

CHUGACH ELECTRIC ASSOCIATION, INC.
Anchorage, Alaska

OPERATIONS COMMITTEE MEETING
AGENDA ITEM SUMMARY

July 9, 2008

ACTION REQUIRED

AGENDA ITEM NO. XI.

 Information Only
 X **Motion**
 Resolution
 Executive Session
 Other

TOPIC

Recording of Executive Sessions of Regular and Special Board Meetings and Board Committee Meetings.

DISCUSSION

At the Chugach Electric Association May 16, 2007 Regular Board meeting , the Board of Directors immediately begin recording executive sessions of all Board meetings, including regular, special and committee meetings. The motion provided that the recordings were to be archived and treated in the same manner as other executive session materials are currently handled, and the Operations Committee was to develop a policy and procedure and retention schedule with regard to the recordings. Though numerous attorneys advised about the risks and issues that such recordings posed to the Association, the Board majority passed the motion by a 4-3 vote. The Board has been torn between their duty to be open and transparent with the members and their duty to protect the Association and that all legal counsel has indicated that the duty to the Association supersedes the obligation to provide openness and transparency to the members.

After one year of recording over 75 hours of executive sessions, there is still no policy, procedure or retention schedule regarding the care, custody and control of the executive session recordings. In fact, at its June 11, 2008 Special Board Meeting, the Board declined to approve a procedure for reviewing and potentially releasing said recordings. The advice of counsel concerning such recording remains the same.

MOTION

Move that the Operations Committee recommend to the Board of Directors that the recording of executive sessions of regular and special Board meetings and Board committee meetings cease immediately and all existing executive session recordings of regular and special Board meetings and Board committee meetings, except those in which there was discussion concerning an issue that is subject to a litigation hold, be destroyed.