

Chapter 1.25 PUBLIC MEETINGS¹

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:

Agenda means the order of business taken up at a meeting. The assembly and the school board may adopt rules for their agenda. An agenda states the purpose of the meeting by detailing the order of topics taken up at the meeting.

Committee meeting means a gathering of members of a municipal body appointed by the presiding officer of the municipal body to consider assigned topics. Additional rules for the assembly and its committees are found in Chapter 2.30.

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 consistent with the agenda of that meeting.

Emergency special meeting is a special meeting of the assembly or school board when an unforeseen occurrence or condition requires immediate action by a meeting of a municipal body authorized to hold an emergency meeting by this code. Boards and commissions shall not hold emergency special meetings.

Executive session means a session of a municipal body which first convenes as a meeting and then a motion to convene into an executive session that specifies the purpose of the executive session as clearly and specifically as possible without defeating the purpose is passed affirmatively by a majority vote. In an executive session, members of the public may be excluded and the body may consider, 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;
4. Matters involving consideration of government records that by law are not subject to public disclosure;

¹Charter reference(s)—Public meetings, § 17.05.

Cross reference(s)—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(s)—Open meetings, AS 44.62.310.

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5. A specific legal matter, including pending litigation; or
 6. As to the assembly, labor negotiations with municipal employees, consistent with subsection 2.30.036A.2. and chapter 3.70

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

Meeting means a gathering of members of a municipal body when

1. 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
2. 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; or
3. A municipal body assigns two or more members to a subordinate unit, such as a committee, subcommittee, task force, or other similar body.
4. This definition does not apply to
 - a. staff meetings or other gatherings of the employees of a public entity.
 - b. meetings 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 meetings.
5. This definition does not apply to meetings of community councils, which are not governmental bodies pursuant to AMC Chapter 2.40.

Charter Reference – Public meetings, § 17.05.

State law reference - AS 44.62.310(d).

Cross reference –Ch. 2.40.

Minutes means an electronic recording of the public meeting or written action minutes of the action occurring at the meeting, unless both are required by this chapter or elsewhere in code.

Cross reference –§ 1.25.015 – Agendas; Duties of staff; Rules for public notice of meetings.

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.

State law reference – AS 44.62.310(h)(1).

Cross Reference –Chapter 2.40.

Post means either to display written information in an electronic or physical locations as determined by the context of this chapter.

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1. Electronic locations: The municipality maintains two electronic locations to display public notices: the municipal public notice website and the events calendar on the municipal website.
 2. Physical locations: The municipality maintains two physical locations to repost public meeting notices: the permanent bulletin board outside of the municipal clerk's office in City Hall at 632 West 6th Avenue, Anchorage, and the permanent bulletin board outside of the entrance of City Hall facing 7th Avenue.

Public entity means a public authority or corporation, the municipality, the school district, boards and commissions, and other governmental units of the municipality.

State law reference - AS 44.62.310(h)(3) definition of "public entity."

Publicly notice means actions have been taken to comply with this section of the code.

Publish means to cause to be posted on a municipal website designated for public notices (the municipal public notice website) the matter required by law to be publicly noticed. Unless otherwise provided by the assembly, posting shall be maintained for seven consecutive days.

Charter Reference – Definitions, § 17.13(h).

Cross Reference - Definitions, § 1.25.020.

Recording means an electronic or digital sound reproduction. For purposes of this chapter, the term "tape" or "tape recording" also means electronic or digital recording.

Regular meeting means a gathering of a municipal body for the purpose of conducting business which occurs at a usual and prearranged time and place.

1. In the case of the assembly, a regular meeting is a gathering held and noticed in accordance with section 2.30.030.
2. In the case of the school board, a regular meeting is a gathering held and noticed in accordance with subsection 29.10.050C.

Special meeting means a gathering of a municipal body called by the presiding officer or by one member fewer than a quorum of the municipal body for the purpose of conducting business which is of such urgency as to make waiting for the next regular meeting impractical.

