

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA

Appeal of Public Records Determination, Request No. 06232026

APPEAL HEARING PACKET

Submitted by Austin W. Cranford

Hearing: Regular Assembly Meeting, Tuesday, August 25, 2026

I. Issue Presented

Whether the City's response to Item 6 of Records Request No. 06232026 was a refusal subject to appeal under SGC 1.21.040(E), and whether the "Certificate of Non-Litigation Affiliation" and algorithmic "narrowing tip" requirements imposed on digital public records requesters rest on any identified legal authority, given that the provisions the City has cited (SGC 1.20.060 and AS 40.25.122), by their own terms, do not authorize them.

II. Relief Requested

The Appellant respectfully asks the Assembly to:

1. Find that the City's response to Item 6 was a refusal to search or respond, not a confirmation that no responsive record exists, and is therefore properly before the Assembly on appeal;
2. Direct the City to conduct and document a search for records responsive to Item 6 and to the Appellant's July 9, 2026 supplemental request, specifically any communication, ticket, or instruction directing or authorizing the portal's certification and narrowing-tip features, including the July 2026 edit, and to produce responsive records or confirm in writing that a search was conducted and none exist; and
3. Direct that the certification and narrowing-tip requirements be suspended as to digital requesters unless and until the City identifies authority that applies equally to paper and digital requesters, so that both are treated the same.

III. What This Appeal Is, and Is Not

This appeal does not ask the Assembly to conduct legal research, render a legal opinion, or create any record. It asks the Assembly to review two things within its authority: (1) whether a portion of the response was a refusal, and (2) whether requirements the City has placed on its own records portal rest on any authority the City has been able to identify. The Appellant does not contend the Assembly must find a violation of law; he contends the record shows **no authority has been identified**, and that the provisions belatedly cited do not, on their face, reach what the City has done.

IV. Statement of Facts

The following is a dated chronology drawn from the correspondence and portal records attached as exhibits. It is stated as fact, without argument.

June 23, 2026. Appellant submitted Records Request No. 06232026, seeking any local ordinance, state statute, legal opinion, administrative directive, or policy memorandum authorizing the Certificate of Non-Litigation Affiliation and narrowing-tip requirements applied to digital requesters, and noting that the City's paper request form contains no such requirements.

July 6, 2026, 9:39 AM. The Municipal Clerk's Office responded. Items 1 and 2 (ordinances, statutes) were answered with links to the full code and statutes; Items 3 through 5 (opinions, directives, memoranda) were answered "None exist"; and Item 6 ("legal framework") was characterized as "a request for analysis, and creation of a new document," and not a request for a pre-existing record. The letter included the appeal-rights notice required by SGC 1.21.040(E).

July 6, 2026, 11:37 AM. The Municipal Administrator, responding to the Appellant, cited SGC 1.20.060 ("Litigation disclosure") for the first time as bearing on the requirement.

July 7, 2026, 8:01 AM. The Municipal Administrator again asked the Appellant to identify "what public record... was denied," and stated the City remained willing to forward the appeal to the Assembly.

Between June 15 and July 7, 2026. The certification language on the City's NextRequest portal was changed. The June 15 version cited no statutory basis for the certification. The July 7 version added a new paragraph stating that a requester involved in litigation with the City "must request those records through the court process... instead of the public records request system, as required by SGC 1.20.060 and AS 40.25.122."

July 9, 2026. Appellant submitted a supplemental request for any communication, ticket, or instruction directing or authorizing the portal edit and the original configuration of the certification and narrowing-tip features.

July 10, 2026. In response to the City's request that the Appellant identify the specific refused portion under SGC 1.21.040(E), the Appellant identified Item 6 as the refused portion.

July 16, 2026. The Municipal Clerk scheduled this appeal for the Assembly's August 25, 2026 regular meeting.

V. Argument

A. The response to Item 6 was a refusal, not a confirmation of non-existence.

SGC 1.21.040(E) provides an appeal "[i]n the event an individual requests information and is refused." The provision distinguishes between a refusal (which is appealable) and other responses. The City's answers to Items 3 through 5 were "None exist," a confirmation, after the fact, that no responsive record was located. The answer to Item 6 was different in kind. The City did not state that it searched and found nothing; it declined to treat Item 6 as a records request at all, characterizing it as "a request for analysis, and creation of a new document."

Declining to search or respond because the request is deemed outside the Act is a refusal to act on the request, not a null search result. The distinction matters: a confirmed non-existence tells the requester the record was looked for and is not there; a refusal to search tells the requester nothing about whether the record exists. Because Item 6 received the latter, it is a refusal within the meaning of SGC 1.21.040(E) and is properly before the Assembly.

The City's own July 6 letter reinforces this reading: it included the SGC 1.21.040(E) appeal-rights notice, which the ordinance calls for when “an individual requests information and is refused.”

B. SGC 1.20.060, by its own text, does not authorize the certification requirement.

SGC 1.20.060 (“Litigation disclosure”) reads, in relevant part:

“A public record that is subject to disclosure and copying... remains a public record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation... involving the municipality, except that with respect to a person involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication.”

Three features of that text matter here:

- It is a disclosure-preserving provision. Its operative command is that a record “remains a public record subject to disclosure and copying.” It does not authorize withholding, and it does not authorize conditioning access on any certification.
- It reaches only records “relevant to litigation... involving the municipality.” It does not reach requests unconnected to litigation against the City, and it does not reach litigation with other agencies.
- Its only effect, as to a person involved in such litigation, is to route disclosure of those specific records through court or administrative procedure rather than the ordinary request process. It says nothing about a portal-wide certification applied to every requester on every subject.

A requirement that *every* digital requester certify non-affiliation with litigation against the City *or any other public agency*, regardless of the subject of the request, is broader than anything SGC 1.20.060 authorizes on its face. The provision addresses the disclosure procedure for a narrow category of records; it does not supply authority for a blanket precondition on portal access and, as a result, operates as an unauthorized hurdle that impermissibly burdens protected First Amendment petitioning activity by chilling a person of ordinary firmness from seeking government records.

