

Appellant Submittal

APPEAL BRIEF & EXECUTIVE SUMMARY

To: The Sitka Assembly

From: Austin W. Cranford

Date: April 28, 2026

Subject: Appeal of Public Records Request Denial (Submitted Feb. 3, 2026)

I. ACTIONS REQUESTED FROM THE ASSEMBLY

The Appellant respectfully requests that the Assembly exercise its oversight authority and order the following administrative actions:

1. **Order the Release of Unredacted Records:** Direct the Municipal Administrator to release the unredacted versions of the provided materials, as the redaction of compensation details under the guise of "non-responsiveness" violates the Alaska Public Records Act (APRA).
2. **Order a Directed Secondary Search:** Direct the Municipal Administrator and HR Director to conduct a thorough secondary search for records regarding Item #4 (communications regarding three officers who resigned citing bonus disputes), as the assertion that "no records exist" for such high-profile resignations represents an inadequate, bad-faith search.

II. SUMMARY OF VIOLATIONS

This appeal challenges the Municipal Administrator's denial dated March 24, 2026. The City's response is legally deficient for three reasons:

Violation 1: Unlawful Redaction Without Statutory Citation The City heavily redacted portions of public employment contracts (such as "Other Benefits" and "Annual Leave" on pages 18–21 and 40). Under **2 AAC 96.335(c)**, any denial or withholding of a public record requires a written explanation citing the specific legal exemption. The City left the exemption box on its own form completely blank. Instead, the Administrator claims the city can redact these sections because they are "non-responsive." There is no provision in APRA that allows a municipality to unilaterally filter out compensation details from an otherwise responsive public document without citing a specific statutory exemption under **AS 40.25.120**.

Violation 2: Failure to Provide a Meaningful Opportunity to Challenge By inventing a "non-responsive" category to hide public compensation data, the City bypassed the requirement to justify its redactions. This violates the Alaska Supreme Court precedent set in *Gwich'in Steering Committee v. State*, which requires agencies to provide "fundamental information" about withheld material to allow citizens a "meaningful opportunity to challenge the government's claims."

Violation 3: Inadequacy of Search & Omission of Responsive Records

The City issued a formal notice that "no records responsive to Item #4 were located". I challenge the adequacy of this search based on objective omissions found within the City's own production:

- **The "KaJena" Omission:** Page 3 of the production contains an email from Chief Goeden to a candidate named KaJena discussing the \$20,000 sign-on bonus. However, the City failed to produce the resulting offer letter or any record of her declining the position. If she was hired, her contract was responsive to Item #1 ; if she declined, the record was responsive to Item #4. In either case, the record is missing.
- **The "Ashleigh Trifunov" Omission:** The production contains an internal email confirming a conditional offer for Ashleigh R. Trifunov was drafted by the HR department. Furthermore, an email from HR Generalist Denise Salter dated August 11, 2025, explicitly states she "just onboarded Ashleigh Trifunov" and asks about her sign-on bonus paperwork. Despite this explicit written proof within the City's own emails that she was offered a job and onboarded, the City completely failed to produce her formal offer letter as requested in Item #1.
- **The "Resignation" Gap:** It is a known fact that multiple officers resigned within a six-month period due to bonus disputes. The City's claim that no emails, memos, or exit interviews exist regarding these high-profile separations is administratively implausible and indicates a failure to conduct a reasonable search.

III. THE GOVERNING LAW: STATE PREEMPTION

The Administrator's defense relies on the assertion that the City's "standard records management practice" supersedes the strict disclosure and citation requirements of the Alaska Administrative Code and the Alaska Public Records Act. This is legally false under the doctrine of State Preemption.

In Alaska, state law preempts local municipal policy in three specific ways, all of which apply to this appeal:

1. **When the Legislature Mandates It (Express Preemption):** Under **AS 40.25.110**, the Alaska Legislature mandated that public records must be open to inspection unless *specifically* exempted by law. The state mandates transparency; a municipality cannot mandate silence.
2. **When the State "Occupies the Field":** The State of Alaska has created a comprehensive framework for what constitutes a public record and how exemptions must be handled (**AS 40.25.110 - .220**). The State has wholly occupied the field of public records law, leaving no room for the City of Sitka to invent an extralegal "non-responsive" redaction category.
3. **When Local Practice Conflicts with State Law:** Sitka's current practice (redacting documents without providing the citizen with a statutory citation) is in direct conflict with the mandatory written justification required by **2 AAC 96.335(c)**. When a local administrative practice conflicts with a state transparency requirement, the state law wins.

Conclusion: The City cannot use a local administrative loophole to hide how tax dollars are being committed to public employees. The Assembly must uphold the Alaska Public Records Act, reject the Administrator's unlawful redactions, and order a complete search for the concealed dispute records.


CERTIFICATION OF RECORDS

This document is intended to meet the requirements set forth in Alaska Rules of Evidence, Rule 803(6), and Sitka General Code. Section 1.20.010.

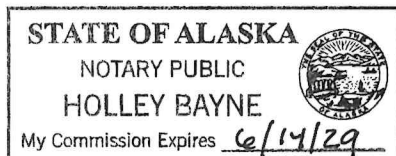
I swear or affirm that, to the best of my knowledge and belief, each of the following is true regarding the attached records:

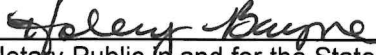
1. I am an employee of the City and Borough of Sitka, Alaska (the "Municipality") and the custodian of the attached records, Bates stamped-pages 001 through 041;
2. records are created and maintained by virtue of my duties and responsibilities;
3. The attached records, Bates stamped-pages 001 through 041 is/are a true and correct copy/ies of records made by staff working for the Municipality at or near the time of, or from an individual with knowledge of, the business activity;
4. All of these records were kept in the course of regularly conducted business activities for the Municipality; and,
5. It was the regular practice of staff working in the Municipality to keep records of this nature in the normal course of business.

3-23-26
Date

CITY & BOROUGH OF SITKA, ALASKA

 By: Sara Peterson
 Its: Municipal Clerk
 100 Lincoln Street
 Sitka, Alaska 99835
 Telephone: 907-747-1811

Subscribed and sworn to before me, a Notary Public, this 23 day of March, 2026.




 Notary Public in and for the State of Alaska
 My commission expires: 6/14/29



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 1.35.040, 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): Unknown
Date of Record(s): 2025-2026
Description of Record(s): Please provide any additional information that will assist us in locating the record(s) for you as quickly as possible:
1. Copies of employment contracts for all police officers hired with a sign on-bonus 2. Records of all sign-on bonuses paid to Police Department Employees in 2025/2026. 3. Any emails or written transcripts approving a sign-on bonus for police department staff.
4. Any written records, emails, job ads, or exit interview notes regarding staff who declined offers or resigned due to disputes.
• Requestor's Signature: Austin W Cranford Date: 02/03/2026

**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	\$ _____
<small>(hourly rate plus benefits) filling a request, when retrieval and duplication of the documents requested generate labor in excess of one hour.</small>		
<small>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.</small>		
	TAX	\$ _____
	TOTAL CHARGES	\$ _____
Date Request Received: <u>2/12/26</u> Completed By or Referred to (check a box below) Name: <u>Police/IT</u>		
<input checked="" type="checkbox"/> Request for Record(s) Copy(ies) total \$ <u>0.00</u> was received on <u>3/23/26</u> and provided or mailed/emailed on <u>3/23/26</u>		
<input type="checkbox"/> Record(s) or Information is exempt from disclosure and public access is denied and the requestor was notified on _____		
<input type="checkbox"/> Record(s) or Information cannot be located or do not exist and the requestor was notified on _____		
<input type="checkbox"/> Record(s) or Information available online at www.cityofsitka.com		
<small>The departments that have a check mark have been copied to assist in filling this records request.</small>		
<input type="checkbox"/> Administration	<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> IS - Email
<input type="checkbox"/> Assessing	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Library
<input type="checkbox"/> Centennial Building	<input type="checkbox"/> Harbor Department	<input checked="" type="checkbox"/> Legal Department
<input type="checkbox"/> Electric Department	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Municipal Clerk
		<input type="checkbox"/> Planning Department
		<input checked="" type="checkbox"/> Police Department
		<input type="checkbox"/> Public Works
		<input type="checkbox"/> Other: _____

From: [Chad Goeden \(Chief of Police\)](#)
To: [REDACTED]
Cc: [Jean Achee \(Lieutenant\)](#); [Mike Hall \(Lieutenant\)](#); [Barry Wilson \(Officer\)](#)
Subject: Answers to your questions
Date: Wednesday, November 12, 2025 11:37:39 AM
Attachments: [Outlook-ilzncfid.png](#)

KaJena, it was good to talk to you yesterday. I spoke with the HR director, and he said that yes, you would qualify for the bonus of up to \$20,000, since you have not been a permanent employee. He also said he supports, in theory, not giving you your signing bonus until the end of the four-year signing period. We would just have to work out the wording in the written offer, since it is different than what we have done in the past.

The next step is for you to decide when you would be able to start. Once we have a more certain date from you, we can finish the background process. In all transparency, I am very interested in bringing you on board as a dispatch supervisor, but I also have other applicants for the position. If they are willing to start before you are able, I would have to consider those circumstances. Not trying to rush you, just making sure you have all of the info before making a decision.

If you have any other questions, please don't hesitate to reach out.

Chad J. Goeden | Chief, Sitka Police Department
[City and Borough of Sitka](#)
304 Lake Street
Sitka, AK 99835
Phone (907) 747-3245
Fax (907) 747-1075
Chad.Goeden@sitkapd.org



ADMINISTRATIVE POLICY NO. 23-01**SIGN-ON BONUS POLICY**

1. PURPOSE

The purpose of this Sign-On Bonus Policy is to provide guidelines for authorizing sign-on bonuses for new employees in difficult-to-fill positions within the City and Borough of Sitka and to ensure fair and equitable use of sign-on bonuses.

2. POLICY

The Municipal Administrator may authorize a sign-on bonus for a new employee starting in a difficult-to-fill position under the following guidelines.

3. GUIDELINES**A. Determination of Difficult-to-Fill Positions:**

- (1) The Municipal Administrator has the sole discretion to determine whether a position is “difficult- to-fill,” the dollar amount of the sign-on bonus, the payment schedule, and the repayment period, subject to available funds in the hiring department’s *current* budget.
- (2) The Municipal Administrator shall consider the following factors when deciding if a position is “difficult-to-fill” based on following factors, including, but not limited to,
 - i. how long the position has remained opened,
 - ii. whether the vacancy postings have satisfied any internal position requirements in the collective bargaining agreements or Personnel Policies Handbook,
 - iii. the number of applicants during the recruitment period(s),
 - iv. history of recruitment difficulties in the past fiscal year for the position, and
 - v. any other factors based on the current labor market in Alaska and within the lower 48 such as industry, in particular public sector, and other recruitment trends or difficulties.
- (3) For the Municipal Administrator to determine if a position is “difficult-to-fill,” the appropriate Department Head shall submit a memorandum to the Municipal Administrator requesting the designation. The memorandum shall address all items in section 3.A.(2) of this policy and make a recommendation for the amount and term of any bonus that the Municipal Administrator should consider.

B. Written Agreement:

- (1) The Municipal Administrator and the employee must sign a written agreement specifying the sign-on bonus amount and payment schedule.
- (2) The written agreement shall require pro-rated repayment according to the schedule set forth in this section if the employee voluntarily ends service in less than 2, 3, or 4 years.
- (3) Any amount not repaid may be deducted from the employee's final paycheck or otherwise lawfully collected.
- (4) The written agreement shall be placed in the newly hired employee's personnel file in HR.

C. Repayment Schedule:

- (1) If the sign-on period is 4 years, the repayment schedule is as follows:
 - i. 100% if service is less than 12 months.
 - ii. 75% if service is 12 months or greater but less than 24 months.
 - iii. 50% if service is 24 months or greater but less than 36 months.
 - iv. 25% if service is 36 months or greater but less than 48 months.
- (2) If the sign-on period is 3 years, the repayment schedule is as follows:
 - i. 100% if service is less than 12 months.
 - ii. 66% if service is 12 months or greater but less than 24 months.
 - iii. 33% if service is 24 months or greater but less than 36 months.
- (3) If the sign-on period is 2 years, the repayment schedule is as follows:
 - i. 100% if service is less than 6 months.
 - ii. 75% if service is 6 months or greater but less than 12 months.
 - iii. 50% if service is 12 months or greater but less than 18 months.
 - iv. 25% if service is 18 months or greater but less than 24 months.

D. Maximum Amount:

- (1) The maximum amount established in the sign-on bonus agreement may not exceed \$20,000.
- (2) The sign-on bonus amount may be paid in multiple payments on a schedule determined by the Municipal Administrator.

E. Eligibility:

A new employee shall only be eligible for a sign-on bonus if they have not worked for the City and Borough of Sitka as a regular, full-time employee for period of at least one year prior to the start of employment.

4. GENERAL PROVISIONS

- A. **Scope:** This policy applies to all departments and employees of the City and Borough of Sitka, Alaska under the general direction of the Municipal Administrator.
- B. **Authority to promulgate policy:** The Municipal Administrator of the City and Borough of Sitka, Alaska maintains the authority granted by the Sitka Home Rule Charter and Sitka General Code to order policy and the guidelines and implementation.
- C. **Review and amendments:** This policy shall be reviewed periodically for effectiveness and may be amended as necessary.
- D. **Effective date:** This policy will take effect as of the signing date.

