Assembly Leadership Clarifies Assembly Meeting Rules of Procedure for Testimony on Behalf of Community Councils

FOR IMMEDIATE RELEASE
June 10, 2022

Following the Regular Anchorage Assembly Meeting on June 7, 2022, Assembly Leadership verified the Rules of Procedure concerning testimony by speakers representing Community Councils.

Please be advised that, per Anchorage Municipal Code 2.30.040B Appearance Requests, 2.30.040G Audience Participation and 2.30.055B Public Hearings, speakers giving testimony representing Community Councils are provided the following allotments of time:

- **AMC 2.30.040B Appearance Requests**: 3 min – chair *may* extend
- **AMC 2.30.040G Initial and Final Audience Participation**: 3 min – chair *may not* extend
- **AMC 2.30.055B Public Hearings**: 5 min – chair *may not* extend

Sections 2.30.040B Appearance Requests and 2.30.055B Public Hearings were updated in the last year per Anchorage Ordinance 2021-117, an omnibus ordinance to update the code provisions that govern Assembly meetings and procedures, which was amended and passed on January 19, 2022. Section 2.30.040.G. concerning initial and final audience participation was not changed when AO 2021-117 was passed.

“This AO amended the Assembly rules of procedure and clarified the existing discretion of the Chair to extend time for individuals representing groups to make clear that time could be extended for appearance requests and testimony during public hearings. The allotted time of five minutes to Community Council representatives for testimony on public hearing items was not changed in any section of the code,” said Chair Suzanne LaFrance.

“At the regular Assembly meeting on June 7, 2022, the Mayor asserted a speaker representing a community council should be allotted five minutes during audience participation. While five minutes is allotted for speakers representing Community Councils during public hearings, there are different rules for portions of the meeting where members of the public may participate and representatives are not entitled to additional time during initial or final audience participation,” said Vice Chair Christopher Constant.
PRESS RELEASE

The ordinance as amended is attached for reference and available online via the Public Portal to Assembly Documents. While the updated information is not yet reflected in the Municode Library, updates will be published soon.

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Contact: Legislative Services wwmasl@anchorageak.gov, 907-538-2259
ANCHORAGE, ALASKA
AO No. 2021-117, As Amended

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.30 RULES OF PROCEDURE FOR ASSEMBLY TO CODIFY ADDITIONAL RULES OF PROCEDURE FOR THE ASSEMBLY AND PRESIDING OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY CONDUCT OF ASSEMBLY BUSINESS.

WHEREAS, Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly by ordinance shall determine its own rules and order of business”;

WHEREAS, Anchorage Municipal Charter section 4.04(a) provides “[t]he assembly shall elect annually from its membership a presiding officer known as ‘chair’”;

WHEREAS, the Anchorage Municipal Assembly has adopted Rules of Procedure codified in Anchorage Municipal Code chapter 2.30 Rules of Procedure for Assembly;

WHEREAS, Anchorage Municipal Code section 2.30.030I. provides that “In all matters not covered by this chapter, Robert’s Rules of Order, Newly Revised, shall govern”;

WHEREAS, some of the Assembly’s customary practices, such as those relating to immediate reconsideration of an item, are addressed only in Robert’s Rules, and not in municipal code;

WHEREAS, some of the rules and nomenclature contained in Robert’s Rules of Order, Newly Revised, depart from traditional Assembly practice (e.g., to “lay [an item] on the table,” in Assembly parlance, has been used to add an item to the agenda, whereas the motion is used in Robert’s Rules to “lay [a] main motion aside temporarily”);

WHEREAS, further codification of the Assembly’s rules of procedure in municipal code can reduce confusion and provide greater clarity to the public;

WHEREAS, this ordinance will not have significant economic effects; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 2.30 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

2.30.020 Presiding officer.
A. The chair of the assembly shall be the presiding officer of the assembly.

B. The vice-chair of the assembly shall be the presiding officer of the assembly in the case of unavailability of the chair.

C. The presiding officer shall be addressed as "Chair."

D. The presiding officer shall be a member of the assembly with all of the power and duties of that office.

E. The chair shall have the authority to make rulings, subject to being overruled by vote of the assembly, to promote the efficient, safe and orderly conduct of Assembly business. That authority shall include:

1. Establishment of a seating chart[ar(reangement of chambers]. The chair shall have the authority to establish a seating chart for assembly members and assembly staff [individuals] participating in an Assembly meeting, [and to prescribe how the physical space of a premise used for an assembly meeting may be used].

2. Arrangement of chambers. The chair shall have the authority to prescribe how the physical space of a premise used for an assembly meeting may be used.

3[2]. Prohibited items. The chair shall have the authority to prohibit members of the public from bringing dangerous or distracting items to Assembly premises, or to require an item to be removed from Assembly premises if it is being used to create an actual disturbance.

4[3]. Removal for actual disturbance. The chair shall have the right to order a person to be removed from a meeting for creating an actual disturbance to the meeting.

5[4]. Direction to security. The chair shall have the right to direct security guards at Assembly chambers, in furtherance of Assembly meeting purposes.

6[5]. Signage. The chair shall authorize signage posted at Assembly meetings, related to the Assembly meeting.

7[6]. Safety rules. The chair may adopt rules to promote the safety of members and attendees of assembly meetings.

8[7]. Dilatory motions, points of order, and requests for information. The chair shall rule out of order motions, points of order, and requests for information that are dilatory.

9[8]. Non-germane requests for information. The chair shall rule that a request for information is out of order if it is not germane to the pending motion or public hearing.