C. AS 40.25.122 does not supply the missing authority either.

AS 40.25.122 operates the same way: a public record relevant to litigation involving a public agency remains subject to disclosure, with disclosure to a litigant governed by court discovery rules rather than the Public Records Act. The Alaska Supreme Court has construed this litigation provision narrowly. See *Basey v. State, Dep't of Public Safety*, 408 P.3d 1173, 1179 (Alaska 2017) (litigation exception applies only where the litigation involves a “public agency” as defined in the Act). Like SGC 1.20.060, AS

40.25.122 redirects the procedure for disclosing a narrow category of records; it does not authorize a certification requirement, and it does not reach requests unrelated to litigation against a public agency.

The portal's July 2026 language states that a litigant "must request those records through the court process... instead of the public records request system." Neither SGC 1.20.060 nor AS 40.25.122 says that. Each preserves the record's status as a public record and specifies the *procedure* for disclosing that particular record; neither bars a requester from using the request system, and neither supports a universal certification.

D. The paper and digital disparity remains unexplained by any cited authority.

The City's paper request form contains no certification requirement and no narrowing mandate. The digital portal contains both. No ordinance, statute, opinion, directive, or memorandum has been identified that authorizes treating the two classes of requesters differently. If SGC 1.20.060 or AS 40.25.122 required a certification, that requirement would apply regardless of the medium of the request, yet it appears only on the digital form. The disparity is itself evidence that the requirement does not flow from the cited provisions.

E. The July 2026 portal edit shows a responsive record should exist.

Between June 15 and July 7, 2026, the portal's certification language was changed to add a paragraph citing two specific provisions. That edit did not occur on its own. Someone selected the language, identified the two citations, and entered or approved the change to a legal disclosure that requesters must acknowledge. Whatever form that took, whether an email, a ticket, or an instruction to staff or to the vendor, is a record, and it is precisely the category the Appellant sought in Item 6 and in the July 9 supplemental request.

This is why the City's characterization of Item 6 as seeking "analysis" or "creation of a new document" does not hold. The Appellant does not ask the City to generate new reasoning. He asks for the record of the decision that already occurred, the communication or instruction behind requirements that a \$21,000 contracted portal now enforces. If, after a documented search, no such record exists, the City may say so plainly; but that confirmation has not been given for Item 6, because no search was undertaken.

VI. Conclusion

The response to Item 6 was a refusal to search, appealable under SGC 1.21.040(E). The certification and narrowing-tip requirements imposed on digital requesters rest on no authority the City has identified, and the two provisions belatedly cited, SGC 1.20.060 and AS 40.25.122, do not, by their terms, authorize them. The Appellant respectfully requests the relief set out in Section II: a finding that Item 6 is properly on appeal, an order that the City search for and produce (or account for the absence of) the records behind the portal requirements, and suspension of the certification and narrowing-tip requirements as to digital requesters unless and until the City identifies authority that applies equally to paper and digital requesters.

Respectfully submitted,

Austin W. Cranford
616 Sawmill Creek Rd., Sitka, AK 99835
907-201-0340 • AustinWCranford@gmail.com

Exhibit Index

The following exhibits are submitted with this packet. Each is a true copy of correspondence or a portal record already in the parties' possession.

- **EXHIBIT A: Public Records Request Form & Municipal Clerk Response Letter**
- **EXHIBIT B: Substantive Appeal Correspondence**
- **EXHIBIT C: NextRequest Portal Configuration Evidence (Version 1 vs. Version 2)**
- **EXHIBIT D: Sitka General Code Excerpts**



PUBLIC RECORDS REQUEST FORM

Name: Austin W Cranford	Address: 616 Sawmill Creek Rd. City: Sitka State: AK Zip: 99835	
Phone No.:	Cell No.: 907-201-0340	E-Mail: Austinwcranford@gmail.com

The employee having custody of public records shall give on request and pre-payment of the fee established under 1.20.010, unless pre-payment is waived, a copy of the public record. The employee having custody of the public records shall respond within ten working days of the request. This time frame may be extended by notification of the need for additional time. If the request is denied in whole or in part, you will be notified in writing. You may appeal the denial to the municipal administrator, if written appeal is filed within five working days. If you are not satisfied with the ruling of the municipal administrator, you may appeal to the assembly within five working days, which will be heard at the next regular scheduled assembly meeting. Any appeal from the assembly's final decision is to Superior Court as long as that appeal is filed no later than thirty days after assembly action.

Title of Record(s): **Statutory Authority and Policy Records for NextRequest Portal Implementation**

Date of Record(s): **2026**

Description of Record(s): Please provide any additional information that will assist us in locating the record(s) for you as quickly as possible:

I am requesting any and all local ordinances, state statutes, legal opinions, administrative directives, or policy memorandums that authorize the City of Sitka to mandate a 'Certificate of Non-Litigation Affiliation' and implement algorithmic 'narrowing tips' for digital public records requests

Note: As the City's official paper Public Records Request Form contains no such litigation certifications or narrowing mandates, I am requesting the legal framework that justifies applying these restrictive hurdles exclusively to digital portal users.

• Requestor's Signature: *Austin W Cranford* Date: *06-23-2026*

This form must be completed and returned to the Municipal Clerk's Office for processing to:

100 Lincoln Street, or clerk@cityofsitka.org, or Fax: (907) 747-7403. Call (907) 747-1826 with any questions.

FOR OFFICE USE ONLY

• Photocopies	\$.25 per page + tax	\$ _____
• Assembly Packets	\$ 10.00 each packet + tax	\$ _____
• Audio Copy	\$ 10.00 each + tax	\$ _____
• Video Copy	\$ 25.00 each + tax	\$ _____
• Mylar Copies of Plats	\$ 20.00 per mylar copy + tax	\$ _____
• Certified Copies	\$ 1.25 1 st page .25 each additional page	\$ _____
• Copy of Budget	\$ 25.00 each + tax	\$ _____
• Other _____	Price to be determined	\$ _____
• The salary of an employee(s)	\$ _____ labor x _____ hours + tax	\$ _____

(hourly rate plus benefits) filling a request, when retrieval and duplication of the documents requested generate labor in excess of five hours. The municipality may reduce or waive a fee when the municipality determines that the reduction or waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated. The municipality may waive a fee of five dollars or less if the fee is less than the cost would be to the municipality to arrange for payment.

