

Docks & Harbors Board Member Training

CBJ LAW DEPARTMENT

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Topics

- CBJ Charter & Code
- Open Meetings Act
- Public Records Act
- Conflict of Interest

Charter:

- Charter is local “constitution”
- CBJ is a Home Rule Muni. (Sec. 2.1)
- Docks and Harbors Board (Sec. 3.21)

Code:

- Docks and Harbors Board (Chapter 85.02)
 - Found here:
https://library.municode.com/ak/juneau/codes/code_of_ordinances
 - Must meet at least once a month (85.02.040)
 - Broad policy authority (85.02.060)
 - Quorum = 5

Open Meetings Act (OMA)

- **A.S. 29.20.020, A.S. 44.62.310, Charter 3.12(d)**
 - ❖ All meetings to be public
 - ❖ Reasonable notice of meetings
 - ❖ Public have an opportunity to comment at regular and special meetings
 - ❖ Executive session (generally for deliberation only)

OMA: What *is* a Meeting?

- ❖ Decision-making or Policy-making board
 - (a) When more than 3 members or a majority, whichever is less, are present and (b) consider a topic that the board is empowered to act upon.
- ❖ Advisory-only board (i.e. subcommittee)
 - (a) a prearranged gathering of board members (b) for the purpose of considering a topic that the body is empowered to act upon

OMA: Executive Session Substance

- ❖ Closed-door deliberation permissible for
 - Immediate knowledge of which would adversely affect CBJ finances (i.e. labor contracts, land deals)
 - Defame or prejudice a person (i.e. evaluations)
 - Appeals or grievance

See AS 44.62.310(c).

OMA: Executive Session Process

1. Notice of topic in agenda,
2. Motion to move into executive session,
3. (If personnel matter, subject person veto right),
4. Deliberate in executive session; no action,
5. Return to public meeting to take action.

Public Records Act

- **A.S. 40.25.110, Charter 15.7, CBJ 01.70**
- Two big rules:
 - 1) Every person has the right to inspect public record unless an exception applies.
 - 2) Strong presumption in favor of disclosure.
- Applies to board emails, texts, documents, even if on your personal devices.
- **Best Practice: keep work at work, keep work on work devices, and don't use text messages for substance.**

Conflict of Interest

You are a municipal officer

You are prohibited from using your position to:

- ❖ Gain a benefit
- ❖ Secure employment or contracts
- ❖ Take or withhold action if you have personal/financial interest
- ❖ Use CBJ time or equipment for personal/financial interest
- ❖ Vote or deliberate if you have a personal/financial interest

Conflict of Interest

❖ Financial conflict of interest

- Any interest held by the municipal officer or an immediate family member from which the person has received w/in 3yrs or expects to receive compensation (business, property, relationship).

❖ Personal conflict of interest

- Not a financial interest but includes any material exchange of promise, service, privilege, exemption, patronage, or advancement.

Conflict of Interest: **Best Practice**

- ❖ If in doubt, contact your attorney (CBJ Law)
 - **Shield:** If you act consistent with attorney advice, then you are immune from personal liability
- ❖ Close calls, disclose in meeting

Resources

❖ **Docks & Harbor Staff**

❖ **City Clerks**

❖ **CBJ Law Department**