10[9]. Recess. The chair may temporarily recess a meeting for convenience, to restore order, or to resolve a technical issue.

11[10]. Committee, liaison, and other assignments. The chair shall appoint assembly members to subcommittees of the assembly, and appoint a member to chair, vice-chair, or members to co-chair, each subcommittee. The chair shall appoint assembly members as liaisons to other
organizations, and to roles identified in Charter or this code
requiring appointment of an assembly member by the
assembly.

12[14]. Office assignments. The chair shall assign members
office space.

13[12]. Direction to municipal clerk. The chair shall provide
direction to the municipal clerk.

(AO No. 13-75; AO No. 78-49; AO No. 2017-53, § 4, 4-11-17)

Charter and Code reference: Assembly AMATS Policy Committee
Members, Charter § 12.03; ACDA Board of Directors, section 25.35.030B.

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2.30.035 Meeting agenda.

A. Order of business. The order of business at all regular meetings of the
assembly shall be as follows:
1. Call to order.
2. Roll call.
3. Pledge of allegiance and land acknowledgment.
4. Minutes of previous meetings.
5. Mayor’s report.
6. Assembly Chair’s report.
7. Committee and liaison reports.
8. Addendum to agenda.
9. Appearance requests and initial audience participation (shall
begin no earlier than 5:15 p.m. and testimony by the last person
for initial audience participation shall begin no later than 6:00
p.m.).
  a. Appearance requests shall be in accordance with section
     2.30.040.
  b. Following appearance requests, members of the public
     may be heard under initial audience participation, in
     accordance with subsection 2.30.040G.
10. Consent agenda.
Routine items requiring assembly action may be placed on the
consent agenda for approval upon a single motion and vote.
Prior to approval, on the request of any member of the assembly,
an item placed on the consent agenda may be pulled from the
consent agenda and considered with a separate vote.
  a. Resolutions for action - proclamations and recognitions.
  b. Resolutions for action - other.
  c. Bid awards.
  d. New business.
e. Appropriation items.

f. Information and reports.

g. Ordinances and resolutions for introduction. All ordinances and those resolutions requiring a public hearing will be placed on the consent agenda for introduction and will be set for public hearing at a future meeting.

11. Unfinished business and unfinished action on public hearing items.

12. **Unfinished business and unfinished action on quasi-judicial matters after public hearing, or other administrative matters, and special orders[RESERVED].**

13. Continued public hearings (shall begin no earlier than 6:00 p.m., and shall be taken up immediately following completion of unfinished business and unfinished action on public hearing items).

14. New public hearings (shall begin no earlier than 6:00 p.m. and shall be taken up immediately following completion of continued public hearings).

15. **New and continued quasi-judicial public hearings[OR ADMINISTRATIVE MATTERS AND SPECIAL ORDERS].**

16. Final audience participation.

17. Assembly comments.

18. Executive sessions.

19. Adjournment shall be promptly at 11:00 p.m.; provided, however, by two-thirds vote of the assembly, adjournment and business before the assembly may be continued past 11:00 p.m. until 12:00 midnight.

B. **Laid-on-the-table items.** Upon passage of a motion to amend the agenda duly made and seconded, any member of the assembly may request action on items not included in the regular or addendum agenda. A motion to “lay an item on the table” may be taken as a motion to amend the agenda.

1. **Ordinances.** Ordinances for introduction may be laid on the table at any time, pursuant to Charter Section 10.01. Ordinances shall be set for a public hearing following introduction and upon approval of three assembly members. The required approval may be in the form of a motion by an assembly member to introduce an ordinance, accompanied by both a second and a third.

2. **Resolutions to be set for a public hearing at a future meeting.** A resolution may introduced and be laid on the table at any time if the member introducing the resolution moves to set the resolution for public hearing at a future meeting and the motion is approved by majority vote.

3. **All other assembly items, including resolutions not set for a**
public hearing at a future meeting. Upon an affirmative vote of at least eight members, the assembly may take action on these items only under circumstances that require immediate assembly action, such as financial necessity, natural disasters, or when time is of the essence for assembly action on an item.

C. Supplemental materials. Additional materials on an item included on a properly published and distributed agenda may be added at any time.

D. Public notice of agenda. The agenda for the regular assembly meetings shall be published no fewer than 36 hours prior to any regular assembly meeting.

E. Agenda distribution. The agenda for regular assembly meetings shall be distributed to each assembly member and the mayor not less than 72 hours prior to the regular assembly meeting.

F. Agenda for special meeting. The agenda for a special meeting shall include such items as are necessary to accomplish the purpose of the meeting, and at least the following:

1. Call to order.
2. Roll call.
3. Pledge of allegiance and land acknowledgment.
4. Items of business.
5. Audience participation.
6. Assembly comments.
7. Adjournment.

G. Public hearings at continued and special meetings. Continued and new public hearings at special meetings, if any, may be opened or resumed at any time during the pendency of the meeting.

H. Adoption. A published agenda applies to the meeting for which it was published, subject to amendment at the meeting, and does not need to be formally adopted or approved by vote.

(AO No. 2017-53, § 6, 7-1-17; AO No. 2020-30(S), § 2, 4-28-20)

2.30.040 Appearance requests and audience participation.

A. A person wishing to speak before the assembly under "appearance requests" must file an appearance request with the municipal clerk specifying the topic on which the person intends to speak.

B. Appearance requests will be heard by the assembly when placed on the agenda by the municipal clerk. A person may only file one appearance request per meeting. Each speaker is limited to three minutes of testimony. The chair may, at the chair's discretion, extend the time for remarks beyond three minutes when the speaker is representing a group.

