

April 20, 2023

## Mayoral Memo to All Municipal Boards

Dear Municipality of Skagway Board, Commission, and Committee Members,

Now that we are fully out of the pandemic and everything is getting back to normal, I think it's important that everyone serving on municipal boards, commissions, and committees (board(s)) take time to understand their role and ensure proper procedures are being followed. Fortunately, we have clear guidance in Skagway Municipal Code (code) on how to run meetings efficiently and make sure that every board member is empowered to help shape municipal policy effectively and efficiently.

Unfortunately, the pandemic disrupted our regular committee meetings and allowed some bad habits regarding how our meetings are being conducted. By following the guidelines listed below, you will have better, more productive board meetings that may be of shorter duration.

- First, I encourage every board member to review all sections of the municipal code pertaining to your board and your responsibilities as a board member.
- Second, it may also be helpful to read up on how a first-class borough operates under [Title 29 of Alaska State Statutes](#).
- It is imperative to review [Robert's Rules of Order](#) and to conduct board meetings in accordance with Robert's Rules, as this is required in the code.
- Lastly, I suggest setting a time limit for your meetings so that everyone in attendance knows when they can expect to finish the meeting.

Another Robert's Rules requirement is that, at your first meeting after board seats are filled (after the general election) you are required to appoint a chair, vice-chair, and secretary (who keeps the minutes).

Codified requirements (beyond Robert's Rules):

- Some boards are required to meet at certain intervals. For example, the Library Board is only required to meet once per year while the Visitor Advisory Board is required to meet quarterly.
- Reports to the Assembly may be required. For example, the Visitor Advisory Board is required to supply an annual report to the Assembly. This should be prepared by the Board Chair or Secretary, voted on by the board for approval, and then sent to the Assembly via the Municipal Clerk.
  - Department heads should not write these reports or submit them as they are not members of the board. Department heads and municipal staff are available to help you and offer counsel to the board, but the board is charged with advising the Assembly. Board members should NEVER direct staff, as this is prohibited in the code. Staff should also not be performing any of the required board duties such as taking minutes or writing reports to the Assembly on behalf of the board.
  - The annual report is just one way that boards communicate with the Borough Assembly. If your board meets and votes to make a recommendation to the Assembly, the secretary of the board should send a list of action items to the Assembly (via the Clerk's office) for consideration. The Assembly will then decide how best to proceed. Your Board Liaison from

the Assembly is an important tool as they can help answer questions from other Assembly members when your board submits action items.

- **Absences.** If your board is struggling to gather a quorum, it's important to let me (the mayor) know, as changes may need to be made. The mayor appoints all board members (with confirmation by the Assembly), except Dahl Memorial Clinic Board members, and may have to recommend removal of members who repeatedly miss meetings.
- Boards should strive to **hold meetings at a time when citizens can attend**, which is most often after 5pm.
- **All meetings should be held in Assembly Chambers**, when possible. By holding all meetings in the Assembly Chambers, overlap of meetings will be eliminated, and help create a consistent meeting location. Please consider that we are all in the service of the community, so it is vital that all community members be empowered to participate.
- Per Resolution 22-45R, **digital recordings** should be made of all meetings, and for meetings in the Assembly Chambers, the recordings can be handled by the Clerk's Office.
- **Conflict of interest** is another issue of vital importance. Board members are required to recuse themselves when they have a conflict of interest, defined as having a significant financial interest in the topic being discussed. By law, if you have the potential to gain financially from a decision or recommendation, you must recuse yourself because state law requires it. If you have a conflict, you must ask the chair to recuse yourself because of your financial interest. If approved by the chair, you must sit away from the group and refrain from all discussion and voting until the issue is resolved. Board members may motion to override the chair's decision by majority vote. If you're unsure whether you have a conflict of interest, contact me or the Borough Clerk for help. In my opinion, we should all strive to refrain from giving the slightest impression of a conflict of interest, so erring on the side of caution is a good policy.
- **Open Meetings Act** violations are something else to be aware of. If you have conversations outside of a board meeting environment, regarding issues that will come before your board, that include enough board members to constitute a quorum (a board majority), you are violating the Open Meetings Act. This includes email threads, text messages, and even conversations at a restaurant. Even chain conversations are a violation of this law, which means you send a message to one board member asking their opinion and they, in turn, follow suit with another member of the board, and so on until a quorum is established.

**New email addresses are being provided to all board members** who have not already been assigned an email address. As a board member, you are required to use the skagway.org email for all official board correspondence. This is a requirement since the adoption of Resolution 23-11R. This is primarily for your protection. If you use your personal email, it is subject to a public records request and you could be required to hand over all of your personal emails. The same is true of your phones and devices. If you use a personal device for board business, **ONLY** correspond via the email web portal. Refrain from sending text messages or any other official board communication using the device, as a public records request could require that your device be handed over to obtain all relative correspondence. I really can't stress this enough because it does happen, it causes embarrassment, and municipalities lose lawsuits because of it.

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Example of a community losing a \$7 million lawsuit because of this issue:

<https://archivesocial.com/electronic-metadata-and-public-records-law-the-case-of-shoreline-washington/>

In the coming weeks, I intend on meeting with every board Chair, Vice Chair, and Secretary (if I haven't already) to answer questions and discuss any concerns your board may be dealing with. I'm also interested in hearing your input regarding possible code changes that could help you and your board be more efficient.

Thank you for your dedicated civil service,

A handwritten signature in blue ink, appearing to read "Andrew Cremata", with a large, stylized flourish extending to the left.

Andrew Cremata

Mayor, Skagway Alaska