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(S) Prepared by: Municipal Attorney's Office and
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(S) Reviewed by: Assembly Counsel's Office
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**ANCHORAGE, ALASKA
AO No. 2026-19**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 3.90 (ACCESS TO PUBLIC**
3 **RECORDS) AND AMC SECTION 3.30.016 (PERSONNEL RECORDS), TO**
4 **UPDATE THE PUBLIC RECORDS REQUEST AND RESPONSE PROCEDURES,**
5 **MAKING A CORRESPONDING CHANGE BY REPEALING REGULATION 3.90**
6 **OF THE ANCHORAGE MUNICIPAL CODE OF REGULATIONS, AND**
7 **AMENDING AMC SECTION 2.30.085 TO UPDATE PROCEDURES FOR**
8 **ASSEMBLY ACCESS TO INFORMATION.**
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10
11 **WHEREAS**, public access to public records enables a free citizenry to know how its
12 government is conducting the public's business;

13
14 **WHEREAS**, facilitating public access to public records is essential to good
15 government by and for the people;

16
17 **WHEREAS**, the policy of the municipality has been and must continue to be to
18 provide the fullest and most rapid public access to public records so that the right of
19 the people to remain informed is protected;

20
21 **WHEREAS**, the municipality has not comprehensively reviewed and amended its
22 public records ordinance in many decades;

23
24 **WHEREAS**, evolving technology has changed the type and volume of public records
25 as well as the means of processing public records requests;

26
27 **WHEREAS**, the administration and the assembly sponsors have completed a
28 comprehensive review of all aspects of the public records ordinance; and

29
30 **WHEREAS**, that review identified the following ways to strengthen public access to
31 public records, consistent with competing interests such as personal privacy; now,
32 therefore,

33
34 **THE ANCHORAGE ASSEMBLY ORDAINS:**

35
36 **Section 1.** The title of Anchorage Municipal Code Chapter 3.90 is hereby
37 amended to read as follows:

38
39 **Chapter 3.90 – [ACCESS TO] PUBLIC RECORD[S] DISCLOSURES**

40
41 **Section 2.** Anchorage Municipal Code sections 3.90.010 through 3.90.040 are
42 hereby amended to read as follows:

1
2 **3.90.010 Policy.**
3

4 It is the policy of the municipality to provide the fullest and most rapid public
5 access to public [MUNICIPAL] records [AND INFORMATION] so that the
6 right of the people to remain informed is protected. In enacting this measure,
7 the assembly recognizes the competing interests of personal privacy and the
8 right of the public to have access to records [INFORMATION] concerning the
9 conduct of the people's business. This chapter shall therefore be liberally
10 construed to require full disclosure of all public records in the possession or
11 control of any municipal agency, except those specifically exempted under
12 this chapter or under any applicable state or federal law [SECTION 3.90.040].
13

14 (AO No. 77-50A; AO No. 89-85)
15

16 **3.90.020 Definitions.**
17

18 The following words, terms, and phrases, when used in this chapter, shall
19 have the meanings ascribed to them in this section, except where the context
20 clearly indicates a different meaning:
21

22 *Critical infrastructure* means public buildings, telecommunications
23 centers and computers systems, information systems, power generation
24 plants, dams, bridges, road systems, the Don Young Port of Alaska, and
25 similar key resources, and systems related to utility services (whether public
26 or private), including fuel supply, energy, hazardous liquid, natural gas,
27 water, or coal, whether physical or virtual, so vital to the municipality that the
28 incapacity or destruction of these systems would have a debilitating impact
29 on security, municipal economic security, municipal public health or safety,
30 or any combination of those matters.
31

32 [DOCUMENT MEANS ANY METHOD OF STORING INFORMATION,
33 INCLUDING BUT NOT LIMITED TO SPOKEN WORDS, HANDWRITING,
34 TYPEWRITING, PRINTING, PHOTOSTATING, PHOTOGRAPHING AND
35 ANY OTHER FORM OF COMMUNICATION OR REPRODUCTION,
36 WHETHER A DRAFT OR FINAL COPY, UPON ANY MEDIUM, INCLUDING
37 BUT NOT LIMITED TO PAPER, MAGNETIC OR PAPER TAPE,
38 PHOTOGRAPHIC FILM OR PRINTS, MAGNETIC OR PUNCHED CARDS,
39 DISCS, DRUMS AND PHONOGRAPHIC RECORDS.]
40

41 Legislative branch offices means the Assembly, municipal clerk's office,
42 and any other office established within or responsible to the legislative branch
43 as provided in AMC 2.10.015.
44

45 *Mayor* means the mayor of Anchorage.
46

47 Municipal agency means a department, division, board, commission,
48 council, or other instrumentality of the municipality, including the school
49 district. Legislative branch offices are considered departments for purposes
50 of this chapter and consistent with section 2.10.015. Community councils
51 addressed in AMC 2.40 are not municipal agencies within the meaning of this

1 chapter. [ANY DEPARTMENT, DIVISION, BOARD, COMMISSION OR
2 PRIVATE CONTRACTOR WHICH HAS CUSTODY OF PUBLIC RECORDS
3 AS DEFINED IN THIS CHAPTER. THE SCHOOL DISTRICT IS A
4 MUNICIPAL AGENCY. THE TERM "MUNICIPAL AGENCY" SHALL ALSO
5 INCLUDE THE ANCHORAGE TELEPHONE UTILITY UNTIL THE BOARD
6 OF DIRECTORS OF THE ANCHORAGE TELEPHONE UTILITY ADOPTS A
7 MUNICIPAL REGULATION GOVERNING PUBLIC ACCESS TO UTILITY
8 RECORDS AND SETTING FORTH SPECIFIC EXCEPTIONS].

9
10 Public records means books, papers, files, accounts, writings, including
11 drafts and memorializations of conversations, and other items, regardless of
12 format or physical characteristics, that are developed or received by a
13 municipal agency, or by a private contractor for a municipal agency, and that
14 are preserved for their informational value or as evidence of the organization
15 or operation of the municipal agency. "Public records" does not include
16 proprietary software programs.

17
18 [RECORDS MEANS ANY DOCUMENT, WHETHER IN DRAFT OR
19 FINAL FORM, CONTAINING INFORMATION RELATING TO THE
20 CONDUCT OF THE PEOPLE'S BUSINESS WHICH IS PREPARED,
21 OWNED, USED OR RETAINED BY A MUNICIPAL AGENCY OR AN
22 AGENCY UNDER CONTRACT WITH THE MUNICIPALITY, REGARDLESS
23 OF THE PHYSICAL FORM OR CHARACTERISTIC OF THE DOCUMENT.]

24
25 (AO No. 77-50A; AO No. 85-14; AO No. 89-85; AO No. 91-173(S); AO No.
26 2015-23(S), § 18, 3-24-15; AO No. 2019-133, § 2, 11-5-19; AO No. 2023-81,
27 § 4, 1-9-24)

28
29 **3.90.030 [INFORMATION] Records available to the public.**

30
31 Except as provided by section 3.90.040, or by other provisions of municipal,
32 state, or federal law, the municipality shall make all public records available
33 for public inspection in an electronic format to the greatest extent feasible.
34 [OPEN TO INSPECTION BY ANY PERSON SUBJECT TO REGULATIONS
35 REGARDING THE GUIDELINES REGULATING THE TIME, PLACE AND
36 MANNER OF INSPECTION WHICH MAY BE ADOPTED BY THE
37 MUNICIPAL MAYOR PURSUANT TO SECTION 3.90.050. THE TYPES OF
38 RECORDS AND INFORMATION OPEN TO PUBLIC INSPECTION
39 PURSUANT TO THIS CHAPTER SHALL INCLUDE BUT SHALL NOT BE
40 LIMITED TO THE FOLLOWING:]

41
42 [A. FINANCIAL AND OPERATIONAL COST INFORMATION,
43 INCLUDING INFORMATION AS TO REVENUES, EXPENDITURES,
44 INDEBTEDNESS, DEPARTMENTAL BUDGET REQUESTS AND
45 FORMAL DEPARTMENTAL RECOMMENDATIONS IN REGARD TO
46 PROJECT PRIORITY.

