

Memorandum 10-118 Griswold Appeal Of City Manager's Response To Public Records Request : Procedure/Postpone Hearing

Memorandum ID: 10-118
Memorandum Status: Approved

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TO: MAYOR AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: SEPTEMBER 10, 2010

SUBJECT: GRISWOLD APPEAL OF CITY MANAGER'S RESPONSE TO PUBLIC RECORDS REQUEST - APPEAL PROCEDURE AND POSTPONEMENT OF APPEAL HEARING.

On August 6, 2010 Frank Griswold filed an appeal from the City Manager's response to Mr. Griswold's public records request. This appeal is scheduled for hearing at the September 13, 2010 regular Council meeting. Recently Mr. Griswold has expressed concerns about the appeal procedure. They include the absence of an appeal record, lack of time to respond to the City Manager's brief, and lack of sufficient time at the Council meeting for Mr. Griswold to question witnesses. Because of these concerns, Mr. Griswold suggested that the hearing be postponed. Copies of Mr. Griswold's communications on these subjects are attached.

Based on the concerns expressed by Mr. Griswold, I recommend that the Council postpone the hearing on the appeal to a time to be determined after an appeal record is prepared. I also recommend that the Council make the following orders regarding scheduling in this appeal: First, that Mr. Griswold be allowed 10 days after the record is prepared to object to the inclusion of any material in the record, and to submit any material with which he wishes to supplement the record; and, second, that Mr. Griswold be allowed 20 days after the record is prepared to file and serve a brief in reply to the City Manager's brief. Finally, I recommend that the Council direct me to schedule the appeal hearing on a date other than a regular meeting date where there will be sufficient time for the parties to examine witnesses.

RECOMMENDATION:

Postpone the appeal hearing scheduled for September 13, 2010 to Tuesday, October 26, 2010 at 6:00 p.m. Allow Mr. Griswold 10 days after the record is prepared to object to the inclusion of any material in the record and submit any material with which he wishes to supplement the record. Allow Mr. Griswold 20 days after the record is prepared to file and serve a brief in reply to the City Manager's brief.

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