



# **CITY COUNCIL MEETING AGENDA**

## **SEPTEMBER 12, 2013**

### **7:00 P.M. @ CITY HALL**

1. Call To Order
2. Roll Call
3. Reading and Approval of Minutes:
  - A. August 5, 2013 Special Meeting
  - B. August 8, 2013 General Meeting
  - C. August 26, 2013 Special Meeting
4. Mayor's Request for Agenda Changes:
5. Committee Reports:
  - A. GCN Committee
  - B. Marine Facilities Committee
6. Public Comment on Non-agenda Items Only
7. Consent Agenda:
8. Ordinance for Publication
9. Ordinance for Public Hearing:
10. Resolutions:
11. Policy and Procedures for Publication:
  - A. Policy and Procedure for Public Records Management
12. Policy and Procedures for Public Hearing:
13. Unfinished Business:
14. New Business
  - A. Gustavus Community Center
15. Staff Reports
16. City Council Reports
  - A. Mayor's Report
  - B.. City Clerk Report
17. City Council Questions and Comments
18. Public Comments on Non-Agenda Items Only
19. Executive Session:
20. Adjournment

# City of Gustavus

General Meeting

September 12, 2013

## Agenda Items 1, 2, 3

### **Item No. 1 Call to Order**

#### **Recommended Action:**

The Mayor is to call the meeting of the City Council to order.

### **Item No. 2 Roll Call – City Clerk**

#### **Recommended Action:**

The City Clerk conducts a roll call of each elected and duly qualified Council Member.

### **Item No. 3 Approval of Minutes**

#### **Recommended Action:**

- A. Move to approve the Minutes of August 5, 2013 as presented.
- B. Move to approve the Minutes of August 8, 2013 as presented.
- C. Move to approve the Minutes of August 26, 2013 as presented.

**A.**

**NOT APPROVED**

**City Council Special Meeting  
August 5, 2013**

**1. Call to Order:**

A Special Meeting of the Gustavus City Council was held on August 5, 2013 at 9:00AM.

Mayor Cacioppo called the meeting to order at 9:01AM.

**2. Roll Call:**

Comprising a quorum of the Council the following were present:

Mayor Cacioppo  
Council Member Sunday  
Council Member Marchbanks  
Council Member DeBoer  
Council Member Mackovjak

Council Members not in attendance:

Vice Mayor Farevaag  
Council Member Hawley

**3. Approval of Minutes:** None

**4. Mayor's Request For Agenda Changes:** None

**5. Committee Reports:** None

**6. Public Comment On Non-Agenda Items:** Diane Klawunder, resident of Gustavus, asked if people are parked without stickers at the small boat harbor. Her concern is that there are trailers parked in the 72 hour zone without stickers.

Mayor Cacioppo said he will notify the marine facility and take care of the situation.

**7. Consent Agenda:** None

**8. Ordinances for Public Hearing:** None

**9. Unfinished Business:** None

**10. New Business:**

A. Consideration of the Hiring of an Interim City Clerk

Mayor Cacioppo introduced Christie Jamieson. Ms. Jamieson gave some information about herself and how she started her own business in helping new clerks and communities when they do not have a clerk. She was interested in helping the City of Gustavus as interim city clerk with the assisting of the October 1, 2013 election and the re-advertising of a permanent city clerk/treasurer.

Motion: Council Member Marchbanks moved to approve and hire Christie Jamieson as the Interim City Clerk until October 15, 2013, contingent upon the approval of letter of offer for her services to be performed.  
Seconded by: Council Member Sunday

Ken Klawunder asked if Christie was bound somewhere else after October 15, 2013. Ms. Jamieson said her husband were planning a vacation and then during the legislative session, she works for Senator Stedman.

Diane Klawunder thanked Christie for her filling in as interim city clerk.

Karen Taylor thanked Christie for filling in as interim city clerk and she hoped to get someone in the office permanently to be trained.

The city council was pleased to have Christie onboard to help the City of Gustavus.

