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Meeting: January 26, 2021 at 2:30pm

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DRAFT – Public Meeting & Notice Requirement Policy

Background: The Executive Branch operates under the Open Meeting Act (AS 44.62.310) which covers the work of “all meetings of a governmental body of a public entity of the state.” The definition of a governmental body means

*an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity;
“governmental body” includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members;”*

And the definition of a public entity means

an entity of the state or of a political subdivision of the state including an agency, a board or commission, the University of Alaska, a public authority or corporation, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; it does not include the court system or the legislative branch of state government.

Public notice must be given in a “reasonable time” and on the Alaska Public Notice System website.

The legislature operates under the Uniform Rules, specifically Rules 22 and 23 which speak to open meetings generally and committee meetings, respectively. Rule 22 provides that all meetings of the legislature, except Executive Sessions, are open to the public.

Rule 23 directs the notice and records requirements of legislative committees. Subsection (a) of Rule 23 directs that public notice of committees must be provided to Secretary and Chief Clerk by 4:00pm the Thursday preceding the week of the meeting. 24 hours’ notice is required for committee meetings during interim per subsection (e)(3). Notice for the legislative branch appears on the legislature’s website.

The question is whether the Redistricting Board is subject to notice requirements of AS 44.62.310, or the Uniform Rules of the legislature. The definition of “governmental body” and “public entity” are broad and could be construed to include the Redistricting Board.

Adoption of either the legislative or executive branch procurement code differed from this example in that the executive branch procurement code is specific in its applicability to “agencies”. The Alaska Redistricting Board is established by the constitution and is not an agency of the executive branch and can therefore “choose” to adopt a hybrid code that includes pieces of both the legislative and executive branch open meetings and public notice rules.

Staff Recommendation: Redistricting Board should adopt Alaska Open Meetings law, AS 44.62.310, as its public notice requirements. This action directs staff to ensure notice of the

meeting, its location, attachments, and teleconference options, would be posted to the Alaska Public Notice System website within a “reasonable time”. Staff will further make notice of its meetings available on the legislative website.

It is the policy of the Alaska Redistricting Board that the board comply with the Alaska Open Meetings act and seek to provide 72 hours of public notice prior to board meetings with 24 hours notice being allowable. Notices shall be posted to the State of Alaska Public Notice System.

DRAFT – Public Records Policy

Background: Records of meetings of the Executive Branch are first directed by AS 44.62.310 which provides that, for all meetings, *“the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call.”* All further guidance for boards and commissions as they are commonly thought of are contained in the statute relating to the board or commission itself.

For example, as it relates to the records of meetings of the of the Alaska Industrial Development and Export Authority, the statute provides that *“the authority shall keep minutes of each meeting and send a certified copy to the governor and to the Legislative Budget and Audit Committee.”*

The Board of Regents for the University of Alaska are directed to *“keep a correct and easily understood record of the minutes of every meeting and all acts done by it in pursuance of its duties”*

In record keeping, the legislature abides by Uniform Rules. Rule 23 provides that the legislature shall *“record its meetings electronically”* and *“prepare minutes of each meeting of the committee on a standard form.”*

The question again is whether the Board considers the rules of the executive or legislative branch are applicable to itself regarding record keeping. In this instance, because no statutory guidance exists for which code to adopt, like the procurement code, the Board could likely adopt either, or a hybrid.

Staff Recommendation: Adopt a policy that includes recording and maintaining electronic copies of the audio recording of each meeting and keeping minutes that capture votes, motions, and a *“brief statement of the position of any Board Members who makes a statement on the issue before the board”* (This is modeled on legislative committee minute recording language). This could be a simple summary like, *“Member A expressed concern that the proposed House District 12 did not take into account the city boundary”*

It is the policy of the Alaska Redistricting Board that meetings be electronically recorded and made available to the public and that written minutes be kept of each meeting which identify motion makers, seconds, vote tallies and a brief summary of the concerns of any Board member who states a position on the issue under consideration.

DRAFT – Board Member Compensation Policy

Background: The Alaska Constitution Article VI, Section 8 (a) states, *“Board members shall be compensated”*

In the 2010 cycle board members were compensated at the rate of \$400 per day. Adjusting for inflation of 19.3%, \$400 in 2010 would be worth \$477.20 today.

Staff Recommendation: Adopt a compensation policy of \$477.20 per day. Legislators are currently compensated at \$486.88 per day while the legislature is in session. Staff will assist in documentation and submission of board member days of service.

“It is the policy of the Alaska Redistricting Board that members be compensated at the rate of \$477.20 per day. Compensation shall be paid beginning with the Board’s first meeting.”

DRAFT – Board Member & Staff Per Diem Policy

Background: In the event that COVID restrictions relax and members or staff are asked to travel to public hearings, per-diem reimbursement for out-of-pocket travel expenses would be paid in addition to the daily compensation rate.

The current State of Alaska Boards and Commissions Per Diem table allows \$60 per day for meals and incidentals, and actual costs for lodging. The full table may be found here: <http://doa.alaska.gov/dof/travel/resource/rates.pdf>

The legislative per diem rate for members in Juneau is \$293 per day.

The maximum Department of Defense per diem rate for Anchorage for 2021 is \$354.00, with lodging capped at \$229 per day, meals at \$100 and incidentals at \$25.

Staff Recommendation: Adopt a policy based on the State of Alaska Boards and Commissions Per Diem table with actual lodging and \$60 per day for meals. Amend this to include up to \$25 for incidentals and \$60 per day for ground transportation or car rental to reflect the fact that board members may be sent on road shows to distant communities with little logistical support available on the ground. Provide the Board Chair the ability to waive policy caps if there is documented need (for example, renting a car in Utqiagvik may cost more than the specified daily car rental rate).

“It is the policy of the Alaska Redistricting Board that members and staff receive per-diem reimbursement for actual lodging, meals to a value of \$60, actual incidentals to a value of \$25 and ground transportation to a value of \$60 per day for board related travel that is authorized by the Board Chair or Executive Director. Reimbursement for actual costs incurred over the maximum amounts may be made at the discretion of the Board Chair.”

Pros: adopting the State of Alaska Boards and Commissions per-diem rates would place members on a level playing field with other State of Alaska board members. Incidentals and ground transportation addendums reflect the reality that additional expenses may be involved in many cases and should not be a personal expense for members.

Cons: the State of Alaska per-diem table suffers from delayed updating. \$60 for 3 meals a day plus incidentals in Anchorage could be difficult to find once gratuities are included. This reality is reflected in both the DOD and Legislative per diem reimbursement amounts.