

Open Meetings Act & Executive Sessions

Local Government Information Tutorial (LeGIT)
Division of Community and Regional Affairs



Trisha Sullivan, Local Government Specialist 4

Division of Community and Regional Affairs

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

LeGIT

5/21/2026

Open or Closed Door?

Open Meetings Act

Executive Sessions

Resources



Open Meetings Act & Executive Sessions

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Open to the Public or Behind Closed Door?

Open Meetings
Act



Executive
Session



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Open Meetings Act

Protects the rights of the public to be informed!

Applicable Laws

Alaska Constitution:

- Article 1 § 1 Inherent rights
- Article 1 § 2 Source of government
- Article 1 § 2 Right of privacy

Alaska Statutes:

AS 44.62.310

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Open Meetings Act - Informed

Informed

Heard

OMA – protects the rights of the public to be informed – not heard!

The public's right to be heard is in AS 29.20.020



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Open Meetings Act - Application

Applies to these entities:

- Every governmental body of a “public entity”
 - “Public entity” includes entities of the state, UA, political subdivision – including boards, commissions, agencies, municipalities, school districts, public authorities, and corporations.

Types of Meetings:

- Work sessions
- Committee meetings
- Regular meetings
- Emergency meetings
- Special meetings
- Open forums



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What is a Meeting?

Policy/Decision Making Bodies:

- Four members, or a majority of the body
- Any gathering where public business is considered.
- Teleconference meetings are allowed.

Advisory Only Body:

- Only gives advice and recommendations
- Prearranged meetings to discuss matters the body is empowered to act upon with two or more members.
- No Exceptions for members to meet to consider business of the body.



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Required Notice



AS 44.62.310(e)

“Reasonable public notice shall be given for all meetings”

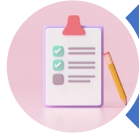
- Notice has date, time, and place
- Posted in three public places
- Print or broadcast
- Must be consistent



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Issues



Telephone Polling



Serial Communications



Email Communication



Lobbying by the Mayor



Social Gatherings



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Ethics of the Body

- Ex Parte contact
- Conflicts of interest: *direct & financial*
- How to correct Ex Parte



Example of an Ex Parte



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY


Regulatory Commission of Alaska

701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501-3469
Main: 907.276.6222
Toll Free Fax: 1.800.390.2782
Fax: 907.276.0160

MEMORANDUM

TO: Sasha Nutter, Records and Licensing
Supervisor

DATE: Wednesday, November 19, 2025

FROM: John M. Espindola, Chair 

RE: Summary of Non-prohibited
Communications Under 3 AAC 48.020(h)(7)

On Monday November 17, 2025, at 10:00 a.m., I met with the President of ENSTAR Natural Gas Company, John D. Sims. The meeting took place in person at El Pastor located at 12300 Old Glenn Hwy, Eagle River AK, 99577. We discussed developments as a result of the November 12, 2025 public meeting. The meeting lasted approximately 30 minutes.

No discussion regarding any adjudicatory proceedings pending before the Regulatory Commission of Alaska occurred.

Contact:
John D. Sims
President

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Executive Session

A portion of a public meeting which the public is excluded due to the nature of the subject matter to be discussed.

Must start and end in a public meeting!

Applicable Laws

Alaska Constitution:

- Article 1 § 1 Inherent rights
- Article 1 § 2 Source of government
- Article 1 § 2 Right of privacy

Alaska Statutes:

AS 44.62.310



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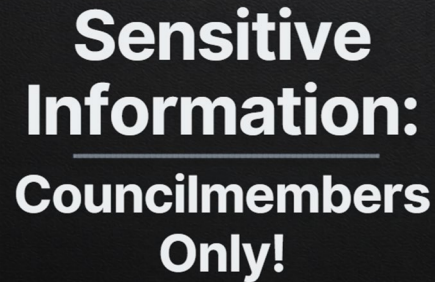
Topics to be Discussed

Confidential records/matters

Prejudice the reputation and character of any person

Government records

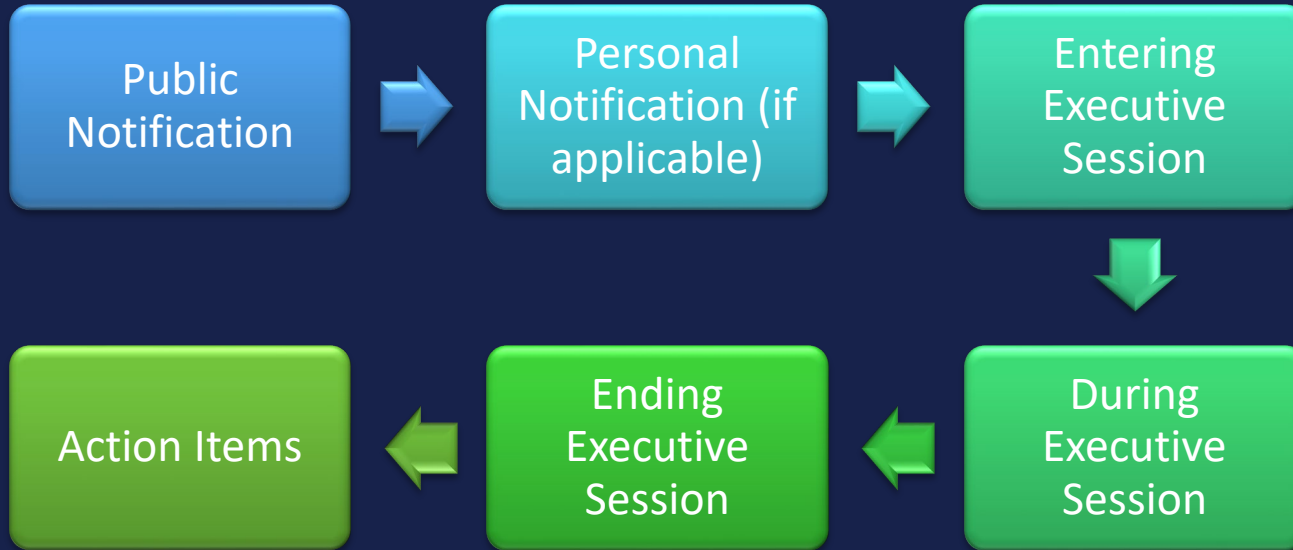
Adverse effect upon finances


**Sensitive
Information:
Councilmembers
Only!**

Attorney-client privilege



Executive Session Procedure



Public Notification

The topic to be discussed in the executive session must be posted on the notice for the meeting.

