

Citizen's Task Force on the Assembly Public Hearing Process

Recommendations: October 8, 2013

Introduction

The Citizen's Task Force on the Public Hearing Process of the Assembly was authorized by AR 2013-146 on June 4, 2013, in order "to advise and assist the Assembly in its development of procedures governing the assembly's conduct of public hearings open to testimony from members of the public." The Task Force is composed of 11 residents who met and reviewed the charter, ordinances, and the policies and procedures regarding Assembly public hearings. The Task Force held public hearings on September 3, and on October, 1. Task Force members met on July 25, August 22, September 12, September 18 (redone on October 8), September 19, and October 8, 2013. Task Force Members met with the Assembly Rules Committee on October 3, 2013.

The members of the Task Force are:

- Chair, Jane Angvik, Charter Commissioner and former Assemblymember;
- Vice Chair, Bob Churchill, Federation of Community Councils;
- Jim Barnett, Former Assemblymember
- Penny Goodstein, Interfaith Council of Anchorage;
- Joelle Hall, Director of Operations, Alaska AFL-CIO State Federation;
- Andy Holleman, President, Anchorage Education Association;
- Amanda Moser, Deputy Municipal Clerk;
- Tim Potter, Owner, DOWL HKM;
- Carolyn Ramsey, 40 year resident and community volunteer;
- Cheryl Richardson, Anchorage Citizen's Coalition;
- Arliss Sturgulewski, Charter Commissioner, Assemblymember and State Senator.

Principles

The recommendations of the Task Force are based on the belief of members that public involvement enhances the development of public policy in Anchorage. Members think that when citizens share their information, their insights, and their values with the Assembly, the resulting laws are strengthened. Members of the Task Force affirm the following principles:

1. The purpose of the public hearing process is to solicit the views, knowledge, and ideas of community members to help to shape government action.

2. The process should be open, accessible, predictable, inclusive, transparent and practicable.
3. When community members share their information and values with elected officials, public policy in Anchorage is enhanced.
4. Discussion of controversial issues with the community in public forums prior to Assembly introduction is desirable because it expands the pool of problem solving skills focused on the issue.
5. Traditional and electronic methods of communication should be explored and employed to engage the public.
6. Mutual respect should guide the conduct of members of the public and elected officials at public hearings.
7. It is desirable that these principles should apply to the public meetings of all Municipal Board and Commissions and the School Board.

Recommendations

Task Force members learned that the vast majority of public hearings on ordinances and resolutions have no or very few people testifying. However, for complex or contentious issues, the Assembly should adopt a process that is consistent and predictable that allows citizens to express their perspective and to feel valued in the process.

Based on the deliberation of the members, the Task Force respectfully offers the following recommendations for consideration to the Anchorage Municipal Assembly. There are 9 topics:

1. Charter Guarantee for a Public Hearing
2. Public Notice of Proposed Assembly Action
3. Public Hearings
4. Substitute, "S", Versions of Ordinances
5. Continuation of a Public Hearing
6. The Electronic Public Record of an Ordinance or Resolution
7. The Assembly Chambers
8. Community Council Collaboration
9. Assembly Presence

1. Charter Guarantee for a Public Hearing

Article II, subsection (10) of the Anchorage Home Rule Charter Bill of Rights states the people of Anchorage are guaranteed, “The right to be heard at public hearings prior to the adoption of proposed six-year plans of the school system and the municipality, or approval of the annual budget or any ordinance (except an emergency ordinance as defined herein).”

The Task Force members consider this provision to mean the Assembly has a duty to conduct its business only after maximizing public participation, regardless of the complexity, emotionality or volume of community expression.

This Task Force recommends that once a public hearing is started, all people who come to testify should be afforded an opportunity to testify. We believe a public hearing cannot be ended by vote of the Assembly while people who came to testify and/or signed up to testify are present. If the Assembly runs out of time to hear all people who have come to and/or signed up to testify, the Task Force recommends the hearing should be continued to a future date-specific meeting.