C. In determining whether or not appearance requests are placed on the agenda, the municipal clerk, in conjunction with the assembly chair, shall adhere to the following:
1. If the appearance request has clearly defined administrative channels of resolution that have not yet been utilized by the person requesting an appearance before the assembly, the municipal clerk shall refer the person to the appropriate administrative channels of resolution.

2. Except under special circumstances as determined by the chair, appearance requests which involve the following shall not be accepted.
   a. Items that have clearly defined administrative channels of resolution that have not yet been utilized by the person.
   b. Items that the assembly or administration has no jurisdiction over and/or responsibility or authority to resolve per the Municipal Charter, Municipal Code, or Municipal Code of Regulations.
   c. Subjects currently under labor negotiations.
   d. An item upon which litigation involving the person or the person’s representative is currently pending.

3. To ensure that sufficient time remains available for the Assembly to conduct its business, not more than three appearance requests will typically be granted for any single meeting.

D. Appearance requests accepted by the municipal clerk must be placed before the assembly no later than 14 days after acceptance.

E. In lieu of appearance requests, the assembly will accept brief written communications on any subject at the electronic transmission address assigned to assembly members by the Municipality of Anchorage. Other written communications directed to the assembly will be reproduced, if necessary, and distributed to assembly members by the municipal clerk no later than 14 days after receipt.

F. Persons who do not wish to speak before the assembly under "appearance requests," persons who had their appearance request denied under subsection C.2 of this section, or persons who do not wish to submit written communications, may be heard under "audience participation."

G. If time is available, final audience participation shall be scheduled at each regular meeting. Audience participation is limited to three minutes of testimony per speaker, whether during initial or final scheduled audience participation. A person may testify on any topic; however, a person shall not testify on the speaker’s own appearance request at the same meeting.

(AO No. 78-49; AO No. 79-137, 10-18-79; AO No. 94-177(S), § 2, 10-27-94; AO No. 2014-2(S), § 1, 2-25-14; AO No. 2017-53 , § 7, 4-11-17; AO No. 2020-30(S) , § 4, 4-28-20)

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2.30.055 Conduct of public hearing.
A. The chair or presiding member of the assembly meeting may request
persons testifying at public hearing to give their name, and to identify
their neighborhood or community of residence.

B. Each individual giving testimony shall be allocated three minutes. The
time limit for a designated representative of a community council is five
minutes. The time limit for a designated representative of the Native
Village of Eklutna is five minutes. The chair may, at the chair's
discretion, extend the time for remarks beyond three minutes when the
speaker is representing a group. The speaker must focus testimony to
the topic of the public hearing. An individual may use a portion of their
allocated time to engage in silent protest, but while doing so, must not
prevent or delay other members of the public from providing[the
assembly from receiving other] testimony while the individual's silent
protest continues.

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E. If any time scheduled for public hearing proves inadequate to hear all
persons present to testify, the public hearing shall be continued.
1. Continued public hearing may be scheduled for any day of the
week.
2. If the date, time, and location of continued public hearing cannot
be announced when the public hearing is continued, public
notice shall be given as soon as practicable.

F. If the assembly anticipates public hearing or assembly deliberation will
draw more people than the assembly chambers will accommodate,
additional space with audio or audio and video in the Wilda Marston
Theater or other location will be used, if available, to facilitate seating
for additional members of the public.

G. Notwithstanding subsection E. of this section, the assembly may close
a public hearing:
1. In order to meet a deadline imposed by law, [OR]
2. If necessary to pass an[BUDGET OR APPROPRIATION] item which
is, in the sole discretion of the assembly, time sensitive[.], or
3. If the item for which the public hearing is being conducted is
postponed indefinitely.

H. Questions posed by assembly members should be to provide
clarification or additional information on testimony provided. Members
shall not engage in debate with members of the public. Questions
should not be used as an attempt to lengthen or expand the testimony
of an individual. Assembly members shall use restraint and be
considerate of the meeting time of the Assembly in exercising the
option to pose questions. The chair may intervene if a member is
violating the spirit of this subsection, or if questions become so
numerous as to impair expeditious conduct of the public hearing.

(AO No. 2014-2(S), § 3, 2-25-14; AO No. 2017-53, § 10, 4-11-17; AO No.
2020-137(S), § 2, 1-14-21)
2.30.060 Public hearings and action on resolutions.
A. The assembly may set public hearings on resolutions at such time and with such public notice as the assembly may determine.
B. Public hearings [AND ACTION] on proposed resolutions shall be conducted in compliance with section 2.30.055 [THE PROCEDURES FOR ORDINANCES PURSUANT TO THE CHARTER AND THIS CHAPTER].
C. Action on proposed resolutions shall be governed by this chapter.

(AO No. 78-49; AO No. 92-162; AO No. 94-176, § 3, 9-27-94; AO No. 95-227, 1-2-96; AO No. 2014-2(S), § 4, 2-25-14; AO No. 2017-53, § 11, 4-11-17)