47
48 B. INFORMATION RELATING TO CONTRACTS TO WHICH THE
49 MUNICIPALITY IS A PARTY, INCLUDING PAYMENT PROVISIONS,
50 INFORMATION RELATING TO BIDS AND REQUESTS FOR
51 PROPOSALS RECEIVED OR SOLICITED BY THE MUNICIPALITY,

1 AND INFORMATION RELATING TO THE STATUS OF GOODS OR
 2 SERVICES FURNISHED PURSUANT TO CONTRACT.

3
 4 C. REGULATORY, FINANCIAL, ASSESSMENT AND TAX
 5 INFORMATION CONCERNING REAL PROPERTY LOCATED
 6 WITHIN THE MUNICIPALITY.

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 8 D. SALARY LEVELS AND FRINGE BENEFITS ACCORDED
 9 MUNICIPAL OFFICERS AND EMPLOYEES BY LAW, INCLUDING
 10 INFORMATION IN REGARD TO THE PAY RANGE AND STEP
 11 GRADE OF AN EMPLOYEE OR OFFICER, AND STATISTICAL
 12 ANALYSES OR COMPILATIONS RELATING TO MUNICIPAL
 13 PRACTICES AND POLICIES CONCERNING COMPENSATION FOR
 14 VARIOUS OCCUPATIONAL GROUPS, DEPARTMENTS AND
 15 DIVISIONS.

16
 17 E. STATISTICAL INFORMATION AND ANALYSES CONCERNING
 18 CASE LOADS, NUMBERS AND CATEGORIES OF PERSONS FOR
 19 WHOM SERVICES WERE PERFORMED OR TREATMENT
 20 PROVIDED, RESULTS ACHIEVED AND PER PATIENT PER UNIT
 21 COST.

22
 23 F. FEASIBILITY, MANAGEMENT, COST EFFECTIVENESS AND
 24 SIMILAR REPORTS PREPARED BY THE MUNICIPALITY OR FOR
 25 THE MUNICIPALITY UNDER CONTRACT, WHETHER IN DRAFT
 26 OR FINAL FORM, WHEN SUCH REPORTS ARE PREPARED WITH
 27 MUNICIPAL OR OTHER GOVERNMENT MONIES.]

28
 29 [THE ENUMERATION OF INFORMATION AVAILABLE FOR PUBLIC
 30 INSPECTION SET OUT IN THIS SECTION IS NOT DESIGNED TO LIMIT
 31 THE CATEGORIES OF RECORDS AND INFORMATION THAT SHALL BE
 32 MADE AVAILABLE TO THE PUBLIC, NOR IS IT DESIGNED TO REQUIRE
 33 DISCLOSURE OF ITEMS SPECIFICALLY EXEMPTED FROM
 34 DISCLOSURE PURSUANT TO SECTION 3.90.040.] The policy of providing
 35 public access to public records [INFORMATION] shall be broadly and
 36 liberally construed. Any reasonably segregable portion of a record shall be
 37 provided to any person requesting such record after deletion or redaction of
 38 the portions which are exempt from release. [AND] W[w]here there is no
 39 express policy governing the release of a particular public record or portion
 40 of a public record [REPORT OR OTHER INFORMATION], the public record
 41 [INFORMATION] shall be released provided[ING] its release does not conflict
 42 with [THE PRIVACY RIGHTS OF ORDINARY CITIZENS] any other
 43 applicable law. A municipal agency is not required to create new public
 44 records, compile or summarize its public records, or manipulate its data to
 45 create new public records, in response to a request for public records.

46
 47 (AO No. 77-50A; AO No. 85-14)

48
 49 **3.90.040 Exemptions for particular records.**

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 51 This chapter shall not [BE CONSTRUED TO] require disclosure of:

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- A. Communications subject to the attorney-client privilege [BETWEEN ANY AGENCY AND THE MUNICIPAL ATTORNEY'S OFFICE WHICH CONTAIN LEGAL QUESTIONS CONCERNING PENDING OR ACTUAL LITIGATION]. This subsection does not protect from disclosure [DOCUMENTS] records which were public records prior to the privileged communication [COMMENCEMENT OF THE LITIGATION], and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the attorney.
- B. Personnel, payroll, or medical files;[,] equal rights commission files; [OR] other files which reveal the financial or medical status of any specific individual; or other personal information, the release of which would constitute an unwarranted invasion of privacy. Additional requirements applicable to personnel records are provided in AMC 3.30.016D.
- C. Police investigation files or evidence compiled by any agency as a part of an investigation of criminal activity, except that such records may be released to other governmental agencies if necessary to the proper administration of justice. Police information practices in regard to criminal justice information shall be governed by the provisions of AS 12.62.110 et seq. and the regulations promulgated thereunder. This chapter shall not [BE CONSTRUED TO] require disclosure of records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information:
1. Could reasonably be expected to interfere with enforcement proceedings;
 2. Would deprive a person of a right to a fair trial or an impartial adjudication;
 3. Could reasonably be expected to constitute an unwarranted invasion of personal privacy [OF A SUSPECT, DEFENDANT, VICTIM OR WITNESS];
 4. Could reasonably be expected to disclose the identity of a confidential source;
 5. Could disclose confidential techniques and procedures for law enforcement investigations or prosecutions;
 6. Would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or
 7. Could reasonably be expected to endanger the life or physical safety of an individual.
- D. The name, address, telephone number or other identifying information about complainants in actions to enforce building, zoning, environmental, or other municipal ordinances or regulations.
1. This subsection does not prohibit disclosure of the contents of the complaint, so long as the complainant is not identifiable.
 2. This subsection does not prohibit disclosure of the name of the

1 complainant when such disclosure becomes necessary to the
2 fair and just disposition of the charge or complaint in
3 enforcement proceedings.
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- 5 E. Records held by the Don Young Port of Alaska or any public utility
6 pertaining to any client, customer, or subscriber, the release of which
7 would constitute an unwarranted invasion of the privacy of that
8 customer.
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- 10 F. Records or engineering or other technical data, which, if released,
11 would provide a competitive advantage to any other person engaged
12 in similar or related activities.
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- 14 G. Proprietary information which a manufacturer, consultant, or provider
15 reasonably [REQUIRES] requests to be kept privileged or confidential
16 to protect the property interests of persons providing the information
17 or data.
18
- 19 H. Information which municipal governments engaged in collective
20 bargaining or other negotiations reasonably [REGULARLY] consider
21 to be privileged or confidential for purposes of successful collective
22 bargaining or other negotiations.
23
- 24 I. Information obtained by and in the custody of insurance carriers
25 insuring the municipality and their attorneys and agents, the office of
26 internal audit, or auditors conducting the annual independent financial
27 audit provided for by AMC 6.40.060, regarding possible and pending
28 claims against the municipality. This subsection does not protect from
29 disclosure records which were public records prior to being shared
30 with the insurance carrier, auditor, or their attorneys and agents, and
31 public records which are otherwise subject to disclosure may not be
32 protected from disclosure by mere submission to an insurance carrier,
33 auditor, or their attorneys and agents.
34
- 35 J. Health, mental health, substance abuse, medical, juvenile, and
36 personality disorder [PROBLEM] information obtained or prepared by
37 the municipality with respect to any person for whom treatment or
38 services were provided.
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- 40 K. Personal information other than name and address given to the
41 municipality with the legitimate expectation of privacy in conjunction
42 with licenses, permits, or other municipal services.
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- 44 L. Draft internal audit reports shared with the administration pursuant to
45 AMC 3.20.120A and supporting work papers until respective
46 management officials have had the opportunity to review the draft
47 audit findings for accuracy of fact and substance and provide written
48 responses to the director of internal audit. The maximum time allowed
49 for this exemption will not exceed 30 days from the date of the draft
50 audit report. Earlier working drafts prepared by internal audit in
51 deliberation before sharing a draft internal audit report pursuant to