TAX \$ _____
TOTAL CHARGES \$ _____

Date Request Received by Municipal Clerk's Office: *6/24/26* Referred to (check a box below) Name: *Legal*

☐ Request for Record(s) Copy(ies) total \$ _____ was received on _____ and provided or mailed/emailed on _____

☐ Record(s) or Information is exempt from disclosure and public access is denied and the requestor was notified on _____

☒ Record(s) or Information cannot be located or do not exist and the requestor was notified on *7/6/2026*

☒ Record(s) or Information available online at www.cityofsitka.com

The departments that have a check mark have been copied to assist in filling this records request.

- | | | | |
|--|--|--|--|
| ☐ Administration | ☐ Finance | ☐ IS - Email | ☐ Planning Department |
| ☐ Assessing | ☐ Fire Department | ☐ Library | ☐ Police Department |
| ☐ Centennial Building | ☐ Harbor Department | ☒ Legal Department | ☐ Public Works |
| ☐ Electric Department | ☐ Human Resources | ☐ Municipal Clerk | ☐ Other: _____ |



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MUNICIPAL CLERK'S OFFICE
100 Lincoln Street | Sitka, Alaska 99835
www.cityofsitka.com
clerk@cityofsitka.org
907-747-1811

July 6, 2026

VIA EMAIL

Austin W. Cranford
austinwcranford@gmail.com

Re: Your Public Records Request ("PRR"), dated 06-23-2026

Dear Mr. Cranford:

In your PRR form, submitted June 23, 2026, you requested the following: "any and all local ordinances, state statutes, legal opinions, administrative directives, or policy memorandums that authorize the City of Sitka to mandate a 'Certificate of Non-Litigation Affiliation' and implement algorithmic 'narrowing tips' for digital public records requests. Note: As the City's official paper Public Records Request Form contains no such litigation certifications or narrowing mandate, I am requesting the legal framework that justifies applying these restrictive hurdles exclusively to digital portal users."

In response to your request:

1. Local Ordinances: The Sitka General Code is available online here: <https://ecode360.com/SI4330>.
2. State Statutes: The Alaska Statutes can be found here: [Alaska Statutes 2024](#). Statutes from other states are similarly available online.
3. Legal opinions: None exist.
4. Administrative directive: None exist.
5. Policy Memorandums: None exist.
6. "Legal Framework": This is a request for analysis, and creation of a new document, and is not a request for a pre-existing public record.

You may appeal this decision regarding your PRR to the Municipal Administrator within five working days of this letter. If not satisfied with the ruling of the Municipal Administrator, you may appeal that ruling to the Assembly within five working days of being notified of the right to appeal. You have the right to appeal to the Superior Court in Sitka as long as that appeal is filed no later than thirty days after the action of the Assembly.

Sincerely,



Sara Peterson
Municipal Clerk

cc: John Leach, Municipal Administrator
Rachel Jones, Municipal Attorney



Austin Cranford <austinwcranford@gmail.com>

Records Request 06232026

12 messages

Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>

Mon, Jul 6, 2026 at
9:39 AM

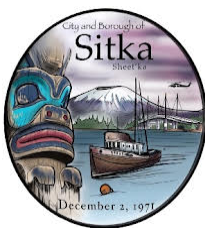
To: "austinwcranford@gmail.com" <austinwcranford@gmail.com>

Cc: John Leach <john.leach@cityofsitka.org>, Rachel Jones
<rachel.jones@cityofsitka.org>

Mr Cranford,

The records you requested on 6/23/2026 either do not exist or are available online, please see attached for more information. This request is now considered closed.

Respectfully,



Brian Schoenfelder

Assistant Municipal Clerk

City and Borough of Sitka

Phone: 907-747-1812

Fax: 907-747-7403

Web: www.cityofsitka.com

100 Lincoln Street

Messages to and from this email address may be available to the public under the Alaska Public Records Law.



Cranford 06232026.pdf

946K

Austin Cranford <austinwcranford@gmail.com>

Mon, Jul 6, 2026 at
10:05 AM

To: Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>

Cc: John Leach <john.leach@cityofsitka.org>, Rachel Jones
<rachel.jones@cityofsitka.org>, assembly@cityofsitka.org

Mr. Schoenfelder, thank you for your July 6, 2026 response. I want to address each of your six numbered points directly, since taken together they confirm the City cannot identify any specific authority for the "Certificate of Non-Litigation Affiliation" or the algorithmic narrowing requirement imposed on digital portal submissions.

1. Local Ordinances: You cited the Sitka General Code in its entirety. That is not a citation to an ordinance that authorizes this requirement; it is a link to the entire code. If a specific section actually authorizes a litigation-status certification or narrowing mandate for digital PRR submissions, please identify that section. A link to the full code is not a responsive answer.

2. State Statutes: The same problem applies. You cited the entire 2024 Alaska Statutes. That is not a citation to a statute authorizing this practice it is a link to the entire state code. Please identify the specific statute, if one exists. A link to the full statutes is not a responsive answer.

3–5. Legal opinions, administrative directives, and policy memorandums: You confirmed that none exist. Combined with Items 1 and 2, the City has not identified a single specific ordinance, statute, opinion, directive, or memo that authorizes this requirement. This means the City has adopted a requirement with no identified legal basis.