2.30.065 Motions.
A. By a member with the floor. A motion that is in order may be made at any time by a member who has been granted the floor by the chair.
B. Rules applicable to specific motions.
1. Motion to postpone indefinitely. Any main motion may be postponed indefinitely.
2. Motion to lay on the table. A motion to lay an item on the table may be taken as a motion to amend the current agenda.
3. Motion to change the order of the day. The assembly may re-order an agenda and take up any item by motion of a member to change the order of the day. A motion to change the order of the day requires a second, and a majority vote.
4. Motion to continue. A public hearing and action on an item can be continued to any date.
5. Motion to reopen a public hearing. A motion to reopen a public hearing requires a majority vote.
6. Motion to reconsider. A motion to reconsider a vote may be made only by a member who voted with the prevailing side and seconded by any other member of the assembly. The motion must be made and seconded during the meeting at which the action to be reconsidered was taken, or by written notification to the municipal clerk within 24 hours of the adjournment of the meeting by the moving party and second. A motion to reconsider may not be made regarding the assembly's action on whether to protest a state liquor license or marijuana license application, or on the assembly's certification of an election. Any member of the assembly may call up a motion to reconsider which has been duly made and seconded at any time during the meeting at which made, or at the next meeting of the assembly.
6. Motion to reconsider and enter upon the minutes. A motion to reconsider and enter upon the minutes is out of order, except in circumstances:
   a. Absent members. When one or more assembly members is absent from the meeting; and
b. Vote could have changed. The absent members could have changed the outcome of the vote to be reconsidered, had the absent members been present and voted in the negative.

8. Effect of motion to reconsider. A proper motion to reconsider, once seconded, suspends implementation and effect of the decision for which reconsideration is sought, until the assembly takes action on that motion.

9. Second motions to reconsider that are not in order. No motion or item can be reconsidered twice, unless it was materially amended during the first reconsideration. The failure of an immediate vote for reconsideration precludes a further motion for reconsideration.

10. Motion for a division of the assembly. A motion for a division of the assembly is out of order whenever the outcome of the immediately prior assembly vote is clear.

11. Motion to rescind or amend something previously adopted. A motion to rescind or to amend something previously adopted may be moved by any member, but must be seconded. An ordinance, resolution or memorandum may not be rescinded or amended by motion [AFTER] if a provision of the measure has been carried out or implemented and after the effective date of the ordinance, resolution, or memorandum has passed. Other actions that cannot be rescinded or amended by motion to amend something previously adopted are as defined in Robert's Rules of Order, Newly Revised.

a. Approval. A motion to rescind or to amend something previously adopted requires the approval of two-thirds of the entire assembly unless previous notice of the motion has been given at the regular meeting immediately preceding that meeting during which the motion is to be considered. If previous notice of the motion has been given, only a majority of the assembly is required for approval.

b. Further motions if motion fails. Upon failure of a motion to rescind for which previous notice has once been given, no further motions or notices of intent to rescind the same action are in order. Upon failure of a motion to amend something previously adopted for which no previous notice has been given, no further motions or notices of intent to amend the same action, substantially similar in substance to the failed motion to amend, are in order.

c. Time limit and suspension. There is no time limit on making either a motion to rescind or to amend something previously adopted. The making of either motion or the notice of intent to do so does not operate to suspend the
implementation or effect of any prior Assembly action, in
contrast to a proper motion to reconsider, and the
effective date of action is not delayed.

12. Motion to suspend the rules. A motion to suspend the rules
may be applied to a procedural rule in Chapter 2.30 of this
code, provided it does not in effect suspend a fundamental
principle of parliamentary law or violate a federal or state
law, municipal Charter, or another municipal code provision
prescribing procedural rules applicable to the subject
matter.

C. No Committee Motions. Motions may not be referred to the assembly
by committee.

D. Withdrawal. A motion may be withdrawn by the mover at any time
before it is voted upon without the consent of the second, or the
assembly.

2.30.070  Voting and disclosure of financial and private interests.
A. Duty to vote. All assembly members present shall vote on each
question before the assembly for determination, unless excused by the
chair or a quorum of the assembly as provided in subsection B.

B. Duty to disclose financial or private interests. Prior to participation in
official action, each member shall disclose financial or private interests
for determination of whether they are substantial. No member of the
assembly may vote or participate in any official action of the assembly
on any question in violation of Chapter 1.15, Code of Ethics.

C. Stating the question. The chair formally places a motion before the
assembly by stating the question. The chair may state the question by
referencing written items or amendments, which are incorporated into
the chair’s statement as if read in full.

D. Announcing the vote; tie vote. On completion of the vote, the chair of
the assembly shall announce the number of affirmative votes, the
number of negative votes and whether the action has carried or has
failed. If the votes on a motion result in a tie, the motion fails.

E.[D.] Votes required.
1. An affirmative vote of six members of the assembly is required
to carry any measure or motion before the assembly, unless a
greater number is required by ordinance or the Charter. Any
lesser number, even though it constitutes a majority of the
members present, shall not carry and the measure shall be
defeated.

2. Some assembly actions require a supermajority of eight votes of
the assembly. Motions or actions that require eight votes (a
supermajority or two-thirds) include:
   a. The Charter:
      • § 5.02(c) - motion to override mayoral veto;
• § 7.01(b) - motion to remove an elected official (see also AMC 2.70.030B);

• § 18.02 - motion to approve an ordinance for voters to amend the Charter;

b. Anchorage Municipal Code:
• 2.30.035A.14. & 20. - motion to extend the time of the meeting;

• 2.30.080H. - motion to rescind or amend something previously adopted without prior notice;

• 2.70.030B. - motion to remove an elected official (see also Charter at § 7.01(b));

• 3.70.100C.10.- motion to approve decision by arbitrator after impasse;

• 14.20.010. - motion to remove administrative hearing officer prior to expiration of term without cause requires affirmative vote of the mayor and six assembly members or eight members of the assembly;

• 21.10.030.- motion to approve appointment of members of the board of adjustment;

• 21.20.120.- motion to approve zoning map amendment if the amendment is protested by owners in the area under certain specific circumstances;

• 21.20.140. - motion to approve an overlay district zoning map amendment if the overlay district amendment is protected by owners in the area under certain specific circumstances;

• 21.40.240T. - motion to approve a T zone use if the T zone land use determination is protested by the owners in the area under certain specific circumstances;

• 25.20.027E. - motion to approve an ordinance on the
limitations on the exercise of eminent domain;

- 25.35.065A. - motion to designate and withdrawal of municipal land to the Anchorage Community Development Authority;

- 31.10.020 - motion to remove member of the board of directors of the Anchorage Waste Water Utility (AWWU) affirmative vote of the mayor and six assembly members or eight members of the assembly;

  c. Other motions or actions as detailed in the Charter and code.
  - 2.30.080l. - other motions or actions not covered by Chapter 2.30 are governed by Robert's Rules of Order, Newly Revised, shall govern.

