Handout 1 – State of Alaska Board or Commission Code of Conduct

State of Alaska Board or Commission Code of Conduct

The Code of Conduct is a set of behavioral expectations intended to assure the Public that the board and its individual members uphold the highest level of integrity and ethical standards as they ensure public access to competent, safe and ethical practitioners of the licensed profession they regulate, as well as policy recommendations made to the Legislative body and the Governor's office by an advisory board. Your signature confirmations your commitment to following the Code to the best of your ability.

* Demonstrate professional civility for fellow board members, staff and the public in all matters.

* Avoid emotional outbursts or anything that could be considered threatening or intimidating at all times.

* Respect and adhere to rules, policies and guidelines of the board or commission.

* Ensure each matter is dealt with in a fair, equitable and impartial manner.

* Courteously accept decisions made by the majority of the board, regardless of a possible conflicting opinion.

* Strive beyond the norm to avoid any actual or perceived conflict of interest that may compromise the integrity of the board.

_____ _____

Signature Date

Handout 2-Ethics Act Procedures for Boards & Commissions

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act[1] has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.[2]

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations Of The Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter![3]
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

Handout 2-Ethics Act Procedures for Boards & Commissions

What Are The Disclosure Procedures For Board And Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act on the public record and in writing to the chair.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting in advance of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.[4]
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved and there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. [5]
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.[6]

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.

- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- Exception: A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.[7]

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures For Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures For Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports Of Potential Violations Or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in writing and under oath.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.[8]
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- These matters are confidential, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures For Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES Or Board Or Commission Get Ethics Advice?

A DES or board or commission may make a written request to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides advice by phone or e-mail to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

Handout 2-Ethics Act Procedures for Boards & Commissions

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

Handout 3 – Open Meetings Act

Open Meetings Act

Introduction

The State of Alaska's Open Meetings Act (AS 44.62.310-.312) requires that all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves.

In essence, the OMA protects the public's right to know.

Narrative

To be able to protect the public's right to know, the OMA 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 that
- individual actions of an official are made known.

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.

In addition to laying out specific steps required for meetings and allowable exceptions, the statutes addressing open meetings speak about the state's policy regarding what authority the public has delegated to governing bodies. Following is a synopsis.

According to the 'State Policy Regarding Meetings' (AS 44.62.312):

- The government exists to aid in conducting the people's business.
- Government units should act and deliberate openly.
- The people do not yield sovereignty to government agencies that serve them.
- Public servants have not been given the right to decide what is good or not good for the people to know.
- People should remain informed, so they may retain control over the government they created.
- The use of teleconferences is for convenience of the parties, public, and government.
- The Open Meetings Act should be narrowly construed to effectuate these policies and avoid unnecessary exemptions

Handout 3 – Open Meetings Act

Frequently Asked Questions

What is the Open Meetings Act?

The State of Alaska's Open Meetings Act (AS 44.62.310-.312), is a law that addresses the meetings of public entities; it protects the public's right to know and their opportunity to be heard. Among other things, the Act:

- defines public meetings and public entities;
- lays out specific requirements for public notice;
- requires that all meetings of a governmental body of a public entity are open to the public;
- lays out provisions for attendance at meetings and voting methods;
- lays out provisions for distribution of meeting materials; and
- lists the few exceptions to the act as well as matters that may be discussed in executive session.

In order to assure that the public information/participation provisions of the act are met, the act requires that the public entity must provide "reasonable" notice that meets the requirements of the act. To meet these notice requirements the notice must:

- be provided within a reasonable amount of time prior to the meeting;
- include the date, time, and place of the meeting;
- be posted at the principal office of the public entity, in addition to any other methods and locations stated in local ordinance; and
- be done in the same way each time (consistent).

What is the definition of a meeting that would fall under the provisions of the Open Meetings Act?

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. The act makes a distinction between what constitutes a meeting of a policy/decision making body and what constitutes a meeting of an advisory only body.

A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a *subject that the body is authorized to act and set policy on* and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact.
A meeting of an advisory only body is a prearranged gathering to consider a matter on which the entity is *authorized to advise and assist the decision-making body* and is subject to the provisions of the act. The act doesn't specify a number, so two or more members, if the gathering is prearranged for the purpose of conducting any business of the entity, could constitute a meeting.

