

**City of Gustavus, Alaska
Ordinance No. FY13-02**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
AMENDMENT OF CITY ORDINANCE 02.30.060 EXECUTIVE SESSION**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.

Section 2. Severability If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.

Section 3. Enactment Now therefore, be it enacted by the Gustavus City Council that Title 02.30.060 be amended, as follows.
Bolded and underlined items are additions, and ~~strikethroughs~~ are deletions.

Section 2.30.060 Executive Session

~~(a) Only the following subjects may be discussed in an executive session:~~

~~(1) matters the immediate knowledge of which would clearly have an
adverse effect upon the finances of the City; or~~

~~(2) subjects that tend to prejudice the reputation and character of
any person, provided the person may request a public
discussion;~~

~~(b) The following shall be discussed in executive session when the best
interests of the City so require:~~

~~(1) negotiations with labor organizations representing City employees;~~

~~(2) discussions of pending or threatened lawsuits in which the City
has an interest; or~~

~~(3) matters required by federal or state law or by City ordinance to be
confidential.~~

~~(c) If any of the above subjects are to be discussed in executive session, the
session must first be convened as a public meeting. During the public meeting, the
Council shall vote on a motion whether to hold an executive session. No subjects
may be considered at the executive session except those mentioned in the adopted
motion calling for the executive session and which concern subsections (a) and (b)
above unless relating to the main question. No action may be taken at the executive
session. Only after the executive session is over and the meeting is once again
before the public may the Council take action on what was discussed in the
executive session.~~

All meetings of a governmental body of a public entity of the State are open to the public except as otherwise provided by this section or another provision of law. Materials that are to be considered at the meeting shall be made available for City Council members and legal counsel at teleconference locations if practicable. 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.

(a) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (b) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations. Only after the executive session is over and the meeting is once again before the public may the Council take action on what was discussed in the executive session.

(b) Subjects That Qualify for Executive Session

(1) Matters, the immediate knowledge of which would clearly have an adverse effect on the finances of the City;

(2) Matters that would tend to prejudice the reputation or character of any person, but that person may demand and get a public discussion;

(3) Matters that are required to be confidential by law or ordinance including the constitutional right of privacy;

(4) Matters involving consideration of government records, that by law are not subject to public disclosure;

(5) Attorney-client privilege limited to matters where public interest may be injured, i.e.

(A) avoiding legal liability

(B) litigation strategies

(C) candid discussion of facts, settlement conference, conference on decision to appeal.

(c) Exemptions to the Open Meetings Act limited to:

(1) Adjudicatory proceedings when a body performs quasi-judicial functions;

(2) Meetings solely to deliberate and make a decision in an adjudicatory proceeding.

Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

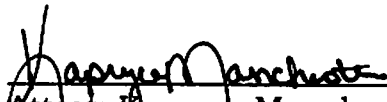
DATE INTRODUCED: July 12, 2012

DATE OF PUBLIC HEARING: August 9, 2012

PASSED and APPROVED by the Gustavus City Council this 9th day of August, 2012.



Karen Colligan-Taylor
Mayor



Attest: Rapryce Manchester MMC
City Clerk