

Proposed by:	Assemblymember Potter
Attorney Review:	03/30/2023
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 23-15R**

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING THE ASSEMBLY RULES OF PROCEDURE TO PROVIDE FOR WRITTEN PUBLIC COMMENTS.

WHEREAS, Skagway has a history of robust public participation in local government; and

WHEREAS, the Municipality of Skagway seeks to promote open communication between government officials and the community; and

WHEREAS, the public cannot always attend Borough Assembly meetings in-person; and

WHEREAS, the Alaska Legislature has, through its Open Meetings Act and Public Records Act, acted to ensure the public access to both public meetings and public records; and

WHEREAS, the Alaska Legislature has neither required nor precluded the publishing of correspondence to a local government’s website; and

WHEREAS, the Municipality is not required by Alaska law to maintain a municipal website nor to provide a municipal website for citizen correspondence; and

WHEREAS, the Municipality of Skagway acknowledges that publishing citizen correspondence on its website must be done responsibly and according to guidelines that do not expose the Municipality to potential legal liability; and

WHEREAS, the Municipality of Skagway has never had a written policy regarding citizen correspondence nor a policy regarding the publishing of citizen correspondence on the Borough website; and

WHEREAS, the Municipality of Skagway wishes to establish a written policy for adding citizen correspondence addressed to the Mayor and Assembly on municipal issues to the Municipal website:

WHEREAS, the Municipality of Skagway, in adopting a written policy as related to publishing citizen correspondence on the Municipal website, is not restricting in any way any citizen’s choice to make public their comments as related to municipal affairs by some method other than seeking to have their comments on the Municipal website;

NOW THEREFORE BE IT RESOLVED by the Assembly of the Municipality of Skagway, Alaska that Resolution No. 22-30R Establishing the Assembly Rules of Procedure is amended as follows:

Section 1. Amendment.

RULE 9. RULES OF PUBLIC PARTICIPATION.

Public participation during hearings on ordinances and matters other than appeals will be conducted according to the following rules:

- A. The hearing will be conducted by the Mayor as chair.

- B. The Mayor will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.
- C. The Mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Assembly to members of the public. The time limit may be extended by a majority of the Assembly. The time limit for individual speakers shall be uniform for all speakers.
- D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Clerk's office more than three business days before a meeting and comprising five double-sided pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Clerk at the meeting provided that the submission includes at least 5 copies, or more as determined by the Clerk.
- E. **Public Comments.** The public is encouraged to provide written comments for the Assembly prior to 4:30 p.m. the day before an Assembly meeting. No written comments will be processed after 4:30 p.m. the day before an Assembly meeting. After that time, members of the public desiring to comment must do so verbally at the Assembly meeting.
 - 1. **All written correspondence (print or electronic) addressed to the "Assembly" will be posted to the meeting packet on the Municipal website, unless it includes content addressed in section (3) below.**
 - 2. **In order to be included in the meeting packet on the Municipal website, correspondence must include the sender's legal name, community of residence and return address or email.**
 - 3. **Written correspondence containing the following will not be forwarded to Mayor and Assembly or included in the packet: Gossip (defined as rumor or reports about the personal or private affairs of others), indecent language, threats, hate speech, or statements that could subject the municipality to potential liability for violating personal privacy rights or for libel or which otherwise are an exception to being a public record under the Alaska Public Records Act.**
 - 4. **Written citizen correspondence that does not comply with these guidelines will be returned to the sender with a statement from the clerk's office indicating the guidelines. The clerk's office may send written correspondence to the borough attorney for review before adding the correspondence to the meeting packet on the municipal website. The Borough attorney's determination is final.**
- F. The Mayor will set forth the item or subject to be discussed and will rule non-germane comments out of order.
- G. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Mayor, their city of residence.
- H. Members of the Assembly will not direct questions to each other or to the chair during public participation except as to the conduct of the hearing.
- I. Members of the Assembly may direct questions to members of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the purpose of effect of unreasonably extending any time limit applicable to public speakers.
- J. The public may direct questions to the Assembly or the administration. The questions may not be argumentative.
- K. The public may direct questions to the chair only as it pertains to the conduct of the hearing.
- L. The Manager may participate in the same manner as the members of the Assembly.
- M. There shall be an opportunity for public participation on non-agenda items at each regular meeting of the Assembly. Assembly members may ask questions of the speaker, but shall not deliberate at that time on matters raised, or answer questions directed to the members.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this ____ day of _____, 2023.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr, Borough Clerk

(SEAL)