What types of meetings might be conducted that would require notice under the Open Meetings Act?

Handout 3 – Open Meetings Act

Following are the most common types of meetings that would be subject to the Open Meetings Act:

Regular Meetings: State law requires that the governing body conduct its business at regularly scheduled meetings that are open to the public. Regular meetings must be held at least once a month and may be held more often, as required or established in local ordinance. The local code of ordinances should provide the date, time, and place of regular meetings so that everyone knows when regular meetings will take place. The public shouldn't have to wonder about the meeting time, date, and place always changing. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.

Special Meetings: Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, local ordinance may require that the governing body hold its regular meeting on the third Tuesday of each month at 7:00 PM at the municipal offices. If the governing body must meet earlier, it can call a special meeting for a different date. The special meeting does not take place instead of the regular meeting, it is in addition to the regular meeting. Special meetings should be held rarely and only to address time sensitive issues. A special meeting may be held with less than 24 hours' notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

Emergency Meetings: Emergency meetings are held to address situations that are so urgent that the governing body must meet right away. An emergency meeting may be held if a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members.

Committee Meetings: Permanent ("standing") committees and temporary ("ad hoc") committees of the governing body may be formed to study particular issues in more detail. Standing committees may include the finance committee, public works committee, and/or a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all members of the governing body (referred to as a committee of the whole), or of fewer members, usually three. A committee cannot take action on behalf of the full governing body but instead makes a recommendation to the governing body for the governing body's action. Usually the committee of the whole meets to discuss items that are not ready for action but need further discussion in an informal setting. For example, the annual budget usually requires a work session before it is formally adopted.

Board of Equalization: The governing body, or its appointees, sits as the Board of Equalization in municipalities that levy a property tax. AS 29.45.200(a) states, "the governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor." A property owner who believes the assessor has made a

mistake in the yearly valuation of their property may appeal the assessor's decision to the board of adjustment, which meets once a year.

How much notice is required to meet the "reasonable" public notice provision of the Open Meetings Act?
How much notice is required depends on the complexity of the issue and the potential effect it will have. Proper public notice must be provided in advance of the proposed action and local ordinances should state the minimum number of days that notice is required. This number should be adjusted up if the situation warrants additional notice. Special and emergency meetings require only 24 hours' notice or less. If less notice is given, absent members must waive the notice requirement. Notice requirements for work sessions and committee meetings should follow the same guidelines as those established in local ordinance for regular meetings.

There are minimum mandatory notice requirements for certain actions, such as notice of a public hearing on a proposed ordinance, or election notice. There is, however, no specific number of days spelled out in statute that defines "reasonable." The general tone of case law on the subject has essentially found that reasonable notice provides enough notice that a concerned party will have notice of a proposed action within enough time to be involved in the deliberations. This could vary anywhere from three months to three days. The notice also has to provide enough information to let the public know what subjects will be covered in the meeting. If a complete agenda isn't available at the time of posting, a summary will work until the complete agenda is available.

Local ordinances should contain all of the requirements for public notice of meetings including what to include in the notice, where the notices are posted, and how soon before the meeting the notices are posted.

Where and how does notice have to occur?
State law, AS 44.62.310(e), requires that reasonable notice include the date, time, and place of the meeting; and, if by teleconference, the location of any teleconferencing facilities. It also provides that notice may be given in print or broadcast media; that it be posted at the principal office of the public entity or, if no principle office, at a location designated by the governing body; and that it be done in the same way each time "consistent."

In addition to the locations required in statute, notice should be posted at well-used locations in the community like the post office, the store, government offices, and the community bulletin board. It may also be published in a newspaper of general circulation in the community or broadcast over a local radio station in addition to any other means and locations stated in local ordinance.

Are there exceptions to the Open Meetings Act and what subjects may be discussed in executive session?
Exceptions to the OMA are discussed in the Executive Session section of LOGON.

Handout 3 – Open Meetings Act

Is secret ballot voting allowed under the act?
Almost always, no. In addition to requiring that deliberations of a governing body be open to the public, the act also requires that the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote, including meetings conducted by teleconference. The one exception is organizational meetings of a governing body to elect members to various offices, which are exempted from the requirement that the vote of each member be made public (AS 44.62. 310(a)).

