



## **KENAI PENINSULA BOROUGH**

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**MIKE NAVARRE  
BOROUGH MAYOR**

### MEMORANDUM

**TO:** Dale Bagley, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Mike Navarre, Mayor *MN*

**DATE:** November 13, 2014

**SUBJECT:** Ordinance 2014- 37, amending KPB 2.54.060 to refer public record requests to the borough attorney to determine whether the records are subject to disclosure

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Alaska Statute chapter 40.25 governs public records requests to the state as well as municipalities. KPB chapter 2.54, which was adopted in 1986, largely mirrors the state statute, although it has not been updated in nearly 30 years. The underlying principle of both the state statute and borough code is broad and open public access to government records. Records will generally be available for disclosure unless one of a narrow set of exemptions applies. See KPB 2.54.040.

The borough has an established process for handling record requests. The requestor completes a form provided by the clerk's office. The clerk then forwards the request to the legal department for an initial review to determine whether the requested records are subject to disclosure, or if one (or more) of the exemptions applies. The request is then forwarded to the appropriate department to comply with the request, subject to any limitations noted by the legal department.

It recently came to the administration's attention that code requires the mayor to make a final determination about whether a given record is subject to disclosure. Because this determination generally requires a legal analysis, it would be more appropriate for the borough attorney to make a determination regarding whether the records are subject to disclosure. The proposed amendment will update the borough code to align with current practice.