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Open Meetings Act & Governance

2 messages

Michael Hostina <mphostina@alaska.edu>
 To: LaNora Tolman <latolman@alaska.edu>
 Cc: Dana Thomas <dlthomas@alaska.edu>

Wed, Aug 20, 2014 at 5:59 PM

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LaNora - as we have discussed, meetings of UA advisory bodies that consist solely of employees are not subject to the Open Meetings Act (OMA) (AS 44.62.310, attached).

This results from a 1994 restructuring of the OMA that included the addition of an exception "for staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of regents of the University of Alaska or held while acting in an advisory capacity to the Board of regents." (AS 44.62.310(d)(6))

The 1994 amendments effectively overturned an AK Supreme Court case that applied the OMA to promotion & tenure committees of UA. See *Geistauts v UoA*.

Advisory groups that include non-employee members, like System Governance and Coalition of Student Leaders, are not as clearly excepted from OMA requirements since they may not be seen as meeting the literal terms of the exception for "employee groups." While there are arguments that other changes in the law exclude advisory groups that are predominantly employees or that advise administrators, a conservative approach counsels compliance.

As a result, formally constituted advisory groups, whose formally appointed/elected members include both non-employees and employees, should give "reasonable public notice" and follow other OMA requirements regarding votes, executive sessions, etc.

"Reasonable public notice" is defined in (e). While posting on the Alaska online Public Notice System <http://aws.state.ak.us/OnlinePublicNotices/>

arguably is required for meetings covered by the OMA, a legal action cannot be based on failure to post there.


As we discussed, at a minimum you would want to post on governance websites and the main UA website, and encourage each university main campus and extended campus to post.

Mike
 Michael Hostina
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 **2014 AS 44.62.310.pdf**
35K

LaNora Tolman <latolman@alaska.edu>
To: Michael Hostina <mphostina@alaska.edu>
Cc: Dana Thomas <dlthomas@alaska.edu>

Fri, Aug 22, 2014 at 8:26 AM

Mike,

Thank you for this information. I will share this with the governance leaders. I look forward to your attendance at the System Governance Council on Monday, Sept. 22 to further explain the Open Meeting Policy.

LaNora

[Quoted text hidden]

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