



Open Meetings Act

Agenda

- Open & Transparent Government
- State Statute
- Public Notice Requirements
- Exceptions
- Consequences
- Words of Caution



Open & Transparent Government

A.S. 44.62.312. State Policy Regarding Meetings

(a) It is the policy of the state that

(1) ...governmental units...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 **deliberation be conducted openly**;

(3) The people of this state do not yield their sovereignty to the agencies that serve them;

A.S. 44.62.312. State Policy Regarding Meetings (cont'd)

(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;

...

(b) AS 44.62.310(c) and (d) **[exceptions] 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.



State Statute

A.S. 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...

The vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote... This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

A.S. 44.62.310. Government meetings public (cont'd)

(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;

(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.

A.S. 44.62.310. Government meetings public (cont'd)

(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) more than three members or a majority of the members, whichever is less, are present, 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;



Public Notice Required

Public Notice of Meetings Required by State and Municipal Law

A.S. 44.62.310(e): Reasonable public notice shall be given for all meetings required to be open under this section.

MOA Charter Section 17.05 – Public Meetings

(a) All meetings of the assembly, the school board and other boards and commissions shall be public. The assembly by ordinance shall adopt procedures for maximum reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard. An executive session may be held to discuss pending litigation or any matter the immediate public knowledge of which would tend to affect adversely the finances of the municipality or to defame or prejudice the character or reputation of any person...No official action may be taken in executive session.

Public Notice of Meetings Required by State and Municipal Law (cont'd)

AMC 1.25.015 – Notice of Meetings

B. Reasonable notice of meetings of ... program advisory boards ... shall be accomplished by means of listing ... as defined in section 1.25.005... Listing shall be required as follows:

1. The subject, time and place of meetings ... at least 48 hours prior to the meeting, except that the subject may be omitted for regular meetings.
2. The subject, time and place of any meeting attended by more than three members of a body when the gathering is prearranged for the purpose of considering a matter upon which the body is empowered to act shall be listed ...at least 24 hours prior to the meeting.



Exceptions

Exceptions – Executive Session

A.S. 44.62.310(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.

Exceptions – Executive Session (cont'd)

AMC 4.05.100 Executive session.

A board or commission may at any time go into an executive session from which the general public may be excluded by a vote of a majority of the members taken at a public meeting, at which session only those subjects shall be considered as are mentioned in the motion for the executive session. No matter shall be voted upon during an executive session.

The following subjects may be discussed in an executive session:

- A. Matters, the immediate knowledge of which would adversely affect the finances of the government unit.
- B. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.
- C. Matters which by law, Municipal Charter or ordinance are required to be confidential.

Exceptions – Executive Session (cont'd)

A.S. 44.62.310 (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.**



Consequences

Consequences for OMA Violations

- Voidable in court
- Action must be brought in 180 days

Curing:

- holding another meeting in compliance with [the OMA]” and “conducting a substantial and public reconsideration of the matters considered at the original meeting”
- If that doesn’t (or can’t) happen, a court will then apply a balancing test A court may void the action if “the public interest in compliance . . . outweighs the harm that would be caused to the public interest and to the public entity by voiding the action



Caution



Serial Meetings

Serial meetings occur most often outside of a formal meeting where a series of members of the governmental body privately discuss a topic that is or will be considered, one after the other.

This can occur:

