

## TITLE 4 BOARDS AND COMMISSIONS<sup>1</sup>

### Chapter 4.05 APPOINTMENTS, MEETINGS AND PROCEDURES<sup>2</sup>

#### 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.

(CAC 2.64.010; AO No. 84-10(S); AO No. 91-173(S); AO No. 2015-23(S) , § 19, 3-24-15)

#### 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 reference(s)—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.

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<sup>1</sup>Cross reference(s)—Code of ethics, ch. 1.15; public meetings, ch. 1.25; personnel review board, § 3.30.015; employee relations board, § 3.70.050; equal rights commission, ch. 5.10; Anchorage Parking Authority, ch. 9.60; boards, commissions and administrative officials regarding land use, ch. 21.10; Heritage Land Bank, ch. 25.40; service area supervisory boards, ch. 27.20; election commission, ch. 28.120; powers of Anchorage Telephone Utility board of directors, § 30.10.030.

<sup>2</sup>Charter reference(s)—Requirements for boards and commissions, § 5.07; commission on salaries and emoluments, § 5.08; equal rights commission, § 17.02.

Cross reference(s)—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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(AO No. 92-83)

Charter reference(s)—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 reference(s)—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 reference(s)—Arts advisory commission, § 4.60.150.

#### **4.05.050 Compensation of members.**

- A. Except as otherwise provided in the Code, no member of a municipal board or commission shall receive compensation for attendance at regular or special meetings.

(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; AO No. 2010-1, § 1, 2-2-10)

#### **4.05.060 Attendance requirements; vacancies.**

- A. The office of a member of a board or commission member shall become vacant if the member:
  - 1. Ceases to meet the qualifications prescribed for the office;
  - 2. Resigns;
  - 3. Dies;

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4. Is judicially determined to be incompetent;
  5. Is convicted of a felony;
  6. Is removed from office for breach of the public trust; or
  7. During any 12-month period while in office:
    - a. Is absent from three regular meetings without excuse;
    - b. Is absent from:
      - i. Six regular meetings; or
      - ii. Eight regular meetings for members of the planning and zoning commission, urban design commission, platting board, or zoning board of examiners and appeals; or
    - c. Fails to attend a two-thirds majority of the regular meetings without excuse.
- 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 and remote attendance.*
1. *Meetings.* Board and commission meetings may be held in person, or virtually, or remotely. An in-person meeting is held in a public setting with a physical location and may also provide for remote attendance. A virtual meeting is one held with no physical location and all persons participate by remote attendance.
  2. *Attendance.* Remote attendance by telephone, virtually, or through any remote means. Physical attendance is defined as a member being physically present at the location where the meeting is noticed as being held in a public setting.
  3. *Means of remote participation.* Remote participation under this section shall include any means through which a member may participate remotely, to include being able to engage in discussion, and being audible to all persons participating in the meeting. The member participating remotely must have the ability to obtain the meeting agenda and other pertinent documents to be discussed and/or acted upon.
  4. *Public in-person participation.* If one or more members of a board or commission participates in-person in a public setting, then the public must also be granted reasonable in-person access to the meeting.
  5. *In-person meeting.* The chair of a board or commission or a majority of the members may schedule an in-person meeting.
  6. *Public notice.* The public notice of the meeting must indicate whether the meeting is to be held in person, or virtually, or remotely. If held in person, the notice shall indicate if remote attendance is

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available. The public must have an opportunity to participate by similar or alternative means as the board or commission members.

7. *Emergency.* When the assembly, mayor, governor or federal government has declared an emergency, all boards and commissions may provide for remote attendance by members, and provide for remote access by the public to the extent reasonable under the circumstances of the emergency.
8. *Petitioner rights.* When no emergency has been declared, a petitioner or applicant appearing in front of a board or commission acting in an adjudicatory capacity shall be allowed at their request an in-person meeting with a quorum of the members present in person.

(CAC 2.64.060; AO No. 89-122(S-1); AO No. 90-70; AO No. 92-95; AO No. 93-215, § 1, 1-4-94; AO No. 95-113, §§ 1, 2, 5-2-95; AO No. 2007-63(S), § 1, 5-1-07; AO No. 2013-55, § 1, 4-23-13; AO No. 2017-148, § 1, 11-21-17; AO No. 2018-31, § 1, 4-24-18; AO No. 2020-42, § 1, 4-14-20; AO No. 2021-85, § 1, 10-28-21)

#### **4.05.065 Removal.**

- A. A member of a board or commission may be removed from service for breach of the public trust following the procedures set forth in this section:
  1. For purposes of this section, actions constituting a breach of the public trust may include factors that materially and adversely affect the performance of the board or commission member or adversely affect the reputation or performance of the board or commission or the municipality.
  2. A request for review by the Ethics Board shall be initiated by the mayor or by an assembly member.
  3. The Ethics Board shall review the matter, providing the respondent with the opportunity to appear and provide information. The board will make findings and either dismiss the review or make a recommendation to the mayor and assembly for removal. Confidentiality provided by subsection 1.15.160E. applies to the board's review and report.
  4. After reviewing the board's recommendation, the mayor may remove the member from office with the consent of a majority of the assembly.

