

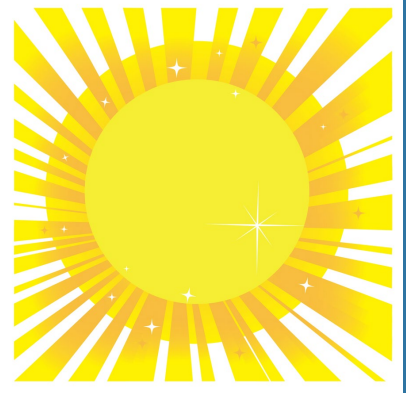
Open Meetings Act 101

AKA - The Room Where It Happens!

April 19, 2023 Presentation by
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Meetings are OPEN to the public



- ▶ Open Meetings Act

Alaska Statute [AS 44.62.310-312]

All government meetings are open to the public.

The public must be told about the meeting:

What, When, Where, and preferably Why

The public has a reasonable opportunity to be heard at regular and special meetings.

[AS 29.20.020(a)]

OMA = *The People's Business*

AS44.62.312. State policy regarding meetings

(a) It is the policy of the state that

- (1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;
- (2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;
- (3) the people of this state do not yield their sovereignty to the agencies that serve them;
- (4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;
- (5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;
- (6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.

This information applies to all municipal governmental bodies

- Elected - Assemblies, Councils, School Boards
- Appointed - Planning Commission, Advisory Boards, Enterprise or Empowered Boards
- Subcommittees of all of the above
- Appeal Boards - “Quasi-Judicial”

What Constitutes a Meeting?

The Alaska Supreme Court has broadly interpreted the term "meeting", and has held that investigation, fact gathering, discussion, and deliberation, whether formal or informal, by a public body is covered by the OMA.

The OMA does not, however, regulate the social activities of public officials.

What Constitutes a Meeting?

What constitutes a meeting for purposes of the OMA is addressed by the OMA, which provides two standards: one for bodies that have the authority to make establish policies or make decisions, and another for bodies that may advise or make recommendations.

The same OMA rules apply for any subcommittees or work sessions of those bodies.

What Constitutes a Meeting? Policy Making Bodies

For policy-making bodies, the law says that a "meeting" occurs when more than three members or a majority of the members, whichever is less, are present and they collectively consider a matter upon which their body is empowered to act.

What Constitutes a Meeting? Advisory Bodies

For advisory bodies, a "meeting" occurs when more than three members or a majority of the members, whichever is less, gather at a prearranged meeting for the purpose of considering a matter upon which the governmental body is empowered to act. Notice that the OMA does not apply to impromptu or chance encounters of members of an advisory body.

Meetings DOs & DON'Ts

DOs:

- ▶ Use Staff liaisons as the hub of the wheel whenever communicating about board business;
- ▶ Have agendas and minutes for all meetings - even subcommittees or worksessions;
- ▶ Schedule your meetings far enough in advance to include in the usual CBJ Public Notice venues (CBJ website, Juneau Empire ad, & Social Media postings)

DON'Ts:

- ▶ EVER USE Reply All if all the board members are sent an email;
- ▶ Get into serial meeting scenarios either in person or via technology.

NO QUORUM? NO MEETING!

- AS 29.20.160 (c) A majority of the **total membership of a governing body** authorized by law constitutes a quorum.
- In the absence of a quorum, any number of members may recess or adjourn the meeting to a later date.
- Even if your board/committee has vacancies you need a simple majority of the total membership.
- For subcommittees, quorum is based on majority of subcommittee membership.

<u># of Members</u>	<u># for Quorum</u>
9	5
7	4
5	3
3	2



Actions taken in violation of the Open Meetings Act are voidable.

- ▶ This means - you might have to do it all over - again!
- ▶ Avoid serial or impromptu meetings.
- ▶ Online Document Share Programs - So Tempting, BUT Just Don't Go There!



Questions?

Remember...We're all in this together!



Contact us if you have more questions:

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