

Chapter 4.05 APPOINTMENTS, MEETINGS AND PROCEDURES*

***Charter references:** Requirements for boards and commissions, § 5.07; commission on salaries and emoluments, § 5.08; equal rights commission, § 17.02.

Cross references: Anchorage parking authority, Ch. 9.60; transportation commission, § 11.10.020; board of equalization, § 12.05.050; on-site wastewater system technical review board, § 4.40.150; planning and zoning commission, § 21.10.015; platting board, § 21.10.020; zoning board of examiners and appeals, § 21.10.025; urban design commission, § 21.10.028; board of adjustment, § 21.10.030.

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4.05.010 Applicability of chapter.

A. *Generally* Unless otherwise provided, a board, commission or public authority board of directors is governed by each of the provisions set forth in this chapter.

B. *Anchorage Telephone Utility.* Except where otherwise specifically provided, the provisions of this chapter shall not apply to the board of directors of the Anchorage Telephone Utility.

(CAC 2 64.010; AO No. 84-10(S); AO No. 91-173(S))

4.05.020 Powers and duties.

A. The assembly by ordinance may provide for advisory, regulatory, appellate or quasi-judicial boards or commissions. The ordinance shall prescribe the duties and qualifications of members.

B. The assembly by ordinance may create or designate itself to be a board of review, adjustment, or equalization. The ordinance shall prescribe the rules of procedure, including quorum and voting requirements.

Charter references: Appointment of boards and commissions, § 5.07(a), (d).

4.05.030 Appointments.

The members of boards and commissions shall be appointed as provided in the Charter. Reappointments to a board or commission must be accompanied by a record of meeting attendance during the previous term of appointment.

(AO No. 92-83)

Charter references: Appointment of boards and commissions, § 5.07(a).

4.05.035 Qualifications of members.

In addition to any other qualifications required by this Code, a board or commission member shall:

- A. If legally eligible, be a qualified voter of the municipality;
- B. Maintain domicile in the municipality while in office;
- C. If serving on an adjudicatory or regulatory board, be at least 18 years of age; and
- D. If under 18 years of age and serving on an advisory board or commission, meet the state requirements relating to employment of minors during the member's service on the board or commission

(AO No. 78-126; AO No. 78-147(AM 1); AO No. 83-44; AO No. 89-53; AO No. 89-122(S-1))

Cross references: Arts advisory commission, § 4.60.150.

4.05.040 Terms.

Except as otherwise specified in this Code, the regular term of each member of a board or commission is three years commencing on October 15 of the year in which appointed and ending three years thereafter on October 14, provided however, to avoid a vacancy until new appointments can be made and confirmed, an appointed member's term is extended until a new appointment is confirmed or a maximum of 120 days which ever occurs first. The terms of initial or subsequent appointments to a board or commission shall be staggered so that, as nearly as possible, a pro rata number of its members shall be appointed each year of the established regular term of office.

(CAC 2.64.040--2.64.050; AO No. 95-113, § 1, 5-2-95; AO No. 2001-105, § 1, 6-19-01; AO No. 2004-84, § 1, 5-18-04)

Cross references: Arts advisory commission, § 4.60.150.

4.05.050 Compensation of members.

A. *Advisory boards or commissions.* Voting members of advisory boards or commissions shall receive \$20.00 per meeting for attendance at each regular or special meeting of the board or commission

B. *Regulatory or adjudicatory boards or commissions.* Each member of a municipal board or commission determined by the assembly to be predominantly regulatory or adjudicatory in nature shall be paid \$50.00 for each regular meeting and shall receive \$40.00 for each special meeting. The boards and commissions which are determined to be primarily regulatory or adjudicatory in nature on the date of the passage of the ordinance codified in this section are as follows:

1. Anchorage port commission.
2. Board of building regulation examiners and appeals.
3. Board of equalization.
4. Board of ethics.
5. Emergency medical service board.
6. Employee relations board.
7. Equal rights commission.
8. Personnel review board.
9. Planning and zoning commission.
10. Platting board.

11. Board of adjustment.
12. Transportation commission
13. Zoning board of examiners and appeals
14. Anchorage Telephone Utility Labor Board.
15. South Central Clean Air Authority Commission.
16. Urban design commission.

