

# How Open Meetings Rules apply to the Assembly

**Missouri Sunshine Law**  
OPEN MEETINGS AND RECORDS LAW



# WE'RE IN

\*\*\*\*\*

## 64-20 VOTE MAKES ALASKA 49th STATE

*Victory Brings Quick Reactions*      *She Goes Up Tonight*      *Historic Vote Ends 6 Days Of Debate*

Leaders of the Alaska...  
The approval...  
City Manager George...  
WASHINGTON (AP) — Alaskan statehood forces won their most historic congressional battle tonight

### Open Meetings Law Compliance Guide

Department of Justice  
Attorney General Brad D. Schimel

**TCOG**  
**TAF**

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Submitted by: Assembly Chair Constant and Mayor LaFrance  
Prepared by: Municipal Clerk's Office  
Reviewed by: Assembly Counsel's Office  
Department of Law  
For reading: August 12, 2025

ANCHORAGE, ALASKA  
AO No. 2025-91

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY UPDATING  
2 ANCHORAGE MUNICIPAL CODE CHAPTER 1.25, PUBLIC MEETINGS, AND  
3 AMENDING CHAPTER 4.05, AMC SECTIONS 2.30.030, 2.30.036, 2.40.035, 27.20.040  
4 AND 29.10.050, AND RELATED CODE CHANGES.

5  
6 WHEREAS, the Anchorage Municipal Charter, Section 17.05(a), specifies that "...[a]ll  
7 meetings of the assembly, the school board and other boards and commissions shall be  
8 public" and that "[t]he assembly by ordinance shall adopt procedures for maximum  
9 reasonable public notice of all meetings."; and

10  
11 WHEREAS, the Municipality of Anchorage has enacted Chapter 1.25 of the Anchorage  
12 Municipal Code, *Public Meetings*, to implement the Charter requirements and for a local  
13 law corresponding to the State Open Meetings Act (AS 44.62.310-.319); and

14  
15 WHEREAS, pursuant to Alaska Statute 44.62.312, the policy of the State of Alaska  
16 regarding meetings of governmental units such as the Municipality of Anchorage include  
17 the following:

- 18 (a)(2): it is the intent of the law that actions of governmental units be taken openly and  
19 that their deliberations be conducted openly;  
20 (a)(3): the people of this state do not yield their sovereignty to the agencies that serve  
21 them;  
22 (a)(4): the people, in delegating authority, do not give their public servants the right to  
23 decide what is good for the people to know and what is not good for them to  
24 know;  
25 (a)(5): the people's right to remain informed shall be protected so that they may retain  
26 control over the government they have created.---

27  
28 WHEREAS, pursuant to AS 44.62.310(a): "All meetings of a governmental body of a public  
29 entity of the state are open to the public except as otherwise provided by this section or  
30 another provision of law;" and

31  
32 WHEREAS, pursuant to the Charter mandate and state law, over the past few decades the  
33 Assembly has enacted minor changes to the Municipality's Public Meetings code and  
34 recognizes updates are needed to keep pace with changes in technology and increased  
35 public interest and participation in Municipal meetings; and

36  
37 WHEREAS, current AMC Chapter 1.25 and the Public Notice Manual published by the  
38 Municipal Clerk contain provisions that need to be updated to reflect best practices and to  
39 make it easier for Municipal staff and the public to find public meeting information,  
40 including:

- 41 • the locations and procedures for physical public notice of meetings; and  
42 • updating the information to be included in minutes and recordings of public

## Chapter 1.25 - PUBLIC MEETINGS<sup>[1]</sup>

### Footnotes:

--- (1) ---

**Charter reference**— *Public meetings*, § 17.05.

**Cross reference**— *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 Community Development 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.

**State Law reference**— *Open meetings*, AS 44.62.310.

## 1.25.005 - Definitions.

- (a) It is the policy of the state that
- (1) ...governmental units...exist to aid in the conduct of the people's business;
  - (2) ...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;
  - (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

Sec. 44.62.312

(b) [exceptions] shall be construed narrowly in order to effectuate the policy . . . and to avoid exemptions from open meeting requirements and unnecessary executive sessions



Alaska Statute 44.62.310-312: *protecting the people's right to know*

(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

Sec. 44.62.310

How does the Open Meetings Act define:  
“governmental body” and “meeting”?



