

1 By: Randy Frank  
2 Introduced: 08/21/08  
3 Adopted: 08/21/08  
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5  
6 FAIRBANKS NORTH STAR BOROUGH

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8 RESOLUTION NO. 2008-34  
9

10 A RESOLUTION URGING THE ALASKA STATE LEGISLATURE TO REQUEST A  
11 STATE LAW CHANGE TO THE OPEN MEETINGS ACT WITH REGARDS TO ROAD  
12 SERVICE AREA COMMISSIONS  
13

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

19 WHEREAS, the Open Meetings Act requires that all meetings of public  
20 bodies are open to the public and that the public body must provide reasonable notice  
21 of its meetings. In essence, the Open Meetings Act protects the public's right to know.  
22 To accomplish this, the act requires that:

- 23 • All deliberations and action taken by a public entity must be done in public view,  
24 with limited exceptions;  
25 • The public must be provided prior knowledge of all steps occurring in the  
26 decision making process, with limited exceptions; and  
27 • Individual actions of an official are made known.

28 WHEREAS, in order for these requirements to have full effect, meetings  
29 must occur as provided in the notice; and, with few exceptions, the public must be  
30 allowed to involve itself in the meeting; the public must also have access to materials  
31 being considered during the meeting; and

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

- 35 • a gathering  
36 • of any number of members of the body  
37 • prearranged  
38 • for the purpose of considering any matter upon which the body is empowered to  
39 act; and

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

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

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

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

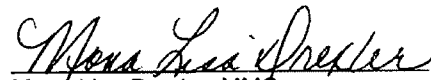
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57 BE IT FURTHER RESOLVED that the FNSB Assembly Road Service  
58 Area Committee supports a change to the Open Meetings Act.

59  
60 BE IT FURTHER RESOLVED that a copy of this resolution shall be  
61 forwarded to the Alaska Interior Delegation.

62  
63 PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF AUGUST 2008.  
64  
65

  
Nadine Winters  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

66  
67 Ayes: Brown, Beck, Frank, Musick, Sattley, Stringer, Hopkins, Foote, Winters  
68 Noes: None