Usually “Executive Session” is a staple on the regular meeting agenda. If one is not held, “No Session Required” or “None.”

3. Executive Session

Pursuant to Alaska’s Open Meetings Act, the Borough Assembly may recess into multiple Executive Session to discuss matters pertaining to topics permitted under 44.62.310(c). The Assembly will refrain from taking any action during executive session. Once the public meeting reconvenes, the Assembly may take action if they so choose.

1. Complaint by an Assembly Member Against a Local Resident Who Received Borough Funds, Request for Review by an Independent Law Firm

To discuss subjects that the inquiry may tend to prejudice the reputation and character of any person, provided that the person may request a public discussion and to discuss with the Borough Attorney, pursuant to AS 44.62.310 (a-c) (2), Attorney Client Privilege Applies. This discussion will be regarding a complaint by an Assembly Member against a local resident who received borough funds.

Reconvene to Regular Meeting



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Personal Notification

If the topic to be discussed could harm the reputation of an individual, that individual has a right to be informed, and to choose to have the discussion take place in public.

Inform the individual by letter!

DATE

**NAME, TITLE
ADDRESS**

Dear **TITLE & NAME**:

I am writing to inform you of an upcoming city council meeting taking place on **DATE, TIME, PLACE**. The agenda for this meeting includes the following item: **QUOTE AGENDA ITEM**. Discussion of this item may fall under Alaska Statute 44.62.310(c)(1)(b), a subject which may be discussed in executive session as a subject which tends to prejudice the reputation or character of any person. This means that the city council may motion to go into an executive session and exclude the public during a portion of the meeting.

In such an instance, the person may request the discussion take place in public. As the person in question in this instance, please inform me before the beginning of the meeting if you would like the discussion to take place in public. If I do not receive any response from you, I will assume your preference is for the discussion to take place in executive session, excluding the public.

IF YOU WISH TO INVITE THE INDIVIDUAL INTO THE EXECUTIVE SESSION, INCLUDE: We would like to invite you to attend the executive session portion of the meeting, regardless. If you would like to attend this portion of the meeting, please be present for the full meeting.

If you have any questions or would like more information about your rights with regard to this matter please do not hesitate to contact me at the contact information provided below.

Sincerely,

**NAME
TITLE
CONTACT INFORMATION**



Entering Executive Session

1. A council member motions to go into executive session – clearly specifying the reason for going into an executive session without providing so much information as to defeat the purposed of an executive session.
 - Example: “I move to go into Executive Session for the purpose of discussing city personnel.”
2. Motion must be seconded by another council member.
3. The chair opens the floor for discussion. This is a discussion of where to go into Executive Session – NOT to discuss the topic on hand.
4. The Council votes on the motion.
5. If the motion passes, the public is excused from the room temporarily.



During Executive Session

Topic – Only those topics stated in the motion can be discussed.



No action can be taken!



Ending Executive Session

Motion – Council motions to end the executive session, it is seconded, and a majority vote win.

Public re-enters: The council will invite the public back into the room.



Action Items

Actions must be taken during the public session, after ending the executive session.

3. Executive Session

Pursuant to Alaska's Open Meetings Act, the Borough Assembly may recess into multiple Executive Session to discuss matters pertaining to topics permitted under 44.62.310(c). The Assembly will refrain from taking any action during executive session. Once the public meeting reconvenes, the Assembly may take action if they so choose.

1. **Complaint by an Assembly Member Against a Local Resident Who Received Borough Funds, Request for Review by an Independent Law Firm**

Russell Phelps **motion** to move into executive session, Jenny Shryock **second**. Invites Manager James Wilson and Borough Attorney Joe Levesque. **No action was taken. Reconvene to regular meeting at 9:35pm.**

2. **External Audit Review**

Michael Peters **motion** to move into executive session, Russell Phelps **second**. **Vote: 5 Ayes 0 No Motion Carried. No action was taken. Reconvene to regular meeting at 10:02pm.**



Resources Available

Alaska's Open Meetings Law

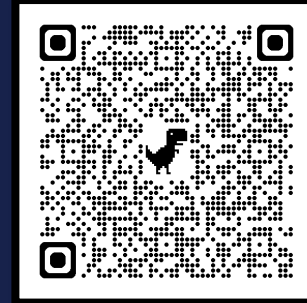
Gordon J. Tans

<https://www.commerce.alaska.gov/web/Portals/4/pub/Alaskas%20Open%20Meetings%20Law.pdf>



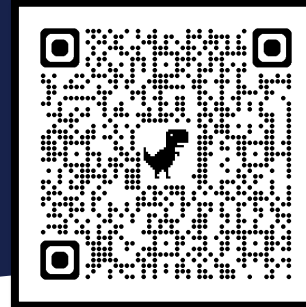
DCRA Home Page – Executive Session

<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk/LocalGovernmentElectedOfficials/OpenMeetingsAct>



DCRA Home Page – Open Meetings Act

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Questions?

Contact Information:

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(907) 269-4549



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