

Debra Thompson

From: Jim Floyd <jfloyd@hammerandwikan.com>
Sent: Monday, October 17, 2022 11:15 AM
To: Assembly
Subject: Change Meeting Times
Attachments: open meetings time.pdf

I am here to request that you change the Borough Assembly Meetings to evenings, and not at noon every other meeting.

According to the open meetings act the governmental unit exist to aid in the conduct of the people's business, we the people affirm our right to be informed and participate.

We contend that holding meetings at noon makes the Assembly meetings closed meetings or work sessions where no votes should be taken. It is not the Assembly Member's business that is discussed, but the People's business. However, when the meetings are held at noon, the people cannot be there to be heard because they are answerable to employers and business hour time constraints. Writing letters is not considered enough participation with the community, as a whole. More of us can participate in the evening and are able to call in during evening meetings. The time needs to be set to favor the community, not an Assembly member. The time needs to be set so that the majority of the community can be heard.

I have gathered these signatures to show a sampling of the people of Petersburg that are in favor of going back to having all meetings in the evening. When I inquired why I was given a couple of reasons of which I will discuss.

1. To give people that live out in the Narrows an opportunity to participate.

With the change in allowing remote technology to participate this eliminates that reason. Also, again you are denying access of the majority to accommodate a few of the minority.

2. Assembly members wish to participate in the PIA meetings held on Monday at 5:00

I have it on good authority that they are changing the meetings to Thursday evening, and this is another example of denying access of the majority to accommodate a very few minorities.

Even though this is not the formal process, this is the will of the people who you serve. We tried to have an initiative put on the ballot and was denied more than once. You can accept this as our will, or we can get large numbers of the local people to show up and explain how they are not happy with noon meetings because they can't listen or participate. This is a non-partisan issue, it effects all of us equally.

Every town I looked up in Southeast including Wrangle, Sitka, Juneau, Ketchikan, and Anchorage all hold their meetings in the evening.

To the Petersburg Assembly Members:

The OMA Requires Meetings **TO BE OPEN** to the **PUBLIC**. Alaska's Open Meetings Act (OMA), codified in Alaska Statute Title 44, Chapter 62, Section 310-312, **requires** meetings of all legislative and administrative, state and local, governmental bodies to be open to the public. The exceptions are narrow and not the norm. They are certainly not every other meeting as a matter of course. The essence of the OMA is stated in its first sentence: All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law.

AS 44.62.310. Government Meetings Public.

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

(b) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

(c) The following subjects may be considered in an executive session:

- (1)** matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2)** subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3)** matters which by law, municipal charter, or ordinance are required to be confidential;
- (4)** matters involving consideration of government records that by law are not subject to public disclosure.

(d) This section does not apply to

- (1)** a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;
- (2)** juries;
- (3)** parole or pardon boards;
- (4)** meetings of a hospital medical staff;
- (5)** meetings of the governmental body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline;
- (6)** staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents; or
- (7)** meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the public entity, governmental body, or member of the

governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings.

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice System as required by AS [44.62.175](#) (a), the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

(f) Action taken contrary to this section is voidable. A lawsuit to void an action taken in violation of this section must be filed in superior court within 180 days after the date of the action. A member of a governmental body may not be named in an action to enforce this section in the member's personal capacity. A governmental body that violates or is alleged to have violated this section may cure the violation or alleged violation by holding another meeting in compliance with notice and other requirements of this section and conducting a substantial and public reconsideration of the matters considered at the original meeting. If the court finds that an action is void, the governmental body may discuss and act on the matter at another meeting held in compliance with this section. A court may hold that an action taken at a meeting held in violation of this section is void only if the court finds that, considering all of the circumstances, the public interest in compliance with this section outweighs the harm that would be caused to the public interest and to the public entity by voiding the action. In making this determination, the court shall consider at least the following:

- (1)** the expense that may be incurred by the public entity, other governmental bodies, and individuals if the action is voided;
- (2)** the disruption that may be caused to the affairs of the public entity, other governmental bodies, and individuals if the action is voided;
- (3)** the degree to which the public entity, other governmental bodies, and individuals may be exposed to additional litigation if the action is voided;
- (4)** the extent to which the governing body, in meetings held in compliance with this section, has previously considered the subject;
- (5)** the amount of time that has passed since the action was taken;
- (6)** the degree to which the public entity, other governmental bodies, or individuals have come to rely on the action;
- (7)** whether and to what extent the governmental body has, before or after the lawsuit was filed to void the action, engaged in or attempted to engage in the public reconsideration of matters originally considered in violation of this section;
- (8)** the degree to which violations of this section were wilful, flagrant, or obvious;
- (9)** the degree to which the governing body failed to adhere to the policy under AS [44.62.312](#) (a).