F.[E.] Numbers of members for determining a majority or supermajority (two-thirds). Whenever this title refers to a vote of a majority or other greater designated portion of the assembly, the vote required shall be the designated portion of the number of members authorized to serve on the assembly (11 members). A majority is not determined by a majority of the members present.

(AO No. 13-75; AO No. 78-49; AO No. 79-137; AO No. 80-56; AO No. 85-56; AO No. 87-17(S); AO No. 94-191, § 1, 10-25-94; AO No. 2001-58, § 1, 3-20-01; AO No. 2002-61, § 1, 3-19-02; AO No. 2005-79, § 1, 6-28-05; AO No. 2006-140(S-1), § 3, 1-1-07; AO No. 2017-53, § 12, 4-11-17; AO No. 2020-30(S), § 6, 4-28-20)

Editor’s note—Subsection H. is repealed effective March 20, 2002 unless renewed prior thereto.

Charter reference—Voting, §§ 4.02(d), 10.03; quorum, § 4.04(e); ordinances, § 10.01.

Cross reference—Code of ethics, ch. 1.15.

State Law reference—Requirements for voting, AS 29.20.010.

2.30.075 Absences, excused absences, and telephonic participation.
A. Unless a member is participating telephonically with advance approval
of the chair, a member of the assembly who is physically absent from
a regular or special meeting, including an executive session, will be
recorded as absent. A member of the assembly who is physically
absent from a regular or special meeting, including an executive
session, and not approved to participate telephonically, must obtain
approval from the chair for the absence to be an excused absence.

B. A member of the assembly who is participating telephonically under this
section may participate in and vote at the meeting by telephone or other
electronic means under the following circumstances:
1. The meeting is held with a quorum of members physically
present, except as expressly provided in subsection D. of this
section;
2. Reasonable technical capabilities are available at the meeting
location to allow the member to participate, to include being able
to hear and engage in discussion, and being audible to all
persons participating in the meeting;
3. The member participating telephonically has the ability to obtain
the meeting agenda and other pertinent documents to be
discussed and/or acted upon; and
4. A member who is participating telephonically will have a voice
vote.

C. Telephonic participation under this section shall include any means
through which a member may participate remotely, to include being
able to hear and engage in discussion, and being audible to all persons
participating in the meeting.

D. When the mayor, governor, or federal government has declared an
emergency, or for good cause by ruling of the chair, a quorum of
assembly members may be established with the combined total of
members physically or telephonically present.

(AO No. 2017-53, § 13, 4-11-17; AO No. 2020-31, § 1, 3-20-20)

2.30.080 Conduct of debate and discussion; general parliamentary
authority.

A. Obtaining the floor. The mayor or any assembly member, when desiring
to speak at an assembly meeting, shall respectfully address the chair
as "Chair," and shall refrain from speaking until recognized.

B. Order of recognition. Debate on any question before the assembly may
be initiated by any member, but the moving party shall be given first
opportunity to do so. When two or more members request recognition
at the same time, the chair shall determine which one shall speak first.
The chair may call on members in the order in which they indicated
their desire to speak, or may attempt to alternate between those
favoring and opposing a motion. No one is entitled to the floor a second
time in debate on the same motion on the same day as long as any
other member who has not spoken on this motion desires the floor.

C. Order and decorum; rulings of the chair. The chair shall be charged
with the responsibility of maintaining order and decorum at all times. The chair shall make such rulings as deemed necessary concerning points of order or concerning spectators. [THE CHAIR SHALL INSTRUCT THE MEMBERS OF THE PUBLIC TO BE AS BRIEF AS POSSIBLE AND, WHEN SPEAKING AS AN INDIVIDUAL OR FOR A GROUP, TO CONTAIN THEIR REMARKS TO THREE MINUTES. THE CHAIR MAY, AT THE CHAIR'S DISCRETION, EXTEND THE TIME FOR REMARKS BEYOND THREE MINUTES WHEN THE SPEAKER IS REPRESENTING A GROUP.]

D. Overruling a chair's ruling. Any assembly member may challenge a ruling of the chair by motion to overrule the ruling of the chair. [AND, IF DULY SECONDED, THE] The chair's ruling shall stand unless the motion to overrule receives a second and is passed by a majority vote of the assembly.

E. Member comments; chair's participation in debate. Every member, while speaking, shall confine the member's comments to the subject under debate, and shall not refer to any other member except in a respectful manner. Members shall generally speak while seated. If the chair of the assembly wishes to speak in debate, the chair shall temporarily relinquish control of the meeting to the vice chair or, in the absence of the vice chair, to any other member present. At the conclusion of the chair's remarks, the chair shall resume control of the meeting.