Dated at Sitka, Alaska, this 15th day of December, 2023



John Leach
Municipal Administrator

Sign-On Bonus Agreement

This Sign-On Bonus Agreement (hereinafter referred to as the "Agreement") is entered into as of _____ (hereinafter referred to as the "Effective Date") by and between the City and Borough of Sitka (CBS), with a mailing address of 100 Lincoln St., Sitka, Alaska 99835 (hereinafter referred to as the "City") and _____, with a mailing address of _____ (hereinafter referred to as the "Employee"), collectively referred to as the "Parties," both of whom agree to be bound by this Agreement.

1. **Sign-On Bonus.** The City shall pay the Employee a cash payment equal to \$ _____ (hereinafter referred to as the "Sign-On Bonus").
2. **Payment Dates.** The Sign-On Bonus shall be paid in the following manner:
 - The City shall pay _____ % of the Sign-On Bonus no later than the first scheduled payroll date after the first _____ days of the Employment Period.
 - The City shall pay the rest of the Sign-On Bonus following the Employee's successful completion of their probationary period but not later than the first scheduled payroll date after the first anniversary of the Effective Date.
3. **Termination.** The Agreement will remain in effect provided that the Employee remains employed with the City through the applicable payment dates.

The Employee understands that the remainder of the Sign-On Bonus is forfeited if the Employee is no longer in the position to which they are hired or if their performance is not satisfactory.

Notwithstanding the foregoing, in the event that the Employee is terminated for cause at any time during their bonus term, the Employee shall be obligated to immediately repay to the City any portion of the Sign-On Bonus paid to him/her.

By signing this Agreement, the Parties understand and authorize the City to withhold any reimbursement due to the City from any severance and other final pay the Employee would receive upon termination of employment.

4. **Governing Law.** The Parties agree that this Agreement shall be deemed to be an Alaska contract and shall be as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the law of the State of Alaska, and a question arising with respect thereto shall be determined in accordance with such laws. Any and all suits for any claims or for any and every breach or dispute arising out of this Agreement shall be maintained in the appropriate court of competent jurisdiction in the City and Borough of Sitka.

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

City and Borough of Sitka

Employee

Name: _____

Name: _____

Signed: _____

Signed: _____

Date: _____

Date: _____



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: John Leach, Municipal Administrator

From: Name: Robert M. Baty
Department: Police

Date: January 4, 2024

Subject: Request for Sign-on Bonus

Background

The Municipal Administrator may authorize a sign-on bonus for a new employee starting in a difficult-to-fill position under guidelines described in *Administrative Policy No. 23-01*. For the Municipal Administrator to determine if a position is "difficult-to-fill," the appropriate Department Head shall complete and submit this memorandum to the Municipal Administrator requesting the designation.

Determination of a Difficult-to-Fill Position

How long has this position remained open? 2 years +

Comments:

The Police department has not been able to fill our vacant positions on a continual basis for many years. The closest we came was 2 years ago when we were one position down.

Has this vacancy posting satisfied internal position requirements in the collective bargaining agreements or *Personnel Policies Handbook*? YES NO

Comments:

There are no internal posting requirements from the bargaining unit.

How many applicants applied for this position during the recruitment period(s)? 3

Comments:

To my recollection, we have only had three applicants in the past three years. The three that did apply had prior experience but did not pass the background investigation. Others have shown initial interest but never followed through with an application

Describe recruitment difficulties this position had within the past fiscal year.

There is a lack of applicants applying, competition with other jurisdictions that are offering substantial signing bonuses, local housing shortages, cost of living on this island. Regular advertising recruitment efforts are not attracting applicants.

Describe additional factors to consider based on the current labor market in Alaska and within the lower 48, such as industry (in particular, public sector), and other recruitment trends or difficulties.

Larger departments with deeper pockets have raised the bar on pay and signing bonuses leaving smaller departments non competitive. Departments are poaching officers from other departments based on bonuses and cost of living. Even the larger departments are in competition with each other and members of agencies such as Anchorage Police Department are leaving to the Troopers because they have changed policies related to employees not having to face force transfer to rural areas and increase their income.

The overall trend that is not unique to Alaska is that there is an overall labor shortage, added to that, less people are expressing interest in pursuing law enforcement as a career than any time in the past.

One of the biggest difficulties is finding the one person who can pass a background, who chooses to live in Sitka as their chosen law enforcement destination when they literally have thousands of options of work place and locations.

Recommendation**What is your recommendation for the amount and term of any bonus the Municipal Administrator should consider?**

I would recommend that we have a sliding scale from \$1000.00 up to \$20,000 based on knowledge, experience and commitment to length of working in Sitka.

I would recommend a slightly lower scale for a three year commitment than a four year commitment.

I have not worked out a scale, but think that certain milestones must be achieved to obtain the bonus. For example: Signing bonus \$XXXX, Completion of academy \$XXXX (Some may not need academy), completion of field training program, (usually three months, some may be shorter based on prior experience) \$XXXX, Completion of one year of service (probationary period is one year) and subsequent years until obligation fulfilled final payout. spreading it out in four payments seems to be a way to retain a person and possibly keep them interested in staying in Sitka. Further discussion on your thoughts on implementation can occur on our next Monthly meeting.




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Robert Baty, Chief of Police

From: John Leach, Municipal Administrator 

Date: January 4, 2024

Subject: Authorization of Sign-On Bonus for Police Officer Position

In accordance with Administrative Policy 23-01 and following the information detailed in your memo dated January 4, 2024, I hereby authorize the implementation of a sign-on bonus for the position of Police Officer within the City and Borough of Sitka (CBS). This bonus, amounting to a maximum of \$20,000, is designed to attract qualified candidates to fill our current vacancies.

The sign-on bonus will be subject to the following conditions:

Service Commitment: For every \$5,000 bonus offered, the recipient will be required to commit to one year of service with CBS. This condition is intended to ensure a return on investment and to foster long-term employment relationships.

Duration of Availability: The bonus program will be active for Fiscal Years 2024 and 2025, or until all police officer positions are filled. Alternatively, the program will end if the allocated budget for this purpose is exhausted, whichever occurs first.

Contractual Agreement: Prior to hiring any applicants under this bonus program, it is essential that a contract outlining the payment plan and service commitments be developed. This contract must be signed by all applicable parties, ensuring clear understanding and agreement on the terms and conditions of the bonus and associated commitments.

This initiative is an essential step in bolstering our police force and enhancing public safety services in our community. I trust that this bonus program will significantly aid in attracting and retaining the skilled officers needed for our police department.

You are authorized to advertise this bonus in job posting for Police Officer positions. The posting should specify that up to a \$20,000 bonus is available depending on qualifications and experience. Please proceed with the necessary steps to implement this program and ensure all contractual and administrative requirements are met.

Encl: Your memo of January 4, 2024

Cc: Human Resources
Payroll




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Chad Goeden, Interim Chief of Police

From: John Leach, Municipal Administrator 

Date: July 25, 2025

Subject: Extension of Sign-On Bonus for Police Officer Position

In accordance with Administrative Policy 23-01 and referencing my memo of January 4, 2024 (attached), this memo serves as approval to extend the duration of the Sign-On Bonus Program for the duration of Fiscal Year 2026, or until all police officer positions are filled. Alternatively, the program will end if the allocated budget for this purpose is exhausted, whichever occurs first. All other conditions from my January 4, 2024, memo remain in effect.

Encl: My memo of January 4, 2024

Cc: Human Resources
Payroll



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: John Leach, Municipal Administrator

From: Name: Chad Goeden *CG*
Department: Police Department

Date: 7/29/25

Subject: Request for Sign-on Bonus

Background

The Municipal Administrator may authorize a sign-on bonus for a new employee starting in a difficult-to-fill position under guidelines described in *Administrative Policy No. 23-01*. For the Municipal Administrator to determine if a position is "difficult-to-fill," the appropriate Department Head shall complete and submit this memorandum to the Municipal Administrator requesting the designation.

Determination of a Difficult-to-Fill Position

How long has this position remained open? At least 4 years

Comments:

We are supposed to have 6, we currently have 3, so we can't even provide 24/7 coverage with our current staffing.

Has this vacancy posting satisfied internal position requirements in the collective bargaining agreements or *Personnel Policies Handbook*? YES NO

Comments:

There are no internal posting requirements from the bargaining unit.

How many applicants applied for this position during the recruitment period(s)? 2

Comments:

I am aware of two that have applied and been hired in the last 4 years.

Describe recruitment difficulties this position had within the past fiscal year.

There is a lack of applicants applying, competition with other jurisdictions that are offering substantial signing bonuses, local housing shortages, cost of living on this remote island. Regular advertising recruitment efforts are not attracting applicants.

Describe additional factors to consider based on the current labor market in Alaska and within the lower 48, such as industry (in particular, public sector), and other recruitment trends or difficulties.

Larger departments with deeper pockets have raised the bar on pay and signing bonuses leaving smaller departments non competitive. Departments are poaching dispatchers from other departments based on bonuses and cost of living.

The overall trend that is not unique to Alaska is that there is an overall labor shortage, added to that, less people are expressing interest in pursuing public safety as a career than any time in the past.

One of the biggest difficulties is finding the one person who can pass a background, who chooses to live in Sitka as their chosen destination when they literally have thousands of options of work place and locations.

Recommendation

What is your recommendation for the amount and term of any bonus the Municipal Administrator should consider?

Given the difficulty in finding the applicants, the need to work long hours and night shifts, and the need for a person of maturity and character, I think it would be best to mirror the signing bonus given to police officers. I realize the training and demands of the job are less, but if a generous bonus gives us a surplus of applicants, we can be more selective in who we hire.




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Chad Goeden, Interim Chief of Police

From: John Leach, Municipal Administrator 

Date: July 31, 2025

Subject: Authorization of Sign-On Bonus for Public Safety Dispatcher and Public Safety Dispatch Supervisor

In accordance with Administrative Policy 23-01 and following the information detailed in your memo dated July 29, 2025, I hereby authorize the implementation of a sign-on bonus for the positions of Public Safety Dispatcher and Public Safety Dispatch Supervisor within the City and Borough of Sitka (CBS). This bonus, amounting to a maximum of \$10,000 for Public Safety Dispatcher positions and \$20,000 for the Public Safety Dispatch Supervisor position, is designed to attract qualified candidates to fill our current vacancies.

The sign-on bonus will be subject to the following conditions:

Duration of Availability: The bonus program will be active for Fiscal Year 2026, or until all Dispatcher positions are filled. Alternatively, the program will end if the allocated budget for this purpose is exhausted, whichever occurs first.

Contractual Agreement: Prior to hiring any applicants under this bonus program, it is essential that a contract outlining the payment plan and service commitments be developed. This contract must be signed by all applicable parties, ensuring a clear understanding and agreement on the terms and conditions of the bonus and associated commitments.

This initiative is a vital step in strengthening our team of Dispatchers and ensuring the continuity of public safety dispatch services in our community. The bonus program is expected to play a key role in attracting and retaining the highly skilled workforce needed to maintain and improve community public safety.

You are authorized to include this bonus in job postings for the Public Safety Dispatcher and Public Safety Dispatch Supervisor roles. The listing should indicate that the maximum bonus depends on qualifications and experience. Please take the necessary steps to implement this program and ensure all contractual and administrative requirements are satisfied.

Encl: Your memo of July 29, 2025

**Cc: Human Resources
Payroll**

From: [John Leach](#)
To: [Chad Goeden \(Chief of Police\)](#)
Cc: [Joshua Branthoover](#); [Human Resources](#); [Payroll](#); [Brooke Volschenk](#)
Subject: Extension of Sign-On Bonus Program for Police Officers
Date: Friday, July 25, 2025 4:58:00 PM
Attachments: [Sign on Bonus Extension Memo Police Officers.pdf](#)
[image001.png](#)

Chief,

Please find attached my memo extending the Sign-On Bonus Program for Fiscal Year 2026.

Best,



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

 [Book time to meet with me](#)

From: [Chad Goeden \(Chief of Police\)](#)
To: [spd.all.staff](#)
Cc: [Joshua Branthoover](#); [John Leach](#)
Subject: I want you to hear it from me first
Date: Wednesday, July 30, 2025 10:32:48 AM
Attachments: [Outlook-gukesqvi.png](#)

As I have said, I am doing everything I can possibly think of to improve our unsustainable staffing situation. With that in mind, I want you to know a few things.

1. Our signing bonus for police officers has been extended by the city administrator, so that is still in effect.
2. I have submitted a memo to the city administrator asking for a signing bonus for dispatchers. It has not yet been approved, so I can't share the details because I don't know them.



If you have any questions or concerns, please let me know. We are all in this together.