# “governmental body”

An assembly, council, board, commission, committee, or other similar body with . . .

1. **the authority to establish policy or make decisions**  
(such as the Anchorage Assembly)

2. **the authority to advise or make recommendations**  
(such as the Senior Citizen Advisory Commission)

3. *Also, a governmental body “includes members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members”*



# What defines a “meeting” . . . part one of two



This first part from the OMA concerns:  
policy/decision-making governmental bodies

*A meeting is defined as taking place if:*

- “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”** (such as the Anchorage Assembly)

# ... The second part of the definition of “meeting”



- “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 and has no authority to establish policies or make decisions for the public entity”

# “QB” questions for the Assembly

- Q** – Quantity: Are more than 3 members (*or*) a majority of members gathering?
- B** – Business: Are you discussing a matter in which **you are powered to act upon?**

## *Examples:*

**Three members of the Assembly *could* meet alone to discuss matters of public business without violating the open meetings law.**

**Four or more members of the Anchorage Assembly who meet alone to discuss matters of public business are in violation**



***And get this!*** Meetings for decision-making/policy-making bodies are still meetings no matter if they are unplanned or casual meetings (*prearranged vs impromptu*) . . . and locations don't matter either!

# *“QB” questions for advisory-only bodies*

**Q** – Quantity:

Are more than 3 members (*or*) a majority of members gathering?

**B** – Business:

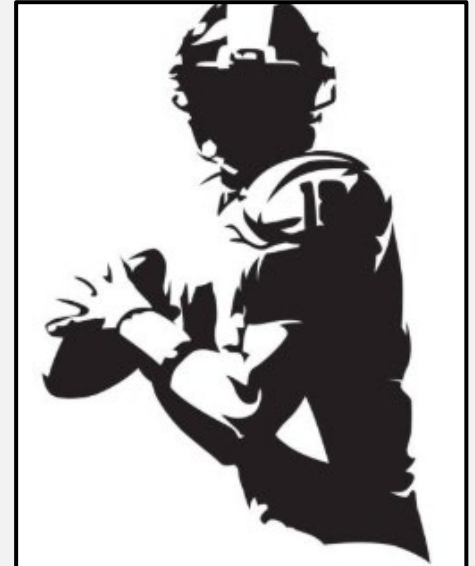
Are you discussing a matter in which **you can advise/recommend?**

Also, was the meeting **prearranged?**

*Examples:*

**Three members of an 8-member Board could discuss business of a public matter alone. Could four members?**

**Three members of a 5-member Board prearranged to meet alone to discuss matters of public business are in violation of the OMA**



# Remember the third way “governmental body” was defined?

An assembly, council, board, commission, committee, or other similar body with . . .

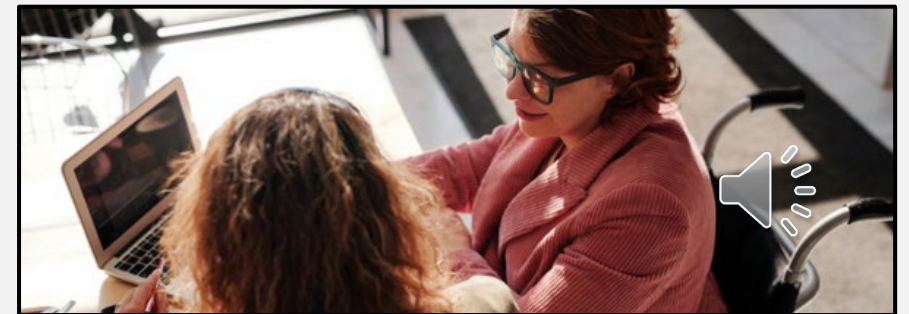
1. **the authority to establish policy or make decisions**  
(*Example: the Anchorage Assembly*)



2. **the authority to advise or make recommendations**  
(*Example: ACCEE Fund Board*)



3. *Also, a governmental body “includes members of a **subcommittee or other subordinate unit** of a governmental body if the subordinate unit consists of two or more members”*



# Remember the third way “governmental body” was defined?

3. Also, a governmental body “includes members of a **subcommittee or other subordinate unit** of a governmental body if the subordinate unit consists of two or more members”



**If members of a subcommittee or subordinate unit gather, *is it a meeting?***

***Ask yourself those “QB” questions . . .***

How many members are gathered? Is it more than 3 or a majority of the members?