F. Total time for debate. [DEBATE ON ANY QUESTION BEFORE THE ASSEMBLY MAY BE INITIATED BY ANY MEMBER, BUT THE MOVING PARTY SHALL BE GIVEN FIRST OPPORTUNITY TO DO SO.] Total debate on any question before the assembly shall not be permitted to exceed one hour unless such time is extended by a majority vote of the assembly.

G. Amendments and preambles. When an ordinance or resolution contains a preamble consisting of one or more statements beginning "whereas," the preamble may be amended before or after amendment of the resolving or ordaining clauses has been completed.

H. Previous question. Debate on any pending motion may be ended by motion to call the previous question. A member may make the motion by stating, "I call the question." A motion to call the question on a main motion to adopt a resolution or ordinance with a preamble applies to debate and amendment of a preamble, unless otherwise stated by the member making the motion. [A MOTION TO RECONSIDER A VOTE MAY BE MADE ONLY BY A MEMBER WHO VOTED WITH THE PREVAILING SIDE AND SECONDED BY ANY OTHER MEMBER OF THE ASSEMBLY. THE MOTION MUST BE MADE AND SECONDED DURING THE MEETING AT WHICH THE ACTION TO BE RECONSIDERED WAS TAKEN, OR BY WRITTEN NOTIFICATION TO THE MUNICIPAL CLERK WITHIN 24 HOURS OF THE ADJOURNMENT OF THE MEETING BY THE MOVING PARTY AND SECOND. A MOTION TO RECONSIDER MAY NOT BE MADE REGARDING THE ASSEMBLY'S ACTION ON WHETHER TO PROTEST A STATE LIQUOR LICENSE OR MARIJUANA LICENSE APPLICATION.
 Any member of the Assembly may call up a motion to reconsider which has been duly made and seconded at any time during the meeting at which made, or at the next meeting of the Assembly; a motion to reconsider and enter on minutes may be called up only at the next meeting of the Assembly.

A proper motion to reconsider, once seconded, suspends implementation and effect of the decision for which reconsideration is sought, until the Assembly takes action on that motion.

H. Motion to rescind or amend something previously adopted. A motion to rescind or to amend something previously adopted may be moved by any member, but must be seconded. An ordinance, resolution or memorandum may not be rescinded or amended by motion after the effective date of the ordinance, resolution, or memorandum. Other actions that cannot be rescinded or amended by motion to amend something previously adopted are as defined in Robert’s Rules of Order, Newly Revised.

1. Approval. A motion to rescind or to amend something previously adopted requires the approval of two-thirds of the entire Assembly unless previous notice of the motion has been given at the regular meeting immediately preceding that meeting during which the motion is to be considered. If previous notice of the motion has been given, only a majority of the Assembly is required for approval.

2. Further motions if motion fails. Upon failure of a motion to rescind for which previous notice has once been given, no further motions or notices of intent to rescind the same action are in order. Upon failure of a motion to amend something previously adopted for which no previous notice has been given, no further motions or notices of intent to amend the same action, substantially similar in substance to the failed motion to amend, are in order.

3. Time limit and suspension. There is no time limit on making either a motion to rescind or to amend something previously adopted. The making of either motion or the notice of intent to do so does not operate to suspend the implementation or effect of any prior Assembly action, in contrast to a proper motion to reconsider, and the effective date of action is not delayed.]


J. Minor deviations. Minor deviations from the rules and procedures contained in this chapter and incorporated by the adoption of Robert’s
Rules of Order, Newly Revised, shall not be a basis for invalidating any otherwise valid assembly action.

K. **Non-member participation in debate.** The rules may be suspended to allow a person other than an Assembly member or the mayor to speak in debate, except that:

1. **Counsel.** The municipal attorney and assembly counsel may give an opinion, either written or oral, on legal questions; and

2. **Municipal Staff.** Municipal employees may obtain the floor to respond to a question from an assembly member. As a courtesy to the mayor, when the mayor exercises the mayor’s right under the Charter to participate in an assembly meeting to the same extent as an assembly member (except that the mayor may not vote), the mayor also may call upon a municipal employee to make comments on the mayor’s behalf.

(AO No. 13-75; AO No. 78-49; AO No. 91-178(S); AO No. 2017-53 , § 14, 4-11-17; AO No. 2019-84 , § 1, 7-9-19; Ord. No. 2019-97 , § 1, 8-20-19)

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2. **30.083[20.100] Minutes.** Minutes of assembly meetings shall be prepared by the municipal clerk. The minutes shall be in any form acceptable to the assembly that accurately reflects members’ attendance, motions, amendments, and votes.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 19th day of January, 2022.

Chair

ATTEST:

Municipal Clerk
FROM: Assembly Chair LaFrance

SUBJECT: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.30 RULES OF PROCEDURE FOR ASSEMBLY TO CODIFY ADDITIONAL RULES OF PROCEDURE FOR THE ASSEMBLY AND PRESIDING OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY CONDUCT OF ASSEMBLY BUSINESS.

The ordinance submitted with this memorandum would further codify rules of procedure for the Assembly and its presiding officer, to promote the efficient, safe, and orderly conduct of assembly business.

Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly by ordinance shall determine its own rules and order of business,” and section 4.04(a) provides “[t]he assembly shall elect annually from its membership a presiding officer known as ‘chair’.” Pursuant to those Charter provisions, the Anchorage Municipal Assembly has adopted Rules of Procedure codified in Anchorage Municipal Code chapter 2.30 Rules of Procedure for Assembly, including a code provision providing that “In all matters not covered by this chapter, Robert’s Rules of Order, Newly Revised, shall govern.”

