

## Chapter 1.25 PUBLIC MEETINGS\*

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**\*Charter references:** Public meetings, § 17.05

**Cross references:** Community councils, Ch. 2.40; personnel review board, § 3.30.015; employee relations board, § 3.70.050; boards and commissions, Tit. 4; commission on salaries and emoluments, Ch. 4.10; service area supervisory boards, Ch. 4.30; regulatory and adjudicatory boards and commissions, Ch. 4.40; technical advisory boards, Ch. 4.50; program advisory boards, Ch. 4.60; utility commissions, Ch. 4.70; public authority boards of directors, Ch. 4.80; equal rights commission, Ch. 5.10; Anchorage Parking Authority, Ch. 9.60; boards and commissions; administrative officers, Ch. 21.10; Heritage Land Bank, Ch. 25.40; supervisory boards, Ch. 27.20; election commission, Ch. 28.120; school board, Ch. 29.10; Anchorage Telephone Utility, Tit. 30.

**State law references:** Open meetings, AS 44.62.310.

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### 1.25.005 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Announcement* means a verbal recording or written posting of the date, time, place and subject of a meeting that states the names of the public officials calling or organizing the meeting, and which is distributed either by:

1. Display of written information in a public place maintained by the municipal clerk as the municipality's public notice location and which is accessible to the public 24 hours per day, or, in the case of the school board, such a place maintained by the school district; or
2. Automatic replay of a recording maintained by the municipal clerk and accessible to the public 24 hours per day, or, in the case of the school board, such a recording maintained by the school district; and
3. Other methods which may be used in addition to the methods described in subsection A.1 or A.2 of this section to further public awareness of meetings. Whenever practical, such announcement should include posting on a publicly accessible computer bulletin board.

*Committee meeting* means a gathering of members appointed by the presiding officer to consider assigned topics.

*Continued meeting* means a regular or special meeting which recesses and then reconvenes on a day other than the day when the meeting was originally called to order, and

the agenda of which is identical with the agenda of that meeting.

*Executive session* means a session of a municipal body which first convenes as a meeting and then, on a motion specifying the purpose of the executive session as clearly and specifically as possible without defeating the purpose thereof passed by an affirmative vote of a majority of the municipal body, goes into an executive session excluding members of the public during which the body considers, but takes no action on, except to give direction to an attorney or labor negotiator regarding a specific legal matter or pending labor negotiation, only the following subjects:

1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the municipality;
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; or
4. Matters involving consideration of government records that by law are not subject to public disclosure.

These exceptions shall be construed narrowly to avoid exemptions from open meetings requirements and unnecessary executive sessions.

*Informal meeting* means an in-person or telephonic meeting which includes more than three members of a body subject to this chapter, except for regular, special, committee or work session meetings or any meeting which is attended by a quorum of a body.

*Listing* means a written statement of the date, time, place and subject of a meeting which is maintained and updated by the municipal clerk and is available for public inspection or for reference by telephone inquiry.

*Regular meeting* means a gathering of a body for the purpose of conducting business which occurs at a usual and prearranged time and place and, in the case of the school board, which is advertised in accordance with Section 29.10.050.C. In the case of the assembly, a regular meeting is a gathering held as designated in Section 2.30.030.A and as advertised in accordance with Section 2.30.030.K.

*Special meeting* means an in-person gathering of a body called by the presiding officer or by one member fewer than a quorum of the body or, in the case of the assembly, by the mayor, for the purpose of conducting business which is of such urgency as to make waiting for the next regular meeting impractical and which, in the case of the assembly, is held in accordance with applicable provisions of Section 2.30.030.

*Work session* means a gathering of assembly or school board members for the purpose of obtaining information and discussing an announced topic. Members may attend telephonically.

(AO No. 94-132(S), § 1, 8-25-94)

**Cross references:** Definitions and rules of construction generally, § 1.05.020.

## **1.25.010 Public meetings generally.**

All meetings of the assembly, the school board and other boards and commissions shall be public as provided in Charter Section 17.05.