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Mackovjak, Marchbanks, and Sunday

No: None

Motion Passes 5/0

Mayor Cacioppo administered the Oath of Office to Christie Jamieson.

**11. Staff Reports:** None

**12. City Council Reports**

**A. Mayor's Report:** Mayor Cacioppo will be looking over the one and only applicant for Fire Chief later today.

**B. City Clerk's Report:** Christie will give a verbal report on Thursday, August 8th, on what she has done so far as duties and responsibilities.

**13. City Council Questions & Comments:** Council Member Mackovjak said Glacier Bay Inn is delinquent in paying their license and does not have a business license. He will compose a letter from the City of Gustavus to the ABC Board. He will pose questions as well to the Board and copy those all pertinent.

**14. Public Comment on Non-Agenda Items:** None

**15. Executive Session:** None

**16. Adjournment:** With no further business before the Council the meeting was adjourned at 9:35 AM.

**B.**

**NOT APPROVED**

**City Council General Meeting  
August 8, 2013**

**1. Call to Order:**

A General Meeting of the Gustavus City Council was held on August 8, 2013 at 7:00PM.

Mayor Cacioppo called the meeting to order at 7:00 PM.

**2. Roll Call:**

Comprising a quorum of the Council the following were present:

Mayor Cacioppo  
Council Member Sunday  
Council Member Marchbanks  
Council Member Mackovjak  
Council Member DeBoer  
Vice-Mayor Farevaag via teleconference

Council Members not in attendance:

Council Member Hawley

**3. Approval of Minutes:**

A. July 1, 2013 General Meeting Minutes

Motion: Council Member Marchbanks moved that the July 1, 2013 General Meeting Minutes be approved as presented.

Seconded by: Council Member Sunday

**ROLL CALL VOTE ON MOTION:**

Yes: Marchbanks, Mackovjak, DeBoer, Farevaag, Sunday, and Mayor Cacioppo

No: None

Motion Passes 6/0

**4. Mayor's Request for Agenda Changes:** None

**5. Committee Reports:** Council Member Sunday gave a brief report on trailers located at boat harbor. Sunday expressed that there are only four out

of eleven trailers with sticker permits. Sunday said he and Greg Taylor hauled garbage in same location. Council Member Farevaag mentioned that float boards are coming loose and asked that they be checked for safety purposes.

**6. Public Comment on Non-Agenda Items:** None

**7. Consent Agenda:**

- A. Extension of RMFY13 Road Maintenance Contract until November 30, 2013
- B. 2014/2015 Liquor License Renewals

Motion: Council Member Sunday moved to approve Consent Agenda Items 7a and 7b. Seconded by: Council Member Mackovjak
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**CONFLICT OF INTEREST RULING**

Council Member Marchbanks asked to be recused from voting on item 7A as she is an owner/ is related to the owner of the business currently holding this contract [Glacier Bay Construction].

Mayor Cacioppo ruled that Council member Marchbanks does have a conflict of interest [and cannot vote on the issue]. No Council Member moved to overturn the ruling.

<b>ROLL CALL VOTE ON MOTION:</b>
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Yes: Mackovjak, DeBoer, Farevaag, Sunday and Mayor Cacioppo
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No: None
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Recused: Marchbanks
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Motion Passes 5/0
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**8. Ordinances for Public Hearing:**

- A. FY14-01-NCO DRC Budget

Testimony during Public Hearing: Paul Berry, DRC employee, expressed that this is what is remaining from the office project.

With no further testimony before the Council the public hearing was closed.

Motion: Council Member Sunday moved to approve the FY14-01-NCO DRC Budget. Seconded by: Council Member DeBoer
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ROLL CALL VOTE ON MOTION:

Yes: DeBoer, Farevaag, Sunday, Marchbanks, Mackovjak, and Mayor Cacioppo

No: None

Motion Passes 6/0

B. FY14-02NCO Library Budget

Testimony during Public Hearing: None

With no further testimony before the Council the public hearing was closed.