C. *Public authority boards of directors.* Each member of a public authority board of directors shall be paid \$50.00 for each regular meeting and \$40.00 for each special meeting

D. *Utility commissions.* Each member of the utility commissions shall receive \$50.00 for each regular meeting and \$40.00 for each special meeting.

E. *Attendance at meetings.* All members of boards and commissions appointed under this title shall be physically present at their respective board or commission meetings to receive a stipend provided for by this section.

(CAC 2.64.070; GAAB 5.05.050; AO No. 79-80(AM); AO No. 81-177(S); AO No. 84-10(S); AO No. 84-83; AO No. 87-21; AO No. 89-51(S-3); AO No. 89-122(S-1); AO No. 91-142(S-1); AO No. 91-173(S); AO No. 2003-101, § 1, 7-15-03)

4.05.060 Attendance requirements; vacancies.

A. The office of a member of a board or commission member shall become vacant in the same manner as the office of an elected official becomes vacant as provided in Section 7.01 of the Charter. In addition, a vacancy shall occur if a member during any 12-month period while in office:

1. Is absent from three regular meetings without excuse;
2. Is absent from:
 - a. six regular meetings; or
 - b. eight regular meetings for members of the planning and zoning commission, platting board, or zoning board of examiners and appeals; or
3. Fails to attend a two-thirds majority of the regular meetings.

B. A member intending to be absent from a regular meeting shall request of the chairman to be excused prior to the meeting proposed to be missed

C. A board or commission chair or the chair's designated staff shall keep attendance records of all meetings, and immediately report the failure of any official to meet the attendance requirements of this section to the mayor or his designee. The mayor or his designee shall notify the official of his delinquency and remove the official from office within 15 days of receiving notification of the official's noncompliance.

D. The assembly shall be promptly notified of the removal of any official under this section. Vacancies created pursuant to the provisions of this section shall be filled by appointment to the unexpired term of the member whose office becomes vacant.

E. Members of boards and commissions having duly appointed alternates shall not be subject to removal for failing to meet the attendance requirements of this section.

F. Physical presence by a board or commission member is required to constitute attendance at a regular or special public meeting of a regulatory or adjudicatory board or commission. Regulatory and adjudicatory boards and commissions are set forth in Chapter 4.40. Written, telephonic or electronic communication shall not constitute attendance at a public meeting of a regulatory or adjudicatory board or commission. All other boards or commissions may allow attendance and full participation by members using telephonic or video conferencing equipment or facilities.

(CAC 2.64.060; AO No. 89-122(S-1); AO No. 90-70; AO No. 92-95; AO No. 93-21, § 1, 1-4-94; AO No. 95-113, §§ 1, 2, 5-2-95; AO No. 2007-63(S), § 1, 5-1-07)

4.05.070 Officers.

A board or commission shall annually elect a chairman and a vice-chairman. The vice-chairman shall act in the absence of the chairman or in the inability of the chairman to act.

(CAC 2.64.040)

4.05.080 Quorum.

A majority of the authorized members of a board or commission shall be a quorum for the transaction of business. In the absence of a quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date.

(CAC 2.64.080; AO No. 78-69)

4.05.090 Meetings.

A board or commission shall hold regular monthly meetings at such time and place as may from time to time be designated by the board or commission, but meetings need not be held if no business is pending. Boards and commissions shall advise the public of their meeting schedules, or publicly advertise their meetings where necessitated by statutory requirements. The chairman of a board or commission, or the municipal employee who is designated as an ex officio member of the board or commission pursuant to Section 4.05.140, or a majority of the board or commission, may call a special meeting of the board or commission. Meetings of all boards and commissions shall be open to the public, except for an executive session, from which the public may be excluded.

Notice of meetings of boards and commissions shall be as established in Section 1.25.015.

(CAC 2.64.090; AO No. 89-122(S-1); AO No. 94-132(S), § 6, 8-25-94)

State law references: Open meetings, AS 29.20.020; open meeting act, AS 44.62.310.

4.05.100 Executive session.

A board or commission may at any time go into an executive session from which the general public may be excluded by a vote of a majority of the members taken at a public meeting, at which session only those subjects shall be considered as are mentioned in the motion for the executive session. No matter shall be voted upon during an executive session.

The following subjects may be discussed in an executive session:

- A. Matters, the immediate knowledge of which would adversely affect the finances of the government unit
- B. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.
- C. Matters which by law, municipal Charter or ordinance are required to be confidential.

(CAC 2.64.100)

State law references: Similar provisions, AS 44.60.310.

