

Alaska Community and Public Transportation Advisory Board

Operational Guidelines

Adopted: December 10, 2012

Reference: AS 44.42.090; AS 44.42.905

1.0 Purpose

Per Alaska Statute Section 44.42.095, the Alaska Community and Public Transportation Advisory Board (C&PTAB) shall, in cooperation with the Alaska Department of Transportation and Public Facilities (DOT&PF), study, assess and generate recommendations to secure the efficient and effective coordination of community and public transportation resources throughout Alaska.

2.0 Duties

The C&PTAB will:

- A. Prepare and submit to the department and the governor for review a strategic plan that includes the mission, objectives, initiatives, and performance goals for coordinated community and public transportation in the state and make recommendations for improved agency coordination and combining of services to achieve cost savings in the funding and delivery of community and public transportation services
- B. Assess the community and public transportation needs of Alaskans and recommend means for the removal of barriers that prevent coordination of services to meet those needs
- C. Annually review funding available to
 - State federal and local government agencies and private entities that administer or support community and public transportation services and recommend to the governor and the legislature changes to improve effective use of that funding and
 - From federal sources for the expenses of the board and report that information to the governor, chairs of the senate and house finance committees, and chairs of the senate and house transportation committees
- D. Analyze the use of alternative fuels, including compressed natural gas, liquefied natural gas, propane and biodiesel in community and public transportation vehicle fleets and make recommendations for the use of alternative fuel vehicles where cost effective
- E. Provide input to the DOT&PF Commissioner-produced comprehensive long-range plan for the development and improvement of coordinated community and public transportation

The C&PTAB may:

- A. Establish volunteer regional or local advisory committees to provide recommendations to the board to address concerns of the regions and local areas of the advisory committee members,
- B. Issue other reports and recommendations.

3.0 Composition and Representation

The C&PTAB consists of the following thirteen (13) voting members, each of whom shall be a resident of the state:

- A. The Commissioner of the Department of Transportation and Public Facilities, or the Commissioner's designee;
- B. The Commissioner of the Department of Health and Social Services, or the Commissioner's designee;
- C. The Commissioner of the Department of Labor and Workforce Development, or the Commissioner's designee;
- D. The Chair of the board of trustees of the Alaska Mental Health Trust Authority, or the Chair's designee
- E. The state co-Chair of the Denali Commission or the state co-Chair's designee
- F. Three members with expertise in the transportation needs of senior citizens, persons with disabilities or special circumstances, individuals of low income, or transit-dependent individuals
- G. One member who represents municipalities that operate modes of public transportation
- H. One member who represents nonprofit organizations that operate modes of public transportation
- I. One member who represents transportation providers that received federal funding available to Indian tribes, including financing provided under 23 U.S.C. 204(j) and U.S.C. 5311(c)
- J. Two members of the public at large.

4.0 Appointments

The members described in Sections 2. F-J above shall be appointed by the governor, who shall provide for appropriate geographic distribution of members to the extent possible.

5.0 Terms

The members of the board listed in 2 F-J shall serve staggered three-year terms. Those who are appointed initially to the board by the governor shall be appointed the following terms:

- Two members shall serve one-year terms
- Three members shall serve two-year terms
- Three members shall serve three-year terms

6.0 Vacancies

If a vacancy arises on the board, the governor shall, within 60 days after the vacancy arises, appoint a person to serve the balance of the unexpired term. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the expiration of the term.

7.0 Removal

Board members serve at the pleasure of the governor. A majority of the membership of the board may petition the governor to remove a member listed in 2 F-J if that member misses more than two meetings in a calendar year, or is otherwise unable to serve, and has not been previously excused.

8.0 Alternates

There shall be no alternates with full group privileges unless specifically designated so by the Governor. Bringing in counterparts to listen to the discussion at any given time is allowed and acceptable. Only the formal delegates will have a "vote" in the process.

9.0 Chair and Vice Chair

The members of the board shall select a chair and vice-chair from among the members of the board each year. The Vice-chair presides over meetings in the absence of the chair.

10.0 Meetings

The board shall meet at least three times each year. Meetings may be called by the chair or by a majority of the members of the board. At least one meeting each year must be attended by the board members in person, but all other meetings may be conducted by teleconference. All meetings are open to the public unless an executive session is called based on the criteria in AS 44.62.310(b).

11.0 Quorum

A majority of the members of the board constitutes a quorum. A vacancy in the board does not impair the right of a quorum to exercise all the powers and perform all the duties of the board.