6. Item 6 characterizes my request as asking the City to "create a new

document." It does not. Someone decided these requirements belonged on the digital form when the portal was built and the Assembly approved the \$21,000 contract for it. That decision was made for some reason. I am not asking the Clerk's Office to generate new legal analysis; I am asking the City to identify the reasoning that already existed when the requirement was adopted. If your answer is that no such reasoning was ever documented, that is itself a direct and responsive answer, and I'd ask you to confirm that plainly rather than reframe the question as a records-creation request.

Separately: please explain why a requester who submits a paper PRR faces no litigation-affiliation certification or narrowing requirement, while a requester using the digital portal does.

I'd ask that the City either (1) identify the specific ordinance, statute, opinion, directive, or memo relied on when adopting the checkbox and narrowing requirement, or (2) remove it from the digital portal so that digital and paper requesters are treated the same, with an explanation for its removal.

If the City is unable to answer this question, consider this email a request to appeal to the Municipal Administrator. If the Administrator denies the request, consider this email an appeal to the Assembly. Lastly, I am retaining this correspondence, along with your July 6 letter and the Assembly's non-response at the 06-23-2026 meeting.

Sincerely,

[Quoted text hidden]

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Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

John Leach <john.leach@cityofsitka.org>

Mon, Jul 6, 2026 at 11:37 AM

To: Austin Cranford <austinwcranford@gmail.com>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>

Dear Mr. Cranford:

I am writing in response to your email of July 6, 2026, which followed the Municipal Clerk's written response to you of the same

date.

You submitted a Public Records Request to the Municipal Clerk's Office on June 23, 2026. That request was received and logged on June 24, 2026. On July 6, 2026, the Municipal Clerk provided a written response addressing each of the six categories of records you identified, directing you to the publicly available sources for those records that exist and confirming the nonexistence of those that do not. Later that same day, you replied contesting the sufficiency of that response and asking that your email be treated as an appeal to the Municipal Administrator.

A public records request, under the Alaska Public Records Act (AS 40.25) and Sitka General Code Chapter 1.20, is a request for access to and copies of existing public records in the custody of the municipality. It is not a mechanism to compel the municipality to conduct legal research, to search a body of law for authority that a requester supposes may exist, or to prepare explanation, analysis, or newly created records. With that framework in mind, I respond to your points in the order you raised them.

As to your first and second items, your request asked the City to identify "any and all" local ordinances and state statutes authorizing the practices you describe, without identifying any specific record. A request that the municipality search the entirety of its code, and the entirety of the Alaska Statutes, to locate provisions a requester believes may exist is a request for research rather than for an identified record, and the Act does not obligate the City to perform it. The Municipal Clerk nonetheless directed you to the complete Sitka General Code, which is public and which you are able to review directly. As to state law, the City and Borough of Sitka is not the custodian of the Alaska Statutes; those are maintained by the State of Alaska and are equally available to you online.

Although the municipality is under no obligation to perform this research, and does not through the records process undertake to opine on whether any particular provision authorizes any particular practice, I have taken the liberty of doing for you what you could

readily have done for yourself with the same information already in your possession. The same Chapter 1.20 of the Sitka General Code to which the Clerk directed you contains a section numbered 1.20.060 and titled "Litigation disclosure." That provision was available to you in the identical publicly accessible code the Clerk identified in her July 6 response. I note it not because the Act requires it, but so that the record is clear that the materials necessary to answer your own question were before you throughout.

As to your third, fourth, and fifth items, the Municipal Clerk confirmed that no legal opinions, administrative directives, or policy memorandums responsive to your request exist. That confirmation is accurate and is itself a complete and responsive answer under the Act. No such records were withheld, and none were located, because none exist. I recognize that you treat these answers, together with your first and second items, as establishing that the City has adopted a requirement with no legal basis. That inference is your own, and the City is neither obligated to adopt it nor does it. The absence of an opinion, directive, or memorandum shows only that those particular records do not exist. It does not show the absence of authority, as the provision of the Sitka General Code identified above makes plain.

As to your sixth item, you ask the City to identify the reasoning or "legal framework" underlying the features you describe on the digital request portal. To the extent you are asking whether the City holds an existing record documenting such reasoning, the categories of record that would contain it are legal opinions, administrative directives, and policy memorandums, and as stated above, no such record exists. That is the plain confirmation you requested. To the extent you are instead asking the City to articulate, reconstruct, or explain its reasoning, that is a request for inquiry and analysis and for the creation of a record that does not presently exist, which the Public Records Act does not require. If you believe a specific, existing record documents the matter you seek, you may submit a new request identifying that record with enough specificity to allow the Clerk to locate it.

Your remaining questions, including why the paper and digital request processes differ and whether the portal's features should remain in place, concern the design and administration of the digital request portal. Those are matters of policy rather than records, and the Public Records Act does not require the municipality to answer policy questions through a records request. Should you wish to pursue them, the appropriate forum is the Assembly.

As to your request that this correspondence be treated as an appeal, the appeal process set out in Sitka General Code 1.20.080, and on the request form itself, is available to a requester upon the denial of a public records request. Your June 23, 2026 request was not denied. It was answered in full, category by category, with the responsive records that exist identified for you and the nonexistence of other records confirmed. Because no record was withheld and no request was denied, there is no adverse determination from which an appeal lies, and I do not treat your correspondence as a perfected appeal. If at any point you identify a specific record that you believe exists and was improperly withheld, a new request will be processed in the ordinary course, and any denial of that request would carry the appeal rights described above.

