

SUNSET AUDIT REPORT

2013-S1

Urban Design Commission

Community Development Department

August 15, 2013

MUNICIPALITY OF ANCHORAGE
Internal Audit Department
632 W 6th Avenue, Suite 600
P.O. Box 196650
Anchorage, Alaska 99519-6650
www.muni.org/departments/internal_audit



INTERNAL AUDIT DEPARTMENT
Peter Raiskums, CIA, CFE, CGFM
Director
Phone: (907) 343-4438
Fax: (907) 343-4370
E-Mail: raiskumspw@muni.org

MUNICIPALITY OF ANCHORAGE



Internal Audit Department
632 W. 6th Ave., Suite 600

Phone: 907-343-4438
Fax: 907-343-4370

Mayor Dan Sullivan

August 15, 2013

Honorable Mayor and Members of the Assembly:

I am pleased to present **Sunset Audit Report 2013-S1, Urban Design Commission, Community Development Department**, for your review. A brief summary of the report is presented below.

In accordance with Assembly Ordinance Number 2011-64(S-1), Section 14, we have performed a sunset audit of the Urban Design Commission. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Urban Design Commission should be reauthorized. Our audit included a review of meeting minutes, resolutions and agendas, and member authorization and participation.

Based on our review of meeting minutes, resolutions and attendance records, we recommend that the Urban Design Commission be reauthorized.

The Urban Design Commission will sunset on October 14, 2013 unless reauthorized by the Assembly.

Peter Raiskums, CIA, CFE
Director, Internal Audit

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**Sunset Audit Report 2013-S1
Urban Design Commission
Community Development Department**

Introduction. We have performed a sunset audit of the Urban Design Commission (Commission) as required by Assembly Ordinance Number 2011-64(S-1), Section 14 which states:

“The Municipal Clerk shall notify the Assembly and the Mayor by assembly memorandum at least 120 days prior to the sunset of any board or commission, and an ordinance for reauthorization shall be introduced through the Assembly Chair with the assembly memorandum. The assembly memorandum shall include direction to the Office of Internal Audit to audit the board or commission under Anchorage Municipal Code section 3.20.110 D.3. and 4. The Office of Internal Audit shall report its findings to the Mayor and Assembly at least 60 days, prior to sunset, prior to vote by the Assembly on reauthorization.”

Objective and Scope. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Commission should be reauthorized. Our audit included a review of meeting minutes, Commission resolutions and agendas, and Commission member authorization and participation.

The audit was conducted in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review, and accordingly, included tests of accounting records and such other auditing procedures as we considered necessary in the circumstances. The audit was performed during the period of June through July 2013.

Overall Evaluation. Based on our review of meeting minutes, resolutions, and attendance records, we recommend that the Urban Design Commission be reauthorized.

SUNSET FACTORS

The following factors were used in our evaluation and are presented for information to the Mayor and Assembly:

1. **Name of Commission.**

Urban Design Commission

2. **Sunset Date.**

October 14, 2013

3. **The purpose and goal of the Commission.**

Anchorage Municipal Code (AMC) 21.10.028, Urban design commission, states "There shall be an urban design commission, which shall have the following powers and duties:

A. Advise the mayor and assembly regarding urban design matters.

B. Review and decide special limitations of zoning map amendments, conditional uses, plats and site plans in accordance with authority delegated by the planning and zoning commission or platting board under this title.

C. Hear and decide upon applications for highway landscaping approval under section 21.45.130

D. Review and decide upon street and highway landscape plans in accordance with section 24.15.030

- E. Review and decide upon public facility project landscaping plans in accordance with section 21.15.025*
- F. Review and decide upon public facility site plans as determined in section 21.15.015*
- G. Review and make recommendations to the mayor and assembly regarding plans of government agencies not exempt by law from such review, for construction in, upon or adjacent to municipal property, including streets and sidewalks, concerning the compatibility of the construction with urban design standards and objectives.*
- H. Review and make recommendations to the mayor and assembly regarding any state or municipal plan or program affecting urban design or aesthetics in the municipality. These plans shall be reviewed by the planning and zoning commission prior to transmittal to the mayor or assembly.*
- I. Prepare and make recommendations on design standards and guidelines, ordinances affecting urban design, and urban design studies and plans to the mayor and assembly. These standards, ordinances and plans shall be reviewed by the planning and zoning commission prior to submittal to the mayor or assembly.*
- J. Annually, before preparation of the capital improvement program, prepare and submit to the mayor a list of public facility projects needing landscaping but not scheduled for major remodeling, construction or reconstruction. The list shall include cost estimates for each project and indicate each project's priority.*
- K. Develop, adopt and recommend to the assembly a street and highway landscape plan, and recommend measures to implement that plan. This plan shall be reviewed by the planning and zoning commission prior to submittal to the mayor or assembly.*
- L. Hear and decide applications for variances from the provisions of subsections 21.09.070M and 21.09.080, and chapter 21.47 in accordance with sections 21.15.010 and 21.47.110*
- M. Exercise such other powers, and perform such other duties, as are provided by law.”*

