

# ALASKA PUBLIC BROADCASTING COMMISSION

## OPERATING POLICY #05-003

### SUBJECT: COMMISSIONER AUTHORITY AND RELATIONSHIPS

#### I. OBJECTIVE:

To establish policy governing the relationship between individual Commissioners and: 1) the Executive Director and staff of Alaska Public Broadcasting Inc., 2) individual public broadcasting stations and personnel, 3) elected officials, and 4) other entities with which the Alaska Public Broadcasting Commission has an existing or pending relationship.

#### II. POLICY:

BE IT RESOLVED, that the Alaska Public Broadcasting Commission adopts as policy the following guidelines for interactions between individual Commissioners and various groups with which the Commission maintains relationships:

A. General Statement of Policy. The power and authority of the Commission is exercised by the Commission acting as a body. Individual Commissioners are not empowered to exercise any of the Commission's power or authority, except as participants in the Commission's deliberative process during properly convened meetings. Commissioners are expected and encouraged to function as ambassadors of goodwill for public broadcasting in Alaska at all times.

B. Authorized Spokesperson. The Commission speaks through its Chair(s). Individual Commissioners are encouraged to actively participate in all Commission meetings, including advocacy for such positions as they believe appropriate. Upon conclusion of the deliberative process, individual Commissioners are expected to accept and respect the decisions of the Commission as a whole. Individual Commissioners are free to express their personal opinions at any time to any person; however, when discussing matters related to the Commission or public broadcasting, they must take care to clarify that the opinions expressed are not necessarily those of the Commission.

C. Executive Director and APBI staff. The Commission recognizes that good management is essential to the fulfillment of its statutory responsibilities. Because individual Commissioners are unpaid volunteers, the Commission has contracted with Alaska Public Broadcasting, Inc. (APBI) to provide a part-time Executive Director and related staff support. The Executive Director serves as the central point of contact for substantive inquiries and information requests by individual Commissioners. Individual Commissioners are encouraged to consider the part-time nature of the Executive Director's services when making information requests. The Executive Director will attempt to accommodate such requests, but may refer any requests he considers burdensome or inappropriate to the Chair(s) for guidance. Any Commissioner who is dissatisfied with the level of assistance provided by the Executive Director should refer the matter to the Chair(s) for resolution. The Commission may from time to time delegate authority and make assignments to the Executive Director; such delegations and assignments will appear in the Commission's minutes to the extent they are not covered by the basic contract with APBI.

D. Flow of Authority. Authority for the management of the Commission's affairs, including administration of the Commission's relationships with the State of Alaska and grant recipients, has been delegated to the Executive Director.

E. Individual Public Broadcasting Stations and Station Personnel. Individual Commissioners are encouraged to maintain cordial relations with all Alaskan public broadcasting stations and station personnel. Commissioners are free to visit with station representatives at any time mutually convenient to the people involved, provided that the Commissioner makes clear they are not visiting as an official representative of the Commission and the Commissioner does not initiate discussion of any substantive business matters. "Substantive business matters" include a station's finances, past present or future compliance with grant terms, or any other matter that the station's representative might believe could affect its financial condition or future relationship with the Commission. Individual Commissioners may engage in discussion of substantive business matters, for informational purposes only, with station personnel if requested to do so by the station personnel. The Commissioner should report all such discussions to the Chair(s) and Executive Director. A station representative may decline to respond to any inquiries from an individual Commissioner whenever the representative believes the issue would be more appropriately discussed in formal Commission proceedings.

F. Conflicts of Interest. Conflicts of interest, whether real or perceived, are to be avoided at all times. Commissioners are not prohibited from having personal business relationships with public broadcasting stations or personnel, but all such relationships must be disclosed. Commissioners must avoid discussing both personal business and Commission business with station personnel at the same meeting, unless requested to do so by the station personnel.

Commissioners are responsible for complying with the provisions of the Alaska Executive Branch Ethics Act. A Commissioner must declare conflicts of interest and give notice of other potential violations of the Ethics Act on the public record and in writing to the Chair(s) of the Commission, as designated ethics supervisors, prior to the participating in deliberative discussions at Commission meetings. The Chair(s) shall determine whether a Commissioner's participation in a particular matter creates a conflict requiring abstention or will violate the Ethics Act. If a Commissioner objects to the Chair's determination or the Chair has made the disclosure, all Commissioners, except the disclosing Commissioner, vote on whether to allow the disclosing Commissioner to participate in the deliberations and any related vote on the matter. A member who fully discloses all facts reasonably necessary to the Chair's determination and takes or withholds action consistent with the determination of the Chair(s) or Commission will not be held liable for a violation of the Ethics Act, so long as the attorney general has not advised the member, Chair(s) or Commission that the action violates the Act.

G. Elected Representatives and Other State Officials. The Commission's funding level is established as part of the annual legislative process, and the grants awarded by the Commission to individual stations are extremely important to the ongoing financial health of public broadcasting in Alaska. The unintended consequences of a misunderstood or conflicting position statement conveyed to elected representatives, the Governor's office, the Department of Administration, legislative staff or other state officials could include disruption of Commission funding, harm to the efforts of others, and damage to the long-term health of public broadcasting in Alaska. As a general matter, individual Commissioners are encouraged to advocate for public broadcasting whenever appropriate, and to support the Commission's positions whenever possible. Individual Commissioners who find themselves in disagreement with a position of the Commission are encouraged to respect the will of the Commission and refrain from advocating contrary positions to elected officials and others involved in the funding process. Official communications between the Commission and elected representatives and other State officials are limited to: a) spokespersons authorized by the Commission to address specific issues, b) the Chair(s), and c) the Executive Director.

H. Other Entities. Individual Commissioners finding themselves in contact with other entities, such as the Corporation for Public Broadcasting, major foundations and other potential "friends" of public broadcasting, are encouraged to follow the general objectives of fostering goodwill for public broadcasting in Alaska, support for positions taken by the Commission, and avoidance of substantive business discussions or the appearance of conflicts of interest.

I. Independent Contractors. In the event an independent contractor contacts a Commissioner regarding Commission business, the Commissioner should refer the contractor to the Executive Director and notify the Chair(s) of the inquiry. The Chair(s) may request a report from the Executive Director on the issue at the next scheduled Commission meeting.

### **III. RESPONSIBILITY:**

- A. All Commissioners are expected to comply with this policy.
- B. Station personnel who believe they have been contacted by individual Commissioners in a manner inconsistent with this policy are encouraged to notify the Executive Director of the facts and circumstances of the contact.
- C. The Chair(s) shall be responsible for inviting the attention of the Commission to violations of this policy.

**PASSED AND APPROVED** by the Alaska Public Broadcasting Commission, this 5th day of November, 2010.



Carl Berger, Chair