(AO No. 2018-31, § 2, 4-24-18)

#### **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)

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#### **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 chair 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 or when meeting solely to make a decision on a procedural motion brought by a party in an adjudicatory proceeding, 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; AO No. 2022-70 , § 9, 7-26-22)

State law reference(s)—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 reference(s)—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 reference(s)—Conflict of interest, § 17.03; employment restrictions, § 17.04.

Cross reference(s)—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

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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 reference(s)—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.**

- A. All boards and commissions established under this title, except for those mandated by the Charter or state law, or where specifically set forth in the board or commission enabling ordinance, shall terminate by operation of law every three years from the date set forth therein unless affirmatively continued by the assembly by ordinance.
- B. All new boards and commissions shall sunset within three years of creation and shall be subject to the provisions of this section.
- C. Prior to continuation or reestablishment of any board or commission, the assembly shall hold a public hearing.

(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.

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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; AO No. 2011-64(S-1), § 1, 6-28-11)

#### **4.05.155 Assembly notification.**

- A. 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.
  - 1. To the extent the information is voluntarily provided by appointed members, the informational memoranda shall include a summary of the composition, the aggregate, of all boards and commissions by gender, ethnic diversity, and disability.

(AO No. 2004-120, § 1, 9-21-04; AO No. 2008-44, § 1, 6-10-08)

## **Chapter 4.50 TECHNICAL ADVISORY BOARDS<sup>3</sup>**

#### **4.50.030 Budget advisory commission.**

- A. There is established a municipal budget advisory commission consisting of eleven (11) members.
- B. Members of the commission shall be appointed by the mayor and confirmed by a majority vote of the assembly.
  - 1. Notwithstanding section 4.05.040, terms shall commence on July 1 and end at midnight on June 30, except as to members appointed to fill an unexpired term.
  - 2. The municipality and the school district shall provide sufficient staff assistance as needed by the commission in its review of the municipal and school budgets, respectively.
- C. The purpose of the commission is to provide the assembly, the mayor, the school board and the superintendent of schools well-informed advice as to the budgets and budgeting process from citizen commission members who provide a broad, rather than a specific issue, interest in the budgets.
- D. The commission shall have the following powers and duties:
  - 1. Advise the assembly, the mayor, the school board and the superintendent of schools as to the municipal and school budgets;
  - 2. Participate with the assembly and the mayor in the review of the budgets, including assembly work sessions on the budget and other meetings where budget issues are a significant component of the meeting agenda;
  - 3. May make annual reports:
    - a. On the school budget, to the school board before final adoption by the school board, with a copy to the assembly; and
    - b. On the municipal budget, to the assembly before the final adoption of the annual budget;

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<sup>3</sup>Cross reference(s)—Public meetings, ch. 1.25; on-site wastewater system technical review board, § 4.40.150.

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4. Work to increase public understanding of the municipal and school budgets and participation in the budget process;
  5. Undertake special studies and report findings to the assembly, the mayor, the school board and the superintendent of schools, as appropriate;
  6. Develop such other reports as the commission deems necessary related to these powers and duties; and
  7. Form subcommittees for consideration of municipal or school district budgets or components thereof.

E. The sunset provisions in section 4.05.150 shall not apply to this board.

(CAC 2.64.180—2.64.190; AO No. 88-36; AO No. 94-188(S), §§ 1, 2, 10-25-94; AO No. 95-223, § 1, expires 1-20-1998; AO No. 99-7, § 1, 1-26-99, expires 1-20-02; AO No. 2001-189, § 2, expires 1-20-05; AO No. 2004-96, § 1, 6-8-04; AO No. 2004-123, § 1, 9-21-04; AO No. 2008-33, § 1, 2-26-08; AO No. 2011-64(S-1), § 4, 6-28-11; AO No. 2011-81, § 2, 8-30-11)

Cross reference(s)—Budgets and appropriations, ch. 6.10; administration of the budget, ch. 6.30.