Do they have the power to act or just the power to advise?

Are they discussing business about public matters?

Is the meeting prearranged? Does it matter if it’s prearranged or impromptu?

# How does the Municipality define: “*municipal body*”?

AMC 1.25.005 - Definitions

**“Municipal body means:**

a governmental body including the assembly, school board, boards and commissions including but not limited to those listed in Title 4 or elsewhere in this code, the Anchorage Community Development Authority board of directors, service area supervisory boards, or similar governmental body. Municipal body includes the members of a committee, subcommittee, task force, or other subordinate unit of a municipal body if the subordinate unit consists of two or more members. Municipal body does not include community councils pursuant to Chapter 2.40.”

*This is from Assembly Ordinance 2025-91*

Submitted by: Assembly Chair Constant and Mayor LaFrance  
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4 AND 29.10.050, AND RELATED CODE CHANGES.

5  
6 WHEREAS, the Anchorage Municipal Charter, Section 17.05(a), specifies that "...[a]ll

- Defines each type of meeting:  
Regular Meetings, Special Meetings,  
Emergency Meetings, Continued Meetings, etc.
- Specifies the requirements for **public notices**
  - **How much notice?**
  - **Where do I notice?**
  - **How do I notice?**
- Recordings & Minutes  
  
... and more



MUNICIPALITY OF  
ANCHORAGE

# HOW TO NOTICE PUBLIC MEETINGS

PUBLISHED BY:  
THE MUNICIPAL CLERK'S OFFICE

(OCTOBER 2025)

# Who does “meeting” not apply to?

A governmental body performing a **judicial or quasi-judicial function** when holding a meeting **solely** to make a decision in an adjudicatory proceeding

A **staff meeting** or other gathering of the employees of a public entity

*Example:* a weekly staff meeting of department heads and the Mayor or Municipal Manager



The Alaska Supreme Court also held that **everyday dealings of public employees with each other & with members of the public in day-to-day conduct of government business** are not “meetings” of “governmental bodies”

# Who else does “meeting” not apply to?

A meeting 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 meeting



**A community council meeting**

(AMC Chapter 2.40 - Community Councils are not considered governmental bodies)

# What about . . . ?

## “Informal Meetings”

MOA publicly notices all meetings according to the Open Meetings Act and Municipal Code.

This is an unneeded term. You won't find it discussed in our code, because. . .

Either **it is** a meeting, or **it is not** a meeting.



# What about... ?

## Serial or Sequential Meetings

These often occur outside of a formal meeting in which governmental body members privately discuss a public business topic that is being considered or will be considered, *one after the other*.