1 AMC 3.20.120A may be withheld under the deliberative-process
2 privilege as provided in subsection O.
3

4 M. Safety investigation files created or held by the director of health and
5 safety or subordinate department safety officer. This provision is
6 intended to preserve the confidentiality of information accessed by any
7 safety officer pursuant to the execution of their duties, and does not
8 preclude the reporting of information necessary to address potential
9 safety violations or conform with federal and state requirements.

10
11 N. Any records [DOCUMENTS] otherwise subject to disclosure under
12 this chapter if the requeste[O]r or the requeste[O]r's principal is in
13 litigation in a judicial or administrative forum with the municipality, [OR]
14 a municipal agency, or a municipal officer, employee, or other agent
15 sued in their official capacity or sued in their personal capacity and
16 represented by the municipality under AMC 1.50.010 [IN A JUDICIAL
17 OR ADMINISTRATIVE FORUM]. Disclosure of any records relevant
18 to that litigation, or reasonably likely to lead to the discovery of relevant
19 evidence, shall be governed by the rules or orders of that forum and
20 not by this chapter.
21

22 O. Any information [RECORDS OR DOCUMENTS WHICH ARE]
23 accorded confidential or privileged status by this Code or [WHICH
24 ARE ACCORDED CONFIDENTIAL OR PRIVILEGED STATUS
25 UNDER] state or federal law and which has [HAVE] been provided on
26 a reasonable condition or with a reasonable expectation that the
27 information retain its privileged or confidential nature. Such
28 confidential or privileged information includes but is not limited to
29 confidential business records and trade secrets protected by law. It
30 also includes information protected by the deliberative process
31 privilege, including drafts, whether held by the legislative or executive
32 branches or their agents, provided that the deliberative process
33 privilege shall not apply to records created 25 years or more before
34 the date on which the records were requested.
35

36 P. Any records [, DOCUMENTS] or information provided to the
37 municipality or its agents, by a private employer in response to a salary
38 and/or benefits survey whose disclosure would adversely affect the
39 private employer's ability to compete, or is required to be kept
40 privileged or confidential to protect the property interests of the private
41 employer. If questions arise regarding the accuracy of the
42 representation of a private employer's response to the survey in any
43 report prepared by the municipality or its agents, the internal auditor
44 will be asked to review the results and comment on the accuracy of
45 the representations, but the records [, DOCUMENTS] and information
46 supplied by the private employer shall remain confidential and not
47 subject to disclosure.
48

49 Q. [1.] The following records related to the 49th State Angel Fund:
50 1. Records provided to the municipality by a person requesting an
51 award from the 49th State Angel Fund:

- 1 a. Income tax returns;
- 2 b. Financial statements, profit-and-loss statements, or
- 3 cash flow projections;
- 4 c. Business plans;
- 5 d. Credit reports from consumer reporting agencies or
- 6 other credit information obtained from banks, creditors,
- 7 or other credit reporting entities;
- 8 e. Trade secrets, including confidential proprietary
- 9 information or confidential information about products,
- 10 pricing, or manufacturing or business processes;
- 11 f. Appraisals;
- 12 g. Market surveys or marketing strategy information;
- 13 h. Third party financing and similar data required to be
- 14 reported by the municipality to the federal government;
- 15 or
- 16 i. Terms and conditions of any award, except "boilerplate",
- 17 company name, interest rate, if applicable and total
- 18 principal amount of the award.
- 19 2. Information compiled by the municipality from records [,
- 20 DOCUMENTS] or information described in subsection 1[.] shall
- 21 be kept confidential unless disclosure is authorized by the
- 22 person providing the information.
- 23 3. Disclosure of a confidential record to an advisory committee
- 24 shall not constitute a waiver of confidentiality by the person
- 25 submitting the record or by the municipality, nor shall it
- 26 constitute a conversion of the record to a public record.
- 27 Committee discussion of confidential information shall occur
- 28 only in executive session.
- 29 [4. NOTHING IN THIS SECTION SHALL PREVENT AN
- 30 ASSEMBLY MEMBER FROM REVIEWING INFORMATION
- 31 OTHERWISE CONFIDENTIAL UNDER THIS SECTION IF
- 32 THE ASSEMBLY MEMBER HAS A VALID LEGISLATIVE
- 33 PURPOSE FOR REVIEWING THE INFORMATION AND IF
- 34 THE ASSEMBLY MEMBER AGREES TO MAINTAIN THE
- 35 CONFIDENTIALITY OF THE INFORMATION.]
- 36
- 37 R. The following [R]ecords or information pertaining to security and
- 38 critical infrastructure in the municipality[.]:
- 39 1. Records or information pertaining to a plan, program, or
- 40 procedures for establishing, maintaining, or restoring security
- 41 and critical infrastructure in the municipality, or to a detailed
- 42 description or evaluation of systems, facilities, or critical
- 43 infrastructure in the municipality, shall be kept confidential, but
- 44 only to the extent that the production of the records or
- 45 information:
- 46 a. Could reasonably be expected to interfere with the
- 47 implementation or enforcement of the security plan,
- 48 program, critical infrastructure, or procedures;
- 49 b. Would disclose confidential guidelines for investigations
- 50 or enforcement and the disclosure could reasonably be
- 51 expected to risk circumvention of the law; or

1 c. Could reasonably be expected to endanger the life or
2 physical safety of an individual or to present a real and
3 substantial risk to the public health and welfare.
4

5 2. Audio or visual recordings from municipal security cameras,
6 unless the recording is of the requester and redactions can be
7 made to protect security and the privacy of others.
8

9 3. Information the release of which may disclose the location or
10 capabilities of security cameras and any other municipal
11 security systems.
12

13 4. Nothing in this section may be construed to limit disclosure
14 required for necessary construction, renovation, or remodeling
15 work on a public building or other part of the critical
16 infrastructure of the municipality. Disclosure under this
17 subsection does not constitute public disclosure.
18

19 S. Complaints of a confidential nature received by any municipal agency
20 or officer whose official duties include receiving or evaluating such
21 complaints, and personally identifying information in other records that
22 could reveal the identity of a confidential complainant.
23

24 T. Records of the ombudsman and staff of the ombudsman, including
25 notes, drafts, and records obtained from an individual or agency
26 during intake, review, or investigation of a complaint, and any reports
27 not released to the public in accordance with
28 sections 2.60.140, 2.60.155.
29