Chad J. Goeden | Chief, Sitka Police Department
City and Borough of Sitka
304 Lake Street
Sitka, AK 99835
Phone (907) 747-3245
Fax (907) 747-1075
Chad.Goeden@sitkapd.org



From: [Chad Goeden \(Chief of Police\)](#)
To: [Joshua Branthoover](#)
Cc: [Mike Hall \(Lieutenant\)](#); [Barry Wilson \(Officer\)](#); [Jean Achee \(Lieutenant\)](#); [Serena Wild](#)
Subject: lateral PO job offer
Date: Tuesday, December 9, 2025 5:35:34 PM
Attachments: [Outlook-umoxu52y.png](#)

Josh, I would like to request that an offer letter be drafted with the following specifics:

Position: Lateral Police Officer

Applicant: Dane NeSmith



Start date: February 16

Starting Salary: \$41.04/hour

Conditions: Successful completion of the background investigation and APSC approval of lateral status

Hiring Bonus: \$20,000 with a 4-year sign-on period.



Chad J. Goeden | Chief, Sitka Police Department

[City and Borough of Sitka](#)

304 Lake Street

Sitka, AK 99835

Phone (907) 747-3245

Fax (907) 747-1075

Chad.Goeden@sitkapd.org





CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

HUMAN RESOURCES DEPARTMENT
100 Lincoln Street | Sitka, Alaska 99835
www.cityofsitka.com
hr@cityofsitka.org
907-747-1816

December 12, 2025

Dane NeSmith

Re: Offer Letter for Position of Police Officer

Dear Dane,

Congratulations! On behalf of the City and Borough of Sitka (CBS), I am pleased to offer you the position of Police Officer as follows:

Starting Pay: \$41.04/hour (Step A), paid bi-weekly, non-exempt, full-time, benefitted per PSEA Collective Bargaining Agreement (CBA).

Proposed Start Date: February 16, 2026

Annual Leave Accrual (PTO):

Other Benefits:

Offer Conditions:

Sign-On Bonus:

A sign-on bonus of up to \$20,000 is available with a service commitment of up to four (4) years from the date of hire in accordance with Administrative Policy 23-01. You understand that there will be a separately signed agreement outlining sign-on bonus amount and conditions.

Probationary Period:

From: [Chad Goeden \(Chief of Police\)](#)
To: [Joshua Branthoover](#); [Jean Achee \(Lieutenant\)](#)
Cc: [Serena Wild](#); [Human Resources](#); [Denise Salter](#)
Subject: Re: Conditional Offer for Ashleigh R. Trifunov
Date: Tuesday, August 5, 2025 12:01:57 PM
Attachments: [image002.png](#)
[image003.png](#)
[Outlook-v0in1f3w.png](#)

Yes, I think this offer letter includes everything we were looking for. Thank you.

Chad J. Goeden | Chief, Sitka Police Department

City and Borough of Sitka

304 Lake Street

Sitka, AK 99835

Phone (907) 747-3245

Fax (907) 747-1075

Chad.Goeden@sitkapd.org



From: Joshua Branthoover <joshua.branthoover@cityofsitka.org>
Sent: Tuesday, August 5, 2025 10:52 AM
To: Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>; Jean Achee (Lieutenant) <jean.achee@sitkapd.org>
Cc: Serena Wild <serena.wild@sitkapd.org>; Human Resources <hr@cityofsitka.org>; Denise Salter <denise.salter@cityofsitka.org>
Subject: RE: Conditional Offer for Ashleigh R. Trifunov

Chief,

Please see attached; let me know if this matches everything you are looking for. Give me a call to discuss when available regarding the nature of the bonus we discussed yesterday.

Josh

Well-being Notice: Receiving this email outside of your normal working hours? Managing work and life responsibilities is unique for everyone. I have sent this email at a time that works for me. Please respond as needed at a time that works for you.

Respectfully,



Josh Branthoover, Ed.D., SPHR

Assistant Municipal Administrator
 City and Borough of Sitka
 100 Lincoln Street, Sitka, Alaska, 99835
 Office: (907) 747-1816
 Cell: (907) 738-0991

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From: Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>

Sent: Monday, August 4, 2025 4:03 PM

To: Joshua Branthoover <joshua.branthoover@cityofsitka.org>; Jean Achee (Lieutenant) <jean.achee@sitkapd.org>

Cc: Serena Wild <serena.wild@sitkapd.org>; Human Resources <hr@cityofsitka.org>; Denise Salter <denise.salter@cityofsitka.org>

Subject: Re: Conditional Offer for Ashleigh R. Trifunov

Is there any reason she wouldn't be eligible for the signing bonus? Given that she has no experience, my thought is \$5,000 (1/2 of the maximum allowed), but I'm open to input from others. I have attached the signing bonus memo for reference.

Chad J. Goeden | Chief, Sitka Police Department

City and Borough of Sitka

304 Lake Street

Sitka, AK 99835

Phone (907) 747-3245

Fax (907) 747-1075

Chad.Goeden@sitkapd.org



From: Joshua Branthoover <joshua.branthoover@cityofsitka.org>
Sent: Monday, August 4, 2025 3:21 PM
To: Jean Achee (Lieutenant) <jean.achee@sitkapd.org>; Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>
Cc: Serena Wild <serena.wild@sitkapd.org>; Human Resources <hr@cityofsitka.org>; Denise Salter <denise.salter@cityofsitka.org>
Subject: RE: Conditional Offer for Ashleigh R. Trifunov

Good afternoon,

Please review to make sure it matches what you want and that you don't see any errors.

Well-being Notice: Receiving this email outside of your normal working hours? Managing work and life responsibilities is unique for everyone. I have sent this email at a time that works for me. Please respond as needed at a time that works for you.

Respectfully,



Josh Branthoover, Ed.D., SPHR

Assistant Municipal Administrator
City and Borough of Sitka
100 Lincoln Street, Sitka, Alaska, 99835
Office: (907) 747-1816
Cell: (907) 738-0991

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From: Jean Achee (Lieutenant) <jean.achee@sitkapd.org>
Sent: Monday, August 4, 2025 1:51 PM
To: Human Resources <hr@cityofsitka.org>; Denise Salter <denise.salter@cityofsitka.org>; Joshua Branthoover <joshua.branthoover@cityofsitka.org>
Cc: Serena Wild <serena.wild@sitkapd.org>; Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>
Subject: Conditional Offer for Ashleigh R. Trifunov

Can I get a conditional offer letter for Ashleigh R. Trifunov as a Public Safety Dispatcher Trainee. Starting rate will be \$26.23 per hour. 40 hour per week schedule during training. [REDACTED]

Conditional on satisfactory background investigation, drug screening, hearing test and completion of training.

Lt. Acheé

From: [Chad Goeden \(Chief of Police\)](#)
To: [Human Resources](#); [John Leach](#)
Cc: [Joshua Branthoover](#)
Subject: Re: Dispatch and Dispatch Supervisor Sign-On Bonus Response
Date: Monday, August 11, 2025 2:24:04 PM
Attachments: [image002.png](#)
[image003.png](#)
[Outlook-qcdbo1ri.png](#)

Yes, I am working with Josh on that now.

Chad J. Goeden | Chief, Sitka Police Department
City and Borough of Sitka
304 Lake Street
Sitka, AK 99835
Phone (907) 747-3245
Fax (907) 747-1075
Chad.Goeden@sitkapd.org



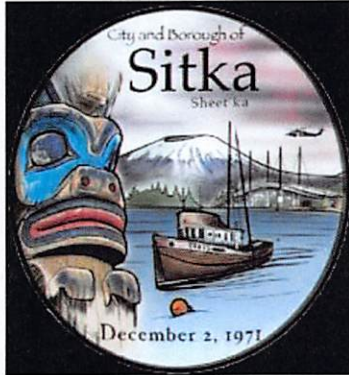
From: Human Resources <hr@cityofsitka.org>
Sent: Monday, August 11, 2025 2:22 PM
To: John Leach <john.leach@cityofsitka.org>; Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>
Cc: Joshua Branthoover <joshua.branthoover@cityofsitka.org>
Subject: RE: Dispatch and Dispatch Supervisor Sign-On Bonus Response

Hello All,

I just onboarded Ashleigh Trifunov for our Public Safety Dispatcher Trainee position. Will she be eligible for the sign-on bonus and paperwork will be forthcoming?

Thank you,

Denise Salter
Human Resource Generalist II
City and Borough of Sitka
100 Lincoln Street | Sitka, AK 99835
denise.salter@cityofsitka.org
(907) 747-1817



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

Sent: Thursday, July 31, 2025 9:17 AM

To: Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>

Cc: Joshua Branthoover <joshua.branthoover@cityofsitka.org>; Human Resources <hr@cityofsitka.org>; Payroll <payroll@cityofsitka.org>; John Leach <john.leach@cityofsitka.org>

Subject: Dispatch and Dispatch Supervisor Sign-On Bonus Response

Chief,

Please find attached my memo authorizing the implementation of a sign-on bonus for Dispatchers and the Dispatch Supervisor position. Please keep me informed if the initial bonus amount does not succeed for the Dispatcher positions. I was hesitant to set it much higher since this is such a high-turnover position.

If you are able to secure any applicants, please work directly with Josh to structure the terms of the agreement.

/r



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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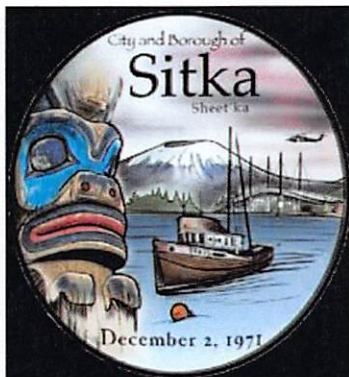
From: [Human Resources](#)
To: [John Leach](#); [Chad Goeden \(Chief of Police\)](#)
Cc: [Joshua Branthoover](#)
Subject: RE: Dispatch and Dispatch Supervisor Sign-On Bonus Response
Date: Monday, August 11, 2025 2:22:29 PM
Attachments: [image002.png](#)
[image003.png](#)

Hello All,

I just onboarded Ashleigh Trifunov for our Public Safety Dispatcher Trainee position. Will she be eligible for the sign-on bonus and paperwork will be forthcoming?

Thank you,

Denise Salter
Human Resource Generalist II
City and Borough of Sitka
100 Lincoln Street | Sitka, AK 99835
denise.salter@cityofsitka.org
(907) 747-1817



From: John Leach <john.leach@cityofsitka.org>
Sent: Thursday, July 31, 2025 9:17 AM
To: Chad Goeden (Chief of Police) <chad.goeden@sitkapd.org>
Cc: Joshua Branthoover <joshua.branthoover@cityofsitka.org>; Human Resources <hr@cityofsitka.org>; Payroll <payroll@cityofsitka.org>; John Leach <john.leach@cityofsitka.org>
Subject: Dispatch and Dispatch Supervisor Sign-On Bonus Response

Chief,

Please find attached my memo authorizing the implementation of a sign-on bonus for Dispatchers and the Dispatch Supervisor position. Please keep me informed if the initial bonus amount does not succeed for the Dispatcher positions. I was hesitant to set it much

higher since this is such a high-turnover position.

If you are able to secure any applicants, please work directly with Josh to structure the terms of the agreement.

/r



John M. Leach
Municipal Administrator
City and Borough of Sitka, Alaska
100 Lincoln Street, Sitka, Alaska, 99835
(907) 747-1812
administrator@cityofsitka.org

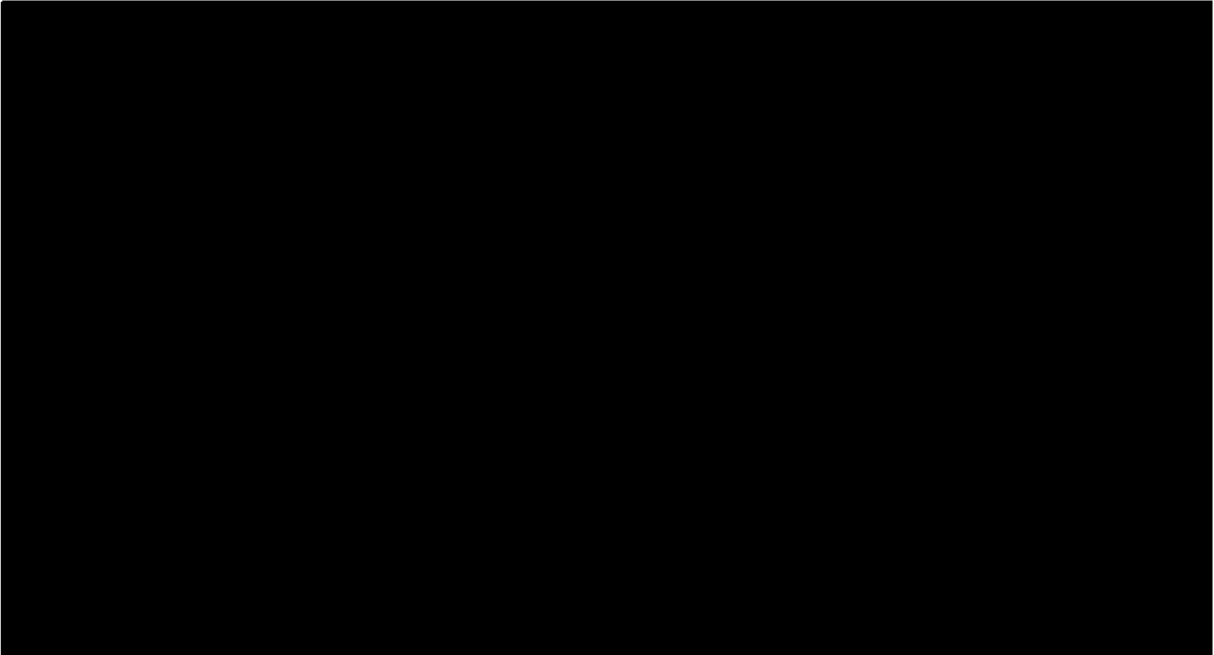
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From: [Joshua Branthoover](#)
To: [John Leach](#)
Cc: [Robert Baty \(Chief of Police\); Jean Achee \(Lieutenant\)](#)
Subject: RE: Waldron Offer
Date: Wednesday, April 16, 2025 4:26:16 PM
Attachments: [image003.png](#)
[image004.png](#)
[PSEA Offer Letter for John Waldron 4.16.2025.pdf](#)

John,



The initial draft is attached; let me know if anyone has any questions or concerns.