1. In the case of the assembly, a special meeting may be called and shall be held and publicly noticed in accordance with applicable provisions of Charter § 4.04 and section 2.30.030 of this code.

Charter Reference – Presiding officer, meetings and procedures, § 4.04.

Task force means a temporary group created by a municipal body assigned to consider assigned topics and when created a termination date or event is specified. A task force is not a board or commission. For purposes of the school board, an ad hoc committee shall have the same definition of task force.

Work session or worksession means a gathering of assembly, school board, or board and commission members for the purpose of obtaining information, training, or discussing an announced topic. Work sessions must be publicly noticed and recorded. Work sessions are gatherings but are not "meetings" for purposes of the Charter. Members may not debate, deliberate or vote at any worksession.

Charter Reference – Public meetings, § 17.05. (AO No. 94-132(S), § 1, 8-25-94)

Cross reference(s)—Definitions and rules of construction generally, § 1.05.020.

1.25.010 Policy; public meetings.

- A. The policy of the municipality is that all meetings of the assembly, the school board, boards and commissions, and any municipal body shall be open to the public, except as otherwise provided in this chapter or another provision of law.
- B. Reasonable public notice shall be given for all meetings required to be public under this chapter.
- C. Nothing in this chapter shall be construed to reduce the effect of applicable state law, AS 44.62.310-.319, Open Meetings of Governmental Bodies. This chapter shall be construed broadly to effectuate the greatest possible public notice of gatherings of municipal bodies covered by this chapter; circumstances not specifically addressed should be handled according to this principle.

(AO No. 95-227, 1-2-96)

Charter reference — Public meetings, § 17.05.

1.25.015 Agendas; Duties of staff; Rules for public notice of meetings.

- A. Agendas. An agenda shall include at a minimum:
 - 1. Call to order.
 - 2. Roll call.
 - 3. Minutes of previous meetings (if applicable).
 - 4. Disclosures.
 - 5. Unfinished business.
 - 6. New business.
 - 7. Public participation.
 - 8. Adjournment.
- B. Duties of Staff. The public official tasked with staffing a meeting shall:
 - 1. post the written public notice information on both the municipal public notice webpage and the events calendar on the municipal website as provided in subsection C;
 - a. Notwithstanding the subsection above, the school district shall post according to Title 29.
 - 2. prepare and post the agenda, if applicable, as provided in subsection A; and
 - 3. either electronically record or produce written action minutes, unless both are required by this chapter or code.
 - a. The recording of the meeting shall include the entire meeting from the call to order to adjournment, although recesses, provided no business takes place, are not required to be recorded. If the public meeting is recorded and the recording is available to the public on a publicly accessible website, (currently the municipal meetings page), written action minutes are not required for committees or task forces but are required for boards and commissions.
 - b. Written action minutes shall include the call to order; roll call; motions, seconds, the vote of each member in attendance on motions, but do not include discussion and debate on motions; disclosures by members of potential conflicts of interest and the ruling on the potential conflict, but do not include discussion and debate on the potential conflict or ruling; the subject of public hearings and a statement, if applicable, that public testimony or comment was provided on that subject; and adjournment of the meeting.

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- c. Minutes, either by recording or written action minutes are public records and should be retained by the municipal agency that staffs the municipal body in accordance with the applicable records retention schedule.

Cross Reference –Section 2.30.035 – Meeting Agenda and Section 29.10.050 - Meetings.