I want to address one further point directly, because it recurs throughout your correspondence. You treat the fact that the Assembly and municipal staff have not taken up your requests for an investigation, or answered your questions, as though that inaction were itself meaningful. It is not. Neither the Assembly nor municipal staff is obligated to open, conduct, or respond to a demand for an investigation. Under Article II of the Home Rule Charter, the Assembly's legislative and oversight authority is discretionary and is exercised through its own processes, by ordinance, resolution, or motion, as the Assembly itself determines. Under Article IV of the Charter and the Sitka General Code, the duties of the Administrator and of municipal staff are those the Charter and Code prescribe, and they do not include conducting investigations or answering inquiries on demand. You are, of course, free to examine the affairs of the municipality yourself. The right of access to existing public records under AS 40.25 and Sitka General Code Chapter 1.20 is the means by which any member of the public may do so, and the City will not obstruct that access. That right does not, however, impose on the City any corresponding duty to perform

the examination for you, to develop analysis, or to answer questions that are not requests for existing records. Accordingly, the absence of a response to your requests for investigation is not evidence of any kind, and it neither creates nor supports a claim under the Public Records Act.

The role of the City and Borough of Sitka under the Public Records Act is to provide access to existing public records, and the City has done so. The municipality takes no position on, and is under no obligation to respond to, the arguments, characterizations, or conclusions set out in your correspondence. Accordingly, I consider the public records request submitted June 23, 2026 to be closed.

Regards,



John M. Leach

Municipal Administrator

City and Borough of Sitka, Alaska

100 Lincoln Street, Sitka, Alaska, 99835

(907) 747-1812

administrator@cityofsitka.org

OUR MISSION: Provide public services for Sitka that support a livable community for all.

Service | Integrity | Teamwork | Kindness | Accountability

[Quoted text hidden]

Austin Cranford <austinwcranford@gmail.com>

Mon, Jul 6, 2026 at
11:46 AM

To: John Leach <john.leach@cityofsitka.org>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder
<brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy
Lowrance <mindy.lowrance@cityofsitka.org>, assembly@cityofsitka.org

Mr. Leach, I am re-adding the Assembly to this correspondence. I ask that they not be removed again, as this directly concerns an administrative appeal and municipal policy.

Thank you for confirming in writing that no legal opinions, administrative directives, or policy memorandums exist regarding the configuration of the NextRequest portal. I appreciate the City going on the record to confirm that these digital hurdles were implemented without any documented administrative or legal analysis.

Regarding your citation of SGC 1.20.060 ("Litigation disclosure"):

1. SGC 1.20.060 does not authorize the City to mandate a blanket "Certificate of Non-Litigation Affiliation" oath as a prerequisite for all digital users.
2. If SGC 1.20.060 is indeed the City's justification, you have failed to explain why the City is currently violating its own code by not requiring this same sworn disclosure on paper PRR forms.
3. You completely failed to identify any statutory authority for the algorithmic "narrowing tips" built into the portal, which directly conflicts with the spirit of AS 44.62.312.

You state that my June 23 request was not denied because no records were withheld. However, the City is actively denying equal access to the records process by imposing unauthorized, two-tiered restrictions on digital requesters. The right to seek government records through established mechanisms is constitutionally protected petitioning activity. *See Mirabella v. Vill. of Wellington*, 926 F.3d 1241, 1253 (11th Cir. 2019) ("We have no doubt that submitting a public records request is petitioning activity protected by the First Amendment"); *accord BE & K Const. Co. v. NLRB*, 536 U.S. 516, 524–25 (2002). By mandating arbitrary hurdles exclusively for digital portal users

without any documented legal authority, the City is actively burdening protected First Amendment activity.

Because you have refused to identify the legal authority for the disparate treatment between paper and digital requesters, and have refused to process this as an administrative appeal, I am hereby escalating this appeal directly to the Assembly pursuant to the City's appellate process.

The Assembly is now on notice of this appeal.

Sincerely, Austin W. Cranford

Austin Cranford <austinwcranford@gmail.com>

Mon, Jul 6, 2026 at
11:58 AM

To: John Leach <john.leach@cityofsitka.org>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, assembly@cityofsitka.org

Mr. Leach and Assembly,

Please note an error in my previous email. The citation regarding public records requests as protected First Amendment petitioning activity was incorrectly attributed to an 11th Circuit case.

The correct, binding precedent for our jurisdiction is from the 9th Circuit: *See Mulligan v. Nichols*, 835 F.3d 983, 989 n.5 (9th Cir. 2016) ("The district court properly concluded that Mulligan's submission of public records requests is protected by the First Amendment's Petition Clause.")

The remainder of the appeal stands as written.

Sincerely, Austin W. Cranford

[Quoted text hidden]

[Quoted text hidden]

John Leach <john.leach@cityofsitka.org>

Mon, Jul 6, 2026 at 4:45
PM

To: Austin Cranford <austinwcranford@gmail.com>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, Assembly <assembly@cityofsitka.org>

Mr. Cranford,

I apologize, but I don't think I understand what you are appealing. You requested essentially 6 sets of records. None of your requests were denied. Where records existed, we pointed you to them since they are already publicly available, and where records did not exist, we advised you. Are you appealing the denial of any records that you requested?

Best,



John M. Leach

Municipal Administrator

City and Borough of Sitka, Alaska

100 Lincoln Street, Sitka, Alaska, 99835

(907) 747-1812

administrator@cityofsitka.org

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Book time to meet with me

From: Austin Cranford <austinwcranford@gmail.com>
Sent: Monday, July 6, 2026 11:58 AM
To: John Leach <john.leach@cityofsitka.org>
Cc: Rachel Jones <rachel.jones@cityofsitka.org>; Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>; Clerk <clerk@cityofsitka.org>; Mindy Lowrance <mindy.lowrance@cityofsitka.org>; Assembly <assembly@cityofsitka.org>
Subject: Re: Records Request 06232026

Mr. Leach and Assembly,

[Quoted text hidden]

[Quoted text hidden]

Austin Cranford <austinwcranford@gmail.com>

Tue, Jul 7, 2026 at
7:32 AM

To: John Leach <john.leach@cityofsitka.org>
Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, Assembly <assembly@cityofsitka.org>

Mr. Leach, the appeal is exactly as stated in my 11:46 AM email: the legal authority for the Certification and narrowing-tip requirements, and why the City enforces them against digital requestors only. No further clarification is needed; the appeal stands as submitted to the Assembly, as you have already denied the request in your correspondence see: " Because no record was withheld and no request was denied, there is no adverse determination from which an appeal lies, and I do not treat your correspondence as a perfected appeal.