30 U. Any other information properly withheld under Alaska law. If
31 information is withheld under this subsection, the municipal agency
32 shall provide an explanation of the ground on which it was withheld.
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34 (AO No. 77-50A; AO No. 91-7(S-1); AO No. 91-173(S); AO No. 92-18; AO
35 No. 96-102, § 1, 8-6-96; AO No. 2012-59, § 1, 7-10-12, eff. retroactive from
36 5-14-12; AO No. 2015-23(S), § 16, 3-24-15; AO No. 2017-122(S), § 6, 10-
37 24-17; AO No. 2019-133, § 3, 11-5-19; AO No. 2023-38(S), § 5, 4-18-
38 23; AO No. 2023-81, § 5, 1-9-24)
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40 **Section 3.** Anchorage Municipal Code section 3.90.050 is hereby repealed in its
41 entirety and replaced with the following (*requiring no legislative formatting*):
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43 **3.90.050 Policies and procedures; fees.**
44

45 A. *Policies and procedures authorized.* The mayor may adopt policies
46 and procedures for each municipal agency under AMC 3.50, except
47 the legislative branch offices and the school district which are similarly
48 authorized to adopt their respective policies and procedures,
49 regarding the time, place, and manner of inspection of public records,
50 including adopting a schedule of fees and costs consistent with this

1 section. Policies and procedures adopted pursuant to this section shall
2 be posted on the municipality's or school district's website.

3
4 **B. *Permissible fees.*** Pursuant to policies and procedures adopted under
5 this section, a municipal agency may charge a fee for copying public
6 records, including employee time spent searching for, retrieving,
7 making permissible redactions to, and copying and transmitting
8 records, provided that the fee shall not exceed the actual cost to the
9 municipal agency. The fee may not exceed the actual salary and
10 benefit costs for the non-executive personnel time required to perform
11 the search, redaction, copying, and transmission tasks. No fee shall
12 be charged for attorney or other executive personnel time. The
13 Municipality may charge a reasonable additional amount for the actual
14 cost associated with transmission of certain records, if any (such as
15 the cost of transferring data files). No fee shall be charged for time
16 spent searching for, retrieving, making permissible redactions to, and
17 copying and transmitting records where the time for a single request
18 does not exceed three hours per request; where such time exceeds
19 three hours, the municipality may charge the full fee authorized by this
20 subsection. Notwithstanding any other provision of this subsection, the
21 municipal agency may charge an administrative filing fee of \$10 per
22 request, and that filing fee may be adjusted by policy and procedure
23 based on the cumulative percent change in the Anchorage Consumer
24 Price Index for All Urban Consumers (CPI-U) since this ordinance was
25 enacted or since the administrative filing fee was last adjusted
26 consistent with this subsection, whichever is more recent.

27
28 **C. *Payment of fees.*** A municipal agency may require advance payment
29 of up to half of the fees and costs the municipal agency reasonably
30 estimates will ultimately be incurred under subsection B to process a
31 request. In order to require advance payment, the municipal agency
32 shall disclose to the requester the basis for the estimate. A municipal
33 agency may also require payment of any unpaid balance of fees and
34 costs actually incurred, including unpaid balances on previous
35 requests, before the release of requested public records. Where
36 production occurs on a rolling basis, the unpaid balance for each batch
37 may be charged before release of each batch. In the event the
38 municipal agency ultimately receives payment in excess of the
39 permissible fees and costs provided for under subsection B, the
40 municipal agency shall promptly refund the excess to the requester. A
41 requester may appeal under AMC 3.90.090A the advance estimate or
42 the final amount a municipal agency charges the requester.

43
44 **D. *Waiving fees.***

45
46 1. ***Indigency.*** A municipal agency shall waive a fee for fulfilling a
47 request if it determines, based on an affidavit from the
48 requester and any other relevant information, that: (a) the
49 requester is (i) an individual, (ii) indigent, and (iii) unable to pay
50 any requested fee; (b) the otherwise chargeable time

necessary to fulfill the request is estimated to be 5 hours or less; and (c) the individual has not received a fee waiver under this subsection within the preceding 30 days. The required affidavit shall include specific information regarding the requester's income and assets.

2. *Public interest.* A municipal agency may reduce or waive a fee for fulfilling a request when the municipal agency determines that the reduction or waiver is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial or personal interest of the requester. To the greatest extent practicable, fee reductions and waivers shall be uniformly applied among persons who are similarly situated.
3. *Efficiency.* A municipal agency may waive a fee in the interest of efficiency, such as when the fee is less than the cost to the municipal agency to arrange for payment.

(AO No. 77-50A; AO No. 79-27; AO No. 2010-81(S-1), § 35, 12-7-10, eff. 1-1-11)

Section 4. Anchorage Municipal Code section 3.90.060 is hereby repealed in its entirety and replaced with the following (*requiring no legislative formatting*):

3.90.060 Response to requests for public records.

- A. *Duty to respond.* All municipal agencies shall, consistent with the orderly conduct of municipal business, make a good faith and diligent effort to provide a rapid and intelligible response to reasonable requests for inspection of public records made pursuant to this chapter. Agencies shall work with requesters to help clarify or narrow requests to reasonable proportions and thereby facilitate rapid and intelligible agency responses. Only if the requester does not work with the agency to make a request reasonable to fulfill may the agency decline to process the request on the grounds that the request is unduly vague, overbroad, or seeks records the production of which would be unduly burdensome under the circumstances.
- B. *Receipt and classification of request.* Each municipal agency shall designate an employee who is the official responsible for responding to requests for public records directed to that municipal agency. Upon receiving a request under this chapter, the responsible official shall classify the request as either simple, intermediate, or complex.
 1. *Simple.* A simple request is one in which the estimated time to search for, locate, redact, copy, and transmit the records is less than three hours and the response is not likely to require consultation with the municipal attorney's, assembly counsel's, or school district counsel's office.

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2. *Intermediate.* An intermediate request is one in which the estimated time to search for, locate, redact, copy, and transmit the records is more than three hours or the response is likely to require consultation with the municipal attorney's, assembly counsel's, or school district counsel's office.
 3. *Complex.* A complex request is one in which a response will require particular complexity in searching, locating, redacting, copying, or transmitting records or may require extensive legal analysis.
- C. *Written acknowledgment and notice of deadline or next steps.* Within two working days after receiving a request, the responsible official shall send one of the following:
1. *Notice to cure request.* A written notice explaining that the request for records is not reasonable because it is unduly vague, overbroad, or seeks records the production of which would be unduly burdensome under the circumstances; an offer to work with the requester to cure those defects if reasonably possible; and notice that the request cannot be processed and response timelines will not begin to run until the request is cured;
 2. *Acknowledgment and notice of deadline.* A written acknowledgement to the requester, advising the requester of (a) the official's decision to classify the request as either simple, intermediate, or complex and (b) the applicable time periods in which a response is required under this section absent an extension. The notice shall specify that the time periods shall not begin to run until any fee that the agency requires to be pre-paid is paid. If the request has been designated as intermediate or complex, the responsible official shall also provide the requester an opportunity to narrow their request. The written acknowledgement shall also inform the requester that a request initially classified as simple or intermediate may be reclassified by the agency to intermediate or complex as the degree of complexity becomes more clear while the agency works to fulfill the request. If the municipal agency completes the response to the request within two days after it was received, a written acknowledgment under this subsection is not required; or
 3. *Other.* A detailed explanation of why the municipal agency cannot provide the notice or acknowledgment described above within two working days, together with a reasonable estimate of when the above will be provided.
- D. *Deadline for response.*