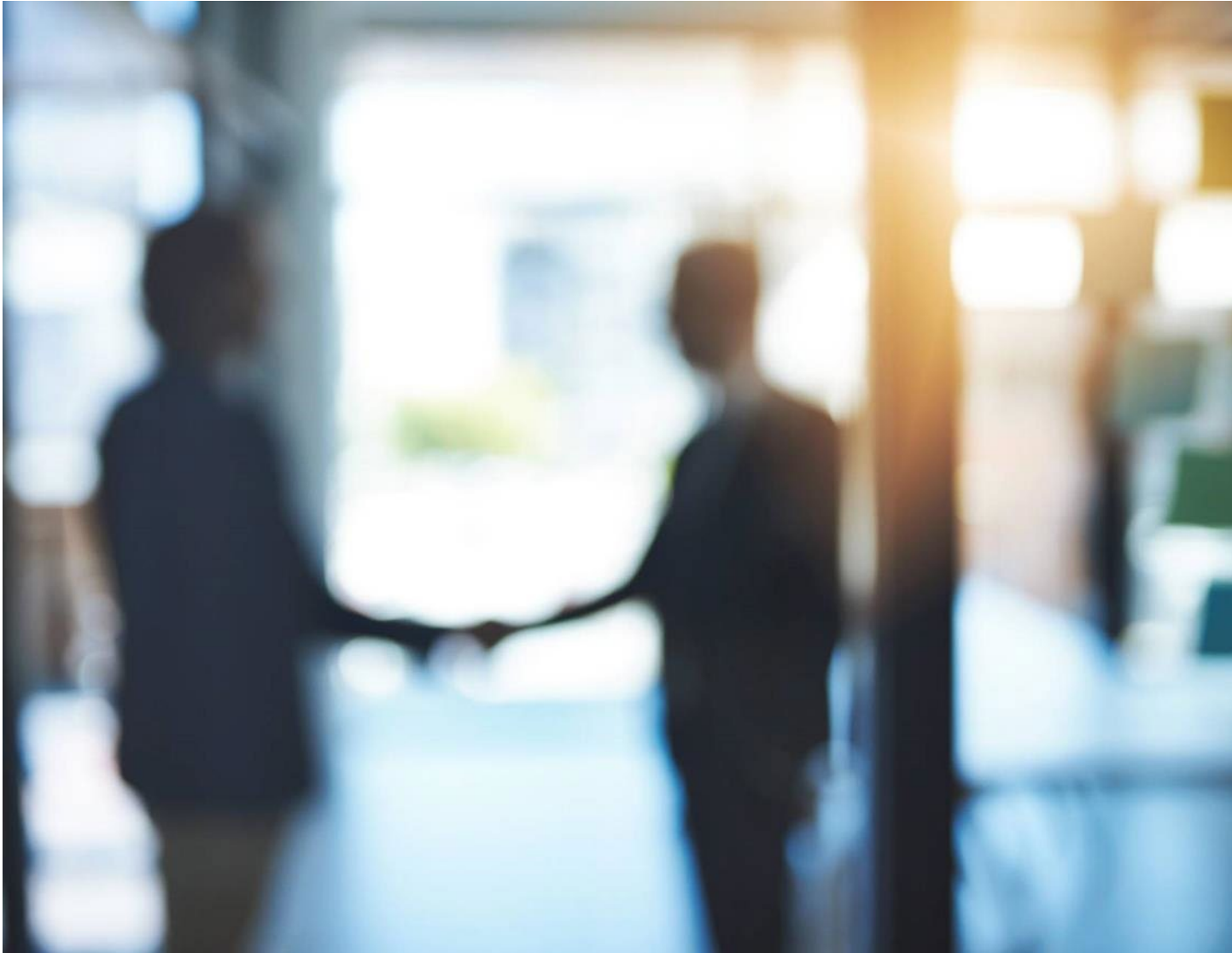
- by email
- by phone
- by text
- in person (even during public meetings if out of earshot of the public)



Open Meetings Act Material on the Internet

If doing research on open meetings law in Alaska, avoid out of date material; the law changed in 2009.

- Legal paper on DCCED's website written in 2002 is no longer valid
- Touchngo.com is NOT up to date and is wrong
- FindLaw.com appears to be up to date
- Alaska State Legislature website appears to be up to date:
<https://www.akleg.gov/basis/statutes.asp#44.62.310>



Thank you

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Parliamentary Procedure

Public Transit Advisory Board
Municipality of Anchorage



Adapted and Presented by
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Overview

- **What is Parliamentary Procedure?**
- **The Basic Principles**
- **Who Uses These Rules?**
- **Why Robert's Rules...Rules!**
- **History of Robert's Rules**
- **What is a Quorum?**
- **Agenda**
- **Standard Order of Business**
- **All About Motions**
- **8 Steps in Processing a Motion**
- **Types of Motions**
- **Frequently Used Motions**
- **Getting Your Point Across**
- **Asking Questions**
- **Roll Call Voting**
- **Voting by Unanimous Consent**
- **For More Information**
- **Questions**



What is Parliamentary Procedure?

- The formal procedures used by a **deliberative assembly** to present and discuss possible courses of action, make decisions and keep order
- The ***rules of democracy***—the commonly accepted way in which a group of people come together to conduct their business