The attached ordinance attends to the facts that: (1) some of the Assembly’s customary practices, such as those relating to immediate reconsideration of an item, are addressed only in Robert’s Rules, and not in municipal code; (2) some of the rules and nomenclature contained in Robert’s Rules of Order, Newly Revised, depart from traditional Assembly practice; and (3) that further codification of the Assembly’s rules of procedure in municipal code can reduce confusion and provide greater clarity to the public.

Section 1 of the ordinance amends several provisions of AMC chapter 2.30.

AMC 2.30.020 is amended to codify several customary rights and authorities of the chair. Many of the items proposed to be codified, such as the rules relating to removal of persons who are creating an actual disturbance and the duty of the presiding officer to rule on certain motions, points of order and requests for information, are addressed in Robert’s Rules, but have not been
expressly addressed in code. Others, such the rules relating to seat and office assignments, have prevailed by long custom, but are here codified for the first time.

AMC 2.30.035 is amended to further clarify the procedure for setting a proposed ordinance or resolution for a public hearing, and to clarify the mechanics of agendas for special meetings.

AMC 2.30.040 is amended to codify traditional limits on appearance requests.

AMC 2.30.055 is amended to permit persons testifying at a public hearing to engage in silent protests, so long as the protest does not impede efficient conduct of the public hearing. Some content is relocated from current AMC 2.30.080C. to AMC 2.30.055B., where it more logically belongs. Amendments would also permit the Assembly to close a public hearing in order to pass any time sensitive item, or if the item that is the subject of the public hearing is postponed indefinitely. The section is further amended to adopt guidance related to Assembly members’ questions of the public, patterned on Model Rules of Procedure published by the League of Oregon Cities.¹

AMC 2.30.060 is amended to better codify the current interpretation of rules related to public hearings for Assembly Resolution, and to make explicit the meaning of a cross reference that has, occasionally, led to confusion.

A new section, AMC 2.30.065 Motions, is added to: (1) clarify when motions may be made, and (2) codify customary and other rules of Assembly procedure that: (a) are in regular assembly use, but only contained in Robert’s Rules (such as the rule stating, generally, that a motion may not be reconsidered twice, or that a motion to divide the assembly is out of order where the result of a vote is clear) or provisions of code other than AMC 2.30 (such as the rule contained in AMC 28.85.040C that the Assembly’s certification of an election cannot be reconsidered); (b) are not contained in Robert’s Rules (such as those relating to

¹ See LEAGUE OF OREGON CITIES, MODEL RULES OF PROCEDURE FOR COUNCIL MEETINGS (March 2017) at ch. 1 § VI.H(6), available at: https://www.orcities.org/application/files/1115/7228/7626/ModelRulesofProcedure3-15-19.pdf (“Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.”); ch.5 § III.C (“Public comment is a time for comment, it is not a time for debate[,]”).

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public hearings) or (c) that deviate from provisions of Robert’s Rules. Portions of existing AMC 2.30.080 are also relocated into the new AMC 2.30.065. The new section would also permit a motion to be withdrawn without requiring the consent of the second, or the assembly.

AMC 2.30.070 is amended to codify existing assembly practice that when the chair places a motion before the assembly by stating the question, the chair may state the question by referencing an agenda item or written document. (For example, “We now have before as a motion to approve Amendment #4” or “We now have before us a motion to approve AO 2021-121 as amended”).

AMC 2.30.075 is amended to provide that a quorum may be established for good cause by ruling of the chair by combining total of assembly members physically and telephonically present.

AMC 2.30.080 is amended to clarify that members will generally speak while seated, to remove language made unnecessary by the adoption of 2.30.055, to

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² Compare RONR (12th ed.) at:
- § 6:5(1) (a motion to postpone indefinitely may be made “if an embarrassing main motion has been brought”)
- § 17 (a motion to “lay on the table” is a motion to “to interrupt the pending business so as to permit doing something else immediately”)
- § 9:9 (“If two consecutive regular business sessions are separated by no more than a quarterly time interval, then—provided that there is no specified portion of the membership whose term expires before the start of the later session—there are several ways business can go over from the earlier session to the later one…”); fn.3 (“a question cannot be postponed at the May meeting until the September meeting”)
- § 41:37 (“Any particular item of business can be taken up out of its proper order by adopting a motion to Suspend the Rules by a two-thirds vote”)
- § 37:46 (“Reconsider and enter upon the minutes is a special form of the motion to Reconsider that has a different object from the regular motion. Its purpose is to prevent a temporary majority from taking advantage of an unrepresentative attendance at a meeting to vote an action that is opposed by a majority of a society’s or a convention’s membership”)
- § 4:11 (“a motion [may be] made by . . . [a] duly appointed committee”).

³ Cf. MODEL RULES OF PROCEDURE at ch. 5 § l(6) (“A motion may be withdrawn by the mover at any time without the consent of the council.”).

⁴ Compare id. § 3:12 (“…except in committees and small boards, a member never speaks while seated”).
clarify how the chair may participate in debate,⁵ and to codify rules relating to
amendments,⁶ and calling the previous question.⁷ The section clarifies that minor
deviations from the rules of procedure are not a basis for invalidating any otherwise
valid assembly action, and generally permits legal counsel and municipal
employees on the mayor’s behalf, to obtain the floor in debate.⁸

Last, the ordinance would enact a new AMC 2.20.110, to address the form
that minutes of assembly meetings must take.

We request your support for the ordinance.