Is telephone polling considered a violation of the Open Meetings Act?
Whether a phone poll by a member or agent of the governing body would be considered a violation of the act, depends on the subject matter. If the matter involves an administrative or procedural issue that would not warrant public discussion, a phone poll may be conducted. If, however, the phone poll touches on an issue that should be discussed in an open meeting or can have the effect of swaying opinion on a public issue, it could be considered a violation of the act.

Who enforces the Open Meetings Act?
It is the responsibility of the administration and governing body to assure that the provisions of the Open Meetings Act are enforced. Any individual may contest an action administratively through local channels that they think was done in violation of the Open Meetings Act and ultimately may, within 180 days, file a court action if the issue isn't remedied locally AS 44.62.310(f).

There are several court cases that have ruled in favor of the Open Meetings Act. When deciding these cases, the court doesn't just consider whether a violation has occurred, but also considers whether the action has interfered with the public process that the act was intended to protect.

What is the cure for a violation of the Open Meetings Act?
Actions taken at meetings that are found to be in violation of the Open Meetings Act may be voided. Failing to provide proper notice can cost a great deal of money to defend in addition to the wasted time and effort involved. The governing body can attempt an informal cure by holding another meeting in compliance with the Open Meetings Act and conducting a substantial and public reconsideration of the matters.

If a lawsuit is filed, the court may void any action taken by the governing body if the court finds that, considering all of the circumstances, the public interest in compliance with the law outweighs the harm that would be caused by voiding the action AS 44.62.310(f)).

In deciding whether to void an action, the court must consider:

(1) the expense that may be incurred if the action is voided;

(2) the disruption that may be caused if the action is voided;

(3) the possibility of additional litigation if the action is voided;

(4) the extent to which the subject has previously been considered in compliance with the act;

(5) the amount of time that has passed since the action was taken;

(6) the degree to which the action has come to be relied on;

(7) whether and to what extent the governmental body has, before or after the lawsuit was filed, engaged in or attempted to engage in public reconsideration of the matter;

(8) the degree to which the violations were willful, flagrant, or obvious;

(9) the degree to which the governing body failed to adhere to the policy under AS 44.62.312 (a).

This does not apply to an advisory only body that that has no authority to establish policies and make decisions for the public entity (AS 44.62.310(g)).

What effect does attorney client privilege have in dealings between a public entity and its attorney?
Executive session procedure requires that the reason for calling the executive session is clearly stated. The attorney-client privilege exemption to the Open Meetings Act is limited to matters where public interest may be injured. This might include how to avoid legal liability, litigation strategies and candid discussion of facts, a proposed settlement conference, and a conference on a decision to appeal.

In addition to the rights protected under the Open Meetings Act, what rights can the public expect under state law?
In addition to the rights protected under the Open Meetings Act, Title 29 reiterates the requirement that all meetings be open to the public and also provides that the public will have the right to be heard at regular and special meetings AS 29.20.020.

AS 29.20.160 lays out the procedures that a governing body must follow in conducting its meetings. These procedures include:

- Provision for identification of the presiding and deputy-presiding officers;
- The requirement that the governing body hold at least one regular monthly meeting, unless otherwise provided by ordinance;
- The requirement that the governing body shall provide at least 24-hours' notice for special meetings or absent members must waive the notice requirement;
- Clarification on how actions of the governing body are adopted and what constitutes a quorum;

Handout 3 – Open Meetings Act

- The requirement that all members present shall vote on every question, unless required to abstain; and
- The requirement that a governing body maintain a journal of its proceedings that is available to the public.

AS 29.20.380 assigns certain meeting duties and responsibilities to the municipal clerk. These include:

- Attendance at public meetings;
- Keeping the journal;
- Assuring that notice and other requirements for public meetings are complied with;
- Assuring that public records are available for public inspection;
- Managing and maintaining public records; and
- Preparing agendas and agenda packets.

Who enforces the local rules under which a municipality conducts its meetings?
Governing bodies must have procedures in place and follow them for their meetings. Some of these procedures are in Title 29 and other statutes. Others are in the local ordinances, which are usually more specific and detailed than Title 29, or in rules of procedure adopted by the governing body.