Chief and/or Lt. Achee, please call me before sending to applicant.

Josh

Well-being Notice: Receiving this email outside of your normal working hours? Managing work and life responsibilities is unique for everyone. I have sent this email at a time that works for me. Please respond as needed at a time that works for you.

Respectfully,

Josh Branthoover, Ed.D., SPHR
Human Resources Director



City and Borough of Sitka
100 Lincoln Street, Sitka, Alaska, 99835
Office: (907) 747-1816
Cell: (907) 738-0991

 [Book time to meet with me](#)

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From: Jean Achee (Lieutenant) <jean.achee@sitkapd.org>
Sent: Wednesday, April 16, 2025 8:59 AM
To: Joshua Branthoover <joshua.branthoover@cityofsitka.org>
Cc: Robert Baty (Chief of Police) <robert.baty@sitkapd.org>; John Leach <john.leach@cityofsitka.org>
Subject: RE: Waldron Offer

Josh,

I spoke with both the Administrator and the Chief regarding the conditional offer for John Waldron's police officer position.

Please prepare a formal offer letter for Waldron that includes the following details:

- **Initial Shift Assignment:** 2 and 2 schedule. Note that this assignment is temporary and subject to change with reasonable notice based on operational needs.
- **Conditions:** Offer is contingent upon successful completion of both a psychological evaluation and a medical examination.
- **Compensation:** Starting pay at Step F — \$46.43/hour.
- **PTO Accrual:** [REDACTED]
- **Contract:** Include the standard 3-year agreement language related to the hiring bonus.

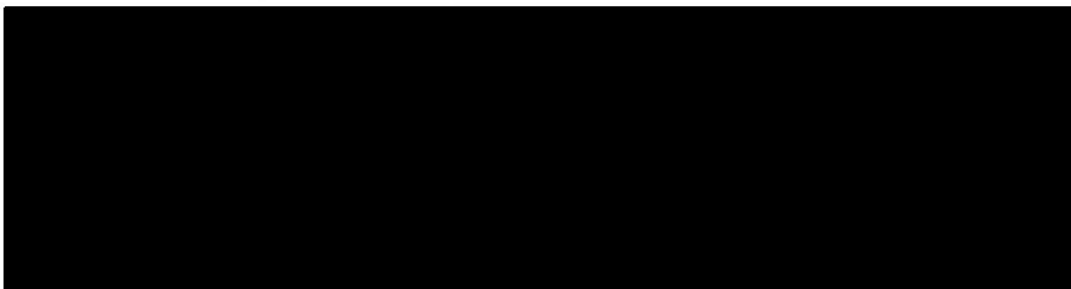
Let me know if you have any questions or need clarification on any of the points.

Thanks,
Lt. Acheé

From: Robert Baty (Chief of Police) <robert.baty@sitkapd.org>
Sent: Tuesday, April 8, 2025 12:18 PM
To: John Leach <john.leach@cityofsitka.org>
Cc: Joshua Branthoover <joshua.branthoover@cityofsitka.org>; Jean Achee (Lieutenant) <jean.achee@sitkapd.org>
Subject: RE: Waldron Offer

Acknowledged. I will notify Waldron. He flew in here yesterday and passed his background testing. I guess the new decision will be in his court.

Sincerely,
Robert M. Baty
Chief of Police
Sitka, Alaska.
907-747-3245





From: [Jean Achee \(Lieutenant\)](#)
To: [Joshua Branthoover](#)
Cc: [Robert Baty \(Chief of Police\)](#); [John Leach](#)
Subject: RE: Waldron Offer
Date: Wednesday, April 16, 2025 8:58:49 AM
Attachments: [image001.png](#)

Josh,

I spoke with both the Administrator and the Chief regarding the conditional offer for John Waldron's police officer position.

Please prepare a formal offer letter for Waldron that includes the following details:

- 
- 
- **Compensation:** Starting pay at Step F — \$46.43/hour.
- 
- **Contract:** Include the standard 3-year agreement language related to the hiring bonus.

Let me know if you have any questions or need clarification on any of the points.

Thanks,
Lt. Acheé

From: Robert Baty (Chief of Police) <robert.baty@sitkapd.org>
Sent: Tuesday, April 8, 2025 12:18 PM
To: John Leach <john.leach@cityofsitka.org>
Cc: Joshua Branthoover <joshua.branthoover@cityofsitka.org>; Jean Achee (Lieutenant) <jean.achee@sitkapd.org>
Subject: RE: Waldron Offer

Acknowledged. I will notify Waldron. He flew in here yesterday and passed his background testing. I guess the new decision will be in his court.

Sincerely,
Robert M. Baty
Chief of Police
Sitka, Alaska.
907-747-3245

From: [Chad Goeden \(Chief of Police\)](#)
To: [Barry Wilson \(Officer\)](#)
Cc: [Jean Achee \(Lieutenant\)](#)
Subject: Sign-on Bonus Guidance
Date: Tuesday, August 12, 2025 3:12:23 PM
Attachments: [signing bonus guidance.pdf](#)
[Outlook-bmowthlj.png](#)

Officer Wilson, attached is a memo providing guidance for discussing sign-on bonuses with applicants. Please let me know if you have any questions.

Chad J. Goeden | Chief, Sitka Police Department
[City and Borough of Sitka](#)
304 Lake Street
Sitka, AK 99835
Phone (907) 747-3245
Fax (907) 747-1075
Chad.Goeden@sitkapd.org





Memorandum

August 12, 2025

To: Recruitment officers
 From: Chief Goeden
 Subject: Sign-on-bonus guidance

This memo provides guidance regarding sign-on bonuses for sworn law enforcement and dispatch positions. It complies with Administrative Policy 23-01, as well as the Municipal Administrator's memos authorizing sign-on bonuses for Police Officers (dated 1/4/24, extended on 7/25/25) and for Public Safety Dispatchers and Public Safety Dispatch Supervisors (dated 7/31/25).

This document is intended as **guidance for recruitment purposes only** and is **not formal policy, nor is it a guarantee of a sign-on bonus. No sign-on bonus is official until presented in writing to the applicant.** This memo does not cover every possible applicant scenario; exceptions may be considered on a case-by-case basis.

Philosophy

Lateral hires bring two advantages to the department:

1. **Reduced training costs** – They already have basic training and often hold certifications, meaning less time and money to reach independent work status.
2. **Proven work experience** – They understand the demands of public safety work, are less likely to resign unexpectedly, and have a documented work history we can verify with prior employers.

For these reasons, **lateral applicants are offered a higher sign-on bonus.**

Trainee hires lack these advantages. The department invests significantly in their training while paying their salary. Risks include:

- Failure to complete training due to performance or suitability.
- Leaving shortly after training, taking valuable certifications to other employers.



For these reasons, **trainee hires receive a lower, performance-based sign-on bonus.**

Repayment Obligation:

- If an employee resigns or is terminated for cause (i.e., misconduct), they must repay bonus amounts received, according to the applicable repayment schedule.
- If terminated for reasons other than cause (e.g., failure to meet performance standards), no repayment is required.

Dispatch / Dispatch Supervisor Positions

1. Dispatcher Trainee (little or no prior experience)

- **Bonus:** \$5,000 (two-year sign-on period)
- **Payment:** 50% upon completion of initial training and working independently; 50% upon completion of probation.
- **Repayment Schedule:**
 - i. 100% if service < 6 months
 - ii. 75% if service \geq 6 months but < 12 months
 - iii. 50% if service \geq 12 months but < 18 months
 - iv. 25% if service \geq 18 months but < 24 months

2. Experienced Dispatcher (completed training, not necessarily probation)

- **Bonus:** \$10,000 (two-year sign-on period)
- **Payment/Repayment:** Same as Dispatcher Trainee

3. Dispatch Supervisor – Limited Supervisory Experience

- **Bonus:** \$10,000 (two-year sign-on period)
- **Payment/Repayment:** Same as Experienced Dispatcher

4. Dispatch Supervisor – Extensive Supervisory Experience

- **Bonus:** \$20,000 (four-year sign-on period)
- **Payment:** 25% at 90 days; 25% at probation completion; 25% at start of year 3; 25% at start of year 4
- **Repayment Schedule:**
 - i. 100% if service < 12 months
 - ii. 75% if service \geq 12 months but < 24 months



- iii. 50% if service \geq 24 months but $<$ 36 months
 - iv. 25% if service \geq 36 months but $<$ 48 months
-

Police Officer Positions

1. Police Officer Trainee (little or no prior experience)

- **Bonus:** \$10,000 (two-year sign-on period)
- **Payment:** 50% upon completion of field training; 50% upon completion of probation.
- **Repayment Schedule:**
 - i. 100% if service $<$ 6 months
 - ii. 75% if service \geq 6 months but $<$ 12 months
 - iii. 50% if service \geq 12 months but $<$ 18 months
 - iv. 25% if service \geq 18 months but $<$ 24 months

2. Lateral Police Officer (lateral academy only required)

- **Bonus:** \$20,000 (four-year sign-on period)
- **Payment:** 25% at 90 days; 25% at probation completion; 25% at start of year 3; 25% at start of year 4
- **Repayment Schedule:**
 - i. 100% if service $<$ 12 months
 - ii. 75% if service \geq 12 months but $<$ 24 months
 - iii. 50% if service \geq 24 months but $<$ 36 months
 - iv. 25% if service \geq 36 months but $<$ 48 months

From: [John Leach](#)
To: [Joshua Branthoover](#); [Chad Goeden \(Chief of Police\)](#)
Subject: Updated Dispatcher Bonus Memo
Date: Tuesday, August 5, 2025 10:55:00 AM
Attachments: [Sign on Bonus Response Memo - Dispatcher.pdf](#)
[image001.png](#)

Josh – Attached as we discussed.



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: [John Leach](#)
To: [Chad Goeden \(Chief of Police\)](#)
Cc: [Joshua Branthoover](#); [Human Resources](#); [Payroll](#); [John Leach](#)
Subject: Dispatch and Dispatch Supervisor Sign-On Bonus Response
Date: Thursday, July 31, 2025 9:17:00 AM
Attachments: [Sign on Bonus Response Memo - Dispatcher.pdf](#)
[image001.png](#)

Chief,

Please find attached my memo authorizing the implementation of a sign-on bonus for Dispatchers and the Dispatch Supervisor position. Please keep me informed if the initial bonus amount does not succeed for the Dispatcher positions. I was hesitant to set it much higher since this is such a high-turnover position.

If you are able to secure any applicants, please work directly with Josh to structure the terms of the agreement.

/r



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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CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

HUMAN RESOURCES DEPARTMENT

100 Lincoln Street | Sitka, Alaska 99835

www.cityofsitka.com

hr@cityofsitka.org

907-747-1816

April 16, 2025

John Waldron
[REDACTED]

Re: Offer Letter for Position of Police Officer

Dear John,

Congratulations! On behalf of the City and Borough of Sitka (CBS), I am pleased to offer you the position of Police Officer as follows:

Starting Pay: \$46.43/hour (Step F), paid bi-weekly, non-exempt, full-time, benefitted per PSEA Collective Bargaining Agreement (CBA).

Proposed Start Date: May 5, 2025

Annual Leave Accrual (PTO): [REDACTED]

Other Benefits: [REDACTED]

Sign-On Bonus: A sign-on bonus of up to \$20,000 is available with a service commitment of up to four (4) years from the date of hire in accordance with Administrative Policy 23-01. You understand that there will be a separately signed agreement outlining sign-on bonus amount and conditions.

Offer Conditions: [REDACTED]

Probationary period: [REDACTED]



PUBLIC RECORDS REQUEST FORM

Name:		Address:		
		City:	State:	Zip:
Phone No.:	Cell No.:	E-Mail:		

The employee having custody of public records shall give, on request and pre-payment of the fee established under 1.35.040, 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):
Date of Record(s):
Description of Record(s): Please provide any additional information that will assist us in locating the record(s) for you as quickly as possible:
• Requestor's Signature: _____ Date: _____

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	\$ _____
<small>(hourly rate plus benefits) filling a request, when retrieval and duplication of the documents requested generate labor in excess of one hour.</small>		
<small>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.</small>		
	TAX	\$ _____
	TOTAL CHARGES	\$ _____

Date Request Received: _____ Completed By or Referred to (check a box below) Name: _____

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 _____

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.