4.05.110 Conflict of interest.

No member of a board or commission may vote on any question in violation of Chapter 1.15. No member shall represent any person before the board or commission of which he is a member

(CAC 2.64.110; AO No 85-56)

Charter references: Conflict of interest, § 17.03; employment restrictions, § 17.04.

Cross references: Code of ethics, Ch. 1.15.

4.05.120 Procedural rules and order of business.

A board or commission shall establish its own procedural rules and order of business, except as otherwise provided by law. An appeal or quasijudicial board or commission shall establish reasonable rules and regulations governing proceedings before the board or commission. In all matters of procedure not covered by rules adopted by the board or commission, Robert's Rules of Order, as revised, shall be applicable and shall govern.

(CAC 2.64.120)

4.05.130 Reports, minutes and public hearing records.

A board or commission shall keep minutes of the board or commission proceedings, and such minutes shall record the vote of each member physically present upon every question formally presented to the board or commissions for its consideration. The minutes shall be maintained in the custody of the municipal agency which supplies staff support to the board or commission and shall be a public record, open to inspection by any person.

(CAC 2.64.140; AO No. 83-44; AO No. 89-51(S-3); AO No. 89-122(S-1); AO No. 91-142(S-1))

Cross references: Access to public records, Ch. 3.90

4.05.140 Ex officio members and staff.

The municipal manager may appoint an employee of the municipality who shall be an ex officio member of a board or commission for the purpose of acting as secretary to the board or commission or to furnish the board or commission with technical advice and information if not so provided in the specific provisions pertaining to the board or commission. An ex officio member is not entitled to vote on any question to be determined by the board or commission nor is an ex officio member a member for the purpose of establishing a quorum of any board or commission. An ex officio member is not entitled to any compensation for his ex officio duties or services on any board or commission. Unless otherwise provided in the section establishing the board or commission, the municipal manager shall provide or designate any required staff for the board or commission.

(CAC 2.64.150; AO No. 99-153, § 1, 12-14-99)

4.05.150 Termination. (Repealed)

(AO No. 80-119; AO No. 80-120; AO No. 81-4; AR No. 81-16; AO No. 82-30; AO No. 83-203; AO No. 83-204; AO No. 83-205; AO No. 83-206; AO No. 83-207; AO No. 83-208; AO No. 84-10(S); AO No. 85-109; AO No. 86-98; AO No. 86-213; AO No. 86-189(S); AO No. 86-212; AO No. 86-214; AO No. 87-26; AO No. 87-95; AO No. 88-159; AO No. 88-182; AO No. 89-11; AO No. 89-12; AO No. 89-55; AO No. 89-84; AO No. 89-87; AO No. 89-149; AO No. 89-150; AO No. 89-151; AO No. 89-152; AO No. 92-29(S); AO No. 92-30(S); AO No. 92-34; AO No. 92-46; AO No. 92-48; AO No. 92-64; AO No. 92-65; AO No. 92-101; AO No. 92-102; AO No. 93-3; AO No. 93-64(S); AO No. 93-214, § 1, 1-4-94; AO No. 94-156, 8-23-94; AO No. 94-159, 9-6-94; AO No. 95-90, 4-11-95; AO No. 95-91, 4-11-95; AO No. 95-95, 4-26-95; AO No. 95-96, 7-25-95; AO No. 95-97, 8-22-95; AO No. 95-98, 9-12-95; AO No. 95-99, 9-12-95; AO No. 95-153, 7-25-95; AO No. 99-153, § 1, 12-14-99; AO No. 2000-34, § 1, 3-21-00; AO No. 2000-35, § 1, 4-18-00; AO No. 2000-36, § 1, 4-18-00; AO No. 2001-148, § 1, 8-28-01; AO No. 2001-149, § 1, 8-28-01; AO No. 2001-154, § 1, 9-25-01; AO No. 2001-155, § 1, 9-25-01; AO No. 2001-156, § 1, 9-25-01; AO No. 2002-38, § 1, 4-9-02; AO No. 2002-39, § 1, 4-9-02; AO No. 2004-96, § 1, 6-8-04)

4.05.155 Assembly notification.

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All boards and commissions established under this title, and members thereof, shall be listed and named in an informational memoranda submitted to the assembly annually by the mayor at the first meeting during the month of October.

(AO No. 2004-120, § 1, 9-21-04)