12.0 Subcommittees

The C&PTAB may establish working subcommittees and regional or local advisory committees as it considers appropriate. Subcommittees may include individuals who are not members of the C&PTAB; however, at least one C&PTAB member will Chair and/or serve as a liaison to each subcommittee or advisory board.

13.0 Work Ethic

- A. C&PTAB members will conscientiously represent the agency and/or stakeholder perspective they are designated to represent from a state-wide level.
- B. C&PTAB members will work together and independently between meetings to fulfill duties and accomplish goals.

- C. C&PTAB members are working as volunteers and have regular busy jobs and commitments. Still, an appointment to the C&PTAB is a commitment to fulfill the group's responsibility.

In the event a member finds him/herself unable to commit the time required to complete the work or infuse the deliberation with agency/constituent specific information and perspective, the member should advise the Chair accordingly and work with the Commissioner and/or Governor's office to secure the appointment of a member who will be able to fulfill their respective C&PTAB responsibility.

14.0 Meeting Norms

The C&PTAB adopts the following meeting guidelines:

- Everyone has wisdom
- We need everyone's wisdom for the wisest results
- There are no wrong answers
- The whole is greater than the sum of its parts
- Everyone will hear others and be heard

and will practice the following principles of meeting conduct:

- Participate – diligently share your perspective and that of those you represent
- Listen – seek to understand all perspectives
- Be solutions-oriented
- Follow-up on assignments
- Come to meetings prepared to participate
- Start on time
- Avoid side conversations
- Honor one another's time and effort by avoiding cell phones, e-mails and texting during meeting time

15.0 Staff Support

- A. The Manager of the Statewide Transportation Plan and Transit Program at the Department of Transportation and Public Facilities operates as the C&PTAB project coordinator.

The project coordinator will sponsor a C&PTAB website (<http://www.dot.state.ak.us/stwdplng/cptab/index.shtml>) where all C&PTAB products will be posted. The project coordinator will also announce C&PTAB meetings on the State of Alaska Online Public Notice (OPN) system and forward each meeting announcement to the Commissioner's designee for the Department of Health and Human Services for distribution via E-Alert.

- B. The DOT&PF contracts with a professional facilitator to support the C&PTAB, providing for the equitable participation of participants, developing agendas, designing discussion processes, organizing and facilitating meetings and conference calls, providing meeting documentation, supporting subcommittee efforts, and preparing C&PTAB draft products.

The facilitator shall coordinate the development of the agenda with the Chair, Vice Chair and project coordinator, and will distribute draft meeting agendas no less than two weeks prior to a meeting [that agenda may continue to be refined up to the meeting date].

16.0 Decision-Making

C&PTAB seek to make all decisions (with the exception of the election of the Chair and Vice Chair) by consensus to the extent practical. Consensus is a process whereby all inputs have been acknowledged and considered in the discussion and the development of the conclusion. The outcome is one that each C&PTAB member supports and expresses that support verbally at the time of the decision.

In the event consensus is not secured and members cannot support a proposed outcome, the group will reconvene for further work around said issue to improve the opportunity for a consensus-based outcome.

When time no longer allows for consensus-based processes and consideration, the Chair will call for a motion from the group, and a simple majority of members present and voting will direct the decision. The opinion of the minority will be presented in the resulting documentation.

17.0 Meeting Summaries

The facilitator shall produce a meeting summary within 10 working days of a meeting which summarizes the meeting process, participation, discussion themes, outcomes and action items. C&PTAB members shall have another 10 working days to review and comment on the meeting documentation, after which time comments are incorporated as appropriate and the material is issued as final.

18.0 Public Input

The C&PTAB will provide at least 30 minutes during and another 15 minutes at the conclusion of each meeting for public comment on its deliberations. That number may be divided by the number of individuals who wish to speak. All interested individuals are also encouraged to provide their comments in writing.

To listen in on conference calls, individuals can sign up with the project coordinator no less than two working days prior to the meeting. The project coordinator will arrange for and communicate the contact information for a Legislative Information Office location in their area from which they can listen to the call.

19.0 Reimbursements

C&PTAB members do not receive compensation. C&PTAB members who are not State, federal, or local government employees are entitled to per diem and travel expenses in the same manner permitted for members of State boards and commissions. Per diem and travel expenses for a member of the C&PTAB who is a representative of a government agency are the responsibility of that agency.

C&PTAB members will make their own travel arrangements as far as advance as possible of a specific meeting date.