<input type="checkbox"/> Administration	<input type="checkbox"/> Finance	<input type="checkbox"/> IS – Email	<input type="checkbox"/> Planning Department
<input type="checkbox"/> Assessing	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Library	<input type="checkbox"/> Police Department
<input type="checkbox"/> Centennial Building	<input type="checkbox"/> Harbor Department	<input type="checkbox"/> Legal Department	<input type="checkbox"/> Public Works
<input type="checkbox"/> Electric Department	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Municipal Clerk	<input type="checkbox"/> Other: _____

GWICH IN STEERING COMMITTEE v. STATE OFFICE OF THE GOVERNOR (2000)

Supreme Court of Alaska.

GWICH'IN STEERING COMMITTEE, a nonprofit village-based Athabascan organization, Appellant/Cross-Appellee, v. STATE of Alaska, OFFICE OF THE GOVERNOR, Appellee/Cross-Appellant.

Nos. S-9026, S-9046.

Decided: October 13, 2000

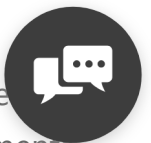
Before MATTHEWS, Chief Justice, EASTAUGH, FABE, BRYNER, and CARPENETI, Justices.

Robert W. Randall, Trustees for Alaska, Anchorage, for Appellant/Cross-Appellee. Christopher Kennedy, Assistant Attorney General, Anchorage, and Bruce M. Botelho, Attorney General, Juneau, for Appellee/Cross-Appellant.

OPINION

I. INTRODUCTION

Invoking Alaska's Public Records Act, an organization asked the governor of Alaska to produce documents relating to the governor's lobbying efforts to open the Arctic National Wildlife Refuge for oil exploration and drilling. The governor withheld the documents,



claiming privilege. In the ensuing administrative appeal, the superior court held that the deliberative process privilege protected the documents from disclosure. We affirm because we conclude that the documents are predecisional and deliberative, and because the requesting organization did not establish that its need for the documents outweighed the governor's interest in nondisclosure.

II. FACTS AND PROCEEDINGS

The Gwich'in Steering Committee characterizes itself as a nonprofit organization formed to protect the birthplace and nursing grounds of the Porcupine Caribou Herd in the Arctic National Wildlife Refuge (ANWR). It claims that it has been prominent in efforts to prevent oil drilling on the coastal plain of ANWR.

The governor and his executive staff in the Office of the Governor have been active in lobbying the United States Congress to open ANWR for oil and gas development. As part of that effort the Governor's Office hired a lobbying company, The Wexler Group.

Arctic Power is a nonprofit organization that promotes congressional and presidential approval of legislation opening ANWR. Arctic Power has received grants from the Alaska legislature to fund its lobbying efforts.¹ To further its goals, Arctic Power hired Decision Management, Inc. (DMI) to lobby United States senators.

The current dispute arose in November 1997 when Gwich'in submitted to the Office of the Governor a broad request for information relating to the promotion of oil development in ANWR-pursuant to Alaska's Public Records Act.²

The Office of the Governor produced most of the requested materials, but declined to produce thirteen documents, claiming that the deliberative process privilege and constitutional rights to privacy and association protected them from disclosure. Gwich'in appealed the nondisclosure to the governor's Chief of Staff, Jim Ayers.³ Ayers concluded that the deliberative process privilege protected eight of the documents.

Gwich'in filed a superior court administrative appeal from the refusal to disclose the eight documents. In response, the Office of the Governor released one of the documents and moved to supplement the administrative record with an affidavit of John Katz, the Director of State/Federal Relations and Special Counsel to the Governor, to further explain why the privilege applied to the seven remaining documents. The superior court declined to consider the Katz affidavit and limited its appellate review to the administrative record. The superior court examined the documents in camera and concluded that the deliberative process privilege protected all seven of the

disputed documents. In a thoughtful and thorough memorandum opinion, the superior court affirmed the Office of the Governor's decision to withhold the documents.

The superior court also determined that the Office of the Governor prevailed in the litigation and awarded it \$1,000 in attorney's fees and paralegal costs.⁴ The superior court consequently denied Gwich'in's motion for full attorney's fees.

Both parties appeal. Gwich'in appeals the deliberative process privilege ruling, the attorney's fees award against it, and the denial of its motion for full attorney's fees. The Office of the Governor contingently cross-appeals the denial of its motion to supplement the record with the Katz affidavit.

III. DISCUSSION

A. May the Office of the Governor Withhold the Documents? 1. Standard of review

When a superior court acts as an intermediate court of appeal we give no deference to its decision.⁵ The Office of the Governor urges us to give "considerable deference" to an agency's determination when deciding whether the deliberative process privilege applies, because it claims that an agency's expertise in determining the requisite level of confidentiality is necessary to prevent injury to the quality of agency decisions.⁶ We are not persuaded that this case requires deference to the Office of the Governor.⁷ We therefore apply our independent judgment in deciding the legal issues presented.⁸

2. Alaska's Public Records Act

The act provides that "[u]nless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours,"⁹ and that "[e]very person has a right to inspect a public record in the state."¹⁰ We have noted that "[t]here is a strong public interest in disclosure of the affairs of government," and "[sections] .110 and .120 articulate a broad policy of open records."¹¹ The right of citizen access to public records has been characterized as a "fundamental right."¹²

The Public Records Act contains exceptions to the public disclosure mandate, including one for "records required to be kept confidential by . state law."¹³ To further the legislative policy of broad public access, we narrowly construe any exceptions.¹⁴

3. The deliberative process privilege

The deliberative process privilege is one of the judicially recognized “state law” exceptions under AS 09.25.120(a)(4).¹⁵ Public officials may assert this privilege and withhold documents when public disclosure would deter the open exchange of opinions and recommendations between government officials.¹⁶ The privilege is intended to protect the executive's decisionmaking process, its consultative functions, and the quality of its decisions.¹⁷

Gwich'in maintains that this privilege only protects communications relating to constitutionally-prescribed executive powers and duties, as determined by article III of the Alaska Constitution. It reasons that the privilege stems from the executive privilege, which is based on the separation of powers doctrine.

We stated in *Capital Information Group v. State, Office of the Governor*¹⁸ that we considered the terms “executive privilege” and “deliberative process privilege” to be synonymous for purposes of that discussion.¹⁹ But the two terms are not identical.²⁰ Instead, the deliberative process privilege is a “branch” of a broader group of governmental privileges.²¹ The roots of the deliberative process privilege lie in the common law; it protects the mental processes of government decisionmakers from interference, not constitutional notions of separation of powers.²² Therefore, the question is not whether the communication relates to a duty mandated in article III of the Alaska Constitution, but whether disclosure of the communication sought would affect the quality of governmental decisionmaking.

To determine whether disclosure would interfere with that process, the proponent of the privilege must show as a threshold matter that the communication is both “predecisional” and “deliberative.”²³ Once those requirements have been met, the court balances the public's interest in disclosure against the agency's interest in confidentiality.²⁴

a. Predecisional

To qualify as predecisional, a communication must have been made before the deliberative process was completed.²⁵ The privilege protects predecisional communications because the quality of the communications received by the decisionmaker clearly affects the quality of the decisionmaking process.²⁶ The privilege does not protect postdecisional communications, but predecisional communications do not automatically lose the privilege after a decision has been made.²⁷

b. Deliberative

The communication must also be deliberative.²⁸ It must reflect a “give-and-take” of the decisionmaking process and contain opinions, recommendations, or advice about agency policies.²⁹ Purely factual material is not protected unless the selection process or presentation would reveal the decisionmaking process, or if the facts are inextricably intertwined with that process.³⁰ Courts also consider the function and significance of the communication; documents representing ideas and theories that go into policymaking are distinguished from the opinions and interpretations that constitute the policy itself.³¹

c. The balancing test

If the agency demonstrates that a document is predecisional and deliberative, a presumptive privilege attaches in favor of nondisclosure.³² The burden then shifts to the party seeking disclosure to show that the public's interest in disclosure outweighs the government's interest in shielding the information.³³ We recognize that “[i]n balancing the interests . the scales must reflect the fundamental right of a citizen to have access to the public records as contrasted with the incidental right of the agency to be free from unreasonable interference.”³⁴

4. Privilege application

Gwich'in advances four main arguments which we address in turn.

a. Did the administrative decision allow Gwich'in to meaningfully challenge the assertion of privilege?

Gwich'in first argues that the initial decision by the Office of the Governor is facially inadequate to sustain the privilege because the decision failed to state sufficient reasons for withholding the documents and therefore did not satisfy requirements stated in regulation and case law.

The Office of the Governor promulgated 6 Alaska Administrative Code (AAC) 96.350 (2000), which requires that an administrative appeal determination of a Public Records Act request denial “must be in writing, must specify the specific statute, regulation, or court decision that

is the basis for the denial, and must state briefly the reason for the denial.” We have never addressed what an agency must show to invoke the privilege under 6 AAC 96.350.³⁵

In *City of Colorado Springs v. White*,³⁶ the Colorado Supreme Court thoroughly discussed what an agency must do to invoke the privilege successfully following a public records act request. The court there adopted the well-established procedure federal agencies must follow to protect documents from disclosure under the Freedom of Information Act.³⁷ Under federal law, an agency must assert the privilege by preparing a “Vaughn index.”³⁸ The court stated that the index should (1) describe specifically each document claimed to be privileged, noting its author, recipient, and subject; (2) explain how each document qualifies for the privilege, describing the deliberative process to which the document is related and the role the document played in that process; (3) include an affidavit discussing why disclosure would be harmful; and (4) describe which portions of large documents are and are not subject to disclosure.³⁹

The requirements of 6 AAC 96.350 are not as extensive as the requirements for a “Vaughn index,” but the purpose is the same—to “provide litigants with fundamental information about the allegedly privileged material, and provide them with a meaningful opportunity to challenge the government's claims.”⁴⁰ When it initially denied Gwich'in access to the documents, the Office of the Governor provided information about each document's author, subject matter, date, length, and reason for nondisclosure. Ayers's written determination of the administrative appeal listed the specific documents, the reasons for nondisclosure, and the legal authority for nondisclosure. The Office of the Governor therefore complied with 6 AAC 96.350. Moreover, the superior court's in camera review and the full briefing before that court allowed Gwich'in a meaningful opportunity to challenge the claim of privilege.⁴¹

Because we hold that the administrative decision and the superior court's in camera review were sufficient, we do not need to address the Office of the Governor's cross-appeal.

b. Did the Office of the Governor establish that the documents fall under the privilege?

Gwich'in next argues that the Office of the Governor fails to meet the threshold requirements of the privilege. The documents fall into three categories: (1) three memoranda from Decision Management Inc. (DMI), a lobbying company, to the Office of the Governor regarding lobbying strategies; (2) a draft media plan from The Wexler Group, another lobbying company, to the Office of the Governor;

and (3) three e-mail communications between staffers in the Office of the Governor regarding how the state might proceed with the proposed media plan.

(i) Decision Management, Inc. memoranda

The Office of the Governor withheld an eleven-page February 4, 1997, memorandum to John Katz from DMI regarding “Congressional passage of ANWR bill.” It also withheld two five-page February 26, 1997, memoranda from DMI to Katz regarding the same subject.

Gwich'in first argues that nothing in the administrative record establishes that the DMI memoranda were directly solicited. To qualify for the privilege, the communication or document at issue must be an “internal communication” or one “directly solicited” by a government official.⁴² Outside consultants' reports have been held to be privileged if the agency uses them in its decisionmaking process.⁴³

After reviewing the February 4, 1997, memorandum, we conclude that the document establishes that it was “directly solicited.” The Office of the Governor clearly invited DMI to submit a proposal and DMI responded. The February 26, 1997, memoranda were merely addenda to that proposal and therefore were also directly solicited.

Second, Gwich'in argues that the three DMI memoranda are not predecisional because no specific decision was identified; the memoranda were incorporated by reference in a document disclosed by the state, a contract between Arctic Power and DMI; and the memoranda relate to an agreement beyond the decisionmaking capacity of the executive, namely a contract between two private parties.

No specific decision needs to be identified for a document to be predecisional.⁴⁴ The privilege protects the give-and-take deliberative process, not final decisions; no ultimate conclusion needs to be identified, or even reached, for the privilege to attach.

Documents that are incorporated by reference or expressly adopted in a final decision by an agency may lose their predecisional status.⁴⁵ Here the DMI memoranda were incorporated by reference into DMI's private contract with Arctic Power. Incorporating an otherwise privileged document into a private contract cannot be a basis for the loss of that privilege because that contract is not the agency's final decision.⁴⁶

We conclude that the DMI memoranda are both predecisional and deliberative. As Gwich'in notes, the decision about whether Arctic Power would contract with DMI was beyond that office's authority, but we conclude that DMI submitted the memoranda in February 1997 as proposals "suggesting a strategy for public information and lobbying campaigns to be overseen by Arctic Power." Although DMI ultimately contracted with Arctic Power, the DMI memoranda are inextricably intertwined with the proposed lobbying plans of the Office of the Governor; those plans may have included using Arctic Power to lobby for it.⁴⁷ The privilege therefore serves to protect the very process at issue here-the deliberative consideration of proposals which were not adopted.

(ii) The draft media plan

The Office of the Governor also withheld a November 25, 1997 "[d]raft media plan for ANWR from Wexler Group to John Katz." The Wexler Group had originally contracted with the state in September 1995 to lobby for opening ANWR for oil and gas development. That contract was extended through June 1998.

