Alaska Municipal League Meetings & Open Meetings Act

Patricia Sullivan
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Introduction: Topics Covered

- Division of Community and Regional Affairs (DCRA)
- Open Meetings Act
- Parliamentary Procedures
- How to be Effective
Article 10, Section 14:
“An agency shall be established by law in the executive branch of state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.”

That’s DCRA!
DCCED Mission: Promote a healthy economy, strong communities, and protect consumers in Alaska.

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**Divisions of Community and Regional Affairs**

- Grants & Funding
- Bulk Fuel Revolving Loan Program
- Serve Alaska
- Floodplain Management
- Community Resilience & Climate Adaptation Programs
- Alaska Native Language Preservation
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- Office of the State Assessor
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- Research and Analysis
Meetings
4 types of meetings
Regular Meetings

- At least once a month, per city code
- Specify date, time, and place
- Can be cancelled by vote of at least 4 councilmembers
Special Meetings

- Don’t take the place of regular meetings
- Same requirements, different time
- May be called by mayor or by two council members
- Notice explains nature of items to consider
- Only those items may be considered
Emergency Meetings

- Special meeting with 24 hours notice or less
  - Held to address urgent, pressing issues
- 24+ hours oral or written notice to a majority of members (reasonable notice given to all)
- 24> hours notice if all members present or if absent members waive in writing (waiver can be made after meeting)
- Ordinances adopted to address an emergency, only effective for 60 days
(Committee of the whole)

Allow for more informal discussion and closer study of issues

No action can be taken, but recommendations can be made
Notice Requirements

Note: OMA court rulings: in some cases, “reasonable notice” may be longer!
Open Meetings Act
Open Meetings

AS 44.62.310: Open Meetings Act (OMA)

“All meetings of a governmental body of a public entity of the state are open to the public...”
Open Meetings

AS 44.62.310: Open Meetings Act (OMA)

- Ensures public participation
- Mandates all meetings of governmental body be public
- Broadly interpreted
Who’s covered?

OMA

- Governmental bodies
- Public Entities
Who’s **not** covered?

- Governmental bodies
- Public Entities
- U.S. Government
- Native Entities
- Private Corporations
- Employees & Staff
- Membership Organizations
- Individuals

OMA
What’s a “meeting”?

Policy-Making Meetings

A gathering of a majority of the governing body where a matter upon which that body is empowered to act is considered collectively by the members.

Advisory-Only Meetings

A gathering of members of a governing body where the purpose is considering a matter to advise, and upon which the governmental body is empowered to act.
The Public’s Rights

- OMA aids the people’s business
- The people do not yield their sovereignty
- Representatives don’t decide what is good for the public to know
- Right to remain informed
- Right to be heard
- Reasonable notice and opportunity to attend
What’s “reasonable”?

“What’s reasonable public notice shall be given for all meetings.”

AS 44.62.310(e)

- Notice has date, time, and place
- At least 24 hours notice, but...
- Posted in three public places
- Print or broadcast
- Must be consistent
Some Particulars

- Serial Communications
- Polling Council Members
- E-mail Correspondences between Council Members
- E-mail Correspondences with Staff Members
- “Alaska’s Open Meetings Law” by Gordon J. Tans
Executive Sessions

Public Meeting

Executive Session
Executive Session

Must begin and end in a public meeting

Public temporarily excluded due to the subject matter

No action can be taken

Only certain topics may be discussed
Only certain topics may be discussed

- Adverse financial impact
- Reputation and character
- Matters required to be kept confidential
- Confidential records
- Attorney-client privilege
How to be Effective
How to Be Effective:

Specifically:

Come to Meetings
How to Be Effective:

- Study
- Prepare
- Listen
- Contribute

Specifically:

Request & Read your Packets
How to Be Effective:

Specifically:

Don’t be a single issue member
How to Be Effective:

- Study
- Prepare
- Listen
- Contribute

Specifically:

Take part in Debate
How to Be Effective:

Specifically:

Debate,
But don’t fight
How to Be Effective:

Study  Prepare  Listen  Contribute

Specifically:

Don’t Micromanage
How to Be Effective:

- Study
- Prepare
- Listen
- Contribute

Specifically:

Know all sides of the issues
How to Be Effective:

- Study
- Prepare
- Listen
- Contribute

Specifically:

- Rely on Facts
- Not Opinions
How to Be Effective:

Specifically:

Maintain good relations with staff
How to Be Effective:

Specifically:

Be familiar with Title 29, ACC, Bylaws
How to Be Effective:

Specifically:

- Share Information
How to Be Effective:

Specifically:

Ask Questions
How to Be Effective:

- Study
- Prepare
- Listen
- Contribute

Specifically:

Other Ideas??
Parliamentary Procedures
Parliamentary Procedure

Why Bother?

Structure for Debate

Fair, Impartial Forum

One Thing at a Time

Will of Majority, Rights of Minority
It’s about the motions.

- How they’re made
- How they’re disposed of
- Types of motions
- Relationship between motions
Motions

Types of motions

Classified into four types:
Proposals that the group take certain actions
Motions

Classified into four types:

- Main Motion
- Subsidiary Motions
- Privileged Motions
- Incidental Motions
Main Motion

Subsidiary Motions

Privileged Motions

Incidental Motions
Main motions bring business before the body.

- Motion to consider a new law
- Motion to adopt a resolution
- Motion to amend the city code
Subsidiary motions modify or dispose of the main motion.

- Motion to amend the main motion
- Motion to postpone
- Motion to “lay on the table”
- Motion to refer to a committee
Privileged motions deal with matters of immediate importance.

- Motion to adjourn
- Motion to take a recess
- Motion to call for orders of the day
- Motion to raise a question of privilege
Incidental motions deal with questions of procedure and are unrelated.

- Motion to rise to a point of order
- Motion to rise to parliamentary inquiry
- Motion to withdraw another motion
- Motion to suspend the rules
Order of Precedence

- Motion to eat ice cream
- Motion to adjourn for lunch
- Motion to amend the main motion and specify “chocolate ice cream”
1. Member seeks recognition from the chair.

“Mr. Chairman.”
2. Member is recognized by the chair and “has the floor.”

“Council Member Jane.”
3. Member makes a motion.

“I move to eat ice cream.”
4. Motion is seconded.

“I second the motion.”
5. Chair restates motion to the body.

“Motion to eat ice cream. Is there any discussion?”
6. Council debates the motion.

“Ice cream’s delicious!”

“I don’t like ice cream.”

“I’m lactose intolerant.”
7. Council votes on the motion.

“All in favor of the motion say ‘Yes’. Those opposed say ‘No’.”
8. Chair announces the result.

“The motion is carried.”
A few particulars

- Raise a Question of Privilege
- Point of Order
- Suspend the Rules
- Addressing the Chair
Raise a Question of Privilege

- Questions relating to the rights and privileges of the assembly or an individual
- Includes matters of comfort, amplification, or safety
- Matters of urgency
To correct a breach in the rules

A tool for ensuring rules and laws are being followed, both parliamentary and otherwise

Does not end a debate, but brings the debate into accordance with parliamentary procedure
Suspend the Rules

- Temporarily sets aside rules of the assembly
- Primarily used to take up a particular item of business out of regular agenda order
- Must ensure fundamental rules and rights of minority still respected
Members address the chair directly: “Mr. Chairman; Madam Chairman”

Members may speak after the chair has assigned them the floor

Ensures there is only one person speaking at a time, and everyone has an opportunity to speak
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