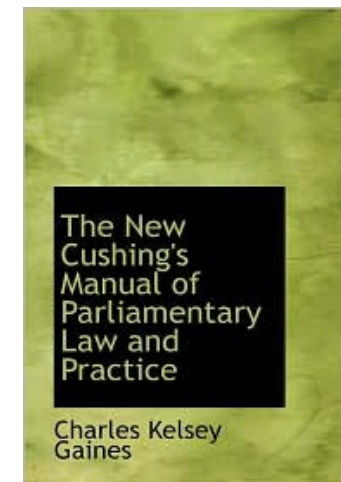
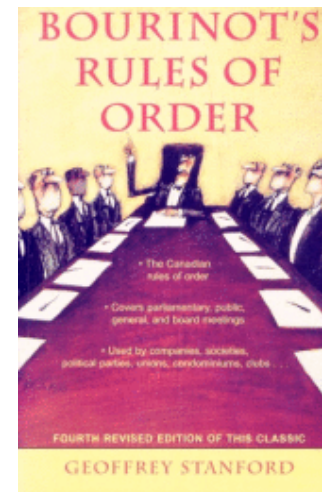
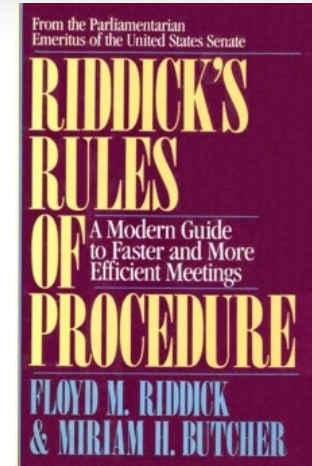
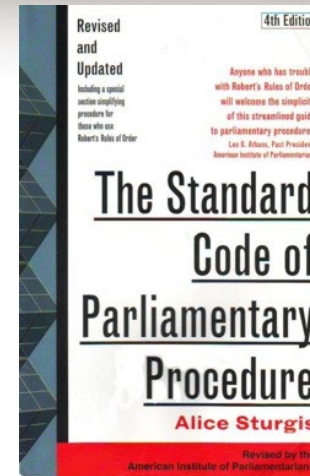
The Basic Principles

- Courtesy and justice for all
- Consideration of only one subject at a time
- The minority must be heard
- The will of the majority must prevail



Who Uses These Rules?

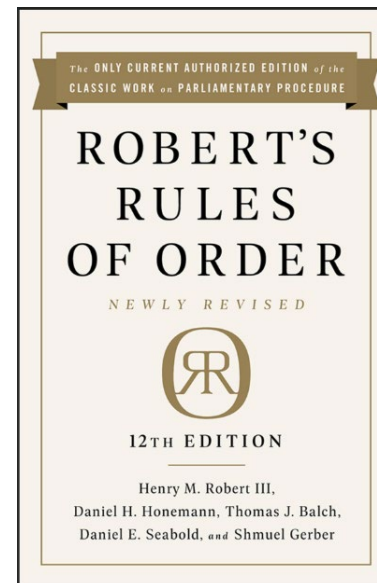
- Congress
- Anchorage Assembly Meetings
- Corporate Boards
- Anchorage School Board
- Professional Associations
- Various Clubs





Why Robert's Rules...Rules!

- Out of all organizations that use parliamentary procedure, approximately **95%** choose **Robert's Rules of Order** as their parliamentary authority
- The parliamentary authority used by the MOA is the current edition of **Robert's Rules of Order Newly Revised**





History of Robert's Rules

- Formalized by Henry M. Robert
- US Army general and engineer
- First edition published in 1876
- The most popular authority
- Over 5 million copies in print

“Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty.”

– Henry M. Robert





What is a Quorum?

- A quorum must be present to transact business
- Quorum requirement is established by the code
- According to AMC 4.05.080:
“A majority of the authorized seats of a board or commission, whether vacant or filled, shall be a quorum for the transaction of business”



Agenda

- An agenda sets out the order in which specific items are to be considered
- Must be approved by majority vote soon after the start of the meeting
- Once approved, it is the property of the assembly





Standard Order of Business

- Call to Order **Start**
- Pledge of Allegiance
- Roll Call
- Approval of Minutes
- Old Business
- New Business
- Audience Participation
- Member Comments
- Adjournment

Finish





All About Motions

- Defining a Motion
 - A formal proposal for consideration and action
 - Only one subject can be considered at a time
 - No main motion can be made while another motion is before the assembly
- To make a motion say *“I move that...”*
- Needs Seconded
- After it is seconded, it is stated by the chair
- Debated
- Voted on





8 Steps in Processing a Motion

- **Step 1:** Member gets themselves recognized by the chair when nothing else is pending
 - *Say: “Mr. / Madam Speaker” or Raise Hand*
- **Step 2:** Chair recognizes member by nodding at the member or stating his/her name
 - *Chair replies: “Member Smith”*
- **Step 3:** Member states his/her motion
 - *Say: “I move that...”*





8 Steps in Processing a Motion

- **Step 4:** Another member seconds the motion by raising a hand and calling out “*Second!*”
- **Step 5:** Chair states the motion and places it before the body for discussion.
 - *“It is moved and seconded that...”*
 - *“Is there any discussion?”*