Motion: Council Member Mackovjak moved to adopt FY14-02NCO Library Budget

Seconded by: Council Member Sunday

ROLL CALL VOTE ON MOTION:

Yes: Farevaag, Sunday, Marchbanks, Mackovjak, DeBoer and Mayor Cacioppo

No: None

Motion Passes 6/0

**9. Unfinished Business:** None

**10. New Business:** None

**11. Staff Reports:** None

**12. City Council Reports**

**A. Mayor's Report:** Mayor Cacioppo gave a brief report on the desire to hire an Interim Fire Chief. There was more discussion on a permanent position but the desire not to fund for a full-time position. The job announcement did not carry a deadline for submittal of job applications. There was no detailed job description for a permanent position that had been approved. Fire department reports have not been kept current. Discussion of re-doing job description and deadline.

**B. City Clerk's Report:** A report was given by the Interim Clerk Christie Jamieson on the following items:

- General Election Preparation
- Agenda Preparation of meetings
- Revision of Clerk/Treasurer Job Announcement



- Announced that Gustavus has 447 registered voters
- Renewed membership to AAMC
- Contacting election volunteers and announced the following who will work the General Election on October 1, 2013:
- Revising City Website with the assistance of Nate Borson
- Announced leaving Gustavus from August 9-15
- First Day to File for Candidacy is August 16th

**13. City Council Questions & Comments:** Announcement made that Sally Smith, Regional Representative for US Senator Mark Begich, would be visiting Gustavus on August 22nd, to discuss any Federal/State projects. Ms. Smith will be overnighing in Gustavus. The Glacier Bay Lodge will be discussed also. The Council will set aside 1 to 1.5 hours for discussion purposes.

It was expressed that the Fire Department is now in compliance and current with the fire extinguishers.

The City only received one applicant for the Interim Fire Chief position.

The Sales Tax Collection is moving right along.

Council Member DeBoer suggested giving a thank you to Delegation regarding the application for restroom construction. Update on trash can lids – painted neutral colors.

There will be a work session with DCCED representatives, Lawrence Blood and Lynn Kenealy, on August 15th, regarding various issues in Gustavus.

Marchbanks gave a brief report on a proposed records retention schedule, and requested that this item be placed on the September agenda for some decisions on implementation.

**14. Public Comment on Non-Agenda Items:**

Karen Taylor, creator of the City's Personnel Policy, said there was a need for a Fire Chief's job description. Mrs. Taylor said presently there is no approved job description. Everyone agreed that a work session is needed to discuss a job description. A work session for August 15th was set at 7:00 pm.

**15. Executive Session:** None

**16. Adjournment:** With no further business before the Council the meeting was adjourned.

**C.**

**NOT APPROVED**

**City Council Special Meeting  
August 26, 2013**

**Call to Order:** A Special Meeting of the Gustavus City Council was held on August 26, 2013 at 9:04 a.m.

**Roll Call:**

Comprising a quorum of the Council the following were present:

Mayor Cacioppo  
Vice Mayor Farevaag  
Council Member DeBoer  
Council Member Hawley  
Council Member Mackovjak  
Council Member Marchbanks  
Council Member Sunday

**Reading & Approval of Minutes: None**

**Mayor's Request For Agenda Changes: None**

**Committee Reports: None**

**Consent Agenda: None**

**Ordinances for Publication: None**

**Ordinances for Public Hearing: None**

**New Business:**

**A. Discussion and possible action regarding the approval of proposal to perform audit."**

Public Comment: Aimee Youmans  
Ken Klawunder

Motion: Council Member DeBoer moved to approve the proposal to perform the audit as proposed by Altman/Rogers & Company  
Seconded by: Council Member Sunday

**ROLL CALL VOTE ON MOTION:**

Yes: Vice Mayor Farevaag; Council Member DeBoer, Council Member Hawley, Council Member Mackovjak; Council Member Marchbanks; Council Member Sunday, Mayor Cacioppo  
No:

Motion Passes 7/0

**B. Discussion and possible action regarding the approval of the Fire Chief Job Description"**

Public Comment: Aimee Youmans  
Karen Taylor

Motion: Council Member Farevaag moved to approve the Fire Chief Job Description.  
Seconded by: Council Member DeBoer

