

Division of Community and Regional Affairs

Meetings of the Governing Body



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DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

LGIT

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- Types
- Purpose
- Preparing
- OMA
- Records



Meetings

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Statutory Authority

Alaska Statutes- Sec 29.20.160- Procedures of governing bodies. (a)

(a) The assembly shall elect from among its members a presiding officer and a deputy presiding officer to serve at the pleasure of the members, except that in a borough that has adopted a manager form of government under AS 29.20.460 – 29.20.510 the mayor serves as presiding officer. In a city the mayor serves as presiding officer. If the presiding officer is not present or if the presiding officer is personally disqualified, the deputy presiding officer shall preside.



Meetings

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Statutory Authority

Alaska Statutes- Sec 29.20.160- Procedures of governing bodies. (b)

(b) A governing body shall hold at least one regular meeting each month unless otherwise provided by ordinance. If a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the governing body may be held at the call of the presiding officer or at least one-third of the members. A special meeting may be conducted with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.



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Statutory Authority

Alaska Statutes- Sec 29.20.160- Procedures of governing bodies. (c-f)

(c) A majority of the total membership of a governing body authorized by law constitutes a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.

(d) Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous".

(e) A governing body shall maintain a journal of its official proceedings that shall be a public record.

(f) To the extent otherwise permitted by law, a governing body may determine by ordinance its own rules of procedure and order of business.



Meetings

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Types of Meetings

Regular

A regular meeting is a meeting held at the prescribed time, place, and frequency.

Special

A special meeting is a meeting held at any time other than the regular meeting.

Emergency

An emergency meeting is a meeting called to order to deal with an emergency.

Work Session

A work session is an informal gathering of the governing body to discuss topics and share information. No decisions or motions shall be made during a work session.



Meetings

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Types of Meetings Continued

Executive Sessions

An executive session is a portion of a public meeting that is conducted in private with only members of the governing body and any person(s) invited in by the governing body present. AS 44.62.310(b) authorizes a public body to meet in executive session to discuss only those items that fall into one of the categories listed in the law. This is not an exception to the Open Meetings Act, but rather an authorization to conduct a step in the decision-making process in an appropriate way.

An executive session may only be called if the subject under consideration falls into one of the categories listed in state law, AS 44.62.310(c). The allowable subjects are:

- (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.



Types of Meetings Continued

Public Hearings

- The purpose of a public hearing is to gather public input on a specific topic.
- Must be reasonably noticed ahead of time with an agenda.
- The governing body opens the public hearing.
- Each member of the public has an equal opportunity to give their opinion on the topic.
- The chair controls the flow of the hearing.



Meetings

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Purpose of Meetings

Conduct business

This is why an agenda is used and an order of business is followed.

Make decisions

Actions of a governing body are adopted by a majority of the total membership of the body.

Ensure the public's right to know

The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous, it may be recorded "unanimous".

Allow public input

At least five days before the public hearing, a summary of the ordinance shall be published together with a notice of the time and place for the hearing.



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Alaska's Open Meetings Act

The State of Alaska's Open Meetings Act (AS 44.62.310-.312) requires that all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves.

In essence, the OMA protects the public's right to know.



Meetings

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Alaska's Open Meetings Act

To be able to protect the public's right to know, the OMA requires that:

- all deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- the public must be provided prior knowledge of all steps occurring in the decision-making process, with limited exceptions; and that
- individual actions of an official are made known.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting. The public must also have access to materials being considered during the meeting.

In addition to laying out specific steps required for meetings and allowable exceptions, the statutes addressing open meetings speak about the state's policy regarding what authority the public has delegated to governing bodies.



Meetings

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Alaska's Open Meetings Act

According to the 'State Policy Regarding Meetings' (AS 44.62.312):

- The government exists to aid in conducting the people's business.
- Government units should act and deliberate openly.
- The people do not yield sovereignty to government agencies that serve them.
- Public servants have not been given the right to decide what is good or not good for the people to know.
- People should remain informed so they may retain control over the government they created.
- The use of teleconferences is for convenience of the parties, public, and government.

The Open Meetings Act should be narrowly construed to effectuate these policies and avoid unnecessary exemptions.



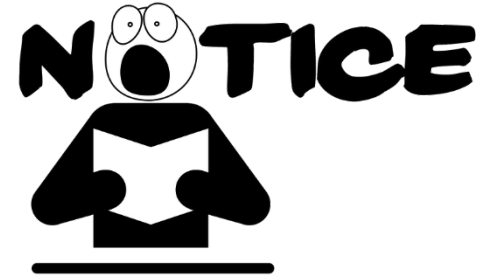
Meetings

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Preparing for a Meeting

Notice of Meetings:

- Informative
- Timely
- Consistent
- Clerk's Duty
- Described in ordinances



Best Practices:

- Includes agenda
- Describes public hearings
- Posted consistently with community posting practices



Meetings

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Conducting Effective Meetings

All Members:

- Be prepared
- Ask questions
- Don't be a single member issue
- Vote unless the body excuses you from voting

Chair:

- Give each member an equal opportunity to speak
- Keep order in the meeting
- Protect the rights of the minority
- Respect the wishes of the majority



Meetings

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Roll call

Approval of agenda

Minutes

Reports

Communications

Old business

New business

Public comments



Meetings

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Changing the Agenda

Can the governing body change the agenda (orders of the day)?

- Yes
- The orders of the day can be suspended or amended by the majority vote of the body.
- A member would make a motion to suspend or amend, and the body votes on it as a whole.

When and for what reasons can it be changed?

Agenda amendments should happen at agenda approval and fall under the following categories:

- To include more information
- To remove information
- To re-order information

The agenda of a special or emergency meeting cannot be amended.



Meetings

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Maintaining Meeting Records

The Clerk is responsible for:

- Attending meetings of the governing body and its boards and committees as required and to keep the journal (minutes);
 - Minutes: the final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous".
- Assuring that notices and other requirements for public meetings are complied with and assuring that public records are available for public inspection as required by law;
- Managing municipal records and developing retention schedules and procedures for inventory, storage, and destruction of records as necessary;
- Maintaining an indexed file of all permanent municipal records, providing for codification of ordinances, and authenticating or certifying records as necessary.



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Questions?

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