C. Rules for public notice.

1. Regular Meetings. The public notice information for regular meetings of any municipal body shall be posted on the municipal public notice website at least 7 days before the meeting, unless otherwise required by code, and shall include at least the following:
 - a. The name of the municipal body;
 - b. The date, time, and place of the meeting;
 - c. A telephone number or link to an electronic location for participation in a meeting that allows telephonic or virtual participation;
 - d. The name, email, telephone number for the public official who is the contact person for the meeting;
 - e. The purpose of the meeting or an agenda.
 - i. An agenda, or a link to the agenda, for the meeting shall be posted on the municipal public notice website at least 24 hours before the meeting, provided the meeting has been otherwise publicly noticed under this subsection.
 - ii. The assembly agenda shall be published according to section 2.30.035 – Meeting agenda.
 - iii. The school board agenda shall be published according to section 29.10.050 - Meetings.
2. Special Meetings. The public notice for special meetings of any municipal body shall be posted on the municipal public notice website at least 24 hours before the meeting, unless otherwise required by code, and shall include at least the following:
 - a. the name of the municipal body;
 - b. the date, time, and place of the meeting;
 - c. a telephone number or link to an electronic location for participation in a meeting that allows telephonic or virtual participation;
 - d. the name, email, telephone number for the public official who is the contact person for the meeting;
 - e. the purpose of the meeting or an agenda.
 - i. An agenda, or a link to the agenda, for the meeting shall be posted on the municipal public notice website at least 24 hours before the meeting.
 - ii. The assembly agenda shall be published according to section 2.30.035 – Meeting agenda.
 - iii. The school board agenda shall be published according to section 29.10.050 - Meetings.
3. Continued meetings
 - a. shall be publicly noticed a minimum of 24 hours prior to the meeting, unless the recessed meeting is continued to the next day or in cases of exigent circumstances.
 - b. Time permitting, the continued meeting notice shall include the same information as a regular meeting, except that a new agenda need not be published as long as the agenda is consistent with the agenda from the recessed meeting.
4. Worksessions shall be public noticed at least 48 hours prior to the work session and shall include the same information as a regular meeting, except the subject of the worksession shall be included in the notice and there is no requirement to otherwise post the purpose or an agenda.

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5. Weekend or municipal holiday. Any meeting scheduled to occur on a weekend or municipal holiday shall be publicly noticed no later than noon on the last business day prior to the meeting or earlier if otherwise provided in this section. Except an emergency special meeting of the assembly shall be convened according to section 2.30.030E. The school board shall follow notice requirements adopted by the school board.
 6. Emergency special meeting. The assembly and school board may hold emergency special meetings. A reasonable attempt shall be made to provide prior public notice of an emergency meeting prior to the start of the meeting. The notice shall include the same information as a special meeting. After adjournment the notice shall be published as soon as practicable to record the occurrence of the emergency special meeting. Except where specifically allowed by this code, boards and commissions shall not hold emergency special meetings.
- D. No public 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.
- E. The public notice requirements of this chapter do not apply to gatherings at which no public business is discussed.

(AO No. 94-132(S), § 2, 8-25-94; AO No. 2006-140(S-1), § 2, 1-1-07; AO No. 2008-124(S), § 2, 5-26-09; AO No. 2009-134, § 1, 1-12-10; AO No. 2015-23(S), § 1, 3-24-15)

1.25.018 Remedies for violations.

- A. Violation of this chapter or the state Open Meetings Act.
1. Action taken in a public meeting by the assembly, the school board, or boards and commissions which violates this chapter or AS 44.62.310 Open Meetings of Government Bodies is voidable.
 2. The assembly, school board, or boards and commissions may cure such violation or alleged violation by holding another meeting in compliance with notice and other requirements of this chapter and conducting a substantial and public reconsideration of the matters considered at the original meeting according to the provisions of this chapter and AS 44.62.310.

1.25.019 Miscellaneous provisions.

- A. The municipal clerk shall compile a guidance manual for publicly noticing meetings of municipal bodies, distribute the manual on the municipality's website, and make it available to the municipal officials staffing municipal bodies. Nothing in the manual shall be construed to supersede the requirements of this chapter.

B. The municipal clerk shall, to the extent time permits, repost written information displayed on the municipal public notice website and the municipal event calendars for the upcoming week in a physical public notice location as defined in this chapter.

C. This section does not apply to the school board.

1.25.020 Meetings of board of directors of Anchorage Telephone Utility. (Repealed)

(AO No. 91-173(S); AO No. 94-132(S), § 2, 8-25-94; AO No. 2015-23(S), § 1, 3-24-15)