ROLL CALL VOTE ON MOTION:  
Yes: Council Member Hawley, Council Member Mackovjak; Council Member Marchbanks; Council Member Sunday, Mayor Cacioppo; Vice Mayor Farevaag; Council Member DeBoer  
No:  
Motion Passes: 7/0

**C. "Discussion and possible action regarding the City Clerk/Treasurer position, the role of DCCED, and the hiring of a temporary bookkeeper."**

Public Comment: Nate Borson

Motion: Council Member Mackovjak moved for the City of Gustavus to divide the current City Clerk/Treasurer position into two positions: a full-time City Clerk/Treasurer position and a regular part-time Deputy Clerk position.  
Seconded by: Council Member Farevaag\*

\*Clerk's Note: Council Member Farevaag reconsidered and declared a Conflict of Interest since she has applied for the City Clerk/Treasurer Position.

Mayor Cacioppo ruled that Council Member Farevaag does have a conflict of interest and will be recused from the vote. The ruling was not contested.

Council Member Mackovjak then withdrew his original motion.

Motion: Council Member Mackovjak moved for the City of Gustavus to divide the current City Clerk/Treasurer position into two positions: a full-time City Clerk/Treasurer position and a regular part-time Deputy Clerk position, for which a position description will be developed.  
Seconded by: Council Member Sunday

Roll Call Vote on Motion:

Yes: Council Member Mackovjak; Council Member Marchbanks; Council Member Sunday, Mayor Cacioppo, Council Member DeBoer, Council Member Hawley

No:

Motion Passes: 6/0 1 recused

Explanation of the wording for Agenda Item 10C was given previously by Council Member Marchbanks and she asked the Council to make a ruling regarding Council Member Marchbanks and Council Member Farevaag working in the City Clerk/Treasurer position until the position was filled.

Public Comment: Janusz Kunat

Motion: Council Member Sunday moved that the council approve the temporary bookkeeping and city clerk work performed on a volunteer basis by Council Member Marchbanks and Council Member Farevaag.

Seconded by: Council Member Hawley

Roll Call Vote on Motion

Yes: Council Member Sunday, Council Member Mackovjak; Council Member Farevaag, Council Member Hawley; Council Member DeBoer, Mayor Cacioppo, Council Member Marchbanks

No:

Motion Passes: 7/0

**Mayor's Report: None**

**City Clerk's Report: None**

**City Council Questions & Comments:** Council Member Sunday asked if any of the past-due sales tax money had been submitted.

**Public Comment on Non-Agenda Items: None**

**Adjournment:**

With no further business before the Council the meeting was adjourned at 10:50 a.m.

Public in Attendance: Nate Borson, Ken and Diane Klawunder; Mike and Karen Taylor, Aimee Youmans, Janusz Kunat

## **AGENDA ITEM 4**

### **Item No. 4 Mayor's Request for Agenda Changes:**

This is the opportunity for the Mayor to request any changes or revisions to the agenda. If there are any changes since the first publication of the agenda, those changes should be announced and approved.

## **AGENDA ITEM 5**

### **Item No. 5 Committee Reports**

This is the opportunity for each City Committee to give a status report regarding projects they are working on.

A. Gustavus Community Network

B. Marine Facilities Committee

## **AGENDA ITEM 6**

### **Item No. 6 Public Comment on Non-Agenda Items**

This is the opportunity for a community member to speak on Non-Agenda Items. Each community member must state their first and last name and address for the public record.

## **AGENDA ITEM 7**

### **7. Consent Agenda**

There are no items for the Consent Agenda this month

## **AGENDA ITEMS 8, 9, AND 10**

### **8. Ordinance for Publication**

There are no Ordinances for Publication

### **9. Ordinance for Public Hearing**

There are no Ordinances for Public Hearing

10. There are no Resolutions to be Read or Adopted



## **AGENDA ITEM 11**

### **Item No. 11 Policy and Procedures for Publication**

#### **A. Policy and Procedure for Public Records Maintenance**

This Policy and Procedure is preceded by the Resolution to create the document. There are also four appendices to the document.