[Quoted text hidden]

John Leach <john.leach@cityofsitka.org>

Tue, Jul 7, 2026 at 8:01
AM

To: Austin Cranford <austinwcranford@gmail.com>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, Assembly <assembly@cityofsitka.org>

Mr. Cranford,

Thank you for the clarification. I want to be sure we are addressing this accurately, so let me restate where your June 23 request stands.

The request contained six items. Items 1 and 2 were provided, and because those records were already publicly available, we directed you to them. Items 3 through 5 do not exist, and we advised you of that. Item 6 asked for the City's legal or administrative analysis rather than an existing record, and that type of analysis is not a public record subject to disclosure. No record was withheld, and no request was denied.

I understand your appeal now centers on the portal's certification and narrowing features and on why they apply to digital requesters. Those are questions about policy, not the denial of any record you requested. A public records request is a mechanism for obtaining existing public records. It is not a mechanism for compelling the City to answer questions, produce analysis, or create a new record, and the records you received are yours to use in reaching your own conclusions.

I remain willing to forward your appeal to the Assembly. Before I do, it will help to answer one straightforward question, because the Assembly will ask the same thing: what public record did you request that was denied, and what specific relief are you seeking? The appeal process exists to review a decision to withhold or deny an existing record. If the concern is that questions were not answered, that falls outside the records appeal process, and I expect the Assembly would reach the same conclusion.

If you would like to raise the portal policy itself with the Assembly as a separate matter, I am glad to help route that request to the appropriate channel. This is usually done through an email, direct contact with Assembly members, or through public comment, and you are familiar with all of those. However, you have already made that contact.

Sara will be available to assist you in scheduling your appeal hearing with the Assembly.

Best,



John M. Leach

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[\(907\) 747-1812](#)

administrator@cityofsitka.org

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From: Austin Cranford <austinwcranford@gmail.com>

Date: Tuesday, July 7, 2026 at 07:33

To: John Leach <john.leach@cityofsitka.org>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder

<brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, Assembly <assembly@cityofsitka.org>

Subject: Re: Records Request 06232026

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On Mon, Jul 6, 2026 at 4:45 PM John Leach <john.leach@cityofsitka.org> wrote:

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Image removed by sender.

[Book time to meet with me](#)

[Quoted text hidden]

[Quoted text hidden]

Clerk <clerk@cityofsitka.org>

Thu, Jul 9, 2026 at 10:30 AM

To: "Austin Cranford <austinwcranford@gmail.com>"

<austinwcranford@gmail.com>

Cc: Holley Bayne <holley.bayne@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>

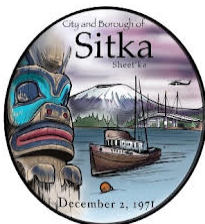
Hi Austin,

I was wondering if you might be available between 1:00 and 3:00 p.m. on either July 14 or July 17 to discuss this appeal.

The meeting would take place in my office at City Hall with me and either the Deputy Municipal Clerk or Assistant Municipal Clerk. I'd like to better understand the appeal and talk through the next steps. The meeting should take no more than 30 minutes.

If you're available, please let me know which date and what time between 1:00 and 3:00 p.m. works best for you.

Thank you!



Sara Peterson

Municipal Clerk, MMC

City and Borough of Sitka

Phone: 907-747-1811

Fax: 907-747-7403

Web: www.cityofsitka.com

100 Lincoln Street

Sitka, AK 99835

Service Integrity Teamwork Kindness Accountability

Messages to and from this email address may be available to the public under the Alaska Public Records Law.

From: John Leach <john.leach@cityofsitka.org>

Sent: Tuesday, July 7, 2026 8:01 AM

To: Austin Cranford <austinwcranford@gmail.com>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>; Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>; Clerk <clerk@cityofsitka.org>;

Mindy Lowrance <mindy.lowrance@cityofsitka.org>; Assembly
<assembly@cityofsitka.org>

Subject: Re: Records Request 06232026

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From: Austin Cranford <austinwcranford@gmail.com>

Date: Tuesday, July 7, 2026 at 07:33

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Cc: Rachel Jones <rachel.jones@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, Assembly <assembly@cityofsitka.org>

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John M. Leach

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Image removed by sender.

Book time to meet with me

From: Austin Cranford <austinwcranford@gmail.com>

Sent: Monday, July 6, 2026 11:58 AM

To: John Leach <john.leach@cityofsitka.org>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>; Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>; Clerk <clerk@cityofsitka.org>; Mindy Lowrance <mindy.lowrance@cityofsitka.org>; Assembly <assembly@cityofsitka.org>

Subject: Re: Records Request 06232026

Mr. Leach and Assembly,

Please note an error in my previous email. The citation regarding public records requests as protected First Amendment petitioning activity was incorrectly attributed to an 11th Circuit case.

The correct, binding precedent for our jurisdiction is from the 9th Circuit: *See Mulligan v. Nichols*, 835 F.3d 983, 989 n.5 (9th Cir. 2016) ("The district court properly concluded that Mulligan's submission of public records requests is protected by the First Amendment's Petition Clause.")

The remainder of the appeal stands as written.

Sincerely, Austin W. Cranford

On Mon, Jul 6, 2026 at 11:46 AM Austin Cranford
<austinwcranford@gmail.com> wrote:

Mr. Leach, I am re-adding the Assembly to this correspondence. I ask that they not be removed again, as this directly concerns an administrative appeal and municipal policy.

Thank you for confirming in writing that no legal opinions, administrative directives, or policy memorandums exist regarding the configuration of the NextRequest portal. I appreciate the City going on the record to confirm that these digital hurdles were implemented without any documented administrative or legal analysis.

