Ariz. 135, 136, 624 P.2d 332, 333 (Ct. App. 1980) (the "only charge to be made is for a copy of the report and not for a search.").

Please let us know some available dates/times to conduct the inspection.

Best,

Jon

Jon Riches
Vice President for Litigation & General Counsel
Goldwater Institute | www.GoldwaterInstitute.org | **602.462.5000**

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From: Jeremy Calles <Jeremy.Calles@tuhsd.org>
Sent: Tuesday, March 31, 2026 9:17 AM
To: Sophia Lepore <slepore@goldwaterinstitute.org>; Lindsey Perry <lperry@azauditor.gov>
Cc: Jonathan Riches <jriches@goldwaterinstitute.org>
Subject: Re: Goldwater Public Records Request

Jon,

You already know that we charge $1 per page, and what you are asking for is going to be thousands of pages. I need your confirmation that you are going to pay the $1 per page fee before I have our team pulling thousands of pieces of papers out of files and running copies for you. When you give me that confirmation then they can begin pulling and running copies. Gress already sent the AG's Office here so whatever you are hoping to find, why don't you just let them know so they can look for it for you?

Jeremy I. Calles

Superintendent

. . . . . .

Tolleson Union High School District | 623.478.4000 | www.tuhsd.org

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From: Sophia Lepore <slepore@goldwaterinstitute.org>
Sent: Monday, March 30, 2026 2:22 PM
To: Jeremy Calles <Jeremy.Calles@tuhsd.org>
Cc: Jonathan Riches <jriches@goldwaterinstitute.org>
Subject: Goldwater Public Records Request

CAUTION: [EXTERNAL EMAIL] ***This email originated from outside of TUHSD. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe.***

Hello, please see the public records request attached from The Goldwater Institute. Please confirm when you get this request.

Sophia Lepore
Legal Administrative Assistant
Goldwater Institute | www.GoldwaterInstitute.org | **602.633.8972**

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EXHIBIT 3

Outlook

FW: Public Records Request

From Jonathan Riches <jriches@goldwaterinstitute.org>
Date Wed 11/4/2026 9:15 AM
To Sophia Lepore <slepore@goldwaterinstitute.org>

From: Public Records <publicrecords@tuhsd.org>
Date: Thursday, August 27, 2026 at 11:50 AM
To: Jonathan Riches <jriches@goldwaterinstitute.org>
Subject: Public Records Request

Mr. Riches, with respect to your public records request asking for copies of all purchase orders made by the Tolleson Union High School District during the 2024-2025 fiscal year from June 1, 2024 to June 30, 2025, we have determined, after checking with our Business Services Department, that there is a significant cost to pulling those records. There are at least 6,500 P.O.'s and the page count can vary. Assuming at least two pages per P.O., we estimate the cost to be $13,000. Please let us know if you would like for us to proceed and we can get you a specific dollar amount.

Thank you.

EXHIBIT 4

August 20, 2026

SENT VIA EMAIL

Joseph Ortiz Director of Public Relations and Marketing
Tolleson Union High School District
9801 West Van Buren Street
Phoenix, Arizona 85353
Joseph.Ortiz@tuhsd.org

Subj: Records in TUHSD's possession including detailed invoices and receipts relating to the attached list of identified expense vouchers approved at the August 18, 2026, meeting of the Tolleson Union High School District Governing Board (Item F.2. on the posted meeting agenda).

Dear Mr. Ortiz:

Arizona law and public policy require open and transparent government. To that end, Arizona has broad public records laws favoring disclosure of records made and kept by government agencies. See ARIZ. REV. STAT. § 39-121.01(A)(2).

Pursuant to Arizona Revised Statutes § 39-121 et seq., we respectfully request the following public records in your custody:

(1) Copies of invoices, receipts, and other itemized records relating to the attached list of identified expense vouchers approved at the August 18, 2026, meeting of the Tolleson Union High School District Governing Board (Item F.2. on the posted meeting agenda).

Electronic production of records and information is preferable and acceptable. We request your response as soon as possible. If responsive records cannot be produced within ten (10) business days, please contact me with your progress and expected completion date.

This request is for non-commercial purposes. The Goldwater Institute is a 501(c)(3) nonprofit organization that conducts research and analysis on matters of public concern, including school district financing, employment matters, and expenditures.

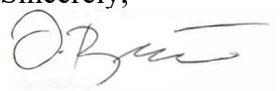
We are willing to pay $200.00 for copies of the public records requested. Please note, however, an agency may not charge a fee for any search costs incurred when producing public records. *See* A.R.S. 39-121.01(D)(1); *Hanania v. City of Tucson*, 128 Ariz. 135 (App. 1980).

Additionally, if some records are available prior to the production of other records, please provide on a rolling or continuing basis as the records are available.

Should you have any questions regarding this request, please do not hesitate to contact me at (602) 462-5000 or jriches@goldwaterinstitute.org.

Thank you for your prompt attention to this matter.

Sincerely,



Jon Riches
Vice President of Litigation
Scharf-Norton Center for Constitutional Litigation
at the Goldwater Institute

CC:
Jeremy Calles, Superintendent
Jeremy.Calles@tuhsd.org

EXHIBIT 5

Outlook

Public Records Request

From Lupita Goodman <Lupita.Goodman@tuhsd.org>
Date Fri 9/11/2026 1:03 PM
To Sophia Lepore <slepore@goldwaterinstitute.org>; Jonathan Riches <jriches@goldwaterinstitute.org>
Cc Joseph Ortiz <Joseph.Ortiz@tuhsd.org>; Public Records <publicrecords@tuhsd.org>

2 attachments (141 KB)
TUHSD Invoice Form - PRR20260820.pdf; TUHSD Invoice Form - PRR20260910.pdf;

Good afternoon, Ms. Lepore and Mr. Riches,

I have completed the processing of your public records requests dated August 20, 2026, and September 10, 2026. The requested documents have been gathered, and invoices for each request are attached.

Please note that the page counts reflected on the invoices are accurate. However, the postage amounts are estimates, as the final cost will depend on the completed copying and mailing process. If you prefer to pick up the records from our office, you would only be responsible for the document reproduction costs.

The estimated costs are as follows:

- **Public Records Request dated August 20, 2026:**
  Documents: **$348.00**
  Estimated Postage: **$14.95**
  Total Estimated Cost: $362.95
- **Public Records Request dated September 10, 2026:**
  Documents: **$15.00**
  Estimated Postage: **$1.07**
  Total Estimated Cost: $16.07

Please let me know whether you would like the documents mailed or if you prefer to pick them up from our office.

Thank you ~

Lupita Goodman
Executive Assistant to the Superintendent and Governing Board
Tolleson Union High School District #214
9801 West Van Buren Street | Tolleson, AZ 85353
Phone: 623.478.4001
lupita.goodman@tuhsd.org

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