First, Gwich'in argues that the administrative record fails to show that the media plan was directly solicited. Unlike the DMI memoranda, the draft media plan itself does not establish that the Office of the Governor directly solicited the plan from The Wexler Group. But we conclude that other documents withheld by the Office of the Governor-the e-mails between David Ramseur and John Katz-do establish that the draft media plan was directly solicited.

Second, Gwich'in reasons that the privilege protects nongovernmental, directly solicited documents because disclosure would tend to silence informants who provide confidential information. It concludes that disclosure here would have no such chilling effect because the Wexler Group was contractually obligated to provide information. But the privilege does apply in this context, because disclosure might chill "honest and frank communications" between hired consultants and the agency.⁴⁸

Third, Gwich'in claims the media plan is not predecisional to the decision to undertake a media campaign, a decision made when the Office of the Governor hired The Wexler Group in 1995. Even though that decision had already been made, the draft plan is the kind of communication that the privilege protects-a preliminary communication that reflects the give-and-take deliberation of an executive agency. Ongoing deliberation continued on how to effectuate the Office of the Governor's goal of opening ANWR by lobbying Congress in a variety of ways, including deliberation on what media strategy to use. The primary characteristic of the media plan is predecisional.⁴⁹ Disclosure could chill planning strategy and communicating with hired consultants.

(iii) The e-mails

In June 1997 David Ramseur, the governor's Deputy Chief of Staff, and John Katz wrote three e-mail messages about hiring a media consultant.

Gwich'in argues that the e-mails were not predecisional because the Office of the Governor did not identify a decision and because the decision to undertake a media campaign had already been made. A specific decision need not be identified for the privilege to attach, and decisions were ongoing regarding the Office of the Governor's lobbying strategies.⁵⁰

Gwich'in also argues that the e-mails were not deliberative because the privilege only protects communications from subordinates. Communications from a senior to a subordinate are not necessarily postdecisional.⁵¹ These three messages reflect the give-and-take deliberative process of arriving at a decision. None reflects any directive on how to implement a particular plan or course of action from a senior to a junior employee; instead, each shows ongoing discussion and deliberation about whether to hire a media consultant and whom to hire. Our review of these three messages shows that they were all predecisional and deliberative.

The Office of the Governor's determination and our in camera review establish both threshold requirements for all seven withheld documents. We therefore hold that the privilege presumptively attached and that Gwich'in was obliged to show that its need for the documents outweighed the Office of the Governor's interest in secrecy.

c. Has the privilege evaporated?

Before it addresses the balancing of interests, Gwich'in argues, citing a Washington case,⁵² that the privilege evaporates when the decision that the documents preceded is finally made. It argues that because over a year has passed, all the decisions relating to the withheld documents must have been implemented already.

The question is not whether the decision has been implemented, or whether sufficient time has passed, but whether disclosure of these preliminary proposals could harm the agency's future decisionmaking by chilling either the submission of such proposals or their forthright consideration.⁵³ Disclosing proposals made-but not adopted-could chill the possible future adoption of those or similar proposals, or the relationships between the Office of the Governor and its lobbyists. We therefore hold that the communications have not lost the privilege.

d. Does the public interest in disclosure outweigh the interests in nondisclosure?

Finally, Gwich'in argues that the documents relate to the "fate of the Gwich'in's culture and way of life" and that the public has a proprietary interest in the expenditure of over a million dollars of state funds. It further claims that the Office of the Governor's interest is weaker when the documents relate to political lobbying and not to an essential executive branch function.

The Office of the Governor argues that Gwich'in failed to produce any evidence it had a particular interest in disclosure, and that the public has an interest only in how funds are actually spent, not how they might have been spent. It counters Gwich'in's "essential executive function" argument by citing Capital Information Group, which allowed the privilege for documents unrelated to the constitutionally mandated executive activity of policymaking.⁵⁴

When balancing the interests in Capital Information Group, we held that agency proposals submitted to the governor fell under the privilege. We explained:

[The Governor] is formulating his own political legislative package which will reflect his own priorities and agenda. In doing so, he must determine not only which of the agency proposals have merit but also which warrant the expenditure of his own political capital in their pursuit. This is one of the most sensitive and important functions that the Governor performs while in office, and the need for frank discussion of policy matters among the Governor's advisors is perhaps greater here than in any other area. . the need for effective decisionmaking in the Governor's office in the formulation of his legislative agenda is not overcome by [the requestor's] desire to "shed light on the needs of the agencies." [55]

Gwich'in's attempt to resurrect its "essential executive function" argument in the balancing test therefore fails. The privilege may protect any governmental decisionmaking function, including the governor's policymaking and lobbying of either state or federal government.

Generally, it is difficult for a requestor to override a presumptive privilege.⁵⁶ Relevant factors include: the degree of confidentiality and sensitivity of the communication; the time elapsed after deliberation concluded and after communications were made; and whether deliberation is ongoing.⁵⁷

Here, even though two years have passed and the communications do not appear to be highly sensitive, the scales tip in favor of nondisclosure. The governor's national political agenda for the state is no less important than the governor's state political agenda, a

topic we discussed in Capital Information Group. And while the public has an interest in how the state spends public money, it has less interest in knowing how the state might have spent public money, but did not. Finally, Gwich'in has a great interest in maintaining its way of life and culture, but it can conduct its own lobbying efforts to advance that interest.

We therefore hold that the deliberative process privilege protects all seven disputed documents.

B. Attorney's Fees

The superior court awarded the Office of the Governor \$1,000 in appellate attorney's fees and paralegal costs under Appellate Rule 508(e), and summarily denied Gwich'in's motion for attorney's fees. In doing so, it found that the Office of the Governor was the prevailing party.

Gwich'in claims that it was the prevailing party because the Office of the Governor released one of the eight documents it originally withheld. We review the superior court's prevailing-party determination for abuse of discretion.⁵⁸ To decide which party prevails, the court must "determine, in an overall sense, which party the decision favors."⁵⁹ We have upheld a superior court's conclusion that a requestor of information was not a prevailing party when the requestor was granted access to some documents but was denied access to others held to be privileged.⁶⁰

Here the superior court affirmed the withholding of the seven disputed documents and decided that the agency was the prevailing party. Even though Gwich'in may have induced the release of an eighth document, the state's withholding of the seven documents was the main issue in the appeal to the superior court.⁶¹ The superior court therefore did not abuse its discretion by determining that the Office of the Governor was the prevailing party.

Gwich'in next argues that because it qualifies as a public interest litigant, it was an abuse of discretion to award partial attorney's fees against it. The Office of the Governor counters that Gwich'in failed to establish public interest litigant status by evidence or affidavit.

We review the superior court's resolution of the public interest litigant status issue for abuse of discretion.⁶² A party claiming this status must satisfy all four elements of the public interest litigant test: (1) that the case is designed to effectuate strong public policy; (2) that numerous people will benefit from the successful litigation; (3) that only a private party can have been expected to bring the suit; and (4)

that the party does not have sufficient economic interest to otherwise bring suit.⁶³ Although Gwich'in did not file affidavits or exhibits supporting its claim of public interest litigant status, its failure to do so is not fatal.

In *Kachemak Bay Watch, Inc. v. Noah*,⁶⁴ we discussed how a court must determine public interest litigant status. There the opponents presented evidence that three members of Kachemak Bay Watch (KBW) had an economic incentive to sue and KBW failed to refute this evidence.⁶⁵ We upheld the decision to deny public interest litigant status because the superior court had “reasonably based its decision on the economic incentives of the KBW members about whom it had more detailed information.”⁶⁶

Gwich'in provided the superior court detailed information relevant to the public interest litigant issue. Its attorney's fees motion argued that Gwich'in met all four elements of the public interest litigant test. Its opposition to the Office of the Governor's motion for attorney's fees again asserted that Gwich'in sought the records as a public interest litigant and had no financial interest in the litigation. Unlike the party opposing KBW's claim of public interest litigant status, the Office of the Governor did not provide more detailed information than Gwich'in to rebut Gwich'in's assertion of public interest litigant status, but instead simply relied on briefing arguments. Gwich'in's failure to submit formal evidence or affidavits therefore did not doom its fees arguments.

We next consider whether it was an abuse of discretion to award attorney's fees against Gwich'in.⁶⁷ Gwich'in claimed that it was acting on behalf of the Gwich'in people to gain access to information under the Public Records Act and to challenge the failure to disclose requested documents.⁶⁸ We have previously held that a suit brought to ensure compliance with statutory and constitutional policies that concern the public as a whole effectuates strong public policies.⁶⁹ Because open access to public records is a “fundamental right,”⁷⁰ we conclude that Gwich'in's administrative appeal effectuated strong public policies.

Many people share the Gwich'in Steering Committee's views on developing ANWR. Many people therefore might have benefitted had the disclosure effort succeeded, given the likelihood that disclosure would have hampered pro-development lobbying.⁷¹

Because the Office of the Governor withheld the documents, only a private, nongovernmental party could reasonably have been expected to request this information to further Gwich'in's goal of ensuring compliance with the Public Records Act.⁷²

Finally, the Gwich'in Steering Committee is a nonprofit, tribal-based organization whose administrative appeal sought access to information, not money or other economic advantage. Although the Office of the Governor argues that the Gwich'in has an economic interest in the caribou it seeks to protect, we have held that "a group partially motivated by a threat to its subsistence lifestyle did not have sufficient economic incentive to sue" and that "a more substantial financial interest is required" ⁷³ to defeat a claim of public litigant status.

We therefore hold that it was an abuse of discretion to award attorney's fees against Gwich'in.

IV. CONCLUSION

Because the seven disputed documents are all predecisional and deliberative, and because Gwich'in's need for the documents does not outweigh the interest of the Office of the Governor in preventing interference with its decisionmaking process, we AFFIRM the superior court decision affirming the administrative decision withholding the documents as privileged. But because Gwich'in was a public interest litigant, we VACATE the award of attorney's fees against it.

FOOTNOTES

¹. See ch. 123, § 34(a), SLA 1996; ch. 103, § 90(a), SLA 1995.

². See AS 09.25.110-.220. Gwich'in requested: (1) information on any 1998 fiscal year legislative appropriation to the Office of the Governor used to promote ANWR oil development; (2) all materials that addressed plans, efforts, budgets, expenditures, or possible future activities by various organizations, including Arctic Power, to promote oil development in ANWR, including cooperative or coordinated activities of the State of Alaska with those organizations; and (3) materials relating to communications between the Office of the Governor and the Department of Natural Resources, Arctic Power, labor union representatives, Alaska Native corporation representatives, the Alaska legislature, or others, addressing the promotion of oil leasing in ANWR.

³. See 6 Alaska Administrative Code (AAC) 96.350 (2000).

⁴. See Alaska R.App.P. 508(e).

⁵. See Alaska Wildlife Alliance v. Rue, 948 P.2d 976, 979 (Alaska 1997).

2 AAC 96.335 - Denial of request

State Regulations Compare

- (a) A request for a public record that complies with this chapter may be denied only if
- (1) the record is not known to exist after the public agency makes a diligent search for it;
 - (2) the record is not in the public agency's possession, and after a diligent search the public agency does not know where the record is to be found;
 - (3) the record has been destroyed in accordance with an applicable record-retention schedule;
 - (4) nondisclosure of the record is authorized by a federal law or regulation, or by state law; or
 - (5) the record is believed to be in the agency's possession but has not yet been located, in which case the public agency shall proceed under (f) of this section.
- (b) A request may be denied by the public agency head or by an agency employee to whom denial authority has been delegated by the public agency head.
- (c) An initial denial of a written request must be in writing; must state the reasons for the denial, including any specific legal grounds for the denial; and must be dated and signed by the person issuing the denial. If a request is denied by a public agency employee to whom denial authority has been delegated, the notice of denial must reflect this delegation. A copy of [2 AAC 96.335](#) - [2 AAC 96.350](#) must be enclosed with the denial.
- (d) A denial of a written request, in whole or in part, must state that
- (1) the requester may administratively appeal the denial by complying with the procedures in [2 AAC 96.340](#);
 - (2) the requester may obtain immediate judicial review of the denial by seeking an injunction from the superior court under AS 40.25.125;
 - (3) an election not to pursue injunctive remedies in superior court shall have no adverse effects on the rights of the requester before the public agency; and
 - (4) an administrative appeal from a denial of a request for public records requires no appeal bond.
- (e) A denial of a written request is considered to be issued at the time the denial is either delivered to the United States Postal Service for mailing, or hand-delivered to the requester by an employee or agent of the public agency.
- (f) If a written request is denied because a record has not yet been located and the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record shall continue to search until the record is located or until it appears that the record does not exist or is not in the public agency's possession. The public agency shall periodically inform the requester of its progress in searching for the requested record.
- (g) A record that is the subject of a public records request that has been denied shall not be destroyed or transferred from the public agency's custody, except that records may be transferred to state archives and records management services as provided by AS 40.21 and regulations adopted under AS 40.21. A public agency may not destroy or transfer custody of a record to which access has been denied or restricted until at least 60 working days after the requester is notified in writing that the request has been denied, or if there is an administrative or judicial appeal or other legal action pending at the end of the 60-working-day period, until the requester has exhausted those actions.

