

MEMORANDUM

TO: Mayor Ruby and City Council
FROM: Robert Palmer, MCS, City Attorneys
RE: Quick Reference for Executive Session Motions
DATE: January 26, 2025

The following one-page guide is intended to aid the Council when considering entering an executive session. Each motion to enter executive session must have a factual description. Upon concluding the executive session, a Councilmember needs to summarize what occurred with a simple statement.

1. Adverse effect on finances (i.e., union/labor negotiations)

- a. **Motion:** Move the Council into executive session to discuss matters, the immediate knowledge of which could have an adverse effect on city finances, specifically [an update on xx collective bargaining].
- b. **Back in public:** Council received information and gave direction on labor negotiations.
- c. Authority: A.S. 44.62.310(c)(1); DMC 2.09.050(A)(1) & (B)(1).

2. Prejudice the reputation and character of a person (i.e. disciplinary action)

- a. **Motion:** Move the Council into executive session to discuss subjects that tend to prejudice the reputation and character of a person, specifically ...
- b. **Back in public:** Council discussed ... [i.e., a confidential step three hearing]
- c. Note: The person(s) being discussed must have reasonable notice and has the right to compel the discussion to occur in public.
- d. Authority: A.S. 44.62.310(c)(2); DMC 2.09.050(A)(2); *E.g.*, Personnel Rule 7.85.

3. Decide appeal/quasi-judicial matter (i.e., DMC 18.56 appeal)

- a. **Motion:** Move the Board of Adjustment into executive session to discuss the appeal of...
- b. **Back in public:** Council gave direction to the City Attorney to draft a decision.
- c. Authority: A.S. 44.62.310(d)(1); see DMC 18.56.

4. Litigation strategy

- a. **Motion:** Move the Council into executive session to discuss pending litigation, specifically a candid discussion of the facts and litigation strategies of xx with the City Attorney.
- b. **Back in public:** The Council discussed litigation matters and gave direction to the City Attorney.
- c. Authority: *Cool Homes, Inc. v. FNSB*, 860 P.2d 1248, 1262 (Alaska 1993); DMC 2.09.050(B)(2).