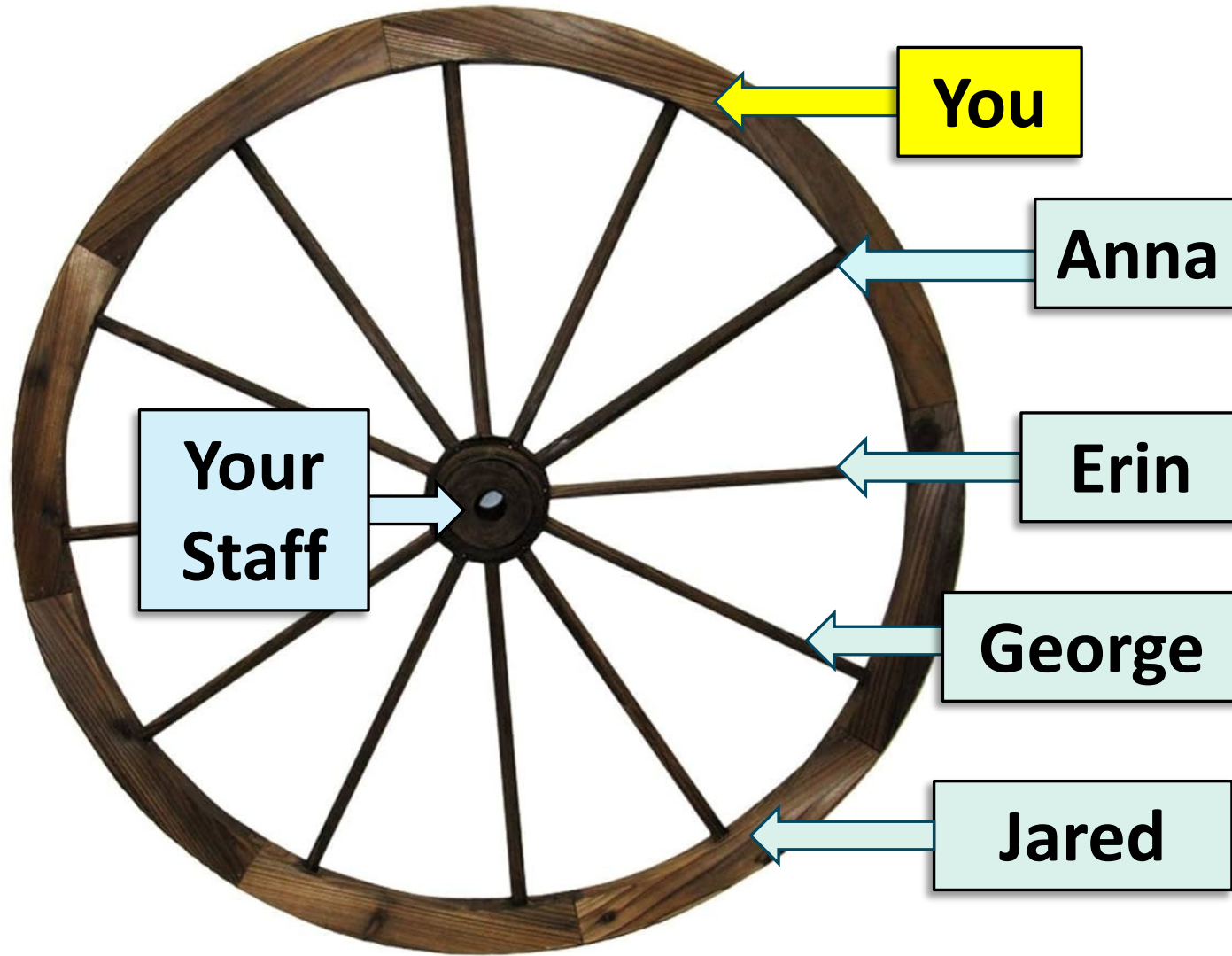
Serial Meetings could be in person\*. Or they could occur by:

- **Emails**
- **Phone calls**
- **Text messages or messaging apps**

\*even during public meetings if members are out of earshot of the public

***How can you be sure you are not engaging in serial meetings?***



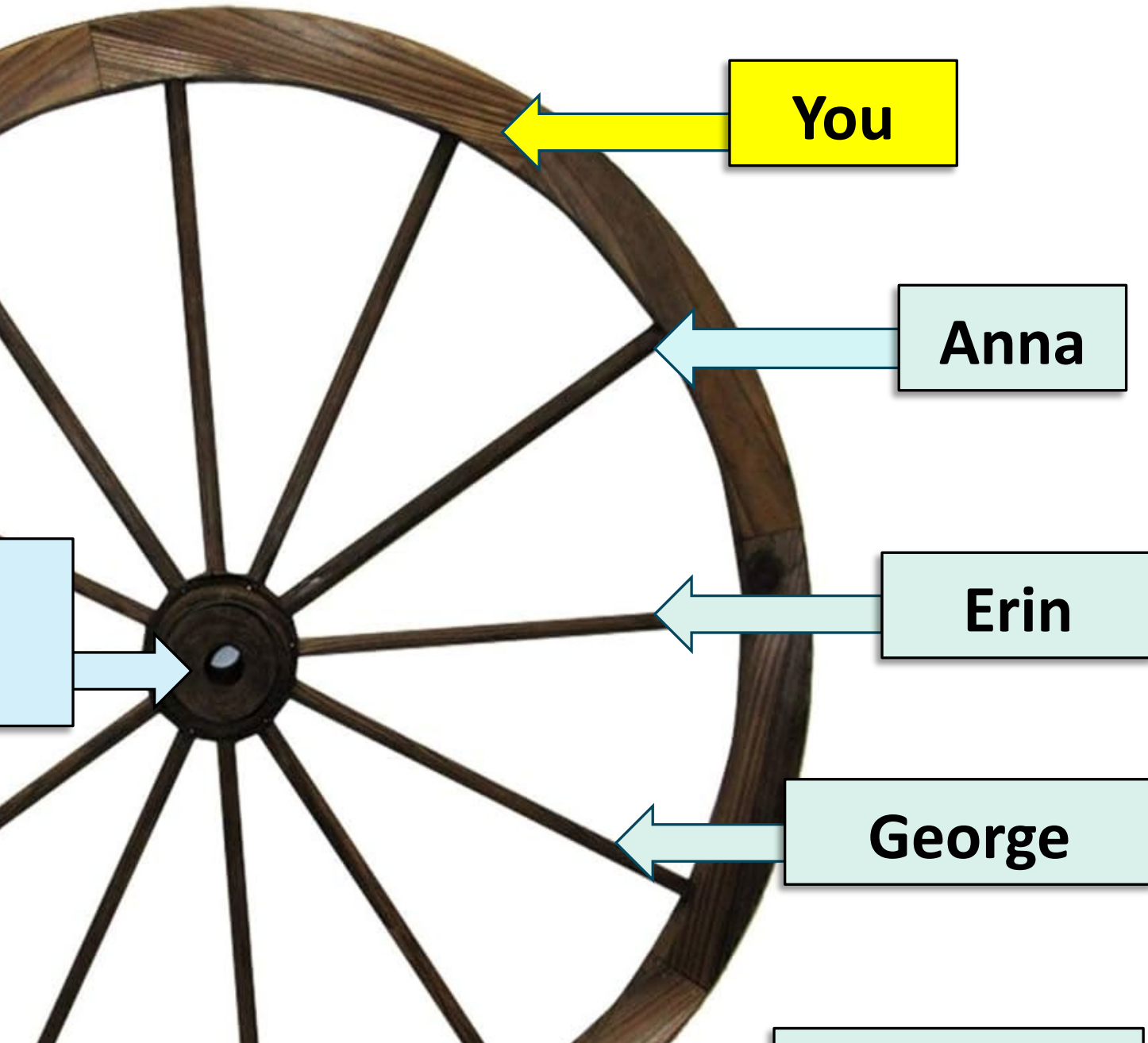


*Let's say in this wheel. . .*

**Your staffers are the hub.**

**You and your fellow members are the spokes.**

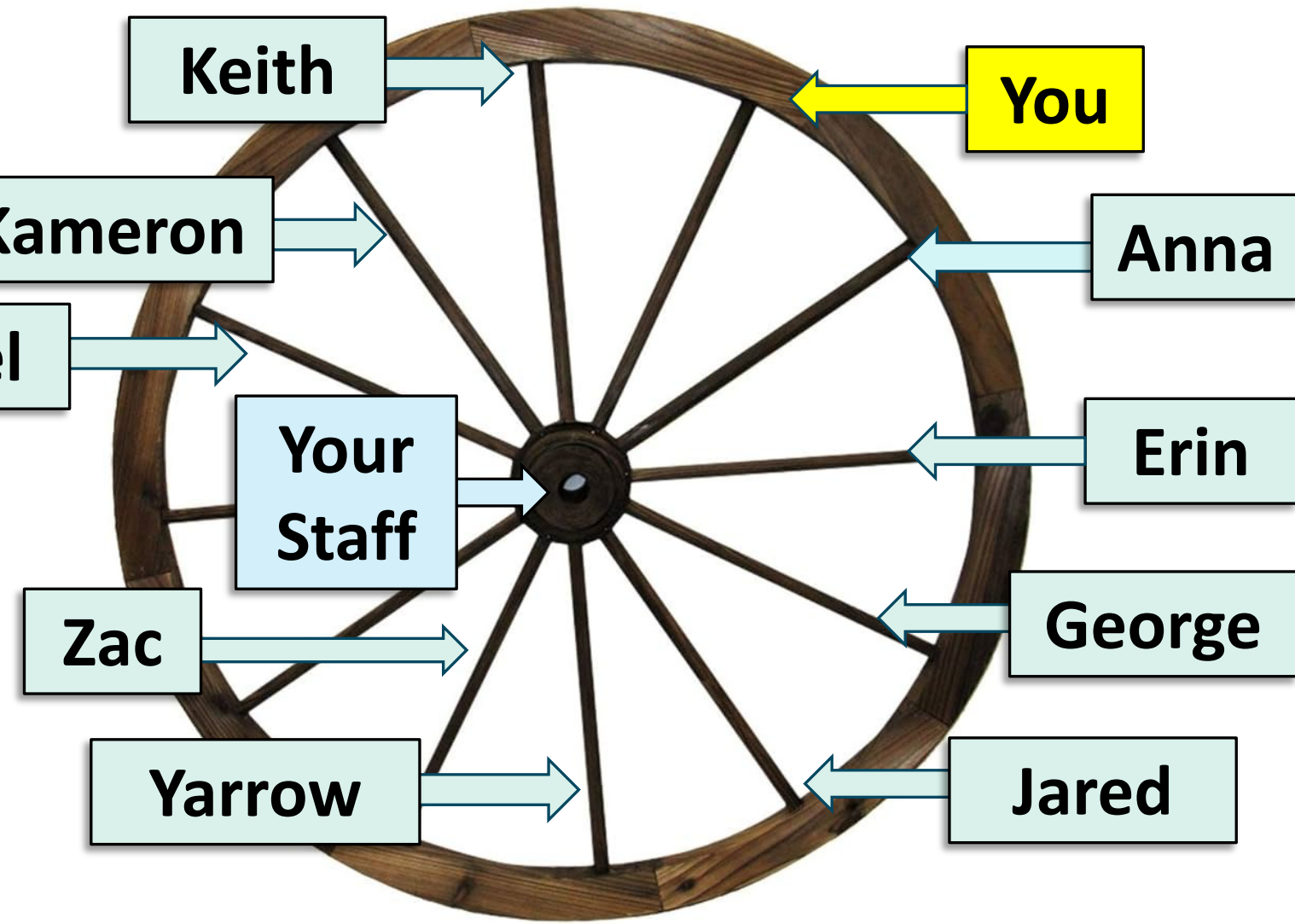
**Is it okay if you talk to Jared about a public business matter?**



