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Open meeting rules hamper Fairbanks area road officials

By Rena Delbridge

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JUNEAU — Road service area commissioners and municipal officials in Fairbanks urged legislators to approve a bill allowing commissioners to bypass open meeting law requirements when making routine decisions.

"Road service commissioners cannot have any discussion amongst themselves. ... without having a public meeting," said Ronald Illingworth, chairman of the 23-Mile Slough Road Service Area near Fairbanks.

Instead, the volunteers are forced to either comply with, ignore or figure ways to circumvent public meetings laws, he said.

"This should not be an acceptable practice," he testified before a legislative committee Monday. "This bill addresses those concerns."

Sen. Gene Therriault, R-North Pole, pre-filed Senate Bill 48 before the session started. Sen. Joe Thomas, D-Fairbanks, is a co-sponsor.

Most of the state's service areas are within the Fairbanks North Star Borough. Anchorage has several.

Therriault said the bill would offer some relief to service area commissioners when they need to consult one another on basic decisions — things like whether to call out a contractor to remove hard-packed snow or to replace a washed-out culvert.

That business is most effectively done with a phone call, an e-mail or a window-to-window chat stopped on the road, he suggested.

But under the Alaska Open Meetings Act, commissioners can't talk to each other, he said. Two or more elected officials talking official business constitutes a meeting.

His bill would offer leeway in carrying out basic tasks, but it would require the boards to conduct regular business, such as making policy and crafting budgets, in public meetings.

"Road service areas are a fact of life in our region," Illingworth said. "the current public meeting law makes it almost impossible to conduct routine business without breaking the law."

A committee of first referral expanded Therriault's plan to exempt a greater range of boards.

"There was some thought that was just too broad," he said.

The Alaska Municipal League supports the bill, director Kathy Wasserman said.

While the league respects the Open Meetings Act, Therriault's measure would "enable business to get done without having to call a meeting to plow a road," she testified.

Renee Broker, an attorney for the Fairbanks North Star Borough, said the measure would fix two "unintended consequences" of the meetings act without diluting public policy goals.

Commissioners, who are generally volunteers, can't keep within the act's bounds while performing day-to-day administrative work, she said.

"If it only takes two to have a gathering, then you've got a meeting," Broker said.

Sen. Bill Wielechowski, D-Anchorage, was hesitant to move fast on the bill.

"This is going to impact much more than just municipal service area boards," he cautioned.

Judiciary chairman Sen. Hollis French, D-Anchorage, said the bill is "something we probably want to ponder, at least overnight," and held the bill for more deliberation. Therriault sits on Judiciary.

Versions passed through the Community and Regional Affairs and the Transportation committees.