### **1.25.015 Notice of meetings.**

- A. Pursuant to AS 44.62.310(e), reasonable notice of meetings of the assembly, school board, all regulatory and adjudicatory boards and commissions listed in Chapter 4.40, the election commission, the Anchorage Telephone Utility board of directors, the Anchorage Parking Authority board of directors, the Alaska Center for the Performing Arts board of directors, and any other municipal bodies with authority for spending, policy, regulation or adjudication, not including community councils, shall be announced as defined in the definition of the term "Announcement" in Section 1.25.005 as follows:
1. Regular meetings shall, in addition to other advertising requirements of this Code, be announced using one or more of the methods described in the definition of the term "Announcement" in Section 1.25.005, except that the subject may be omitted.
  2. Special meetings shall be announced a minimum of 24 hours prior to the meeting using one or more of the methods described in such definition.
  3. Except in cases when exigencies require unusual haste, continued meetings should be announced a minimum of 24 hours prior to the meeting using one or more of the methods described in the definition of the term "Announcement" in Section 1.25.005, and should, time permitting, be advertised in the same manner as a regular meeting.
  4. Work sessions should be announced at least 48 hours prior to the work session using one or more of the methods described in the definition of the term "Announcement" in Section 1.25.005. However, if a body holds regular work sessions at a usual, prearranged time, the subject and place of the work session may be announced 24 hours prior to the work session.
  5. Committee meetings should be announced at least 48 hours prior to the meeting using one or more of the methods described in the definition of the term "Announcement" in Section 1.25.005. However, if a committee holds regular meetings at a usual, prearranged time, the subject and place of the meeting may be announced 24 hours prior to the meeting.
  6. Informal meetings should be announced at least 24 hours prior to the meeting using one or more of the methods described in the definition of the term "Announcement" in Section 1.25.005. Anyone may attend an informal meeting; however, should a quorum of any body subject to this chapter be present at any time, the meeting must be adjourned.
  7. Except for an emergency special meeting of the assembly as convened according to Section 2.30.030.F, meetings scheduled to occur on weekends or municipal holidays shall be announced no later than noon on the last business day prior to the meeting or earlier as otherwise provided in this section.
- B. Reasonable notice of meetings of technical advisory boards, program advisory boards, utility commissions, the aquatic resource commission, all service area supervisory

boards, and other boards, commissions, task forces and committees, or other municipal bodies without authority for spending, policy, regulation or adjudication, not including community councils, shall be accomplished by means of listing with the municipal clerk, as defined in Section 1.25.005. The contents of the clerk's listing shall be open to inspection or telephone inquiry during normal business hours. Listing shall be required as follows:

1. The subject, time and place of meetings attended by a quorum of the body shall be listed with the municipal clerk 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 with the municipal clerk at least 24 hours prior to the meeting.
- C. No additional notice of a meeting of members of a municipal body is required when that meeting occurs at a scheduled event or gathering not otherwise subject to this chapter, so long as the gathering:
1. Is open to the public;
  2. Is of such general community interest that members of the municipal body present would reasonably be expected to attend;
  3. Is publicized more broadly, completely and with longer notice than would be required otherwise under this chapter; and
  4. Is only for the gathering of information and is not used for discussion, deliberation or decision-making by the members of the municipal body in attendance.
- D. The notice requirements of this chapter do not apply to gatherings at which no public business is discussed.
- E. All meetings subject to the notice requirements of this chapter shall be open to any person. In the case of telephonic meetings, discussions must be audible to anyone who wishes to attend. This subsection does not apply to executive sessions properly convened according to AS 44.62.310(b) and relevant provisions of this Code.
- F. The board of ethics shall accept and consider complaints of violations of this chapter and may recommend sanctions as stated in Section 1.15.150. Upon a recommendation of the board of ethics finding such a violation, the assembly, the school board or the mayor may pursue their full range of disciplinary action provided for under this Code.
- G. Action taken or deliberated in a meeting which violates this chapter is voidable. A body may correct such violation and take the same action subsequently by repeating the entire deliberative and decision-making process in public according to the provisions of this chapter.
- H. The municipal clerk shall compile a manual for compliance with municipal requirements for meeting announcement and openness and shall distribute the manual to members of all municipal bodies.
- I. The municipal clerk shall advertise each week in a newspaper of general circulation to

publicize meetings of municipal bodies. The advertisement shall list a telephone number for recorded announcement of meetings, the location of posted announcement of meetings, the telephone number and address of the clerk's office, and, to the extent time permits, a listing of all meetings of municipal bodies scheduled for the week following the advertisement.

- J. Nothing in this chapter shall be construed to reduce the effect of applicable state law. This chapter shall be construed broadly to effectuate the greatest possible public notice of meetings consistent with the public good; circumstances not specifically addressed should be handled according to that principle.

(AO No. 94-132, § 2, 8-25-94)

#### **1.25.020 Meetings of board of directors of Anchorage Telephone Utility.**

This chapter shall apply to meetings of the board of directors of the Anchorage Telephone Utility.

(AO No. 91-173(S); AO No. 94-132(S), § 2, 8-25-94)