(g) Subsection (f) of this section does not apply to a governmental body that has only authority to advise or make recommendations to a public entity and has no authority to establish policies or make decisions for the public entity.

(h) In this section,

(1) "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity;

"governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members;

(2) "meeting" means a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act and the governmental body has only authority to advise

or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

(3) "public entity" means an entity of the state or of a political subdivision of the state including an agency, a board or commission, the University of Alaska, a public authority or corporation, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; it does not include the court system or the legislative branch of state government. (<http://touchngo.com/lglcntr/akstats/Statutes/Title44/Chapter62/Section310.htm>)

AS 44.62.312. 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.

(<http://touchngo.com/lglcntr/akstats/Statutes/Title44/Chapter62/Section312.htm>)

We contend that holding meetings at noon makes the Assembly meetings closed meetings or work sessions where no votes should be taken. It is not the Assembly Member's business that is discussed, but the People's business. However, when the meetings are held at noon, the people cannot be there to be heard because they are answerable to employers and business hour time constraints. The right of the public to speak and be heard by both you and their fellow community members at an open meeting does not come directly from the OMA. The right to speak, must come from another source. In the case of municipal governments, that right originates in Alaska Statute Title 29, Chapter 20, Section 020, which says,

AS 29.20.020. Meetings Public.

(a) Meetings of all municipal bodies shall be public as provided in AS 44.62.310. The governing body shall provide reasonable opportunity for the public to be heard at regular and special meetings.

(b) This section applies to home rule and general law municipalities.

(<http://touchngo.com/lglcntr/akstats/Statutes/Title29/Chapter20/Section020.htm>)

The council or assembly, as the governing body, is required to provide an opportunity for the public to be heard at meetings of all municipal bodies, which would include municipal school boards, and voting committees.

The right to attend is not often discussed, but it is a significant component implied in the public's right to have a reasonable opportunity to be heard. For example, how reasonable is the public's opportunity to be heard if the meeting is held at a remote location that is difficult or expensive for the public to reach? Telephone conferences for remote public access may be practical and reasonable in some circumstances, such as borough or state-wide meetings, but not practical in other circumstances. A body covered by the OMA does not have the luxury of "getting away" to a remote retreat for "peace and quiet" in order to get its work done. The right of a reasonable opportunity to be heard implies that reasonable access and reasonable accommodations will be made for the public to attend and participate.

We, the citizens of Petersburg, Alaska, are requesting that Petersburg Borough Meetings be held in the evening during both scheduled monthly meetings. The majority of the population is not able to participate during the noon meetings due to work schedules. If we cannot participate, then we cannot be heard by you or the rest of the community. Writing letters is not considered enough participation with the community, as a whole. More of us can participate in the evening and are able to call in during evening meetings even when traveling. We feel that noon meetings deprive us from participating and being able to speak and be heard by both you and the rest of the community. The time needs to be set to favor the community, not an Assembly member. The time needs to be set so that the majority of the community can be heard.

Please refer to the following Alaska Governor's website on Open Meetings:

<https://gov.alaska.gov/wp-content/uploads/sites/2/Open-Meetings-Act.pdf>

According to the Alaska's Open Meeting Law

I. INTRODUCTION TO ALASKA'S OPEN MEETINGS ACT

B. The OMA Requires Meetings to Be Open To The Public Alaska's "Open Meetings Act" ("OMA"), AS 44.62.310-.312, **requires meetings of most legislative or administrative state and local governmental bodies to be open to the public.** The essence of the OMA is stated in its first sentence: All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law.²

IV. Public Participation Rights

B. The Right to Be Heard

The right of the public to speak and be heard at an open meeting does not come directly from the OMA. The right to speak, if it exists, must come from another source. In the case of municipal governments, that right originates in AS 29.20.020(a), which says, "The governing body shall provide reasonable opportunity for the public to be heard at regular and special meetings."

The council or assembly, as the governing body, is required to provide an opportunity for the public to be heard at meetings of all municipal bodies, which would include municipal school boards, and committees.