Essentially, the presiding officer enforces the rules by following them when conducting a meeting and, when there is a question of procedure, the clerk, acting as parliamentary advisor, researches the question and proposes an answer, which the presiding officer then rules on. Members of the public also enforce the rules by questioning whenever something occurs that doesn't seem to follow the rules. The last resort for enforcement is a lawsuit.

Handout 4- Ground Rules for Good Meetings

Ground Rules for Successful Meetings

Thank you for volunteering to serve Alaska as a designee of the State on behalf of the Office of the Governor. The simple yet effective rules below serve as a set of expectations to keep Alaska's board and commission meetings productive and respectful. Most important, the consistent use of Robert's Rules by the appointed members of Alaska's boards and commissions builds the public's trust and reflects positively on all involved.

1) **Everyone participates**. As the Chair, encouraging the full participation of team members allows your support staff and the public to have a clear understanding of everyone's view of the issue at hand. Call on new team members as they may need a clarification or short explanation of the issue to join the discussion.
2) **Different opinions are welcome but must stay on track.** The Chair helps guide the team to places of agreement, so the discussion can focus on areas that need clarification, legal advice or further vetting. Keep the discussion on track or you may find yourself in the middle of a philosophical argument in which there is no winner and no productive action. If it is not on the agenda, it cannot be discussed.
3) **Limit side conversations.** A quick question or clarification is one thing, but it is disconcerting to say the least when whispered conversations are held between members of the board during an open meeting. It does nothing to encourage trust between the board and the public.
4) **Re-state the motion and clarify amendments.** This is a simple way for the Chair to be sure that everyone on the team is on the same page as you move through the process. It also gives support staff the opportunity to clarify the language or intent if needed. As a member of the board/commission, don't hesitate to ask for clarification if you are unsure.
5) **Hold team members accountable.** If a board member is interrupting others, rude to staff or refusing to keep their comments on the published agenda items, the Chair should call for a brief time out and address it with him/her directly. Honest mistakes or over-eagerness can be quietly corrected at a break, but deliberate bad behavior by anyone should never be tolerated by the Chair. Likewise, if the Chair is behaving poorly, the members of the board are expected to intervene.
6) **Listen respectfully and thoughtfully to public testimony.** Remember that the public has an important role in the process. They have given of their time and effort to be heard, and the issue at hand is probably very important to them

personally or professionally. If testimony gets heated, the Chair can always call for a short recess so that tempers can cool.

7) **Cell phones off.** Ringing phones are annoying, but texting someone in the audience or another board member during the meeting is secretive and sneaky—and possibly qualifies as ex parte communication. This does not encourage trust between the team members themselves or the public. Texting during a meeting also gives the appearance that the board member is not paying attention, which can influence an appeal of the board's vote.
8) **Speak clearly.** When before the public, always speak so that they can hear you. You may not have a good sound system to amplify your voice, so speak loudly and clearly.

Shirley Marquardt
Director Boards and Commissions
State of Alaska

Handout 5 - The Value of Parliamentary Procedure in Public Meetings

The Value of Parliamentary Procedure in Public Meetings

Robert's Rules are arguably the process most followed to run meetings efficiently and fairly. They may seem archaic but were designed to help groups get their business done quickly and responsibly without violating the rights of its members or losing the trust of the public. In their simplest form, the rules are straight forward and allow the Chair to handle different situations using a constant and fair process. A copy should be available to the Chair during meetings.

As the Chair, it is your responsibility to maintain an effective group process and structure for the good of the board, the staff, and the public. You set the tone and enforce the rules with an even hand.

Work Sessions are less formal than Regular Meetings as they are informative in nature and do not allow for board direction in the form of a motion. This is where a board will often get the most Public input on an issue before them. At the end of a work session, staff will need to have clear direction from the Chair of where more information may be needed, clarifications requested, or if a legal opinion is in order to further analyze proposed solutions.

Regular Meetings are formal. Once an issue gets to the regular meeting the inference is that the board has had the benefit of working through all of the information presented by staff as well as the public's comments and is now ready to narrow the scope of options for either further review with modifications (amendments) or a vote to approve.