1. *Deadline based on classification.* Each municipal agency shall respond to requests for public records by producing the requested records or issuing a written decision denying the request, in whole or in part, including, to the extent possible without disclosing properly withheld information, a general description of any public records or information withheld and the reasons for withholding based on any applicable exemptions, within the following time periods:
 - a. For simple requests, not later than 10 working days after the request is first received by the municipal agency.
 - b. For intermediate requests, not later than 20 working days after the request is first received by the municipal agency.
 - c. For complex requests, not later than 45 working days after the request is first received by the municipal agency.
 - d. The time periods above shall be doubled for the following types of requests:
 - i. Requests to the Anchorage Police Department for: (a) records created before 2015, (b) more than 50 pages of responsive records, or (c) photographs;
 - ii. Requests to any municipal agency involving audio or video; or
 - iii. Commercial requests in which the requester intends to use the requested records, directly or indirectly, to generate income. Commercial requests do not include requests from a representative of the news media as defined in the federal Freedom of Information Act, 5 U.S.C. 552(a)(4)(A)(ii).
2. *Excluding certain periods.* For purposes of calculating the time periods provided in this section, the following shall be excluded from consideration:
 - (a) Where a requester is sent a notice to cure under AMC 3.90.060C.1, the time between receipt of the original request and receipt of a cured request;
 - (b) Where a requester is notified that production of particular information would require a signed release, the time between the notification and receipt of such release by the municipal agency; and

1
2 (c) Where a requester is sent notice that processing the
3 request will require advance payment of fees under
4 AMC 3.90.050, the time between receipt of the original
5 request and the time the requester makes suitable
6 arrangement for payment of those fees.
7

8 3. *Agreements and production schedules.* Instead of the time
9 periods identified in this subsection, a municipal agency may
10 respond to a records request on a different time period agreed
11 to by the requester; or it may provide a production schedule as
12 its response with rolling production of records as they are
13 processed.
14

15 4. *Extensions.* A municipal agency may extend the applicable
16 response time period in this section for up to ten additional
17 working days per extension by sending notice to the requester
18 within the applicable response time period. The notice shall
19 state the reasons for the extension. The municipal agency shall
20 provide a rolling production of all portions of the requested
21 public records that the municipal agency is able to process for
22 production using good faith and diligent efforts, as it processes
23 them. Any extension may not be invoked for purposes of delay.
24 Additional extensions may be issued upon continued good faith
25 and diligent efforts and only so long as grounds for extension
26 continue to exist. The applicable response time period in this
27 section may be extended only when one or more of the
28 following circumstances exist, and then only as to those
29 specific records within the request as to which the
30 circumstances apply:
31

32 a. There is a need to search for or collect the requested
33 records from paper archives or other locations outside
34 the immediate custody of the agency responsible for
35 maintaining the records;
36

37 b. There is a need to search for, collect, examine, or redact
38 a voluminous amount of records sought in a single
39 request;
40

41 c. There is a need for consultation with an officer or
42 employee who is absent on approved leave or official
43 business;
44

45 d. Staffing, workload, or resource constraints make faster
46 production impracticable; or
47

48 e. There is a need to consult with legal counsel.
49

50 On a second or subsequent extension, a requester who
51 disputes the municipal agency's grounds for extension may use

1 the appeal and judicial review procedures provided in AMC
2 3.90.090.

- 3
4 E. *Written response.* A municipal agency shall give a written response
5 granting or denying a request for public records under this chapter
6 within the prescribed time limit, as modified by extensions,
7 agreements, or production schedules. The response shall notify the
8 requester of the ability to appeal that decision under AMC 3.90.090A
9 and where to submit any notice of appeal. If a response is not received
10 by a requester by the expiration of the time limit, including extensions,
11 agreement, or deadlines set by a production schedule, the requester
12 may consider the request denied and appeal under AMC 3.90.090A.
13
14 F. *Automation.* A municipal agency may automate its processes for
15 receiving and processing requests for public records, including by
16 automatically generating an initial notice, acknowledgment, or other
17 explanation as provided in subsection C based on the content of the
18 records request. Such automatically-generated initial communication
19 or other response may be later revised by the agency, as appropriate,
20 upon individual non-automated review.
21
22 G. *Anchorage School District.* The school board is authorized to issue its
23 own policy establishing a reasonable process and schedule by which
24 the school district shall respond to public records requests, consistent
25 with the right of public access to public records and the school district's
26 operational constraints. Such process and schedule shall not be
27 inconsistent with the requirement that public records requests receive
28 a response within a reasonable specified timeline.
29

30 (AO NO. 77-50A; AO NO. 92-15)

31
32 **Section 5.** Anchorage Municipal Code chapter 3.90 is hereby amended to create
33 and add a new section 3.90.090 as follows (*requiring no legislative formatting*):

34
35 **3.90.090 Appeals and Judicial Review.**

- 36
37 A. *Appeal.* A person may appeal a response to a request for public
38 records within 30 days of the date of the response by filing written
39 notice of appeal with the appropriate appeal authority as specified
40 below. Any such appeal shall be decided by the appropriate appeal
41 authority on the basis of the existing record that was before the agency
42 and without additional argument by the requester, unless additional
43 submissions are requested by the appeal authority.
44
45 1. *Executive branch records.* An appeal from an executive branch
46 municipal agency shall be decided by the mayor. A written
47 decision either granting or denying the appeal shall be issued
48 within ten working days after written notice of the appeal is
49 received by the mayor's office or other designee.
50

1 2. *Legislative branch records.* An appeal from an office of the
 2 legislative branch as described in AMC 2.10.015 shall be
 3 decided by the assembly. The assembly's decision on an
 4 appeal shall be made by assembly resolution to be placed no
 5 later than on the next regular meeting agenda not yet published
 6 following receipt of the written notice of the appeal by the
 7 municipal clerk or other designee.

8
 9 3. *School board records.* An appeal from the school district, or
 10 from the ombudsman's office on a request concerning the
 11 school district, shall be decided by the school board. The
 12 board's decision on an appeal shall be made by resolution to
 13 be placed no later than on the next regular meeting agenda not
 14 yet published following receipt the written notice of the appeal
 15 by school district counsel or other designee.

16
 17 B. *Judicial review.* A person may not seek judicial review of a municipal
 18 agency's response to a request for public records without exhausting
 19 the administrative remedies provided in this section. If the appropriate
 20 appeal authority does not issue a decision on an appeal within the
 21 timeline specified in this section, then the municipal agency's
 22 response shall be deemed the decision of the appropriate appeal
 23 authority, administrative remedies shall be deemed exhausted, and
 24 the requester may seek judicial review. Judicial review must be sought
 25 within 30 days of the decision of the appropriate appeal authority. The
 26 superior court for the Third Judicial District in Anchorage has
 27 jurisdiction to enjoin a municipal agency from withholding public
 28 records and to order the production of any public records or
 29 information improperly withheld from the requester. In such a case,
 30 the superior court may examine, in the court's discretion, the existing
 31 record, the contents of any public records in camera, or affidavits or
 32 declarations describing the information withheld in sufficient detail to
 33 justify the withholding, to determine whether such records or any part
 34 thereof shall be withheld under any of the exemptions set forth in this
 35 chapter or any other applicable provision of law.