**What if you spoke with Anna and Erin about a business issue pertaining to the public?**

**What if after that “meeting” Erin spoke to George about the same issue?**

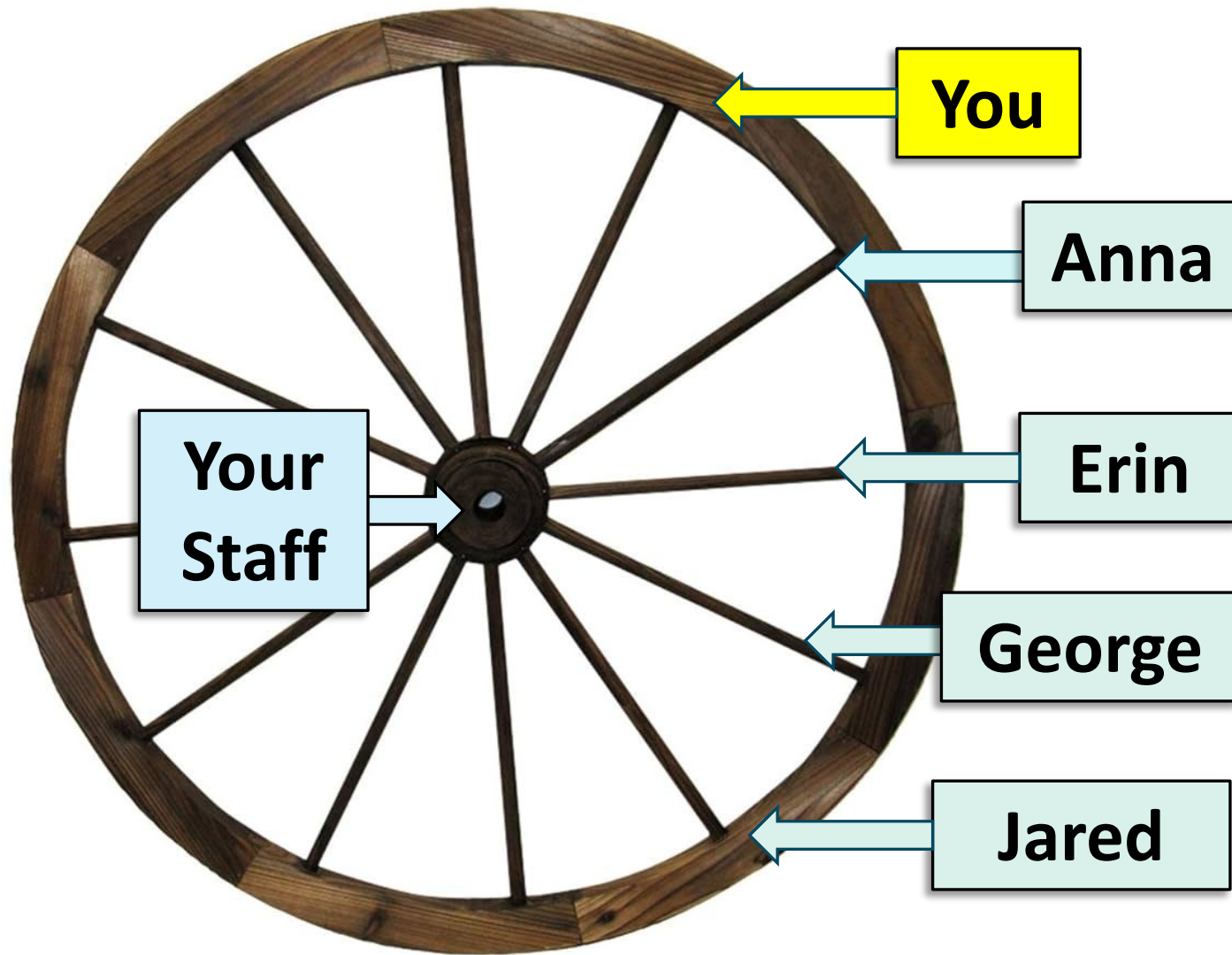
**Does it matter if this is a policy-making body or an advisory-only body?**