2 AAC 96.350 - Contents of determination denying appeal

[State Regulations](#)

[Compare](#)

A determination under [2 AAC 96.345](#) responding to an appeal must be in writing, must specify the specific statute, regulation, or court decision that is the basis for the denial, and must state briefly the reason for the denial. A denial under this section is the final agency decision. A denial must further state that, as provided by AS 40.25.124, the requester may obtain judicial review of the denial by appealing the denial to the superior court.

Title 40. Public Records and Recorders

Chapter 25. Public Record Disclosures

Article 1. Inspection and Copying of Public Records.

Sec. 40.25.110. Public records open to inspection and copying; fees

Universal Citation: AK Stat § 40.25.110 (2025) [?](#)

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(a) Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or AS 40.25.115 a certified copy of the public record.

(b) Except as otherwise provided in this section, the fee for copying public records may not exceed the standard unit cost of duplication established by the public agency.

(c) If the production of records for one requester in a calendar month exceeds five person-hours, the public agency shall require the requester to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the public agency may require payment in advance of the search.

(d) A public agency may reduce or waive a fee when the public agency 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. A public agency may waive a fee of \$5 or less if the fee is less than the cost to the public agency to arrange for payment.

(e) Notwithstanding other provisions of this section to the contrary, the Bureau of Vital Statistics and the library archives in the Department of Education and Early Development may continue to charge the same fees that they were charging on September 25, 1990, for performing record searches, and may increase the fees as necessary to recover agency expenses on the same basis that was used by the agency immediately before September 25, 1990. Notwithstanding other provisions of this section to the contrary, the Department of Commerce, Community, and Economic Development may continue to charge the same fees that the former Department of Commerce and Economic Development was charging on July 1, 1999, for performing record searches for matters related to banking, securities, and corporations, and may increase the fees as necessary to recover agency expenses on the same basis that was used by the former Department of Commerce and Economic Development immediately before July 1, 1999.

(f) Notwithstanding other provisions of this section to the contrary, the Board of Regents of the University of Alaska may establish reasonable fees for the inspection and copying of public records, including record searches.

(g) Notwithstanding other provisions of this section to the contrary, the board of directors of the Alaska Railroad Corporation may establish reasonable fees for the inspection and copying of public records, including record searches.

(h) Notwithstanding other provisions of this section to the contrary, the judicial branch may establish by court rule reasonable fees for the inspection and copying of public records, including record searches.

(i) Electronic information that is provided in printed form shall be made available without codes or symbols, unless accompanied by an explanation of the codes or symbols.

2025 Alaska Statutes

Title 40. Public Records and Recorders

Chapter 25. Public Record Disclosures

Article 1. Inspection and Copying of Public Records.

Sec. 40.25.220. Definitions for AS 40.25.100 - 40.25.295

Universal Citation: AK Stat § 40.25.220 (2025) [?](#)

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In AS 40.25.100 - 40.25.295, unless the context otherwise requires,

(1) "electronic services and products" means computer-related services and products provided by a public agency, including

(A) electronic manipulation of the data contained in public records in order to tailor the data to the person's request or to develop a product that meets the person's request;

(B) duplicating public records in alternative formats not used by a public agency, providing periodic updates of an electronic file or data base, or duplicating an electronic file or data base from a geographic information system;

(C) providing online access to an electronic file or data base;

(D) providing information that cannot be retrieved or generated by the existing computer programs of the public agency;

(E) providing functional electronic access to the information system of the public agency; in this subparagraph, "functional access" includes the capability for alphanumeric query and printing, graphic query and plotting, nongraphic data input and analysis, and graphic data input and analysis;

(F) providing software developed by a public agency or developed by a private contractor for a public agency;

(G) generating maps or other standard or customized products from an electronic geographic information system;

(2) "public agency" means a political subdivision, department, institution, board, commission, division, authority, public corporation, council, committee, or other instrumentality of the state or a municipality; "public agency" includes the University of Alaska and the Alaska Railroad Corporation;

(3) "public records" means books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency; "public records" does not include proprietary software programs.



Austin Cranford <austinwcranford@gmail.com>

Formal Appeal to the Assembly: Public Records Request Denial (Cranford)

3 messages

Austin Cranford <austinwcranford@gmail.com>

Tue, Mar 24, 2026 at 3:54 PM

To: clerk@cityofsitka.org

Cc: administrator@cityofsitka.org, assembly@cityofsitka.org, mindy.lowrance@cityofsitka.org, rachel.jones@cityofsitka.org

Dear Clerk Peterson,

Pursuant to Sitka General Code 1.20.080 and following the Municipal Administrator's denial dated March 24, 2026, I am formally appealing the City's response to my public records request to the Sitka Assembly.

I am requesting a formal appeal hearing with the Assembly to address the following legal deficiencies in the City's response:

1. The Use of "Non-Responsiveness" to Avoid Statutory Disclosure

The Administrator's response claims that the extensive redactions on pages 18–21, 25, 30–33, and 40 were applied to "non-responsive" content. I challenge this interpretation as a violation of the Alaska Public Records Act (APRA).

An offer letter is a single, unified public record. Once the City determines that a record is responsive to a request, the entire document must be produced unless the City can cite a specific legal exemption for redaction under AS 40.25.120. There is no provision in Alaska law that allows a municipality to unilaterally "filter" out portions of an otherwise responsive public document (such as "Other Benefits" or "Probationary Period") simply by labeling them non-responsive. By doing so, the City is withholding information regarding the expenditure of public funds and employee compensation without the legal authority to do so.

2. Inadequacy of Search Regarding Item #4

The City has provided formal notice that no records exist regarding Item #4 of my request (records of resignations or disputes involving the sign-on bonus).

I challenge the adequacy of this search. It is logically and administratively implausible that three police officers resigned within a six-month period over a specific, high-value financial dispute without generating a single responsive email, memo, or HR note. I am asking the Assembly to oversee a secondary search, including a search of sent/received folders for the Municipal Administrator, Police Chief, and HR Director specifically for keywords related to these resignations.

3. Violation of Due Process and Supreme Court Precedent

While the Administrator argues that federal "Vaughn Index" doctrines do not apply to municipalities, the Alaska Supreme Court ruled in *Gwich'in Steering Committee v. State* (2000) that the purpose of the law is to provide a "meaningful opportunity to challenge the government's claims." By redacting documents without citing any legal authority, the City has denied me that fundamental right.

I look forward to the Clerk's Office scheduling a time for this appeal to be heard by the Assembly within the timeframe required by the Sitka General Code.

Best regards,

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

Clerk <clerk@cityofsitka.org>

Tue, Mar 24, 2026 at 5:17 PM

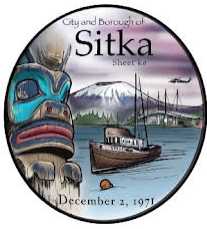
To: Austin Cranford <austinwcranford@gmail.com>, Clerk <clerk@cityofsitka.org>

Cc: Administrator <administrator@cityofsitka.org>, assembly <assembly@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, Rachel Jones <rachel.jones@cityofsitka.org>

Hi Austin,

I've received your appeal request and will follow up with you soon.

Have a good evening,



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

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

[Quoted text hidden]

Clerk <clerk@cityofsitka.org>
To: Austin Cranford <austinwcranford@gmail.com>

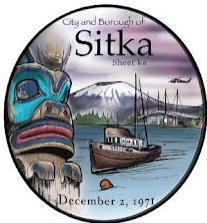
Mon, Mar 30, 2026 at 10:12 AM

Hi Austin,

I am in receipt of your request to appeal to the Assembly.

- Per your request, **the appeal date has been set for Tuesday, April 28, 2026**, at the regular meeting of the City and Borough of Sitka (CBS) Assembly. The appeal will be heard at a time dependent on the agenda.
- If you'd like to provide any written materials to be considered by the Assembly, provide them to the Municipal Clerk's Office at clerk@cityofsitka.org. The **deadline to submit materials is Wednesday, April 22, 2026 at noon.**
- The CBS will also have the opportunity to provide written materials, which will be shared with you according to the same deadline.
- At the meeting, the Assembly will hear your appeal. The Municipal Attorney will facilitate the appeal. You will be afforded the opportunity to provide evidence (witnesses and documents) and argument to the Assembly as will the CBS. 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.

Please confirm receipt. Let me know if you have any questions or concerns.



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.

[Quoted text hidden]



Austin Cranford <austinwcranford@gmail.com>

FORMAL GRIEVANCE: Administrative Obstruction of Public Records Request

2 messages

Austin Cranford <austinwcranford@gmail.com>
To: Assembly@cityofsitka.org, clerk@cityofsitka.org

Thu, Mar 12, 2026 at 5:01 PM

To the Sitka Assembly,

This email serves as a formal administrative grievance regarding the Legal Department's failure to comply with the Alaska Public Records Act (APRA). As of 5:00 PM today, March 12, the City is in formal non-compliance with my request filed on February 12th.

The Legal Department has asserted in writing that state standards (AAC) are "irrelevant" to the municipality. This is a direct misstatement of **AS 40.25.220(2)** and decades of Alaska Supreme Court precedent. Furthermore, the City is citing a staff vacation as a reason to suspend the public's fundamental right of access a justification the Supreme Court has explicitly rejected.

The Assembly recently increased the Administrator's compensation to **\$230,000** to ensure "continuity of operations." It is, therefore, unacceptable that a single staff vacation is being used as a shield to ignore state law.

Because the 20-working-day deadline has passed without production of the records or a valid statutory justification, I am preparing to seek Injunctive Relief in the Sitka Superior Court under AS 40.25.125. Under Alaska Civil Rule 82, the City may be liable for my attorney's fees and costs should this matter require judicial intervention.

I remain willing to accept the records immediately to avoid litigation.

Regards

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

Katie Riley <assemblyriley@cityofsitka.org>
To: Austin Cranford <austinwcranford@gmail.com>

Wed, Mar 18, 2026 at 8:07 PM

Received!

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From: Austin Cranford <austinwcranford@gmail.com>

Sent: Thursday, March 12, 2026 5:01:00 PM

To: assembly <assembly@cityofsitka.org>; Clerk <clerk@cityofsitka.org>
Subject: FORMAL GRIEVANCE: Administrative Obstruction of Public Records Request

[Quoted text hidden]



Austin Cranford <austinwcranford@gmail.com>

Information Request regarding PD Hiring Incentives - Revised

8 messages

Austin Cranford <austinwcranford@gmail.com>

Thu, Feb 12, 2026 at 11:20 AM

To: clerk@cityofsitka.org


Here is the revised record requested on 02/12/2026 at 11:10-11:20 by your office to assist with narrowing the search.

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

 **Police Record request.pdf**
221K

Clerk <clerk@cityofsitka.org>

Thu, Feb 12, 2026 at 12:38 PM

To: Austin Cranford <austinwcranford@gmail.com>

Hi Austin,

Your request has been received, and it may take approximately 10 business days to process.

Thanks,

~Holley

[Quoted text hidden]

Austin Cranford <austinwcranford@gmail.com>

Thu, Mar 5, 2026 at 8:37 AM

To: Clerk <clerk@cityofsitka.org>

Holley just checkin in on this request.

[Quoted text hidden]

Clerk <clerk@cityofsitka.org>
To: Austin Cranford <austinwcranford@gmail.com>

Thu, Mar 5, 2026 at 11:19 AM

Hi Austin,

I'm still waiting for legal to review, but I was told today they plan to be done with their review by Monday at the latest.

Thanks for your patience in obtaining these records.

[Quoted text hidden]

Holley Bayne <holley.bayne@cityofsitka.org>
To: Austin Cranford <austinwcranford@gmail.com>
Cc: Mindy Lowrance <mindy.lowrance@cityofsitka.org>

Mon, Mar 9, 2026 at 2:28 PM

Hi Austin,

I talked to Mindy today about your request as it's still under legal review. She said it needs a final review from the attorney, who is out of the office through March 20. If you have any questions or would like to talk with Mindy about the progress of your request, feel free to call her at **907-747-1821** or email her at mindy.lowrance@cityofsitka.org.

Thank you,

~Holley

[Quoted text hidden]

Austin Cranford <austinwcranford@gmail.com>
To: Holley Bayne <holley.bayne@cityofsitka.org>
Cc: Mindy Lowrance <mindy.lowrance@cityofsitka.org>

Mon, Mar 9, 2026 at 2:44 PM

Hi Holley and Mindy,

I'm having a hard time understanding the delay here. Under **2 AAC 96.325**, the city is required to respond to records requests within 10 working days. While I understand a 10-working-day extension can be requested for legal review or staff leave under **2 AAC 96.325(d)**, we are already at 17 working days from the revised records request as of today (March 9). The original is even longer.

Waiting until March 20th would put this at **26 working days**, which exceeds the 20-day maximum allowed by Alaska law for an extension.

According to **2 AAC 96.325(e)**, an extension beyond 20 working days requires a formal petition to the **Alaska Attorney General** for an "extraordinary circumstances" extension. I am willing to accept the March 20th timeline, provided the City follows the legal process and petitions the AG accordingly. Otherwise, I would appreciate it if someone else could finalize this review so we can stay within the state-mandated timeline of **March 12th** (the 20-day limit).