The Agenda is there to help the group navigate the meeting and stay on track. The Chair should be diligent about not allowing for additions to the agenda at the meeting that significantly alter the scope of the discussion. This does not allow for all to be prepared and shortchanges the public process. If the Chair wishes to remove an item on the published agenda, they can do so at the beginning of the meeting by providing a reason for the removal.

A majority of the board can overturn the Chair's removal of an item on the agenda with a simple vote. Many board Chairs request adoption of the agenda by board vote after any changes are proposed to ensure consensus.

Take one issue at a time. This means only one motion on the floor at a time. Once a motion is made, it needs a second in order to open discussion. If there is not a second, the motion is discarded. After a motion has a second the Chair should give the floor to the member who made the motion, so they can speak to it first. In a regular meeting, board members should be held to 2 to 3 minutes on each go around, and they should stay focused on the motion. This is where

the rules play a role in efficiency and fairness. Each member has a chance to speak before the maker of the motion speaks again, and if there is public comment it is recommended that it be taken before the board discussion. This shows that the board is taking the public's comments into consideration as they proceed.

Everyone must vote. Silence or abstaining from a difficult vote is in direct opposition to the primary responsibility of a board member. However, if there is a possible conflict of interest, the Chair decides on the record if the conflict meets the standard in the state's ethics laws, and either agrees with the conflict and recuses the board member from voting or denies it and allows the member to vote. It is best to let your Chair know early on if you think you might have a conflict of interest, so they have time to investigate the issue with staff and are ready to address the question during the meeting. If you are serving as Chair, ask the Director for a legal finding before the meeting.

The Chair should clearly state the motion before the vote to be sure everyone is on the same page and should do the same with amendments to the motion which must be voted on separate from the main motion. The Chair may call for a brief recess to allow the maker of the motion to write it down, if beneficial. If an amendment passes, then the vote is on the "main motion as amended". Again, it's best to **restate the amended motion** so all are comfortable with what is before them for a final vote.

The Chair should periodically check with staff to be sure that they are providing clear direction. There may be a simple language clarification that is necessary before the final vote or there may be a need for legal advice. Your staff is there to support the mission of the board and keep you out of trouble. Treat them with courtesy.

Always be respectful of the public and each other. Often the public is there because the issue at hand is of personal or professional interest to them, and the process itself recognizes the role that the public plays in policy design/implementation. If things get emotional or overheated, call for a short break and encourage cool heads and courteous speech.

Sincerely,

Shirley Marquardt
Director of Boards and Commissions

Handout 6 – Division of Retirement and Benefits Overview Presentation

See power point presentation named “Division of Retirement and Benefits Overview Presentation”

Handout 7 – Draft Public Comment Guidelines

Public Comment	
Purpose	The public comment period allows individuals to inform and advise the Retiree Health Plan Advisory Board about issues, problems or concerns. Public comments should not include personal health information. It is not a hearing.
Protocol	Individuals are invited to speak for up to three minutes. • A speaker may be granted the latitude to speak longer than the 3-minute time limit only by the Chair or by a motion adopted by the Full Advisory Board. • Speakers are not permitted to criticize or attack others. • Anyone providing comment should do so in a manner that is respectful of the Advisory Board and all meeting attendees. The Chair maintains the right to stop public comments that contain inappropriate or inflammatory language or behavior.

FREQUENTLY ASKED QUESTIONS	
How can someone provide comments?	IN PERSON - please sign up for public comment using the clipboard provided by during the meeting. VIA TELECONFERENCE – please call the meeting teleconference number on a telephone hard line. To prevent audio feedback, do not call on a speaker phone or cell phone. You may use the mute feature on your phone until you are called to speak, but do not put the call on hold because hold music disrupts the meeting. If this occurs, we will mute or disconnect your line. IN WRITING – send comments to the address or fax number below or email natasha.pineda@alaska.gov. Note that, if you wish your comments distributed to the Advisory Board prior to a board meeting all comments must be received two days prior to the meeting to allow time to distribute them to the board.
For additional information:	For additional information: Call Natasha Pineda, Deputy Health Official, at 907-754-3511 or email natasha.pineda@alaska.gov if you have additional question