#### **Recommended Action**

The recommended action would be to move to publish the Resolution and the Policy and Procedure for Public Records Maintenance.

### **CITY OF GUSTAVUS, ALASKA RESOLUTION 2014-03**

#### **A RESOLUTION OF THE CITY OF GUSTAVUS ADOPTING POLICY AND PROCEDURES FOR PUBLIC RECORDS MAINTENANCE**

**WHEREAS**, The City of Gustavus generates numerous documents, files, correspondences, e-mails, and memorializations; and

**WHEREAS**, Gustavus Municipal Code 2.70.030 requires the Mayor to approve a records retention schedule that details the types of records that will be retained and the period of time for which they will be retained;

**NOW THEREFORE BE IT RESOLVED:** The Gustavus City Council adopts this Policy and Procedure for Public Records Maintenance that includes a Records Retention Schedule, a Conversation Record, a Request for Public Records and a Certificate of Records Destruction, attached to and made a part of this resolution.

**PASSED and APPROVED** by the Gustavus City Council this 12th day of September, 2013.

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Lou Cacioppo, Mayor

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Noel Farevaag, Vice Mayor

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Jim Mackovjak, Council Member

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Tim Sunday, Council Member

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Sandi Marchbanks, Council Member

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Morgan DeBoer, Council Member

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Phil Hawley, Council Member

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Attest: Sandi Marchbanks, Interim  
City Clerk

# **City of Gustavus**

## **Policy and Procedure for Public Records Management**

### **Overview:**

The City of Gustavus, during the course of conducting its everyday business, generates numerous documents, files, correspondences, e-mails, memorialization and the like. Some of these materials constitute an important public and historical record and should be retained, while others are of a more transitory nature and are of value only until they have served their immediate purpose. As a body, they represent a record of the activities of the City and provide a fundamental method for the public to understand, appreciate, challenge or otherwise interact with the process of governance.

It is the purpose of this policy to establish definitions of various categories of public records as they relate to the City of Gustavus, recommend methods for how they are created and stored, establish a set of rules on how the public can access them, and set forth a schedule and process whereby those records are retained and/or disposed of.

### **Definitions and General Rules:**

*What is the definition of 'public records'?* State law answers the question 'what is a record?' for all municipal governments in Alaska in AS 40.25.100-.220. AS 40.25.220(3) defines them as "books, papers, files, accounts, writings, including drafts and memorialization 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."

*Who has access to public records?* As a general rule, "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" See AS 40.25.110(a). This statute assumes that virtually all records are public and subject to inspection, with certain limited exceptions. And as the clause implies, it is up to the City of Gustavus to establish 'reasonable rules' for the public access to those records.

*What is a records retention schedule?* As any citizen might suppose, retaining the entire "storm of paper" that emanates from City Hall is an impossible task, and with the advent of e-mail, the task is compounded. It is incumbent upon the City of Gustavus to develop a records plan and retention schedule to manage this situation.

*What would be considered a non-record?* Documents or materials that do not set policy, establish guidelines or procedures, certify a transaction, become a receipt or indicate the business process of the City. A non-record tends to be informational by nature, short-lived, with no historical significance, does not show evidence of the organization or operation, and does not need to be retained after it has served its purpose. Examples include:

- Routing requests for information or publication, which require no administrative action, policy, decision or special compilation or research, and copies of replies;
- Letters of transmittal that do not add any information to that contained in the transmitted material;
- Quasi-official notices including memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting information, etc.)

*When can a public record be withheld?* A record may be withheld from public disclosure only if a legal exception that authorizes withholding access can be identified. Exceptions are set out in State statute or established through court decisions and generally pertain to issues of confidentiality. The burden of proof for withholding public access rests with the municipality.