Best,

Austin

[Quoted text hidden]

Mindy Lowrance <mindy.lowrance@cityofsitka.org>
To: Austin Cranford <austinwcranford@gmail.com>, Holley Bayne <holley.bayne@cityofsitka.org>
Cc: Rachel Jones <rachel.jones@cityofsitka.org>

Mon, Mar 9, 2026 at 7:26 PM

Mr. Cranford,

Thank you for your email.

The AAC governs State agencies and departments and is irrelevant to the municipality. Your PRR is in the legal department queue and will be dealt with in the normal course of business.

Please be advised that Ms. Jones is out of town on vacation and will not be back in the office until March 23, at which time she will begin catching up on matters that accumulated in her absence. Additionally, I was away from the office for several days at the end of last month attending to a personal family matter.

Thank you for your patience and understanding.

Regards,

Mindy



Mindy Lowrance

Legal Assistant
City & Borough of Sitka
100 Lincoln Street | Sitka, AK 99835
907-747-1821
mindylowrance@cityofsitka.org

From: Austin Cranford <austinwcranford@gmail.com>
Sent: Monday, March 9, 2026 2:44 PM
To: Holley Bayne <holley.bayne@cityofsitka.org>
Cc: Mindy Lowrance <mindy.lowrance@cityofsitka.org>
Subject: Re: FW: Information Request regarding PD Hiring Incentives - Revised

[Quoted text hidden]

Austin Cranford <austinwcranford@gmail.com>
To: Mindy Lowrance <mindy.lowrance@cityofsitka.org>
Cc: Holley Bayne <holley.bayne@cityofsitka.org>, Rachel Jones <rachel.jones@cityofsitka.org>, assembly@cityofsitka.org, administrator@cityofsitka.org

Mon, Mar 9, 2026 at 8:41 PM

Mindy,

I disagree with the assertion that the Alaska Public Records Act (APRA) is irrelevant to this municipality.

Under **AS 40.25.220(2)**, the definition of a "public agency" explicitly includes a **municipality**. While the City may establish "**reasonable rules**" for inspection under **AS 40.25.110**, the Alaska Supreme Court has confirmed that these rules must align with the state's policy of broad and timely disclosure.

Specifically, in **Fuller v. City of Homer** (75 P.3d 1059), the Court held that the APRA applies to "**both state and local officials and departments.**" Furthermore, Alaska courts look to the standards set in the Alaska Administrative Code (such as the 10-to-20 working day window) as the benchmark for what constitutes a "reasonable" response time for a municipality.

Waiting until March 23rd (approx. 30 working days) because of a staff vacation does not constitute a "reasonable rule" or a timely response under the Act.

Legal Citations:

- **AS 40.25.220(2):** "*public agency' means a political subdivision... or a **municipality**.*"
- **City of Kenai v. Kenai Peninsula Newspapers, Inc.**, 642 P.2d 1316: "*The question is whether the provisions of [the Public Records Act] are applicable to municipalities... **we agree.***"

- **Fuller v. City of Homer**, 75 P.3d 1059: *"The act applies to both state and local officials and departments."*

I am requesting that the City fulfill this request by the 20-working-day mark of March 12th or request an extension from the relevant judicial or state authority. If the City maintains it is exempt from the timing standards that the Alaska Supreme Court has applied to municipalities, please provide that justification in writing.

[Quoted text hidden]



Austin Cranford <austinwcranford@gmail.com>

NOTICE OF NON-COMPLIANCE: Public Records Request

2 messages

Austin Cranford <austinwcranford@gmail.com>

Thu, Mar 12, 2026 at 5:01 PM

To: mindy.lowrance@cityofsitka.org

Cc: rachel.jones@cityofsitka.org, administrator@cityofsitka.org, assembly@cityofsitka.org, clerk@cityofsitka.org

To the City and Borough of Sitka,

This email serves as formal notice that, as of the close of business (COB) today, March 12, 2026, the City is in non-compliance with the Alaska Public Records Act (**AS 40.25**) regarding my request filed on February 12th.

Despite multiple follow-ups, the City has failed to provide the requested records within the 20-working-day standard established for "reasonable rules" of inspection (**AS 40.25.110**). The City Legal Department's stated reason for the delay the vacation of a specific staff member and a claimed exemption from state standards is directly contradicted by decades of Alaska Supreme Court precedent:

- **City of Kenai v. Kenai Peninsula Newspapers, Inc.** (642 P.2d 1316): Explicitly holds that the Public Records Act applies to municipalities and that the burden is on the agency to justify any delay.
- **Fuller v. City of Homer** (75 P.3d 1059): Confirms that public access is a "fundamental right" and that agencies cannot create unreasonable administrative barriers to disclosure.
- **Municipality of Anchorage v. Anchorage Daily News** (794 P.2d 584): Establishes that a municipality may not "delay or otherwise manipulate" the release of records for extralegal purposes, such as internal scheduling conflicts.

Because the City has failed to provide the records or a valid statutory justification for the delay by the close of business (COB) March 12th deadline, I am escalating this matter to the Sitka Assembly for administrative review and am preparing to file for Injunctive Relief in Superior Court under **AS 40.25.125**. I am also preserving this correspondence as evidence of a pattern of administrative obstruction for my active federal litigation against the City.

Regards,

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

Katie Riley <assemblyriley@cityofsitka.org>

Wed, Mar 18, 2026 at 7:58 PM

To: Austin Cranford <austinwcranford@gmail.com>

Received, thank you for your correspondence Austin.

Get Outlook for iOS

From: Austin Cranford <austinwcranford@gmail.com>

Sent: Thursday, March 12, 2026 5:01:00 PM

To: Mindy Lowrance <mindy.lowrance@cityofsitka.org>

Cc: Rachel Jones <rachel.jones@cityofsitka.org>; Administrator <administrator@cityofsitka.org>; assembly <assembly@cityofsitka.org>; Clerk <clerk@cityofsitka.org>

Subject: NOTICE OF NON-COMPLIANCE: Public Records Request

[Quoted text hidden]



Austin Cranford <austinwcranford@gmail.com>

Public Records Request: Austin Cranford 2/3/26

3 messages

Holley Bayne <holley.bayne@cityofsitka.org>
To: Austin Cranford <austinwcranford@gmail.com>

Mon, Mar 23, 2026 at 3:04 PM

Hi Austin,

Please find attached the records in response to the request you submitted 2/3/26.

Thank you.

Holley Bayne

Deputy Municipal Clerk, CMC

City and Borough of Sitka

100 Lincoln Street

Sitka, AK 99835

Phone: 907-747-1826 Fax: 907-747-7403



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

 **Cranford 021226.pdf**
9135K

Austin Cranford <austinwcranford@gmail.com>
To: Holley Bayne <holley.bayne@cityofsitka.org>
Cc: assembly@cityofsitka.org, administrator@cityofsitka.org, clerk@cityofsitka.org

Mon, Mar 23, 2026 at 3:34 PM

Good Afternoon, Holley. Thank you for processing my public records request and providing the 41 pages of documents today, March 23, 2026. I appreciate the city's time in pulling these together.

However, I am writing to formally appeal the city's response to my request, directed to the Municipal Administrator & Assembly as outlined on the public records request form. The response I received is legally deficient under the Alaska Public Records Act (APRA) for two specific reasons:

1. Unjustified Redactions Without Statutory Citation

Several pages provided, specifically the offer letters on pages 18/19/20/21/25/30/31/32/33/ and 40, contain significant redactions. Redacting public documents constitutes a partial denial of a records request.

Under Alaska Administrative Code 2 AAC 96.335(c), any denial of a written request must be in writing and must state the reasons for the denial, including any specific legal grounds. The "FOR OFFICE USE ONLY" section of the City's own form has a specific checkbox to indicate if information is exempt from disclosure, which was left completely blank.

Furthermore, per Alaska Supreme Court precedent (*Gwich'in Steering Committee v. State Office of the Governor*, 10 P.3d 572 (Alaska 2000)), agencies withholding information must provide sufficient detail to justify the exemption and allow the requester a meaningful opportunity to challenge the government's claims. I am formally requesting a Privilege Log or Vaughn Index that clearly itemizes every redaction made in these 41 pages and cites the specific statutory exemption under AS 40.25.120 used to justify withholding that text.

Here is the exact quote from the ruling (found in Section III, Part A of the decision): I would remind the city that under the Supremacy Clause (Article VI, Clause 2) of the U.S. Constitution and Federal/State Preemption, the following applies.

*"Under federal law, an agency must assert the privilege by preparing a "Vaughn index." The court stated that the index should (1) describe specifically each document claimed to be privileged, noting its author, recipient, and subject; (2) explain how each document qualifies for the privilege, describing the deliberative process to which the document is related and the role played by the document in that process; and (3) include an affidavit discussing why disclosure would be harmful; and (4) describe which portions of large documents are and are not subject to disclosure. > The requirements of [Alaska Administrative Code] are not as extensive as the requirements for a "Vaughn index," **but the purpose is the same—to "provide litigants with fundamental information about the allegedly privileged material, and provide them with a meaningful opportunity to challenge the government's claims."***

2. Complete Failure to Address Item #4

Item #4 of my original request explicitly asked for: "Any written records, emails, job ads, or exit interview notes regarding staff who declined offers or resigned due

to disputes". The 41 pages provided contain zero documents responsive to this request. The city neither provided the requested records nor checked the box on the form indicating that these records "cannot be located or do not exist".

The omission of these records is highly conspicuous. The documents provided to me establish a narrative that sign-on bonuses were successfully authorized and offered to incoming personnel. However, it is a known fact that three officers resigned within a six-month period specifically citing that they did not receive their promised bonuses. Providing only the initial offer letters while entirely withholding the subsequent communications, exit interviews, and dispute records regarding these high-profile resignations strongly indicates that the city is selectively withholding responsive public records to control a narrative. Either the three officers are lying about the disputes, or the city is unlawfully concealing the paper trail of those disputes.

Required Actions:

To resolve this appeal, I am requesting that the City of Sitka:

1. Provide the unredacted documents, OR provide a legally compliant Vaughn Index citing the specific Alaska statutes justifying each redaction.
2. Provide the records requested in Item #4 regarding the recent officer resignations and bonus disputes, OR provide formal written notice that no such records exist.

Best regards,

--

Austin W Cranford

Phone: 907-201-0340

Email: AustinWCranford@gmail.com

John Leach <john.leach@cityofsitka.org>

Tue, Mar 24, 2026 at 3:23 PM

To: Austin Cranford <austinwcranford@gmail.com>

Cc: Administrator <administrator@cityofsitka.org>, Clerk <clerk@cityofsitka.org>, Rachel Jones <rachel.jones@cityofsitka.org>, Mindy Lowrance <mindy.lowrance@cityofsitka.org>, John Leach <john.leach@cityofsitka.org>, Holley Bayne <holley.bayne@cityofsitka.org>

Mr. Cranford,

Thank you for your appeal dated March 23, 2026. My response follows.

Your appeal conflates two distinct categories of redaction. The Alaska Public Records Act (AS 40.25.100 et seq.) and the City and Borough of Sitka's public records provisions (SGC Chapter 1.20) govern the withholding of information on the basis of a statutory exemption. They do not require a statutory citation for the redaction of material that is non-responsive to the request as written.

The City's initial email keyword search returned several hundred pages of results. The 41 pages produced to you represent the responsive material after review. Redactions within those pages were applied solely to portions that were not responsive to your specific request, that is, content within otherwise responsive documents that did not pertain to the subject matter you requested. Redacting non-responsive content from

an otherwise responsive document is standard and lawful records management practice. It does not constitute a denial of your request under AS 40.25.120 or SGC 1.20.040, and does not trigger any written exemption citation requirement under APRA or SGC Chapter 1.20.

Regarding your citation to *Gwich'in Steering Committee v. State Office of the Governor*, 10 P.3d 572 (Alaska 2000): that decision addresses the level of justification required when an agency withholds documents on the basis of a claimed statutory privilege or exemption. It does not require agencies to produce a Vaughn index for redactions of non-responsive material. Your invocation of the Supremacy Clause is similarly inapplicable; the Vaughn index doctrine you quote originates in federal FOIA litigation and does not independently impose obligations on Alaska municipalities beyond what APRA and SGC Chapter 1.20 already require. Notably, APRA's own supervision and administrative appeal provisions expressly exclude municipalities from their scope. AS 40.25.123(f)(2). The City and Borough of Sitka's public records obligations are governed by AS 40.25.110– 40.25.120 and SGC Chapter 1.20, not by state agency administrative procedures or federal FOIA practice.

The City conducted a reasonable search for records responsive to Item #4 of your request, specifically, written records, emails, job advertisements, or exit interview notes regarding staff who declined offers or resigned citing bonus disputes. That search did not yield any responsive records. The City hereby provides formal written notice that no records responsive to Item #4 were located.

The City rejects the characterization that it is selectively withholding records to control a narrative. The absence of responsive records reflects the result of a good-faith search, not concealment.

Pursuant to SGC 1.20.080, you may appeal this determination to the Assembly. Any final administrative ruling of the Assembly may thereafter be appealed to the Superior Court.

If you would like to proceed with an appeal hearing with the Assembly, please contact the Clerk's office for scheduling.

Best,



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.

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 [Book time to meet with me](#)

[Quoted text hidden]