



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 771-2021

Meeting Date: November 23, 2021

1 **FROM: Assembly Chair LaFrance**

2
3 **SUBJECT: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**
4 **ANCHORAGE MUNICIPAL CODE CHAPTER 2.30 RULES OF**
5 **PROCEDURE FOR ASSEMBLY TO CODIFY ADDITIONAL**
6 **RULES OF PROCEDURE FOR THE ASSEMBLY AND PRESIDING**
7 **OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY**
8 **CONDUCT OF ASSEMBLY BUSINESS.**
9

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11 The ordinance submitted with this memorandum would further codify rules
12 of procedure for the Assembly and its presiding officer, to promote the efficient,
13 safe, and orderly conduct of assembly business.
14

15 Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly by
16 ordinance shall determine its own rules and order of business,” and section 4.04(a)
17 provides “[t]he assembly shall elect annually from its membership a presiding
18 officer known as ‘chair’.” Pursuant to those Charter provisions, the Anchorage
19 Municipal Assembly has adopted Rules of Procedure codified in Anchorage
20 Municipal Code chapter 2.30 *Rules of Procedure for Assembly*, including a code
21 provision providing that “In all matters not covered by this chapter, Robert’s Rules
22 of Order, Newly Revised, shall govern.”
23

24 The attached ordinance attends to the facts that: (1) some of the Assembly’s
25 customary practices, such as those relating to immediate reconsideration of an
26 item, are addressed only in Robert’s Rules, and not in municipal code; (2) some of
27 the rules and nomenclature contained in Robert’s Rules of Order, Newly Revised,
28 depart from traditional Assembly practice; and (3) that further codification of the
29 Assembly’s rules of procedure in municipal code can reduce confusion and provide
30 greater clarity to the public.
31

32 Section 1 of the ordinance amends several provisions of AMC chapter 2.30.
33

34 AMC 2.30.020 is amended to codify several customary rights and
35 authorities of the chair. Many of the items proposed to be codified, such as the
36 rules relating to removal of persons who are creating an actual disturbance and
37 the duty of the presiding officer to rule on certain motions, points of order and
38 requests for information, are addressed in Robert’s Rules, but have not been

1 expressly addressed in code. Others, such the rules relating to seat and office
2 assignments, have prevailed by long custom, but are here codified for the first time.
3

4 AMC 2.30.035 is amended to further clarify the procedure for setting a
5 proposed ordinance or resolution for a public hearing, and to clarify the mechanics
6 of agendas for special meetings.
7

8 AMC 2.30.040 is amended to codify traditional limits on appearance
9 requests.
10

11 AMC 2.30.055 is amended to permit persons testifying at a public hearing
12 to engage in silent protests, so long as the protest does not impede efficient
13 conduct of the public hearing. Some content is relocated from current
14 AMC 2.30.080C. to AMC 2.30.055B., where it more logically belongs.
15 Amendments would also permit the Assembly to close a public hearing in order to
16 pass any time sensitive item, or if the item that is the subject of the public hearing
17 is postponed indefinitely. The section is further amended to adopt guidance related
18 to Assembly members' questions of the public, patterned on Model Rules of
19 Procedure published by the League of Oregon Cities.¹
20

21 AMC 2.30.060 is amended to better codify the current interpretation of rules
22 related to public hearings for Assembly Resolution, and to make explicit the
23 meaning of a cross reference that has, occasionally, led to confusion.
24

25 A new section, AMC 2.30.065 *Motions*, is added to: (1) clarify when motions
26 may be made, and (2) codify customary and other rules of Assembly procedure
27 that: (a) are in regular assembly use, but only contained in Robert's Rules (such
28 as the rule stating, generally, that a motion may not be reconsidered twice, or that
29 a motion to divide the assembly is out of order where the result of a vote is clear)
30 or provisions of code other than AMC 2.30 (such as the rule contained in
31 AMC 28.85.040C that the Assembly's certification of an election cannot be
32 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[.]").

1 public hearings) or (c) that deviate from provisions of Robert's Rules.² Portions of
 2 existing AMC 2.30.080 are also relocated into the new AMC 2.30.065. The new
 3 section would also permit a motion to be withdrawn without requiring the consent
 4 of the second, or the assembly.³

5
 6 AMC 2.30.070 is amended to codify existing assembly practice that when
 7 the chair places a motion before the assembly by stating the question, the chair
 8 may state the question by referencing an agenda item or written document. (For
 9 example, "We now have before as a motion to approve Amendment #4" or "We
 10 now have before us a motion to approve AO 2021-121 as amended").

11
 12 AMC 2.30.075 is amended to provide that a quorum may be established for
 13 good cause by ruling of the chair by combining total of assembly members
 14 physically and telephonically present.

15
 16 AMC 2.30.080 is amended to clarify that members will generally speak while
 17 seated,⁴ to remove language made unnecessary by the adoption of 2.30.055, to

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 § 1(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").

1 clarify how the chair may participate in debate,⁵ and to codify rules relating to
 2 amendments,⁶ and calling the previous question.⁷ The section clarifies that minor
 3 deviations from the rules of procedure are not a basis for invalidating any otherwise
 4 valid assembly action, and generally permits legal counsel and municipal
 5 employees on the mayor’s behalf, to obtain the floor in debate.⁸

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

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 10 We request your support for the ordinance.

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 12 Prepared by: Assembly Counsel

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

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 17 Assembly Vice Chair Christopher Constant
 18 District 1, Downtown Anchorage

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 20 Assembly Member Kameron Perez-Verdia
 21 District 3, West Anchorage
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 23

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.”).