

Brian Hanson

From: Brian Hanson
Sent: Wednesday, May 27, 2020 4:30 PM
To: Nick Feronti
Cc: Sara Peterson; Melissa Henshaw; Brian Hanson; Coral Crenna
Subject: Appeal of Denial of PRR (Feronti for NJP)(dated 4-14-20)

Importance: High

Mr. Feronti,

Please be advised that, from the points and authorities made in your appeal, I have reconsidered the denial of your Public Records Request (PRR), dated April 14, 2020, and find no factual basis or legal authority to overturn the denial. The City and Borough of Sitka (CBS) will proceed with your appeal. Please take notice as follows:

- A Public Record Request (PRR), dated April 14, 2020, was submitted by you to the CBS on April 14, 2020.
- Your PRR was denied by the Municipal Clerk, pursuant to my counsel, by letter dated April 28, 2020.
- You submitted a written appeal to the CBS by letter attached to an email sent on April 30, 2020.
- By email sent to you on April 30, 2020, I advised you of my intent to reconsider the denial of your PRR and only to proceed with the appeal if that reconsideration was denied.
- By email sent to me on April 30, 2020, you insisted that I proceed with the appeal.
- By email sent to you on April 30, 2020, I assured you that I would advance the appeal; but, in the meantime, I would reconsider the denial and potentially disclose the records requested.
- By notice given in this email, the denial of your PRR stands and your appeal will proceed.
- I now am able to schedule your appeal, although I won't be available to conduct the appeal until I return from a trip on June 9 which is being taken to see two medical specialists (among other important personal matters).
- The next available regular meeting of the Assembly at which your appeal may be heard, and when I'm available, is June 23, 2020.
- The Municipal Clerk has **set the appeal date for Tuesday June 23, 2020**, at the regular meeting of the CBS Assembly. The meeting starts **at 6:00 pm**. The appeal will be heard at a time dependent on the agenda. The Municipal Clerk will give prior public notice, as required by the Sitka General Code.
- If you'd like to provide any written materials to be considered by the Assembly, provide them to the Municipal Clerk. The **deadline to submit materials is June 17, 2020 at noon**.
- I will also have the opportunity to provide written materials, which will be shared with you according to the same deadline.
- If you desire to appear telephonically, please provide notice to the Municipal Clerk as soon as possible, but no later than June 17, 2020, at noon.
- At the meeting, the Assembly will hear your appeal. I will facilitate the appeal. You will be afforded the opportunity to provide evidence (witnesses and documents) and argument to the Assembly – as will I. The Mayor will preside over the hearing and may establish reasonable time limits.
- The Assembly may deliberate and decide your appeal at the meeting or postpone their deliberations and decision, as they see fit.

Authority for your appeal is found under Sitka General Code (SGC) 1.25.080. There is no specific direction in the SGC on how to conduct the appeal. We will follow a procedure using past practices, which will be outlined in an email I'll send you before the close of business on Friday June 12, 2020.

Let us know if you have any questions or concerns. The Municipal Clerk can be contacted at (907)-747-1811 or by email, sara.peterson@cityofsitka.org.

Thank you.



Brian E. Hanson

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