

Adopted: 03/04/25
Motion To Reconsider Passed: 03/04/25
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**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 25-026**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ESTABLISHING A STATE LEGISLATIVE PRIORITY REQUESTING THAT THE ALASKA LEGISLATURE AMEND STATE LAW REGARDING THE OPEN MEETINGS ACT TO ALLOW LOCAL GOVERNMENTS THE OPTION TO EXEMPT ADVISORY SERVICE AREA BOARDS FROM THE ACT.

WHEREAS, the Alaska Open Meetings Act ("OMA") at AS 44.62.310 requires that meetings of governmental bodies be advertised and open to the public; and

WHEREAS, in general, a meeting is when more than three members or a majority of the members, whichever is less, are present and the members consider a matter upon which the governmental body is empowered to act; and

WHEREAS, there are several exemptions to the OMA, and it does not apply to eight specific categories of boards; and

WHEREAS, one of the exemptions is:

(8) meetings of municipal service area boards established under AS 29.35.450-29.35.490 when meeting solely to act on matters that are administrative or managerial in nature;
and

WHEREAS, in the Matanuska-Susitna Borough, an overwhelming majority of service area boards consist of 3 members; and

WHEREAS, these boards have advisory functions only and cannot make administrative or management decisions; and

WHEREAS, because they are 3 member boards, a quorum is 2 members, and this means that 2 members cannot communicate about issues the board may address in any manner outside of a meeting; and

WHEREAS, this is stifling in small communities and members are constantly at risk of violating the OMA when using social media because if a board member wants to inform their community of something through social media, there is an extreme risk of violating the OMA because another member may inadvertently comment, like, repost, or otherwise take action which could be considered interactive and therefore consideration of an issue outside of a meeting; and

WHEREAS, under current law, service area boards who have real power to make managerial or administrative decisions can gather information, consider issues, and take actions without following the OMA. They could conceivably call out a contractor to perform work, hire a contractor, fire a contractor, or take a host of other actions with large fiscal and managerial impacts to the area without following the OMA; and

WHEREAS, under current law, a board which only has the power to advise the government cannot engage in real-time advice through consensus because if they see an issue or failing in their area, they must first call a meeting and wait days to hold that meeting; and

WHEREAS, service area boards which are advisory only should have the same flexibility to be quickly responsive as other service area boards who have real power to engage in administrative and managerial tasks; and

WHEREAS, local governments can always set rules for their boards as conditions allow.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Assembly request the Alaska Legislature amend state law regarding the Open Meetings Act to allow local governments the option to exempt advisory service area boards from the act.

BE IT FURTHER RESOLVED, A proposed change to the law could be:

(8) meetings of municipal service area boards established under AS 29.35.450-29.35.490 when meeting solely to act on matters that are administrative, ~~or~~ managerial, or when allowed by local ordinance, advisory in nature.

ADOPTED by the Matanuska-Susitna Borough Assembly this 4 day
of March, 2025.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



First Main Motion Failed (required four votes):

YES: Gamble, Fonov, and Bernier

NO: Nowers and Sumner

Reconsideration Vote:

YES: Sumner, Gamble, Fonov, and Bernier

NO: Nowers

Second Main Motion Vote:

YES: Sumner, Gamble, Fonov, and Bernier

NO: Nowers