

By: Randy Frank  
Introduced: 08/21/08  
Adopted: 08/21/08

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2008-34

A RESOLUTION URGING THE ALASKA STATE LEGISLATURE TO REQUEST A  
STATE LAW CHANGE TO THE OPEN MEETINGS ACT WITH REGARDS TO ROAD  
SERVICE AREA COMMISSIONS

WHEREAS, there are a variety of rules, regulations, and procedures in Alaska State Law governing the conduct of public meetings, which are intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves. One of these is the state's Open Meetings Act; and

WHEREAS, the Open Meetings Act requires that all meetings of public bodies are open to the public and that the public body must provide reasonable notice of its meetings. In essence, the Open Meetings Act protects the public's right to know. To accomplish this, the act 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
- Individual actions of an official are made known.

WHEREAS, 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; and

WHEREAS, with regard to advisory only bodies such as the Fairbanks North Star Borough Road Service Area Commissions, current law dictates that a meeting is:

- a gathering
- of any number of members of the body
- prearranged
- for the purpose of considering any matter upon which the body is empowered to act; and

WHEREAS, Service Area Commissions have management and maintenance duties to perform, requiring some discussion between commissioners thus making compliance with current state law difficult to comply with; and

WHEREAS, exemption from and/or amendments to the following areas of the Act are requested:

- Specify the number of members of an advisory body required for action to constitute a meeting as defined in AS 44.62.310(h)(2)(B);
- Include an exemption in AS 44.62.310(d) when governmental bodies such as Service Area Commissions meet to act on behalf of the borough to supervise and manage the affairs of the service area, to implement policies and programs to protect the safety of the public and preserve the service area's capital assets in a fiscally prudent manner, and other duties considered managerial in nature;

NOW, THEREFORE, BE IT RESOLVED by the Fairbanks North Star Borough Assembly requests that a recommendation be made to the Alaska State Legislature to amend state law to change the Open Meetings Act to allow Road Service Area Commissions to effectively conduct business within their areas.

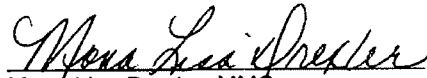
BE IT FURTHER RESOLVED that the FNSB Assembly Road Service Area Committee supports a change to the Open Meetings Act.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Alaska Interior Delegation.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF AUGUST 2008.

  
Nadine Winters  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

Ayes: Brown, Beck, Frank, Musick, Sattley, Stringer, Hopkins, Foote, Winters  
Noes: None