



OFFICE OF THE OMBUDSMAN Memorandum

DATE: June 11, 2026

TO: Anna Brawley, Assembly Chair

Cc: Assembly Members
Jamie Heinz, Municipal Clerk
Heather MacAlpine, Deputy Ombudsman
Drew Ford, Deputy Ombudsman

FROM: Darrel W. Hess, Ombudsman *DWH*

SUBJECT: Northeast Community Council Complaint

COMPLAINT

On May 12, 2026, after referral by the Ombudsman's office to file a complaint with the Assembly Rules Committee, a member of the Northeast Community Council (NECC) emailed the Clerk and Deputy Clerk, alleging that the NECC leadership had failed to follow certain requirements of AMC 2.40 – Community Councils. The Assembly Chair subsequently requested that the Ombudsman review the concerns and then provide a report, including recommendations, at the June 11, 2026 Assembly Rules Committee meeting.

In their email, the NECC member stated they believe there is evidence that the following sections from AMC 2.40 have been violated. That a community council:

- has a policy and practice of open membership and meetings which will encourage participation of people from all segments of the community;
- is committed to affording citizens an opportunity for maximum community involvement and self-determination through community council membership and does not engage in practices contrary to the provisions of this chapter;
- has adopted and implements bylaws consistent with this chapter governing the organization, operation, and proceedings of the community council;
- follows and applies Robert's Rules of Order, Revised, for regular and special meetings for all matters not covered by the bylaws.

BACKGROUND

The authors of Anchorage's Home Rule Charter envisioned community councils as a means for the public to be engaged in the local government process at a grassroots level. Although an important part of the local government process — recognized in both code and charter —

community councils are not a part of municipal government. Community councils are private, not-for-profit, membership associations recognized by Assembly ordinance consistent with the community council district maps adopted in code.

As part of my review, I needed to determine the extent of the Assembly's oversight role regarding community councils. In May of 2013, I submitted a request for a legal opinion with the Municipal Attorney's Office (Legal) regarding Ombudsman and Assembly oversight of community councils. On May 14, 2013, I received a legal opinion, Matter No 13-1393, which is attached to this memo. Legal opined that the Ombudsman has no jurisdiction to investigate complaints regarding community councils and that the Assembly has limited jurisdiction.

The Assembly's oversight is limited to certain requirements of AMC 2.40 including;

- open membership and open meetings,
- not charging membership dues, and
- adopting and implementing bylaws that contain certain provisions listed in AMC 2.40.036 – Community Council Bylaws.

The opinion noted that community councils must meet these requirements to be recognized and to maintain recognition as a community council. The opinion further stated that the Assembly could put a council on notice to correct deficiencies and if they did not the Assembly could repeal their recognition as a community council.

The legal opinion noted there was no provision in code regarding how the Assembly would handle any complaints regarding community councils. As part of the Assembly's 2013/2014 revisions to AMC 2.40, a provision was added that the Assembly Rules Committee would investigate complaints regarding community councils and that they could designate a third party, including the Ombudsman, to investigate on their behalf.

No process for an actual investigation, or what action the Assembly could take if the allegation was substantiated, was added to the code at that time.

REVIEW

As part of my review of the NECC complaint, I spoke with the member who filed it, examined the documents they provided, reviewed AMC 2.40, and revisited the 2013 legal opinion. Based on this review, I found that only one allegation was substantiated.

I determined that the member, consistent with AMC 2.40 and the NECC bylaws:

- had not been denied membership or access to NECC meetings;
- had been informed that they could not speak or fundraise on behalf of the NECC;
- had not been told they were prohibited from being a council member or attending council meetings.

I also reconfirmed that the NECC's bylaws comply with AMC 2.40. I currently review all council bylaws before that are submitted for adoption to ensure compliance with AMC, including the NECC bylaws when they were submitted to the Clerk's Office for Assembly acceptance and found them consistent with the code.

It appears that the NECC may not have followed the proper procedure under Robert's Rules of Order when removing the complainant as a committee chair. The NECC Bylaws outline how committees are created and how chairs are appointed, but they do not address the removal of committee chairs or the disbanding of committees. In the absence of bylaw guidance, the council should have followed Robert's Rules, and it seems they did not. I believe this raises an important question for the Assembly to address.

Based on my experience with community councils, I am confident that many do not consistently follow Robert's Rules for matters not covered in their bylaws. It is also reasonable to assume that most community council members, board members, and officers are not experts in this complicated parliamentary procedure.

In most membership organizations, it is the members themselves who hold leadership accountable for following Robert's Rules. This leads to a key question: Does the Assembly want to take on the responsibility of ensuring that more than thirty community councils consistently follow Robert's Rules whenever their bylaws are silent?

RECOMMENDATIONS

I recommend that:

- 1) AMC 2.40 be amended to clarify that it is the responsibility of council membership to hold their council leadership accountable for following the provisions of Robert's Rules in matters not covered by a council's bylaws, consistent with how other membership organizations operate;
- 2) AMC 2.40 be revised to require that community council bylaws contain provisions for establishing committees, appointing committee chairs, appointing committee members, disbanding committees, and removing committee chairs and members;
- 3) the Assembly develop a policy and procedures for how to deal with community council complaints, including how the Assembly will deal with substantiated complaints.

Please let me know if you have any questions or concerns.

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