

CLERK'S OFFICE

APPROVED

Date: 5-25-99

NOTICE OF RECONSIDERATION WAS
GIVEN BY MR. KENDALL 5-26-99 ANCHORAGE, ALASKA
Not reconsidered on 6-8-99 AO NO. 99-20

Submitted by: Assembly Member Clementson
Prepared by: Department of Law
For reading: January 26, 1999

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.10 TO
2 PROVIDE A PUBLIC COMMENT PERIOD ON APPOINTEES TO THE PLANNING AND
3 ZONING COMMISSION, URBAN DESIGN COMMISSION, PLATTING BOARD AND
4 ZONING BOARD OF EXAMINERS AND APPEALS PRIOR TO ASSEMBLY
5 CONFIRMATION; REITERATING AND ESTABLISHING REQUIREMENTS AND
6 PROHIBITIONS REGARDING THE PERFORMANCE OF DUTIES BY SUCH BOARDS AND
7 COMMISSIONS AND THEIR MEMBERS; AND THE BASIS OF REMOVAL FROM OFFICE
8 FOR SUCH BOARD AND COMMISSION MEMBER'S CONFLICTS OF INTEREST.
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10
11 THE ANCHORAGE ASSEMBLY ORDAINS:
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13 Section 1: Anchorage Municipal Code sections 21.10.005 and 21.10.010 are hereby amended to
14 read as follows:
15

16
17 21.10.005 Administrative official and planning staff.
18

19 A. The mayor may designate one or more members of the municipal staff as an
20 administrative official. An administrative official shall administer and enforce this
21 title and exercise such other powers and perform such other duties as are provided by
22 law.

23 (GAAB 21.05.080.A, B, 21.05.100; AMC 23.05.010.E, 10.10.050; AO No. 77-355;
24 AO No. 85-23)
25

26 B. The staff of the municipal department of community planning and development and
27 the building safety division of the department of public works shall act in an advisory
28 and support capacity to the planning and zoning commission, platting board, zoning
29 board of examiners and appeals, and board of adjustment and shall review or
30 coordinate the review of all applications to those bodies. In those cases where an
31 application must be considered by a board or commission at a public hearing, the staff
32 shall have the authority to reject from consideration those applications which do not
33 meet the minimum submission requirements established by ordinance or regulation
34 or by operating procedures approved by the relevant board or commission.
35 (GAAB 21.30.070, 21.30.180, 21.30.300, 21.30.400; AO No. 82-49)
36

37 1. *Secretary.* The director of the department of community planning and
38 development or a designee shall act as secretary to the planning and zoning
39 commission, platting board, zoning board of examiners and appeals, and urban

design commission

Section 2. A new Anchorage Municipal Code section 21.10.010 is hereby enacted to read as follows:

21.10.010 Composition and Public Comment on Board and Commission Appointees
[PLANNING STAFF.]

A. *Composition.* The planning and zoning commission, urban design commission, platting board and zoning board of examiners and appeals shall each consist of nine members.

B. *Public Comment on Board and Commission Member Appointments.* When transmitting to the Assembly for confirmation the names of appointees to Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals, the Mayor shall cause a notice of a 10 day comment period inviting public comment on the qualifications of such appointees to be published in a newspaper of general circulation in the Municipality. The notice shall advise that public comments shall be in writing and filed with the Municipal Clerk. Upon receipt, the Municipal Clerk shall forward comments received to the Mayor and the Assembly. The Assembly shall not take action on any appointment to the named boards or commissions until after the close of the public comment periods.

C. *Code of Ethics and Conflicts of Interest.* Pursuant to section 1.15.030 of the Municipal Code of Ethics, Members of Municipal boards and commissions are officials of the Municipality and subject to its provisions prohibiting conflicts of interest. The Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals act in quasi-judicial, adjudicatory capacities as well as the capacity of advisory bodies.