2. Public Notice of Proposed Assembly Action

- a. In the public notice of the agenda of an Assembly meeting the title of each ordinance or resolution should accompany the number of the ordinance or resolution to be heard.
- b. The Municipal web site should be revised to be more user friendly for the public. The title of an ordinance or resolution should accompany the number on the agenda and the text of the ordinance or resolution should be electronically linked to the ordinance on the agenda.
- c. The process of Assembly meetings and the rules for public hearings should appear at the top of the publically noticed agenda. It should include items such as, but not limited to the following: how the consent agenda works, how ordinances are introduced and public hearings are scheduled, how “Appearance Requests” and “Audience Participation” work and the time limits for public hearings.
- d. A Municipal kiosk should provide the public with free access to the Municipal web site in the lobby of the Assembly Chambers and possibly in other public buildings, such as City Hall, to provide access to people who do not have computers or access to the internet.
- e. The title of items that are publically noticed through the Addendum to the agenda and those “Laid on the Table” for Assembly consideration must be

identified. Copies of these ordinances/resolutions must be available on line and in the back of the Assembly Chamber.

- f. Introduction of ordinances/resolutions should rarely appear on the “Addendum” to the agenda or be “Laid on the Table”. All items listed in the “Addendum” must include the text of the ordinance/resolution and should not be “Title only.”
- g. Facebook and other forms of social media should be employed to provide public notice of proposed Assembly business.
- h. Better signage at the entrance to the Assembly Chambers should notify community members about the location of the printed agenda and supporting documents under consideration at Assembly meetings.

3. Public Hearings

- a. The public should feel welcomed to come to Assembly meetings. The Assembly is encouraged to explore the use of volunteer “navigators”, such as high school students or retirees. They could show members of the public the location of the printed or electronic agendas, clarify the process, such as the consent agenda and time limits for public testimony, and advise people where the Assembly is on the agenda. They could also advise the Municipal Clerk when printed materials are running low.
- b. The rules of Public Hearings should be printed on the agenda and should include but are not limited to the following: time limits for Assembly meetings (midnight), how to submit testimony electronically, time limits for speakers, and requirements for testifiers to identify themselves.
- c. The Assembly has the authority to limit the amount of time a person is allocated to testify. The Task Force recommends a 3 minute time limit for individual speakers and a 5 minute time limit for a designated representative of a Community Council.
- d. The Chair may ask members who wish to testify to identify their neighborhood or community of residence.
- e. A signup list may be employed to facilitate the management of a public hearing, so all who seek to testify may be heard in an orderly manner. It is not a tool to discourage or limit testimony. If a signup list is employed it must be managed by the Municipal Clerk to ensure fairness. People who signed up can be called in order as individuals or in batches, like an airplane boarding process. If a person is not available when called, they do not forfeit their chance to be heard.
- f. If a member of the public submits a written request to the Municipal Clerk for the use of a signup list by the close of business the day before a public hearing, this management tool shall be employed.

- g. The Task Force recommends that the Municipal Clerk and the Assembly explore ways for citizens to sign-up electronically.
- h. If the Assembly runs out of time to hear all who have come to testify, the Assembly continues the public hearing and should identify the date of the continued hearing at a date as expeditiously as possible. If a signup list has been instituted, it continues to be available to anyone who seeks to testify as long as the hearing continues. Hearings may be set for any day of the week.
- i. The title of the ordinance being heard or discussed should appear on the bottom of the TV screen so viewers know the topic being debated.
- j. If the Assembly anticipates that a public hearing will draw more people than the Assembly Chambers can accommodate, the Task Force recommends that either the Wilda Marston Theater should be set up so people can hear and see the public testimony, or the Assembly consider moving the public hearing to a larger public space. Such an action must be widely publicized.
- k. Prior to closing the public hearing the Chair should always ask if anyone else would like to testify.

4. Substitute Versions of Ordinances

- a. When a “Substitute” or “S” version of an ordinance is introduced, it should be accompanied by a written description of what has been changed from the original version and the description should be posted on the Municipal web site.
- b. The Task Force recommends that copies of any “S” version of an ordinance be available for public review in the lobby of the Assembly Chambers and on line.
- c. When the “S” version of an ordinance is being debated, if possible, the statement describing the change should be displayed on the TV screen, so someone at home could know what is under consideration.
- d. The Task Force recommends that if the changes are so substantial that it significantly changes the original proposal through substitution or amendment, the new version should be evaluated to determine if it should be treated as a new ordinance and the public hearing process should be started again.
- e. If a member of the public has testified on an ordinance/resolution and an “S” version has significantly changed the original proposal, that person should be able to testify on the new version.
- f. The Task Force suggests that the Municipal Clerk evaluate the production of “track change” versions of amended or substitute ordinances so a

person could see all deletions and additions that occurred as the ordinance was being developed.