36
 37 **Section 6.** Anchorage Municipal Code section 3.30.016 is hereby amended to
 38 read as follows (*the remainder of the section is not affected and therefore not set*
 39 *out*):

40
 41 **3.30.016 Personnel records.**

42 *** *** ***

43 D. Records. Public records requests for personnel records are subject to
 44 the requirements and procedures in AMC 3.90. In addition to those
 45 requirements and procedures, the following rules shall apply to public
 46 records requests for personnel records. [NOTWITHSTANDING
 47 CHAPTER 3.90,] All records maintained by the department of human
 48 resources or within the department personnel file maintained by each
 49 respective agency head shall be confidential to the extent that they
 50 include an analysis, evaluation or critique of an employee's
 51 performance, or their disclosure may reveal personal information

1 about an employee or the employee's dependents, such as telephone
 2 numbers and addresses, or otherwise constitute an unwarranted
 3 invasion of privacy. In consultation with the municipal attorney, the
 4 director or agency head shall determine whether release of a
 5 requested record, or portion of a requested record, would constitute
 6 an unwarranted invasion of privacy.

7
 8 1. Municipal business exception. The director or agency head
 9 may authorize municipal employees, agents, and contractors
 10 to review confidential personnel records as the director or
 11 agency head deems necessary for the orderly and efficient
 12 conduct of municipal business.

13
 14 2. Rules specific to employment applications. Employment
 15 applications, except those of executive employees, and
 16 examination materials are confidential and not open to public
 17 inspection.

18
 19 a. Exception for certain examination questions.
 20 [HOWEVER,] A[a]n applicant for municipal employment
 21 who appeals an examination score may review written
 22 examination questions relating to the examination
 23 unless the questions are to be used in future
 24 examinations.

25
 26 3. Compelling public interest exception. The director or agency
 27 head [MAY AUTHORIZE MUNICIPAL EMPLOYEES, AGENTS
 28 AND CONTRACTORS TO REVIEW THESE RECORDS AND]
 29 shall[MAY] make public a requested personnel record in the
 30 department's or agency's possession (1) where the municipal
 31 attorney determines that disclosure would serve, in the least
 32 intrusive manner, a compelling public interest sufficient to
 33 outweigh the privacy interest of the subject of the records, or
 34 (2) upon receipt and municipal attorney review of (a)
 35 an[AVAILABLE TO OTHERS UPON] order of a court of
 36 competent jurisdiction regarding which the municipal attorney
 37 has decided not to seek further judicial review, or (b) a valid
 38 subpoena with which the municipal attorney has decided to
 39 comply without further judicial review or which is not quashed
 40 or made subject to a protective order following further judicial
 41 review.

42
 43 (AO No. 79-195; AO No. 86-207(S-1); AO No. 94-117, § 3, 7-26-94; AO No.
 44 2019-42 , § 2, 4-23-19)

45
 46 **Section 7.** Anchorage Municipal Code section 2.30.085 is hereby amended to
 47 read as follows:

48
 49 **2.30.085 Assembly access to municipal records; Subpoena powers.**

50
 51 **A. Except as restricted by this section or other provision of local, state,**

1 or federal law, including any applicable privilege, a member of the
2 assembly acting in an official capacity is entitled to review and inspect
3 all records of the municipality, including certain confidential
4 information, in a reasonable time, place, and manner. Such review
5 and inspection shall not be subject to the fees and costs applicable to
6 public records requests under AMC 3.90.050.

7
8 1. A member acts in their "official capacity" when performing the
9 duties and exercising the powers of the office of an assembly
10 member as contained in Article IV of the Anchorage Municipal
11 Charter, under the laws of the state, municipality, and under
12 other applicable law.

13
14 2. "Confidential information" means any information not available
15 to the public generally pursuant to a public records request.

16
17 a. In the event that a member requests to review or inspect
18 any record containing confidential information, that
19 request shall be referred to the municipal attorney.
20 Where the member's access to such information is not
21 restricted by this section or other provision of local, state,
22 or federal law, including any applicable privilege, the
23 municipal attorney shall work with assembly counsel to
24 facilitate the member's access to the confidential
25 information in the presence of assembly counsel.

26
27 b. Access shall not be provided where the member's
28 access to or use of the requested confidential
29 information would constitute a prohibited conflict of
30 interest under AMC 1.15.160, as determined by a
31 municipal ethics officer or the board of ethics. Access
32 shall also not be provided to any confidential information
33 specified in a memorandum of understanding entered
34 into between assembly counsel and the municipal
35 attorney and transmitted to the assembly via assembly
36 information memorandum. Such memorandum shall
37 exclude from individual assembly member inspection
38 under this section certain categories of particularly
39 sensitive confidential information, including but not
40 limited to investigative files of the Anchorage Police
41 Department, the Anchorage Equal Rights Commission,
42 and the Ombudsman's Office, and personal health or
43 financial information.

44
45 c. A member will not be entitled to retain a copy of any
46 confidential information. Any notes regarding
47 confidential information can be retained only by
48 assembly counsel. A log shall be kept of which
49 confidential information has been accessed by which
50 assembly members under this section.
51

- 1 3. Notwithstanding the foregoing, a member shall not use or
2 disclose confidential or nonpublic information in violation of
3 Section 1.15.120, and shall not:
4
5 a. Use their position to obtain confidential information
6 about any person or entity except in their official capacity
7 and in furtherance of a bona fide legislative purpose;
8
9 b. Disclose any confidential information gained through the
10 member's office or position, unless authorized by law, or
11 compelled by competent legal authority as determined
12 by the municipal attorney; or
13
14 c. Use such confidential information to advance any
15 economic interest or personal interest of the member,
16 their family member, or any other third party or to confer
17 any other benefit to the member, a member of their
18 immediate family, or other third party.
19
20 4. Members are expected to treat confidential information with
21 prudence because a member's prohibited use or disclosure of
22 confidential information accessed pursuant to this section may
23 result in: referral of the member to the board of ethics for
24 recommendations for corrective action under AMC 1.15.160;
25 civil action by the municipality against the member seeking
26 damages or equitable relief; or provide grounds for a potential
27 recall petition for misconduct in office under the procedures
28 provided in AS 29.26.250.
29

30 B[A]. Subpoena powers.

- 31
32 1[A]. Subject to the privileges which witnesses have in courts of this
33 state, the chair of the assembly, with the approval of a majority
34 vote of the assembly, may, in the chair's official capacity and
35 on behalf and in the name of the assembly:
36
37 a[4]. Compel by subpoena, at a specified time and place, the
38 appearance and sworn testimony of a person whom the
39 assembly reasonably believes may be able to give
40 information relating to a public matter being considered
41 by the assembly; and
42
43 b[2]. Compel a person, by subpoena, to produce documents,
44 papers, or objects which the assembly reasonably
45 believes may relate to a public matter being considered
46 by the assembly.
47
48 2[B]. If a person refuses to comply with a subpoena issued under
49 subsection A of this section, the superior court may, on
50 application of the chair of the assembly, compel obedience by
51 proceedings for contempt in the same manner as in the case of

disobedience to the requirements of a subpoena issued by the court for refusal to testify in the court.

~~3~~[C]. A person who seeks to quash or limit a subpoena issued pursuant to this section may file an action against the assembly in superior court.

(AO No. 91-15(S); AO No. 2023-133, § 1, 1-16-24)

Cross reference - Confidentiality and use of nonpublic information, section 1.15.120; Ethics complaint for potential violation, section 1.15.160; Policies and procedures; fees, section 3.90.050.

Section 8. Regulation 3.90 in the Anchorage Municipal Code of Regulations, titled Standardized Charges for Retrieving and Copying Records, is hereby repealed.

Section 9. The existing text of Anchorage Municipal Code sections 3.90.050 and 3.90.060 being repealed under this ordinance is attached as Exhibit A, in accordance with Anchorage Municipal Code subsection 1.05.050B. The existing text of Regulation 3.90 of the Anchorage Municipal Code of Regulations is attached as Exhibit B.

