

A Primer on the Open Meetings Act

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Maggie Wall/KMXT

If you were listening to last night's broadcast of the Kodiak Island Borough Assembly meeting you may have heard a procedure that was out of the ordinary. During the appeal regarding parking at the Pacific Seafoods plant on Shelikof Street, the assembly moved to adjourn into a closed session to consider its decision.

The motion, however, failed.

Alaska's Open Meetings Law is designed to ensure that decisions on public matters are made in the open where they can be scrutinized by the public.

According to an article on the State of Alaska website, there are a number of exceptions to the law that apply to people's rights—and zoning variances is one of them.

The key to this is that the assembly was sitting as a board of adjustment at the time of the action and therefore could enter into a closed session for discussion.

You may have noticed that when it has one of these board of adjustment hearings, the assembly always moves to exit the regular meeting and to assume its new position as a board of adjustment. Then afterwards, they reverse the move and go back into the regular meeting.

As a board of adjustment the assembly was acting as a quasi-judicial body meeting solely for the purpose of making a decision on an adjudicatory proceeding. Therefore it could meet in closed session. The same option exists when a person appeals a tax assessment.

A later request for an executive session was the kind we are more familiar with. The assembly withdrew into executive session to review the applications for the borough manager position but took no action.

An explanation of open meetings laws for Boards of Adjustment can be found [here](#).