5. Continuation of a Public Hearing

- a. If the time for a public hearing runs out on an ordinance/resolution, the Assembly decides to continue the public hearing to another meeting. It is recommended that the date and time for the continuation be set at the time that the continuation is declared.
- b. Additionally, the Task Force recommends that public comment on this ordinance/resolution should remain open so any citizen may comment in person, in writing, or electronically on the issue as long as the public hearing continues. If a sign-up list was employed as a management tool, it is recommended that a member of the public may sign-up at the continued hearing.
- c. If the Assembly finds itself continuing many public hearings it should consider scheduling additional meetings to accommodate public participation. The Charter requires a minimum of two meetings per month, but more meetings are allowed.

6. The Electronic Public Record of an Ordinance or Resolution

- a. The public record of an ordinance or resolution should be expanded to include not only the record of those testifying at the Assembly Chambers, but also all written materials and all emails or electronic testimony received and distributed to Assemblymembers by the Municipal Clerk. All of these materials should be stored on a publically accessible site corresponding to the ordinance number and title so any member of the public may review them. Each submittal must be identified by the name of the submitter. No anonymous submittals should be posted.
- b. An electronic kiosk should be set up at the entrance to the Assembly Chambers so citizens may access the Municipal site that displays the “public record” on each ordinance or resolution.

7. The Assembly Chambers

Several people who participated in the public hearings of the Task Force said they felt intimidated to testify before the Assembly because the Assembly was seated so far above the members of the public. Additionally, the public is standing, while the Assembly is seated. Others said it was hard to know where the Assembly was on the agenda and others indicated it was difficult to hear both the Assemblymembers and the people who were testifying in the

Chambers. The Task Force members discussed how to make the Chambers more inviting and effective.

- a. The Assembly should invest in a “Reader Board” in the Assembly Meeting room which displays where they are in the agenda. Modeled after electronic boards in airports, it would identify the location of the meeting in the agenda, any issues that had been postponed, all items that had been acted upon, as well as any change that had been made regarding the order of any agenda item.
- b. Acoustics should be improved in the Assembly Chambers for the efficacy of both in person and television audiences.
- c. If possible, a light cue should be placed in front of each Assemblymember that will illuminate when they speak, so the audience member can identify who is speaking.
- d. Strategies should be explored to lower the height of the dais where the assembly is seated. Options may include altering the first rows of the chamber to locate the Assembly on the same level as the public or painting the dais a different color to change the visual effect .
- e. The white screens in the chamber should be evaluated as opportunities to expand the interactive nature of testimony, such as allowing testifiers to share visual material with the Assembly and the public.

8. Community Council Collaboration

- a. Community Councils are named in the Charter’s Bill of Rights as a tool to assure maximum community self-determination. It is desirable and recommended that controversial topics be reviewed by Community Councils prior to the Public Hearing process at the Assembly. Such a review allows the community to learn about proposed concepts and to comment about them before they are scheduled for action by the Assembly.
- b. The budget of the Community Councils should be reviewed for possible increase in order to facilitate communication and neighborhood participation.
- c. Collaborative forums where a public dialogue can occur outside of the Assembly Chambers should be explored. Suggestions include community workshops or topic-specific gatherings to promote a conversation between elected officials and citizens, as opposed to the formality of a public hearing. It may result in less contentious public hearings.

9. Assembly Presence

Some citizens who came to the public hearings of the Task Force expressed concern that when Assemblymembers leave the Chamber, text on their phones or appear to be reading emails during their testimony, they have the impression that they are not being heard. There was also concern expressed about the Assembly dinner break that is often taken just as people are arriving for the public hearing part of the agenda. The Task Force members value the service of Assemblymembers and respectfully offer the following recommendations.

- a. Assemblymembers are encouraged to listen attentively to the members of the community who come to testify on proposed ordinances/resolutions.
- b. The use of personal electronic devices during public hearings is discouraged.
- c. Dinner Break – Perhaps Assemblymembers could eat at 5pm and start the meeting at 5:30. Alternatively, if the Assemblymembers seek to continue the current practice of starting at 5pm and breaking after the Consent Agenda, please consider limiting the time of the dinner break to 20 minutes, so the public is not waiting too long to testify at public hearings. The TV and the “Reader Board” should report the break and the time the Assembly is scheduled to return.
- d. Telephonic participation of Assemblymembers – It is recommended that guidelines should be established to limit the number of members who are participating telephonically at a given meeting, so the Chambers are not overseen by voices on phone lines.
- e. It is recommended that Assemblymembers not use the opportunity to question those who testify to give more time to favored speakers, by saying, “Is there anything else you would like to add,” because it can appear that some speakers get more time than others.
- f. Similarly, Assemblymembers are requested not to debate individuals who come to testify.