Section 10. Notwithstanding AMC section 3.30.018, this ordinance and specifically Section 6 above shall not require review of the Personnel Rules Committee prior to Assembly public hearing and action.

Section 11. This ordinance shall be effective 180 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2025.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 67-2026

Meeting Date: January 27, 2026

1 **From: Assembly Chair Constant**
2 **Assembly Member Silvers**
3 **Mayor LaFrance**
4

5 **Subject: AO 2026-19 – AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**
6 **ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE**
7 **CHAPTER 3.90 (ACCESS TO PUBLIC RECORDS) AND AMC**
8 **SECTION 3.30.016 (PERSONNEL RECORDS), TO UPDATE THE**
9 **PUBLIC RECORDS REQUEST AND RESPONSE PROCEDURES,**
10 **MAKING A CORRESPONDING CHANGE BY REPEALING**
11 **REGULATION 3.90 OF THE ANCHORAGE MUNICIPAL CODE OF**
12 **REGULATIONS, AND AMENDING AMC SECTION 2.30.085 TO**
13 **UPDATE PROCEDURES FOR ASSEMBLY ACCESS TO**
14 **INFORMATION.**
15

16 Public access to public records enables a free citizenry to know how its government
17 is conducting the public's business. The Municipality has long declared in its code,
18 AMC 3.90.010, that the policy of the municipality is to provide the fullest and most
19 rapid public access to public records so that the right of the people to remain
20 informed is protected. This ordinance aims to strengthen public access to public
21 records, consistent with competing interests such as personal privacy.
22

23 This project is the result of the first comprehensive review of the Municipality's public
24 records law in many decades. Assembly Chair Constant, then-Assembly Vice-Chair
25 Zalatel, and Assembly Member Silvers began that project in 2023 and first
26 introduced an ordinance to amend and rewrite the Municipality's public records law
27 on April 22, 2025, in the form of AO 2025-59. Taking that proposed legislation as a
28 starting point, a working group comprehensively reviewed all elements of the
29 Municipality's existing public records law over the course of many long meetings
30 over many months. That working group consisted of Assembly Chair Constant,
31 Assembly Member Silvers, Mayor LaFrance and her delegates, the Municipal
32 Attorney's Office, Assembly Counsel, outside counsel for the Assembly, and the
33 Information Technology Department, with consultation with representatives of the
34 departments that receive the highest volume of records requests.
35

36 As a result of that careful review, the sponsors identified ways in which the
37 Municipality's existing public records law should be strengthened, including, among
38 other things, by:
39

- 40 • limiting chargeable fees for records requests that can be processed in fewer
41 than 3 working hours;
- 42 • providing for the release of public records in an electronic format (rather than
43 a physical format) to the greatest extent feasible;
- 44 • creating a more efficient and transparent method for processing public

1 records requests, including by providing deadlines for responses and clear
2 appeal procedures; and

- 3 • protecting information that is and ought to remain confidential, privileged, or
4 private, such as personal information gathered in police investigations and
5 information related to critical water infrastructure.

6
7 This ordinance would also amend AMC 2.30.085 to provide a mechanism for
8 individual assembly members to access municipal records in order to exercise the
9 powers of the office of an assembly member. The new provision includes measures
10 to safeguard otherwise-confidential information and ensure it is not publicly
11 released.

12
13 This ordinance would strengthen the Municipality's public records law for the next
14 generation to come, advance good government, and support the ability of the
15 Municipality's residents to know how their government functions on their behalf.

16
17 **A summary of economic effects, as required by AMC 2.30.053, is attached.**

18
19 **ASSEMBLY CHAIR CONSTANT, ASSEMBLY MEMBER SILVERS, AND THE**
20 **MAYOR RECOMMEND APPROVAL.**

21
22
23 Prepared by: Municipal Attorney's Office
24 Respectfully submitted: Chris Constant, Assembly Chair,
25 District 1 – North Anchorage
26 Yarrow Silvers, Assembly Member
27 District 5 – East Anchorage
28 Suzanne LaFrance, Mayor

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2026-19

Title: **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.90 (ACCESS TO PUBLIC RECORDS), AND AMC SECTION 3.30.016 (PERSONNEL RECORDS), TO UPDATE THE PUBLIC RECORDS REQUEST AND RESPONSE PROCEDURES, MAKING A CORRESPONDING CHANGE BY REPEALING REGULATION 3.90 OF THE ANCHORAGE MUNICIPAL CODE OF REGULATIONS, AND AMENDING AMC SECTION 2.30.085 TO UPDATE PROCEDURES FOR ASSEMBLY ACCESS TO INFORMATION**

Sponsors: **Assembly Chair Constant, Assembly Member Silvers, Mayor LaFrance**
 Preparing Agency: Department of Law
 Others Impacted: All Departments

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others	\$ 57.500	\$ 57.500	\$ 57.500	\$ 57.500	\$ 57.500
Less: 7000 Charges to Others					
FUNCTION COST:	\$ 57.500	\$ 57.500	\$ 57.500	\$ 57.500	\$ 57.500
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp <i>see note below</i>					

PUBLIC SECTOR ECONOMIC EFFECTS:

Foregone revenue: No longer charging fees for requests fulfilled in under 3 person-hours of work is anticipated to reduce revenue from fees by \$5,500 Muni-wide excluding APD and by \$52,000 at APD, per year, for a total of approximately \$57,500 in foregone revenue each year, based on request data from 2024 and 2025.

Personnel and processing times: It is anticipated that this ordinance could be administered either (1) without new personnel by invoking the extensions permitted by AMC 3.90.060D.4, or (2) with less reliance on deadline extensions but with the addition of 2 new audio/visual clerks for APD. APD receives the most public records requests of any municipal department, including a large number of requests for audio/visual records. Production of audio/visual records requires significant work for necessary review and redaction. In order to meet the deadlines provided in the new AMC 3.90.060 without needing to request frequent extensions due to staffing constraints under AMC 3.90.060D.4, APD would require 2 new audio/visual clerk FTEs at an estimated yearly cost of \$ 266,630. Without 2 new audio/visual clerks, it is anticipated that APD would require extensions under AMC 3.90.060D.4 based on current levels of requests for audio/visual records and current processing times for such requests. The future volume of audio/visual record generation and requests is uncertain and may increase over time with new technological capabilities. Other departments, which receive fewer records requests than APD, are

PRIVATE SECTOR ECONOMIC EFFECTS:

None

Prepared by: *Department of Law*

Telephone: 907-343-4545

Exhibit A

The existing text of Anchorage Municipal Code sections 3.90.050 and 3.90.060 being repealed under this ordinance is hereby attached as Exhibit A, in accordance with Anchorage Municipal Code subsection 1.05.050B.

3.90.050 - Departmental regulation of time, place and manner of inspection of records.

The mayor shall, pursuant to chapter 3.40, adopt municipal regulations for each municipal department as to the time, place and manner of inspection of public records held by the municipality. Such regulations may also provide:

- A. That a fee may be required. The fee shall not exceed the actual cost to the agency. No fee shall be charged when a person simply requests access to the information, however employee time may be charged when the nature of the information requires custodial observation of the access. If the person is unable to pay any requested fee, and signs an affidavit to the effect he is indigent, there will be no cost to such person.

- B. The form in which the specified documents shall be made available. Documents need not be reproduced in the exact form or medium in which they are stored. However, any alteration of the form or medium of public records shall not change the substantive content of the information contained in the public record. When the actual content is changed, the nature of the change and why it was necessary shall be communicated to the requester.