8 Steps in Processing a Motion

- **Step 6:** Members have the right to get recognition and debate the motion. During debate, subsidiary motions (i.e. amend, refer) may be introduced to help the assembly make a final decision





8 Steps in Processing a Motion

- **Step 7:** Next, the chair puts the question to a vote
 - *“Are you ready for the question?”*
 - *“The question is on the adoption of the motion that...”*
 - *“Those in favor, say YES.”*
 - *“Those opposed, say NO.”*
 - *“Secretary, please take roll.”*
- **Step 8:** Chair announces the results of the vote.
 - *“The affirmative [or negative] has it; the motion is adopted [or lost]; we will [not]...”*
 - *“The next business in order is...”*



Types of Motions

- Main Motion
 - Brings new business (or next agenda item) before the assembly
- Subsidiary Motion
 - Changes or affects how a main motion is handled
- Privileged Motion
 - Concerns matters of great importance or urgency that are unrelated to pending business
- Incidental Motion
 - Provides a means of questioning procedure concerning other motions and must be considered before the other motion



Frequently Used Motions

- Amend
 - Insert, strike out, or strike out and insert words
 - Used to clarify or improve the wording of the original motion
 - Must be germane to that motion
- Divide the Question
 - Divides the motion into two or more questions as long as each question can stand alone
- Postpone to Time Certain
 - Postpones the item to a future meeting
- Postpone Indefinitely
 - Rejects the main motion without bringing it to a direct vote





Frequently Used Motions

- **Limit or extend limits of debate**
 - **Modifies the rules of debate, such as length of speaking time**
- **Reconsider**
 - **Can be made only by a member of the prevailing side who has changed position or view**
- **Suspend the Rules**
 - **Allows for a violation of certain rules (depending on the context)**
 - **The object of the suspension must be specified**





Getting Your Point Across

- **Point of Order**
 - **Brings attention to an infraction of the rules of order**
 - **Must be raised immediately after the error is made**





Asking Questions

- Parliamentary Inquiry
 - A question directed to the chair to obtain information on a matter of parliamentary law or other rules.
- Point of Information
 - A request directed to the chair, or through the chair to another person, for information relevant to the business at hand.





Roll Call Voting

- Most votes are done by taking roll
- Responses in which a member may vote:
 - **“For”** (In favor of the motion or legislation)
 - **“Against”** (Opposed to the motion or legislation)





Voting by Unanimous Consent

- For certain parliamentary motions, the chair may simply ask the body if there is any objection to taking the desired action.
- If no member objects, the chair declares that the action has been agreed to.
- If even *one* member objects, the chair must then state the question and follow the complete voting guidelines.



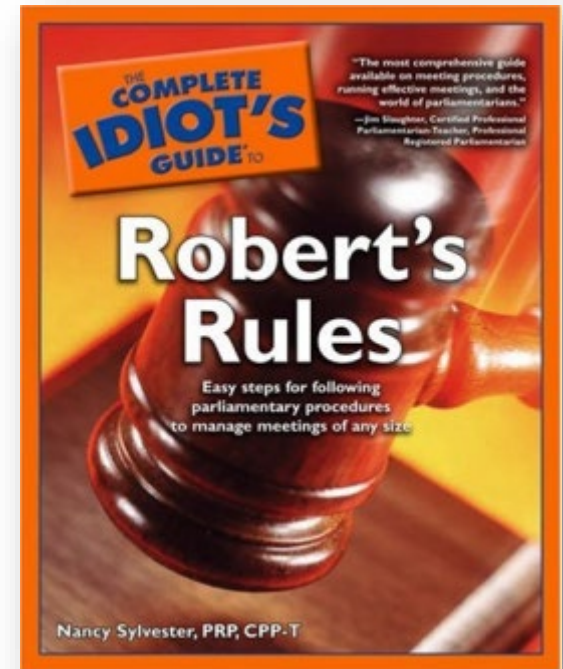
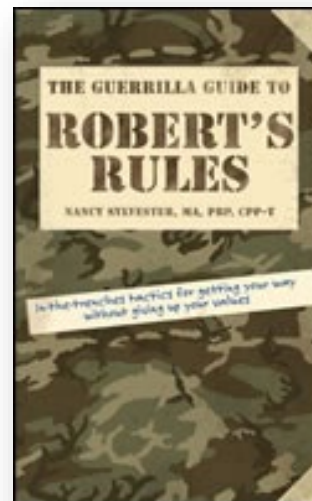
APPROVED





For More Information

- Books
 - **The Complete Idiot's Guide to Robert's Rules**
 - **The Guerrilla Guide to Robert's Rules**
- Websites
 - **RobertsRules.com**
 - **RulesOnline.com**



Questions



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