

By: Assembly Road Service  
Area Committee  
Introduced: July 21, 2008  
Approved: July 21, 2008

Fairbanks North Star Borough  
Assembly Road Service Area Committee

RESOLUTION NO. 2008-C

A RESOLUTION OF THE ASSEMBLY ROAD SERVICE AREA COMMITTEE ASKING  
THE ASSEMBLY TO REQUEST A STATE LAW CHANGE TO THE OPEN MEETINGS  
ACT

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 Board of Health, the Borough Food Service Board, and the law division, 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;

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BE IT FURTHER RESOLVED by the Fairbanks North Star Borough Assembly Road Service Area Committee requests that a recommendation be made to the Alaska State Legislature by the Fairbanks North Star Borough Assembly 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 a copy of this resolution shall be forwarded to the Fairbanks North Star Borough Assembly.

PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF JULY, 2008.

  
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Randy Frank  
Chair