Prepared by: Assembly Counsel

Respectfully submitted: Assembly Chair Suzanne LaFrance
District 6, South Anchorage

Assembly Vice Chair Christopher Constant
District 1, Downtown Anchorage

Assembly Member Kameron Perez-Verdia
District 3, West Anchorage

⁵ Compare id. at § 43.29 (“To participate in debate, he must relinquish the chair; and
in such a case he turns the chair over: a) to the highest-ranking vice-president who has
not spoken on the question and does not decline on the grounds of wishing to speak to it;
or b) if no such vice-president is in the room, to some other member qualified as in (a),
whom the chair designates [but which can prompt a vote]. The presiding officer who
relinquished the chair then may not return to it until the pending main motion has been
disposed of, since he has shown himself to be a partisan as afar as that particular matter
is concerned.”)

⁶ Compare id. at §12:23 (“When a resolution has a preamble (one or more clauses
beginning “Whereas”), the preamble is not opened to amendment until after amendment
of the resolving clauses has been completed.”).

⁷ Compare id. at § 16:8 (“When a resolution having a preamble . . . is pending, if the
Previous Question is ordered on the resolution before consideration of the preamble has
been reached . . . , the order does not apply to debate and amendment of the preamble,
to which the assembly proceeds before voting on the resolution.”).

⁸ Compare id. at § 25:11 fn.7 (“the rules may be suspended to allow a nonmember
to speak in debate.”). Cf. MODEL RULES at ch. 1 § IV.C. (“The city attorney may attend
any meeting of the council, and will, upon request, give an opinion, either written or oral,
on legal questions.”).
Mayoral Veto Overridden
on January 28, 2022

Municipality of Anchorage
Mayor Dave Bronson

Office of the Mayor

Date: January 26, 2022
To: Anchorage Assembly
From: Mayor Dave Bronson

Subject: Veto of Ordinance No. AO 2021-117, as amended

Pursuant to Section 2.30.100 of the Anchorage Municipal Code (AMC) and Section 5.02 of the Municipal Charter (Charter), I hereby veto AO 2021-117, as amended, passed at the Assembly’s special meeting of January 24, 2022.

I have reviewed the ordinance, heard the testimony, arguments and discussions presented for and against the ordinance, and understand the sentiments expressed during public testimony. It is apparent that AO 2021-117, as amended: (1) impermissibly infringes upon free speech; (2) is inconsistent with state laws related to the possession and carrying of firearms and knives; and (3) impermissibly transfers executive powers of executive branch to the Assembly. For these reasons, this veto should not be overridden.

First, public debate on public issues is a prized American privilege. Under Alaska law, the Charter, and municipal code, the Assembly is required to open meetings to public comment. The freedom to speak includes the freedom not to speak and extends to symbolic acts undertaken to communicate an idea. AO 2021-117, as amended, provides, “An individual may use a portion of their allocated time to engage in silent protest, but while doing so, must not prevent or delay other members of the public from providing testimony while the individual’s silent protest continues.” However, the autonomy promised by the Bill of Rights and repeatedly affirmed by Supreme Court jurisprudence protects the right not to speak or to provide expression through non-verbal means.¹

AO 2021-117, as amended, impermissibly encourages verbal expression while disfavoring non-verbal expression. In doing so, the ordinance infringes upon a speaker’s ability to choose his or her own method of self-expression. For this reason, the ordinance must be vetoed.

Second, the ordinance provides the Chair of the Assembly the authority “to prohibit members of the public from bringing dangerous or distracting items to Assembly premises if it is being used to create an actual disturbance.” Alaska Statute § 29.35.145 provides, however, that the “authority to regulate firearms and knives is reserved to the state, and... a municipality may

¹ Education v. Barnette, 319 U.S. 624, 645 (1943) (“The right of freedom of thought and of religion as guaranteed by the Constitution against State action includes both the right to speak freely and the right to refrain from speaking at all...”).
not enact or enforce an ordinance regulating the possession... [or] carrying... of firearms or knives.” Because AO 2021-117 could be used by the Chair to restrict the possession or carrying of a firearm or knife if deemed “dangerous or distracting” and to be “causing an actual disturbance,” the ordinance is inconsistent with state law and must be vetoed.

Finally, AO 2021-117, as amended, is another attempt by the legislative body to divest power from the executive branch. As has been repeatedly stated, the touchstone of constitutional legitimacy lies in the maxim that legislative, executive, and judicial powers must remain separate and distinct. As James Madison explained in Federalist No. 47, there is no political truth that has “greater intrinsic value.” This principle was accepted by the founding fathers of this great nation, and continues to be accepted today as canonical by scholars of democracy. The separation of powers doctrine applies to all levels of government. It is central to the framework of government here in Alaska, and it has been enshrined in Anchorage’s Charter since the formation of the Municipality.

In Bradner v. Hammond, the Alaska Supreme Court taught that “the underlying rationale of the doctrine of separation of powers is the avoidance of tyrannical aggrandizement of power by a single branch of government.” Anchorage’s executive and administrative power is vested in its mayor and encompasses most municipal departments, agencies, and boards and commissions. A review of Securitas Security Services USA, Inc.’s contract with the city provides, “The Contract Administrator is the Director, Maintenance and Operations Department or his designee.” As such, this contract is administered by the executive branch through the Maintenance and Operations Department. Any attempt by the Assembly to exercise control over the contractor is inappropriate. Therefore, I must veto the ordinance.

For the reasons stated above, I hereby veto AO 2021-117, as amended. I encourage the Assembly to review these concerns and ask that they work with me to develop a legally defensible and effective ordinance to accomplish the intended goals of AO 2021-117.

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2 The Federalist No. 47, at 239 (James Madison) (Lawrence Goldman ed., 2008).
4 Charter, art. V; AS 29.20.220 and .250.