Regulations adopted pursuant to this section shall be posted in a conspicuous manner at the place designated for inspection of each department's or agency's documents.

(AO No. 77-50A; AO No. 79-27; AO No. 2010-81(S-1), § 35, 12-7-10, eff. 1-1-11)

State Law reference— Public records open to inspection and copying; fees, AS 40.25.110.

3.90.060 - Response to requests for public records.

All municipal officers and employees shall, consistent with the orderly conduct of municipal business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records made pursuant to this chapter.

To effect this policy, the following guidelines are adopted:

- A. Information pursuant to this chapter shall be furnished promptly to the requesting party unless the information requested is declared privileged or

confidential pursuant to applicable federal, state or municipal law. If the officer or employee considers the information to be privileged, he shall prepare a slip setting forth the date, the item of information requested, the specific provision of applicable state, federal or municipal law exempting the requested information from disclosure, and the title and signature of the person withholding the information. A copy of this slip shall be provided to the party requesting the information. If an officer or employee of the municipality called upon to furnish information pursuant to this chapter is uncertain as to whether or not the material sought is privileged or otherwise exempt from disclosure, he shall indicate this on the slip, and shall further identify his supervisor so that the request for inspection of documents may be submitted to the officer or employee authorized to make a decision on the matter. A copy of this slip shall be given to the requesting party.

- B. Any denial of a request for information or inspection of public records shall be automatically appealed to the mayor, and a written reply will be given within seven working days either granting or denying the appeal. Any appeal from the municipal clerk's office or ombudsman's office concerning municipal government or municipally owned utilities shall go to the assembly. Any appeal from the school district or ombudsman's office concerning the school district shall go to the school board.
- C. All requests for records and information made pursuant to this chapter shall be responded to within a reasonable time period. If the records and information cannot be located in time to make a response within two working days of the request, the requesting party shall be promptly advised, and, if the requesting party still desires the information or records, a reasonable and diligent search shall be made for it.

(AO No. 77-50A; AO No. 92-15)

State Law reference— Enforcement of: Injunctive relief, AS 40.25.125.

Exhibit B

The existing text of Regulation 3.90 of the Anchorage Municipal Code of Regulations, which would be repealed by Section 8 of this ordinance, is attached as Exhibit B.

Regulation 3.90 - STANDARDIZED CHARGES FOR RETRIEVING AND COPYING RECORDS

3.90.001 - Definitions.

- A. *Municipal agency* means any department, division, board or commission having custody of records.
- B. *Public* includes any person or entity that is not a municipal agency and is not acting as an agent or employee of a municipal agency.
- C. *Published record* means any booklet, brochure, map, plan or other record whose preparation at least in part was for the purpose of distribution to the public.
- D. *Record* means any record as defined in Anchorage Municipal Code 3.90.020.C [3.90.020].
- E. *Redact* means to make illegible, remove protected information, illegal images or other matter which is protected, unlawful or prohibited by federal, state or municipal laws or regulations.
- F. *Standardized size or format* means:
 - 1. Paper of approximate dimensions 8½ inches by 11 inches or 8½ inches by 14 inches; or
 - 2. Micrographic reproductions of records;and excludes records whose size or form is so different from those described above as to make their reproduction costs materially different.

(AR No. 82-335; AO No. 2010-81(S-1), § 36, 12-7-10, eff. 1-1-11)

Authority—Anchorage Municipal Code [3.40](#), [3.90.050](#).

3.90.002 - Copying charges.

Municipal agencies shall charge the public for copies of municipal records in accordance with the following schedule:

A.	Xerographic copies of paper records in standardized size or format	
	1. Requests resulting in 5 pages or less and requiring no more than 15 minutes of employee time to search for and retrieve:	\$6.00.
	2. Requests resulting in more than 5 pages or more than 15 minutes of employee time to search for, redact as necessary, and retrieve:	\$0.30 per page plus research and retrieval charges per section 3.90.005
B.	Paper copies of records on microfiche	1.00 per page
C.	Microfiche copies of records on microfiche	0.30 per fiche
D.	Maps/plats, black and white roll stock, per square foot	0.75 per square foot
E.	Maps/plats, color roll stock, per square foot, rounded to nearest dollar each	5.00
F.	Maps/plats, custom or special processing (five working day turnaround, per hour, half-hour minimum	80.00
G.	Maps/plats, custom or special processing, rush, per hour, half-hour minimum	160.00
H.	Maps/plats, mylar roll stock, per square foot, rounded to the nearest dollar each	2.00
I.	Maps/plats, sequential grid maps, 50 or more each	3.00
J.	Maps/plats/data, CD, each	50.00
K.	Records not in standardized size or format	A fee not exceeding the actual cost of copying the record
L.	Background check	25.00
M.	Incident reports	5.00
N.	Audio tape	10.00
O.	Video tape	15.00

P.	Audio tape, duplicate copy	2.00
Q.	Video tape, duplicate copy	5.00
R.	Police Department Evidence Computer - Research, Redact, Remove or Wipe Hard Drive: Containing child pornography, illegal images or material	\$100.00 per hour
S.	Police Department Evidence Digital Photographs — CD or DVD	\$15.00 per disk
T.	Police Department Evidence Video Recording - VHS, Mini or Other Cassette Tape format: research, review, redact or duplicate recording. (Requires a Sworn Officer/Detective)	\$100 per hour
U.	Police Department Evidence Video Recording — CD or DVD	\$15.00 per disk
V.	Police Department Evidence Custodial Viewing — Civil (Requires Sworn Officer/Detective to Standby and Observe)	\$100.00 per hour
W.	Municipal Prosecutor's office, discovery and copying charges.	
	1. Electronic discovery via ePay portal	\$35.00
	2. Paper discovery; charges due when cost equals or exceeds \$3.00	\$0.50 single sided copy, per page; \$1.00 double sided copy, per page
	3. CD (photos, PDF and small audio files)	\$15.00 each
	4. DVD (videos and larger audio files)	\$20.00 each
	5. Research fee for discovery requests	\$35.00 per hour

(AR No. 82-335; AR No. 87-198; AO NO. 2001-145(S-1), § 21, 12-11-01; AO No. 2010-81(S-1), § 37, 12-7-10, eff. 1-1-11; AO No. 2014-42, § 53, 6-21-14)

Authority—Anchorage Municipal Code 3.40, 3.90.050.

3.90.003 - Copies for no charge.

- A. Notwithstanding section 3.90.002 of these regulations, municipal agencies may establish copy quantities below which a copying charge will not be made. The decision not to charge may be based on type of record and the administrative cost of imposing a copying charge.
- B. Indigent defendants entitled to appointed counsel for violating municipal criminal law shall not be charged the costs of copies unless convicted.

(AR No. 82-335; AO NO. 2001-145(S-1), § 21, 12-11-01)

Authority—AS 18.85.120; AS 18.85.155; AMC 3.90.050.

3.90.004 - Published records.

Municipal agencies may establish a charge for published records not exceeding the cost of preparing the records.

(AR No. 82-335)

Authority—Anchorage Municipal Code 3.40, 3.90.050.

3.90.005 - Record retrieval charges.

In addition to the fee for copying a record, a municipal agency may charge a fee for employee time to search for, retrieve, and redact as necessary, the record at a rate not exceeding \$40.00 per hour.

(AR No. 82-335; AO No. 2010-81(S-1), § 38, 12-7-10, eff. 1-1-11)

Authority—Anchorage Municipal Code 3.40, 3.90.050.