C. Implied Reasonable Opportunity to Attend

The right to attend is not often discussed, but it is a significant component implied in the public's right to have a reasonable opportunity to be heard. For example, how reasonable is the public's opportunity to be heard if the meeting is held at a remote location that is difficult or expensive for the public to reach? Telephone conferences for remote public access may be practical and reasonable in some circumstances, such as borough or state-wide meetings, but not practical in other circumstances. A body covered by the OMA does not have the luxury of "getting away" to a remote retreat for "peace and quiet" in order to get its work done. The right of a reasonable opportunity to be heard implies that reasonable access and reasonable accommodations will be made for the public to attend and participate.

We the citizens of Petersburg Alaska are requesting that Borough Meetings be held in the evening during both scheduled monthly meetings. The majority of the population is not able to participate during the noon meetings due to work schedules and travel. More of us can participate in the evening and are able to call in during evening meetings when traveling. We feel that noon meetings deprive us from participating and being able to speak and be heard because of the time.

MEETING TIME

Name
Signature

Address

honnie morin	po Box 1516	Petersburg, AK
Pamela Durst	PO Box 164	Petersburg, AK
Jennifer Tomomura	Box 1237	Petersburg AK
Charlotta Knight	Box 11058	PSG AK
Maureen Floyd	Box 281	PSG AK
Rita Hampton	P.O. Box 452	Petersburg, AK
Mary Kuwata	P.O. Box 974	Petersburg AK
Shane Carnos	PO Box 1575	Petersburg AK
Kamona Bice	Box 1103	Petersburg AK
Megan Kerwood	PO Box 281	Petersburg AK
Darwin Hedlund	PO Box 1204	PSG AK
Suzanne	P.O. box 974	PSG AK
Edwin Loyd	P.O. Box 1163	PSG AK
Emily	P.O. box 974	PSG AK
Allen Olson	P.O. BOX 1834	PSG, AK
Bob	box 844	Petersburg AK
Bill	Box 1215	PSG AK
Stewart Williams	R.D.B. 2120	PSG AK
Sam Hester		PSG AK
Debra K. Koller	Box 1552	Peter, AK
Cassandra Junt	Box 1732	PSG, AK
Erlyn Ware	Box 351	PSG AK

Unofficial petition for
 Assembly meetings to Return
 to evening times

Name	Address	Signature
Catherine Kowalski	912 Wrangell Ave	Cat Kowalski
G. Maxine Workatch	80 S N Nordic	G. Maxine Workatch
Cena Workatch	1101 Wrangell Avenue	Cena Workatch
Gregory Kowalski	912 Wrangell Ave	Gregory Kowalski
Andrew Workatch	607 Tango	Andrew Workatch
Angela Workatch	607 Tango St.	Angela Workatch
Erica Workatch	409 S. Nordic	Erica Workatch
Alex Workatch	607 607 Tango St	Alex Workatch
Peter Kowalski	912 Wrangell Ave	Peter Kowalski
Dennis Heimdahl	3 Rocky Rd.	Dennis Heimdahl
Mary Stromdahl	1207 S Nordic	Mary Stromdahl
C. S. Kowalski	203 S. 2nd St	C. S. Kowalski
Pat Hickman	902 Wrangell	Pat Hickman
Elizabeth Pawuk	1106 N Nordic	Elizabeth Pawuk
Edward Raykom	403 S. Nordic	Edward Raykom
Wendy Pucik		Wendy Pucik
Wendy Pucik	16th 12th Street APT 251	Wendy Pucik
Bill Haley	295 MITKOF Hwy	Bill Haley
Troy E. Cates	401 Sandy Beach	Troy E. Cates
Michelle Mattingly	112 Skylark Way	Michelle Mattingly
Marissa Collins	1035 3rd Apt. Bg. AK.	Marissa Collins
Bud Samuel	1206 N Nordic DR.	Bud Samuel
Sandra Edgers	1404 N Nordic Dr.	Sandra Edgers
Brandi Thynes	1017 Valkyne St	Brandi Thynes

Name	Address	Signature
Robert Schwartz	314 Sandy Beach Rd.	Robert Schwartz
Ken OLSEN	101 Woodrow Wilson	Ken Olsen
CIRAC WOLF	581 Mitkof Hwy	Cirac Wolf
Mike Cort	310 S Nordic	Mike Cort
Stacy Kittans	1006 Mitkof Hwy	Stacy Kittans
Alejandro Aguilar	1119 S. Nordic	Alejandro Aguilar
Traci McPherson	386 Mitkof Hwy	Traci McPherson
CHARLES MEVINGTON	201 SOUTH NORDIC DR	Charles Mevington
Desiree Watkins	1106 South Nordic Dr.	Desiree Watkins
Joshua Spann	205 Lumber St	Joshua Spann

Name Address Signature