*What records are NOT subject to public inspection?* Certain kinds of records are not subject to public inspection under AS 40.25.12.120(a) and decisions of the Alaska Supreme Court. The exceptions are:

- Confidential attorney-client records
- Records that come within the Alaska constitutional right to privacy
- Most personnel records
- Most records concerning conflict of interest and ethics investigations
- Records required to be kept confidential under City of Gustavus code. See 2.30.060(b)(2), 2.60.030, 4.14.070(g), and 6.01.050(a).
- Records required to be kept confidential by Federal or State law
- Records compiled for law enforcement purposed, under certain circumstances
- Retirement records
- Records that come within ‘deliberative process privilege’ (see below)

*How is confidentiality protected?* Except upon court order, confidential information shall be made available only to officials and employees of the City whose job responsibilities require such information. Confidential information shall be protected from disclosure by adequate physical, electronic, and procedural controls.

*Does labeling a document “draft” make a difference?* No. Draft documents are public records, as are final documents. See AS 40.25.220(3).

*Does labeling a document “confidential” make a difference?* Labeling a document “confidential” may make a difference because it clearly shows the intent of the author that the record should be kept confidential. However, a label alone does not make a record privileged.

*What about e-mail?* E-mail and other electronic documents and records are subject to the same rules of records management and public disclosure as traditional hard-copy files.

*What is the “deliberative process privilege”?* The deliberative process privilege is a judicially recognized exception to disclosure. The Alaska Supreme Court (*Gwich’in v. State* [2000]; *Capital Info Group v. State* [1996]) ruled that “Public officials may assert [the deliberative process] privilege and withhold documents when public disclosure would deter the open exchange of opinions and recommendations between government officials. The privilege is intended to protect the executive’s decision making process, its consultative functions, and the quality of its decisions.” The public’s right to know and the government’s interest in confidentiality require a “balancing test” between the interests, and, from a policy standpoint, the City of Gustavus communications that are exempt from public disclosure are only those listed in State statute, or are matters taken by the City Council while in Executive Session.

*Can a person involved in litigation against the City of Gustavus make a request for public records if the request pertains to the case?* No. That person must instead use the rules of procedure applicable in a court or administrative proceeding.

*I am a member of a committee or the Council and I get an information packet at the start of each meeting. Do I need to retain all of the items in that packet as a record?* No. If a document is obviously a copy of a master document, or is stamped ‘copy’, there is no need to retain it. The City Clerk, or Committee Chair will retain master copies of such documents as records. However, if in the course of the meeting you take notes on that document, the document then become influential in the decision-making process of the Council or Committee, and you should retain those notes and submit them as a record.

*What does historical record mean?* Many of these public records constitute historical documents that reflect important developments and trends in the public life of Gustavus, and as such should be retained for future reference. Any record listed for permanent retention on the schedule is considered an historical record. In addition, there are items generated throughout the course of events of City life that warrant retention as historical records, such as photographs, awards or other mementos.

## **Hard-copy Documents**

As a rule, the generation and management of hard-copy documents is detailed in the records retention schedule. Transitory documents – records that are created primarily for the informal communication of information – have the shortest retention life, whereas documents that

reflect communications designed for the perpetuation or formalization of knowledge merit longer retention. Documents that lie at the foundation of City function and operation merit permanent retention. See the Records Retention Schedule for details (Appendix 1).

### **E-mail**

Many e-mails are messages that contain pertinent information influencing the decision making process or are the outcome of that decision making process and therefore constitute a public record and must be retained. City Councilmen, Committee members and City employees are responsible for retaining all e-mails generated in the conduct of City business through electronic mailbox folders corresponding to the Records Retention Schedule and shall file records into those folders. Individual folders shall be consolidated from individual mailboxes into central files by the records manager on a periodic basis. E-mails of a general informational nature that are sent to multiple addresses, that deal with simple matters such as setting up meeting dates or teleconferences, or are general public announcements, do not constitute records and can be discarded. General rules to follow for retaining e-mail messages include: E-mails that constitute records are filed in their appropriate folders on the City of Gustavus electronic file system.

If in doubt as to the importance of an e-mail message's content, the committee member shall e-mail the City Clerk, or City Council member should file the e-mail in the appropriate file in the City's e-mail system and advise the City Clerk, who will make the decision regarding the need to retain the message.