Code of Ethics. In addition to and amplification of the Code of Ethics, the Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals and their members shall, in the performance of their quasi-judicial, adjudicatory responsibilities in all matters before them, including all matters which their members should reasonably know or expect to come before them.:

- a. Make their decisions solely on the applicable law and the evidence in the record presented to the panel through the clerk or secretary of the board or commission or, when permitted, submitted to the panel in an open hearing on the record:
- b. Be impartial in fact and in appearance in the performance of their

functions which means that the panel and its members shall make their decisions without any actual or seemingly apparent personal or financial bias, prejudice, prejudgment or partiality with respect any person, party, or principle of law;

c. Conduct their proceedings according to the applicable procedures provided by law; and

d. Refrain from and not permit any *ex parte* contact or communication with any person regarding any matter pending before or which may be reasonably expected to be pending before them and report unavoidable *ex parte* contacts and communications to the full panel in open hearing on the record.

i. *Ex parte* contacts or communications are the receipt, either directly or indirectly, of verbal, visual or written communications outside a duly noticed, open hearing on the record at which all parties and all panel members have an opportunity to be present.

ii. The prohibition against *ex parte* contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission until after all appeal and remands for further consideration have concluded or the time for such has expired.

2. *Conflict of Interest.* Members of the Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals shall not attend or participate in any matter before them regarding which the member has a conflict of interest.

a. Immediately upon discovering the existence of any conflict of interest prohibited by this section or the Municipal Code of Ethics or State law applicable to local government officials, the board or commission member shall fully disclose on the record in open session of the board or commission the nature of and the facts creating the conflict and shall be disqualified from from any participation in or communication with other members of the board or commission on the matter with which a conflict exists.

3. *Removal of Member.* A member of the Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals found by the Board of Ethics to have participated in any matter with a conflict of interest therein shall automatically cease to be a member of his or her board or commission and a vacancy shall exist.

1 [THE STAFF OF THE MUNICIPAL DEPARTMENT OF COMMUNITY PLANNING
2 AND DEVELOPMENT AND THE BUILDING SAFETY DIVISION OF THE
3 DEPARTMENT OF PUBLIC WORKS SHALL ACT IN AN ADVISORY AND SUPPORT
4 CAPACITY TO THE PLANNING AND ZONING COMMISSION, PLATTING BOARD,
5 ZONING BOARD OF EXAMINERS AND APPEALS, AND BOARD OF ADJUSTMENT
6 AND SHALL REVIEW OR COORDINATE THE REVIEW OF ALL APPLICATIONS TO
7 THOSE BODIES. IN THOSE CASES WHERE AN APPLICATION MUST BE
8 CONSIDERED BY A BOARD OR COMMISSION AT A PUBLIC HEARING, THE
9 STAFF SHALL HAVE THE AUTHORITY TO REJECT FROM CONSIDERATION
10 THOSE APPLICATIONS WHICH DO NOT MEET THE MINIMUM SUBMISSION
11 REQUIREMENTS ESTABLISHED BY ORDINANCE OR REGULATION OR BY
12 OPERATING PROCEDURES APPROVED BY THE RELEVANT BOARD OR
13 COMMISSION.]
14

(GAAB 21.30.070, 21.30.180, 21.30.300, 21.30.400; AO No. 82-49)

15 Anchorage Municipal Code subsections 21.10.035A. and B. are hereby repealed;
16 section 21.10.027A., B and C. are hereby renumbered subsections 21.10.035A., A.1. and A.2
17 respectively; subsection 21.10.035C. is hereby renumbered subsection 21.10.035B. and section
18 21.10.035 is further amended by amending its title to read as follows:

19 **21.10.035** **Hearing Officer and Rules of Procedure [COMPOSITION AND**
20 **ORGANIZATION OF BOARDS AND COMMISSIONS].**

21 (AO No. 84-70; AO No. 85-72; AO No. 86-155)

22 **Cross reference(s)**—Administrative adjudication procedure, ch. 3.60.