4. Have Commission members been appointed?

AMC 21.10.010.A, Composition, states “The . . . urban design commission . . . shall . . . consist of nine members.”

Audit Finding. Currently, the Commission is staffed with seven of the required nine members.

<u>Commission Member</u>	<u>Appointed</u>	<u>Term Expiration Date</u>
Monica Emerton	1-15-13	10-14-13
Thomas Tibor	1-12-10	10-14-15
Stephen Pratt	4-12-11	10-14-13
Monica Sullivan	2-28-12	10-14-14
Jerry Winchester	2-26-13	10-14-14
Jeff Dinwiddie	11-17-09	10-14-15
James Sawhill	8-25-09	10-14-13
Vacant		10-14-14
Vacant		10-14-14

Source: Mayor’s Office

5. Are the terms of the Commission members current?

AMC 4.05.040, Terms, states “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.”

Audit Finding. The terms for the seven Commission members are current.

6. Are positions deemed vacant after the maximum number of absences?

AMC 4.05.060.A, Attendance requirements; vacancies, states “. . . a vacancy shall occur if a member during any 12-month period while in office:

- 1. Is absent from three regular meetings without excuse;*
- 2. Is absent from:*
 - a. six regular meetings; or*
 - b. eight regular meetings for members of the planning and zoning commission, platting board, or zoning board of examiners and appeals; or*
- 3. Fails to attend a two-thirds majority of the regular meetings.”*

Audit Finding. No members were absent from three regular meetings without an excuse within any 12 month period.

No members were absent from six regular meetings within any 12 month period.

All members attended at least two thirds of the regular meetings within any 12 month period.

7. Does the Commission meet regularly?

AMC 4.05.090, Meetings, states “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 chairman 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, from which the public may be excluded.”

Audit Finding. From January 2012 through June 2013 the Commission met 15 times. Meetings are publicly announced on the Municipality’s Public Notices website.

8. Are minutes taken and published?

AMC 4.05.130, Reports, minutes and public hearing records, states “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.”

Audit Finding. No, Commission minutes were published for only three of the 15 Commission meetings from January 2012 through June 2013. These minutes are available on the Municipality’s website. In addition, Community Development staff keep a copy available for the public. Although published minutes were not completed for 12 of the 15 meetings, audio recordings of these minutes are available on the Municipality’s website.

9. Do meetings have action items or other business?

AMC 21.10.028 states “There shall be an urban design commission, which shall have the following powers and duties:

- A. Advise the mayor and assembly regarding urban design matters.*
- B. Review and decide special limitations of zoning map amendments, conditional uses, plats and site plans in accordance with authority delegated by the planning and zoning commission or platting board under this title.*
- C. Hear and decide upon applications for highway landscaping approval under section 21.45.130*
- D. Review and decide upon street and highway landscape plans in accordance with section 24.15.030*
- E. Review and decide upon public facility project landscaping plans in accordance with section 21.15.025*
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- G. Review and make recommendations to the mayor and assembly regarding plans of government agencies not exempt by law from such review, for construction in, upon or adjacent to municipal property, including streets and sidewalks, concerning the compatibility of the construction with urban design standards and objectives.*
- H. Review and make recommendations to the mayor and assembly regarding any state or municipal plan or program affecting urban design or aesthetics in the municipality. These plans shall be reviewed by the planning and zoning commission prior to transmittal to the mayor or assembly.*
- I. Prepare and make recommendations on design standards and guidelines, ordinances affecting urban design, and urban design studies and plans to the mayor and assembly. These standards, ordinances and plans shall be reviewed by the planning and zoning commission prior to submittal to the mayor or assembly.*
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- M. Exercise such other powers, and perform such other duties, as are provided by law.”*

Audit Finding. From January 2012 through June 2013, the Commission issued 16 resolutions.