Regarding your citation of SGC 1.20.060 ("Litigation disclosure"):

1. SGC 1.20.060 does not authorize the City to mandate a blanket "Certificate of Non-Litigation Affiliation" oath as a prerequisite for all digital users.
2. If SGC 1.20.060 is indeed the City's justification, you have failed to explain why the City is currently violating its own code by not requiring this same sworn disclosure on paper PRR forms.
3. You completely failed to identify any statutory authority for the algorithmic "narrowing tips" built into the portal, which directly conflicts with the spirit of AS 44.62.312.

You state that my June 23 request was not denied because no records were withheld. However, the City is actively denying equal access to the records process by imposing unauthorized, two-tiered restrictions on digital requesters. The right to seek government records through established mechanisms is constitutionally protected petitioning activity. *See Mirabella v. Vill. of Wellington*, 926 F.3d 1241, 1253 (11th Cir. 2019) ("We have no doubt that submitting a public records request is petitioning activity protected by the First Amendment"); *accord BE & K Const. Co. v. NLRB*, 536 U.S. 516, 524–25 (2002). By mandating arbitrary hurdles exclusively for digital portal users without any documented legal authority, the City is actively burdening protected First Amendment activity.

Because you have refused to identify the legal authority for the disparate treatment between paper and digital requesters, and have refused to process this as an administrative appeal, I am hereby escalating this appeal directly to the Assembly pursuant to the City's appellate process.

The Assembly is now on notice of this appeal.

Sincerely, Austin W. Cranford

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

Austin Cranford <austinwcranford@gmail.com>

Thu, Jul 9, 2026 at
12:54 PM

To: Clerk <clerk@cityofsitka.org>

Cc: Holley Bayne <holley.bayne@cityofsitka.org>, Brian Schoenfelder
<brian.schoenfelder@cityofsitka.org>, assembly@cityofsitka.org

Sara, I have re-added the assembly to this thread for the second time. I once again ask they not be removed or that a justification be given for any future

removal. That said a meeting isn't necessary. I have information directly relevant to this appeal that I want on the record.

Between June 15, 2026, and July 7, 2026 within roughly 24 hours of Mr. Leach's July 6 email first citing SGC 1.20.060 the City's NextRequest portal's certification language was changed. The June 15 version cited no statutory basis for the Certificate of Non-Litigation Affiliation. The July 7 version adds a new paragraph stating that a requester involved in litigation with the City "must request those records through the court process... instead of the public records request system, as required by SGC 1.20.060 and AS 40.25.122."

That change did not make itself. I am requesting that the City search for and produce any communication, ticket, or instruction directing or authorizing that edit, as that would be an administrative directive or policy memorandum, along with any comparable record from when the certification and narrowing-tip requirements were originally built into the portal. If the City again reports that nothing exists, I'd ask it to explain how a change to a legal disclosure on a City web form gets made without generating any record of who requested or approved it; that explanation is itself responsive. If the City again reports that no such record exists, I will treat that as either a denial of an existing record or a failure to conduct a search sufficient to locate it either of which is properly before the Assembly on this appeal under SGC 1.20.080.

Sincerely,
Austin W. Cranford

[Quoted text hidden]

2 attachments



Make request - NextRequest - Modern FOIA & Public Records Request Software.pdf
190K



Version 2 _ Make request - NextRequest - Modern FOIA & Public Records Request Software.pdf
217K

Clerk <clerk@cityofsitka.org> Fri, Jul 10, 2026 at 4:58 PM
To: "Austin Cranford <austinwcranford@gmail.com>"
<austinwcranford@gmail.com>
Cc: Holley Bayne <holley.bayne@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Assembly <assembly@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, John Leach <john.leach@cityofsitka.org>

Thank you, Austin.

Although you indicated that you do not believe a meeting is necessary, I still need clarification to ensure that any appeal is noticed correctly.

On June 23, 2026, you requested:

"any and all local ordinances, state statutes, legal opinions, administrative directives, or policy memorandums that authorize the City of Sitka to mandate a 'Certificate of Non-Litigation Affiliation' and implement algorithmic 'narrowing tips' for digital public records requests. Note: As the City's official paper Public Records Request Form contains no such litigation certifications or narrowing mandate, I am requesting the legal framework that justifies applying these restrictive hurdles exclusively to digital portal users."

In response, our office provided the following:

1. Local ordinances: The Sitka General Code is available online here: <https://ecode360.com/SI4330>.
2. State statutes: The Alaska Statutes can be found here: [Alaska Statutes 2024](#). Statutes from other states are similarly available online.
3. Legal opinions: None exist.
4. Administrative directives: None exist.
5. Policy memorandums: None exist.
6. "Legal framework": This is a request for analysis, and creation of a new document, and is not a request for a pre-existing public record.

Question

In your July 6, 2026 email, you stated that you wished to appeal.

If you intend to proceed with that appeal, please identify, pursuant to SGC 1.21.040.E, *Appeal of Denial of Request*, the specific portion of the response that you are appealing.

Our records do not indicate that any portion of your request was denied.

Your response will help ensure that, if an appeal proceeds, it is noticed accurately and in accordance with the Sitka General Code.

Thank you,

Sara

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Book time to meet with me

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Austin Cranford <austinwcranford@gmail.com>

Fri, Jul 10, 2026 at 5:17 PM

To: Clerk <clerk@cityofsitka.org>
Cc: Holley Bayne <holley.bayne@cityofsitka.org>, Brian Schoenfelder <brian.schoenfelder@cityofsitka.org>, Assembly <assembly@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, John Leach <john.leach@cityofsitka.org>

Sara, thank you for identifying the governing provision again. I'd note that your own July 6 letter already included the appeal-rights notice SGC 1.21.040(E) requires "in the event an individual requests information and is refused" which reflects the City's own contemporaneous understanding that some portion of the response was a refusal.