23 (GAAB 21.30.030--21.30.110, 21.30.140--21.30.220, 21.30.260--21.30.340; AO No. 79-
24 78; AO No. 82-49; AO No. 85-160, 1-8-86; AO No. 88-42)

25
26 PASSED AND APPROVED by the Anchorage Assembly this 25th day of May, 1999.
27
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29
30
31 ATTEST:

32
33 *Lynne Ferguson*
34 Municipal Clerk
35

Michael J. [Signature]
Vice Chair of the Assembly

Post-it® Fax Note	7671	Date	# of pages ▶ 4
To <i>KAREN</i>		From <i>Rosemary</i>	
Co./Dept. <i>Proctor</i>		Co.	
Phone #		Phone # <i>343-4314</i>	
Fax #		Fax #	

Post-it® Fax Note	7671	Date	5/26/99	# of pages	▶
To	GREG MOYER	From	DAN KENDALL		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

M.O.A.

99 MAY 26 PM 3:44

CLERKS OFFICE

I GIVE NOTICE OF
RECONSIDERATION OF AO-99-20

Dan Kendall

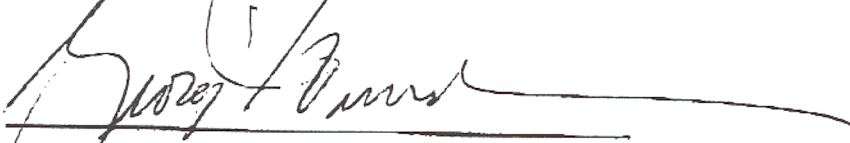
Mr. Wuerf seconds Mr.
Kendall's notice as stated
above (per telephonic message
on 5-26-99 at 345 pm)

Guy Moyer

AO 99-20: AN ORDINANCE AMENDING AMC CHAPTER 21.10 TO PROVIDE A
PUBLIC COMMENT PERIOD ON APPOINTEES TO THE PLANNING AND
ZONING COMMISSION, URBAN DESIGN COMMISSION, PLATTING BOARD
AND ZONING BOARD OF EXAMINERS AND APPEALS PRIOR TO ASSEMBLY
CONFIRMATION ...

May 26, 1999

second Mr. Kendall's reconsideration motion of AO 99-20 from 5/25/99
meeting



George Wuerch

Chairman.

• Page 2

MAY-26-1999 16:48

907 3434313

94%

P.02

TOTAL P.01

AO 99-20

1	SUBJECT OF AGENDA DOCUMENT AN ORDINANCE ... PROVIDE A PUBLIC COMMENT		DATE PREPARED	
	PERIOD ON APPOINTEES TO THE PLANNING & ZONING		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
	COMMISSION, URBAN DESIGN COMMISSION, PLATTING BD. AND ZONING BD. OF EXAMINERS & APPEALS ...			
2	DEPARTMENT NAME ASSEMBLY		DIRECTOR'S NAME FAY VON GEMMINGEN, CHAIR	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY WILLIAM A. GREENE - DEPT. OF LAW		HIS/HER PHONE NUMBER 343-4545	
4	COORDINATED WITH AND REVIEWED BY		INITIALS	DATE
	Mayor			
	Municipal Clerk			
	Municipal Attorney			
	Employee Relations			
	Municipal Manager			
	Community Planning & Development			
	Finance, Chief Fiscal Officer			
	Heritage Land Bank			
	Management Information Systems			
	Office of Management & Budget			
	Property & Facility Management			
	Purchasing			
	Operations Manager			
	Cultural & Recreational Services			
	Fire			
	Health & Human Services			
	Merrill Field Airport			
	Municipal Light & Power			
	Police			
	Port of Anchorage			
	Public Transportation			
	Public Works			
	Solid Waste Services			
	Water & Wastewater Utility			
	Other			
5	SPECIAL INSTRUCTIONS/COMMENTS LAI D ON THE TABLE BY TITLE ONLY 1-26-99			
6	ASSEMBLY HEARING DATE REQUESTED 1-26-99		7	PUBLIC HEARING DATE REQUESTED 2-9-99