20.0 Executive Branch Ethics

Serving on the C&PTAB is a public trust. The Executive Branch Ethics Act (AS 39.52) prohibits substantial and material conflicts of interest, the improper benefit financially or personally from member actions as board or commission members, the disclosure of any matter that is a potential conflict of interest, and the submittal of a quarterly report by the board's Designated Ethics Supervisor (C&PTAB Chair). The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

The Ethics Act requires members to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

For more information regarding the types of matters that may result in violations of the Ethics Act, board members should refer to the guide, *"Ethics Information for Members of Boards and Commissions,"* a complete hard copy of which was provided to the C&PTAB at its first meeting on Monday, October 22, 2012. The procedural requirements for disclosures are set out in AS 39.52.220 and 9 AAC 52.120.

Reporting forms are available on the web at: www.law.alaska.gov/doclibrary/ethics or from the board staff.

To avoid violations of the Ethics Act, members are advised to:

- Make timely disclosures
- Follow required procedures
- Provide all information necessary for a correct evaluation of the matter
- When in doubt, disclose and seek advice
- Follow the advice of your Designated Ethics Supervisor

21.0 Open Meetings Act, Public Notice, and Executive Session

C&PTAB members are individually and collectively responsible for understanding and complying with the Open Meetings Act 44.62.310, highlighted in the material that follows but intended to not substitute for the detail provided within the Act itself.

The Open Meetings Act requires that all meetings of public bodies are open to the public and that the public body must provide reasonable notice of its meetings. In essence, the Open Meetings Act protects the public's right to know. To accomplish this, the act requires the following:

- All deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- The public must be provided prior knowledge of all steps occurring in the decision making process, with limited exceptions; and
- Individual actions of an official are made known.

Meetings Defined

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject that the body is authorized to act and set policy on and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact.

A meeting of an advisory only body is a prearranged gathering to consider a matter on which the entity is authorized to advise and assist the decision making body and is subject to the provisions of the act. The act doesn't specify a number for advisory bodies, so if the gathering is prearranged for the purpose of conducting any business of the entity, the presence of three members of the body could constitute a meeting.

The following are the most common types of meetings that would be subject to the Open Meetings Act:

- **Regular Meetings:** State law requires that the board or commission conduct its business at scheduled meetings that are open to the public. Regular meetings must be held according to the frequency set forth in statute for that board or commission. The board's web page should provide the date, time, and place of regular meetings so that everyone knows when regular meetings will take place. The public should be able to make plans to attend the meeting with reasonable advance notice. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and with reasonable advance notice. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.
- **Special Meetings:** Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, the board may have adopted a regular meeting date but determine that it needs to meet during the interim. If the board must meet earlier, it can call a special meeting for a different date. Special meetings should be held rarely and only to address time sensitive issues. Special meetings are not considered when determining the division's travel resources for the year.
- **Committee Meetings:** Permanent ("standing") committees and temporary ("ad hoc") committees of the board may be formed to study particular issues in more detail. Standing committees address ongoing activities of the board. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all members of the board (referred to as a committee of the whole), or of fewer members, usually three. A committee cannot take action on behalf of the full board or commission but instead makes a recommendation to the board or commission for the board's action. The committee of the whole meets to discuss items that are not ready for action but need further discussion in an informal setting. For example, a regulations project may require a work session before it is formally adopted. Committee meetings must be publicly noticed.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting; the public must also have access to materials being considered during the meeting. Furthermore:

- Boards should take care not to deliberate over email, lest the public be removed from the process. If a special meeting is needed, a meeting can be arranged.
- Board members should be careful not to engage in discussions in informal and incidental settings that lead to a decision on an issue or inhibit the public process.

Public Notice

The C&PTAB will use the following minimums pertaining to public notice of meetings in the OPN System:

- 10 days notice for in-person board meetings
- 5 days notice for teleconferences
- 5 days notice before the first subcommittee or working group meeting, with statement of regularly scheduled subsequent meetings. Subsequent meetings must provide 3 days notice on the Online Public Notice System only.

Executive Session

AS 44.62.310(b) authorizes a public body to meet in executive session to discuss only those items listed in the law. This is not an exception to the Open Meetings Act, but rather an authorization to conduct a step in the decision making process in a certain way. The decision to go into executive session must weigh the potential harm of open discussion against the public interest and benefit of open public discussion and the public's right to know. While the scope of the C&PTAB responsibility infers no potential need to convene an Executive Session, the C&PTAB will do so strictly within the requirements provided by the Statute.