If the e-mail deals with specific issues that might influence the character of an employee of the City of Gustavus or another committee member, OR, if the e-mail deals with impending legal action, sensitive financial information pertaining to the City of Gustavus, or sales or bed tax information pertaining to a business, it must be filed in a secure folder. Only the City Clerk and Council members have access to these files. Such e-mails generated from a committee member should only be sent to a Council member or the City Clerk for filing.

All files not deemed of a sensitive nature as described in the above paragraph are a public record and are available for public review via a link on the City of Gustavus website.

### **Telephone and Verbal Communications**

Some City business is conducted over the telephone or in conversations between individuals or groups. Often phone calls deal with transitory transactions and there is no documentation of them, nor need to do so. However, on occasion there are teleconferences or meetings with representative of State or Federal agencies, interactions with the City attorney(s), and others, during which information that can influence or direct the decisions of the City is shared.

During such interactions, it is mandatory to take notes or compile memorializations that reflect the content of the dialogue. These notes and memorilizations are public records and shall be retained. The Conversation Record form (Appendix 2) is a good way to formally capture this information.

### **Procedures to follow for a public records request:**

All requests for public records should be made to the City Clerk using the Request for Public Records Form (Appendix 3). If the request is made by e-mail, an electronic version of the form should be made available to the requesting party.

The City Clerk should advise the Mayor of all records requests, and feel free to consult with the City attorney if the requests are of a legal nature.

The City Clerk has ten (10) business days from receipt of the Request for Public records Form to respond to the request. The response should be prompt, but should not impact the normal work schedule of the City Clerk. If the response will require more than ten (10) business days, the City Clerk shall advise the requestor in writing, prior to the expiration of the initial ten (10) day period, of the need for an additional number of days, and specify one or more of the following reasons: voluminous amount of records requested; need to search for and collect

records from other offices; need to consult with someone else who is not present; request came at a time of peak workload; need to consult with City attorney.

The City Clerk, in the process of fulfilling a public records request, is not required to create any document that does not already exist.

The City Clerk is not required to organize public records in response to the request.

The City Clerk is not required to manage or manipulate data, nor create new records, such as spreadsheets, in response to the request. The City Clerk may supply the requested records in either their original form (i.e., electronic or paper) or in a form specified by the requestor, at the City Clerk's discretion.

The requestor must describe the desired records in sufficient detail to enable the City Clerk to locate the records.

The City Clerk should ask for clarification or additional information if there is confusion or if the request is unclear. The City Clerk should make every reasonable effort to comply with the request, but is not bound to spend more than five (5) hours total time searching for records.

All records requests pertaining to committees shall be administered by the City Clerk to assure compliance with policy. If committee members convey records to requesting parties without consulting with the City Clerk, this does not constitute a public records request.

The requesting party is responsible for covering the cost of duplication, as established in City of Gustavus resolution. If the City Clerk estimates a substantial cost for the request, the Clerk shall advise the requestor by phone, documenting the call using the Conversation Record Form, or formally, in writing of the estimate prior to initiating the work and inquire as to whether the requestor wants to narrow the request or proceed. The person's response should be in writing and submitted to the City Clerk. E-mailing the response is acceptable.

If the production of records sought by a requestor in a calendar month exceeds five (5) person-hours, the City must require the requestor to pay the personnel costs above those five(5) person-hours prior to completion of the search and copy of the records.

The City Clerk should furnish all requested records that are subject to disclosure, and may not request a justification for or an explanation of the intended use of the information requested.

If a record contains both disclosed (or non-sensitive) and non-disclosed (or sensitive) information, the non-disclosed information should be segregated and withheld by such means as redacting or blackening out the non-disclosed information, and the disclosed information provided.

If the request is denied in whole or in part, the City Clerk must explain in writing what is not being provided and the legal basis for nondisclosure.

A denial, in whole or in part, may be appealed to the Alaska Superior Court.

### **Historical Records and Materials**

Only some of the records that meet the criterion described above qualify as historical records, and not all materials that revolve around City activities constitute records, but they might be materials that are worthy of permanent retention.

