

## We are a new CBJ Advisory/Ad Hoc Committee, Now What?

October 28, 2024

Municipal Clerk Beth McEwen, MMC



1

### *CBJ Board Toolkit*

There are a wealth of resources on the CBJ website <https://juneau.org/clerk/boards-committees> and available through the Municipal Clerk's office. The best resource is the CBJ Board Informational Pamphlet that includes information on:

- ▶ Open Meetings Act (OMA)
- ▶ Role of the Staff Liaison
- ▶ Common Do's & Don'ts,
- ▶ Advisory Board & Assembly Rules of Procedure
- ▶ Sample Agendas, Motions, Scripts for Chairs
- ▶ And much more!



2

## OPEN MEETINGS ACT (OMA)

aka: Sunshine Laws

*OMA = The People's Business*



3

## Meetings are OPEN to the public

### ► Open Meetings Act

Alaska Statute [AS 44.62.310-312]

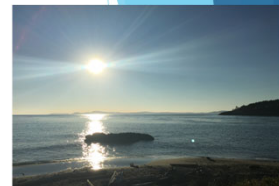
All government meetings are open to the public.

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)]



4

### *This information applies to all municipal governmental bodies*

- Elected - Assemblies, Councils, School Boards
- Appointed - Planning Commission, Advisory Boards, Enterprise or Empowered Boards, Mayoral Ad Hoc Committees & Task Forces
- Any subcommittees of the above groups
- Appeal Boards - “Quasi-Judicial”\*\*

*(\*\*Some OMA exemptions apply to quasi-judicial bodies.)*

5

### *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.

What constitutes a meeting is different depending on the type of powers a body has:

- ▶ Authority/Decision making bodies, or
- ▶ Advisory bodies

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

6

## *What Constitutes a Meeting?*

For **POLICY/DECISION** making bodies, a "meeting" occurs when more than three (3) 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.

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.

7

## *What IS NOT a Meeting?*

The OMA does not, however, regulate the social activities or gatherings of public officials who are participating in national, statewide, or regional meetings where they hold membership - example Alaska Municipal League meetings.

For ribbon cuttings and other similar events, it is always best to advertise and invite the public in the event more than three members of a decision-making body are present.



8

## 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



9

## 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!



10

## 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.

11

## *Role of the Staff Liaison*

The liaisons are staff professionals with significant work responsibilities in addition to their board liaison activities. In general, liaisons are individuals who have significant staff responsibilities that relate to the same work area as the board. **The liaisons do not work for or at the direction of the board;** they are assigned by the City Manager and **follow the direction of the City Manager or the Manager's designee.\*\*** They are professionals who work with the board to develop information and recommendations for the Assembly's consideration.

**\*\* Enterprise Boards hire their manager for that enterprise and any staff liaisons report to that manager (not the board).**

12

## *Role of the Staff Liaison*

Some staff liaison duties include:

- ▶ Serving as the conduit for communication amongst the board, CBJ staff, the Assembly, and the public;
- ▶ Preparing Agendas, Packets, and Minutes;
- ▶ Scheduling meetings and ensuring public notice is given of all meetings of the body or subcommittees;
- ▶ Staffing meetings to provide parliamentary and technical assistance;
- ▶ Providing professional guidance, analysis, and information,
- ▶ Working with Clerk staff on membership, annual reports and other communications with the Assembly.

13

## Questions?

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



Contact us if you have more questions:

[City.Clerk@Juneau.gov](mailto:City.Clerk@Juneau.gov)

907-586-5278

14