What if you spoke to every member *individually* about a matter pertaining to the public?

Advice:

- Ask staff to send info to the entire body instead
- Ask members if they've spoken to others first
- Be careful w/ social media
- **WHEN IN DOUBT,  
TAKE YOURSELF OUT**



**What if every member of this government body met up at a local brewery to enjoy the evening together?**

*If it's not a meeting, could it become one?*



# Limited Exceptions

(Executive Sessions)

# Why are Executive Sessions excluded?

**These sessions may exclude the public to consider only the following:**

- matters, the immediate knowledge of which would clearly have an **adverse effect upon the finances of the municipality**
- **subjects that tend to prejudice the reputation and character of any person**  
*Note: Such persons may still request a public meeting instead.*
- matters which by law, municipal charter, or ordinance are **required to be confidential**
- matters involving government records that by law are **not subject to public disclosure**
- a specific legal matter, including pending litigation
- *as to the assembly*, labor negotiations with municipal employees

# How Executive Sessions Are Held

1. A publicly noted **public meeting** takes place (just like usual).
2. At that public meeting, a motion to hold an **executive session** is called.
  - The motion *clearly & specifically* describes the subject to be discussed before the governing body without defeating the purpose of addressing the subject in private.
  - A majority vote carries the motion, allowing for the executive session to exclude the public.
3. In the Executive Session, the governmental body considers the subject alone and **takes no action**, (except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations).



# . . . some simple advice

If you're going to an event in which there's any doubt that it could be viewed as a meeting. . . Publicly notice it to be safe!



**You**



MUNICIPALITY OF  
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## HOW TO NOTICE PUBLIC MEETINGS

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# Consequences for OMA Violations

Any individual may contest an action administratively.

The Board of Ethics shall accept and consider complaints of violations and may recommend that corrective action be taken.

Upon the Board of Ethics' recommendation, the Anchorage Assembly, the School Board or the Mayor may pursue the **full range of corrective action** afforded in state law (under AS 44.62.310).

# Consequences – Actions may be voided

*If an issue is not remedied. . .*

a lawsuit to void an action taken that was in violation of the Open Meetings Act may be filed in Superior Court within 180 days of the action

**. . . So how do you remedy a violation?**

# How to remedy a violation

- hold *another* meeting that *does* comply with the Open Meetings Act
- conduct a substantial & public reconsideration of matters from the original meeting

If efforts to **cure** do not *or cannot* happen, a court can then apply a balancing test:

*Does the public interest in OMA compliance outweigh the harm that would be caused to the public & the public entity by voiding the action? Hmmm. . . .*

**In the end, the court may choose to void the action**



# Thank you!

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**Municipal Clerk's Office**

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