Any item listed as 'permanent' on the Retention Schedule is considered a historical record, and must be retained in perpetuity in the City's filing system.

Other historical materials worthy of being retained might include such items as photographs of City events, Council members or community members, memorabilia generated during community activities, old records left over from the activities of the Gustavus Community Association, or any such items that pertain to the history of development of the community of Gustavus. Judgment should err on the side of retention if there is any question.

### **Record Retention Schedule and Storage**

Per municipal code 2.70.030, the Mayor shall approve a record retention schedule that details the types of records that will be retained and the period of time for which they will be retained, whether the period be days, years or permanently. When records are slated to be destroyed in accordance with the schedule, they will be catalogued on the Certificate of Record Destruction

Due to the limited storage available at the City Hall, records may be kept at another location to be determined by the Mayor and/or City Council. Sensitive records shall be stored in locked filing cabinets.

**ATTACHED SEPARATELY**

## CONVERSATION RECORD

Name of Person(s) contacted or in contact with you	Organization

**SUBJECT:**

[illegible]





There will be a copy charge for items requested in the amount of .25/page. A double/sided copy is charged as two copies.

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Requestor

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City Clerk or Deputy City Clerk

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Date

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Date

## PUBLIC RECORDS REQUEST

Name of Requestor: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Organization or Company: \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Cell Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: \_\_\_\_\_

**Please describe below, in detail, the information or documents you are requesting. Please be as specific as possible.** I request to inspect or receive copies of the following documents or files:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Hold for Pick-up    ☐ Mail    ☐ Fax    ☐ E-mail

### ACKNOWLEDGEMENT OF PAYMENT

I understand I will be charged a fee for each page that I am requesting to be copies, faxed, emailed, or mailed and that if it is determined that my request will require more than eight hours of staff time to prepare, I will pay, upon notification, the personnel costs required to complete each task and/or copying tasks. I further understand that the City must respond to the request within 10-business days after receiving my request, except that the City may take an extension of an additional 10-business days if needed. I further understand that this request is available for public review and will be kept on file in accordance with City records policy.

### CERTIFICATE OF NON-LITIGATION AFFILIATION

I hereby certify that: I am not involved in litigation with the City of Gustavus or another public agency to which the requested record is relevant and I am not acting on behalf of or otherwise representing any person who is involved in litigation with the City of Gustavus or another public agency to which the requested record is relevant. I certify under penalty of perjury, that the foregoing statements are true.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### City Use Only

City Staff Use: Date Due: \_\_\_\_\_ Extension: No    Yes    Due: \_\_\_\_\_ Date Filled: \_\_\_\_\_

Research hours: \_\_\_\_\_ By: \_\_\_\_\_ Pick-Up    Mail    Fax    E-mail    Initial \_\_\_\_\_

**CERTIFICATE OF RECORDS DESTRUCTION**  
**ATTACHED SEPARATELY**

**AGENDA ITEM 12**

**Item No. 12 Policy and Procedures for Public Hearing**

There are no Policies and Procedures for Public Hearing

**AGENDA ITEM 13**

**Item No. 13 Unfinished Business**

There is no unfinished business to present at this time.

**AGENDA ITEM 14**

**Item No. 14 New Business**

A. Gustavus Community Center

## **AGENDA ITEMS 15 AND 16**

### **Item No. 15 Staff Report**

This is an opportunity for the City Staff to bring the Council and the public up-to-date on happenings in the City's office.

### **Item No. 16 City Council Reports**

- A. Mayor's Report
  
- B. City Clerk Report

## **AGENDA ITEMS 17, 18, 19 and 20**

### **Item No. 17 City Council Questions & Comments**

This is an opportunity for any questions and comments the council members may have.

### **Item No. 18 Public Comments on Non-Agenda Items**

This is the opportunity for a community member to speak on Non-Agenda Items only. Each community member must state their first and last name and address for the public record.

### **Item No. 19 Executive Session**

There is no executive session item(s).

### **Item No. 20 Adjournment**