The specific portion refused is Items 4, 5, and 6. My June 23 request asked for the legal framework or reasoning authorizing the Certificate of Non-Litigation Affiliation and narrowing-tips requirements on the digital portal. The City's response to item 6 specifically did not state that a responsive record was searched for and does not exist; it declined to search or respond at all, on the stated basis that the request was "a request for analysis, and creation of a new document, and is not a request for a pre-existing public record." Declining to treat a request as covered by the Act is a refusal, not a null result.

That refusal is also now in tension with the City's own conduct. Between June 15 and July 7, 2026, the certification language on the NextRequest portal was changed to add a new paragraph citing SGC 1.20.060 and AS

40.25.122. That edit did not happen without some record, an instruction, ticket, or authorization documenting why and how it was made during the time of the search. A record of that kind is precisely what Items 4, 5, and 6 sought, confirming that the category exists and that the City's basis for declining to search was mistaken.

Please treat this as identification of the specific refused portion under SGC 1.21.040(E), and confirm next steps for noticing this before the Assembly.

Sincerely,
Austin W. Cranford

[Quoted text hidden]

[Skip to main content](#)[City and Borough of Sitka, AK](#)  NextRequest

- [Make request](#)
- [All requests](#)
- [Documents](#)
-

[Sign in](#)

Request a public record

Documents, photos, emails, videos, and other records.

Request description *

B *I* U  

Enter your request - please include all information that could help fulfill this request.

This field is required.

Upload and attach files (optional)

[Choose file\(s\)](#)

Are the records you are requesting related to any current litigation in which you are involved with the City and Borough of Sitka? *

- ☐ Yes
- ☐ No

An option must be selected.

Your information

Email

Name *

Phone *

Street address *

City *

* State

Zip *

Company

Terms and Conditions

CERTIFICATE OF NON-LITIGATION AFFILIATION & ACKNOWLEDGMENT OF FEES:

I hereby certify I am not, nor is any party I represent, involved in litigation, including any judicial or administrative proceeding, arbitration, or mediation, with the City and Borough of Sitka or any other public agency in which the requested record is potentially relevant.

Further, I understand that records requests made to the City and Borough of Sitka will be displayed publicly. However, the request may not be made public if it contains information that would be exempt under [SGC 1.20.040](#) or [SGC 1.20.042](#). Police records will not be published to the public.

☐ I acknowledge the above terms and conditions. *

* Indicates required field

General Tips:

- Please describe the records you are seeking as specifically as possible. If you do not know the record name(s), describe the information you believe they contain. Include a date range to help staff respond efficiently to your request.

- If you do not have or do not wish to provide an email, check the box below the "Email" field. Also, specify in your request how you would like to receive our response (e.g., in person, by mail, etc.).
- Requests made through this portal may be publicly visible. Your name will be displayed with your request, but your contact information will not be made public. Do not include sensitive personal information, such as date of birth or Social Security Number, as any information in your request may be publicly disclosed.
- Police record requests and associated documents will NOT be made public.
- Yellow alert notifications may appear as you type a record description. These notifications provide information, links to available resources, and other useful information. We recommend you review these notices before you submit your request.

When requesting Sitka Police Department records:

- Include the case number (if known). If not known, please include the date, time, and location of the incident.
- Include your involvement in the case (e.g., victim, defendant, attorney, media, witness).
- Include the type of records you are seeking (e.g., criminal, traffic/accident).

The following are not City and Borough of Sitka records:

- **Vital Records** - For vital records (birth, death, marriage records), visit [Health Analytics and Vital Records \(alaska.gov\)](#).
- **Court Records** - Court records (including divorce records) can be searched or requested through the Alaska Court System at [Home Page - Alaska Court System](#).
- [FAQ](#)
- [Help](#)
- [Privacy](#)
- [Terms](#)
- [City and Borough of Sitka](#)



- [NextRequest](#)

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- [Documents](#)
-

[Sign in](#)

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Documents, photos, emails, videos, and other records.

Request description *

B *I* U  

Enter your request - please include all information that could help fulfill this request.

This field is required.

Upload and attach files (optional)

[Choose file\(s\)](#)

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- ☐ Yes
- ☐ No

An option must be selected.

Your information

Email

Name *

Phone *

Street address *

City *

* State

Zip *

Company

Terms and Conditions

If you are in an active legal case with the City and Borough of Sitka, and your request is about that case, you must request those records through the court process handling the case instead of the public records request system, as required by [SGC 1.20.060](#) and [AS 40.25.122](#). You may wish to consult an attorney to make sure you are using the correct process.

CERTIFICATE OF NON-LITIGATION AFFILIATION & ACKNOWLEDGMENT OF PUBLIC RECORD:

I hereby certify I am not, nor is any party I represent, involved in litigation, including any judicial or administrative proceeding, arbitration, or mediation, with the City and Borough of Sitka or any other public agency in which the requested record is potentially relevant.

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- **Criminal History** - For criminal history information, contact the nearest Alaska State Troopers (AST) office; in Sitka it will be the Alaska Department of Public Safety (DPS) Police Academy. These reports are sometimes referred to as an "interested persons report."
- [FAQ](#)
- [Help](#)
- [Privacy](#)
- [Terms](#)
- [City and Borough of Sitka](#)



- NextRequest

☐ § 1.20.060 **Litigation disclosure.**

A public record that is subject to disclosure and copying under SGC §§ 1.20.010 through 1.20.040 remains a public record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation, including law enforcement proceedings, involving the municipality, except that with respect to a person involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication. In this section, “involved in litigation” means a party to litigation or representing a party to litigation, including obtaining public records for the party.

(S.G.C. 1.25.060; **Ord. 00-1561** § 4, 2000)

E. Appeal of denial of request. In the event an individual requests information and is refused, the individual shall be notified in writing within five working days of his or her right to appeal that decision to the municipal administrator. If not satisfied with the ruling of the municipal administrator, the individual shall be notified within five working days of that decision of his/her right to appeal to the assembly at its next regularly scheduled meeting. An individual not satisfied with the action taken by the assembly shall have the right to appeal to supreme court as long as that appeal is filed no later than 30 days after the action of the assembly.