



THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce,  
Community, and  
Economic Development

Division of Community and Regional Affairs

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To: State of Alaska Local Governments & Other OMA Compliant Entities

From: Lynn Kenealy, Local Government Specialist IV

Date: September 27, 2021

Re: Open Meetings Act & COVID-19

We have received many questions regarding how city councils and borough assemblies can continue meeting and conducting the business of their communities and regions during this time of COVID-19-related restrictions. This memo is intended to assist and provide information. This memo relates to all meetings required to comply with the Alaska Open Meetings Act, including, but not limited to, city council and borough assembly meetings, city and borough committee meetings, and advisory-only meetings and workshops.

The initial concern is how to meet while practicing social distancing while also meeting the requirements of the Open Meetings Act. The Open Meetings Act does not prohibit teleconference meetings, nor does it require council/assembly members to be present in-person in order to count towards a quorum or vote. Indeed, both council/assembly members and the public may participate from remote locations.

The Open Meetings Act does prohibit polling, serial communications, and other actions of a council/assembly outside of a public forum. The public must be allowed to attend any venue in which the council/assembly is making decisions and actions.

A few particulars to consider:

- Materials that will be considered at the meeting need to be available to all participants. The best way to do this is likely by posting materials on a municipal website, posting on Facebook or some other online venue, or providing to all participants via email. Municipal staff could provide printed material to

council/assembly members, though this may be substantially more complicated depending on the community, and ensuring social distancing is vital.

- Votes at teleconference meetings must be taken by roll call to ensure all participants understand who has voted and how on each item.
- If a municipality typically records meetings, a means of recording teleconference meetings will need to be established, whether the regular recording device is used and the call is routed through speakerphone, or some other means of electronic recording is established through a cell phone or computer.
- Public notice must include sufficient information for the public to call in as well. While the Open Meetings Act does not require public participation, Alaska Statute 29.20.020 requires an opportunity for the public to be heard at regular and special meetings – though not at advisory-only meetings. Options such as allowing the public to provide comments via email which the clerk or other staff or council member read out loud during the meeting should be considered. The public can also provide public comment telephonically.
- It will be more important than ever that the presiding officer enforce rules of procedure such as: only one person speaking at a time, and only upon being addressed by the presiding officer; and naming each speaker explicitly so that all participants understand who is speaking at all times.
- Some municipalities have written a requirement into their charter or code that council/assembly members must be physically present in order to count toward a quorum or vote. A non-code ordinance (or emergency ordinance if necessary) may be passed in order to temporarily suspend such rules. DCRA is currently drafting a sample ordinance which can be provided upon request. This ordinance will need to be amended significantly to ensure it is congruent with each individual community.
- Consult your code for any other conflicts regarding the utilization of telephonic and remote meetings during this time. Many conflicts may be resolved with a temporary non-code ordinance or emergency ordinance. Municipal staff and attorneys, State of Alaska Division of Community and Regional Affairs (DCRA) Local Government Specialists (LGS), and the Alaska Municipal League (AML) can help.
- It is not advised to conduct executive sessions telephonically, as there is no way to ensure who else is on the line. If a telephonic executive session is absolutely necessary, please contact your attorney, AML, or your Local Government Specialist to discuss further.

Many municipalities that do not currently use teleconferencing in meetings in any form may struggle at first. There are several tools available, and multi-tool usage might be advisable, utilizing both telephone and internet-based tools. Here are a few suggestions:

- GCI and other telephone carriers provide a telephone conference line for cost which multiple individuals may call into at the same time.
- Zoom, WebEx, GoToMeeting, Skype, Microsoft Teams, ezTalks, Join.me, ReadyTalk and other online platforms for web-based connection. I suggest speaking with other communities and entities utilizing these platforms to learn which ones work best in your area and with your internet capabilities. Some require more bandwidth than others. Be sure to test the capabilities in-house of a new system before holding a meeting.

Please do not hesitate to contact the Division of Community and Regional Affairs Local Government Assistance section for further information and support. If you know who your Local Government Specialist is, please contact them directly. If not, you can contact the Local Government Resource Desk at [Lynn.Kenealy@alaska.gov](mailto:Lynn.Kenealy@alaska.gov) or 907-269-8122.