

SUNSET AUDIT REPORT

2021-S1

Americans With Disabilities Act Advisory
Commission

Anchorage Health Department

August 13, 2021

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MUNICIPALITY OF ANCHORAGE
MAYOR DAVE BRONSON

INTERNAL AUDIT DEPARTMENT

August 13, 2021

Honorable Mayor and Members of the Assembly:

I am pleased to present for your review **Sunset Audit Report 2021-S1, Americans With Disabilities Act Advisory Commission, Anchorage Health Department**. 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 Americans With Disabilities Act Advisory Commission. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Americans With Disabilities Act Advisory 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 Americans With Disabilities Act Advisory Commission be allowed to sunset and not be reauthorized. Currently, the Americans With Disabilities Act Advisory Commission is staffed with only one of the required seven members. From January 2020 through June 2021, the Americans With Disabilities Act Advisory Commission did not meet but could have met in 2020 since it had four members at that time. We recognize that the COVID-19 pandemic may have impacted the Americans With Disabilities Act Advisory Commission; however, other boards and commissions we reviewed continued meeting despite the COVID-19 pandemic. In addition, the Americans With Disabilities Act Advisory Commission did not meet in 2019 prior to the pandemic but could have met in 2019 since it had five members at that time. In Sunset Audit Report 2018-S1 we recommended that the Assembly should consider holding a work session with the Americans With Disabilities Act Advisory Commission to discuss its role and recent activities to help determine if it should be reauthorized beyond January 2019. In that audit report we noted that the June 2018 Americans With Disabilities Act Advisory Commission meeting minutes stated that, "There is a discussion of the recommendation of the commission and the potential of the sunset of the commission. The commission was in place because the MOA did not have a designed [sic] ADA Coordinator and the commission may need to review the role and goals of the commission now that the MOA has an ADA Coordinator." If the Americans With Disabilities Act Advisory Commission is authorized to continue beyond October 14, 2021, we recommend that Anchorage Municipal Code section 4.60.240 be amended to formally move the Americans With Disabilities Act Advisory Commission from the Anchorage Health Department to the Human Resources Department where Americans With Disabilities Act Advisory Commission staff and a part-time Americans with Disabilities Act Coordinator are currently located.

The Americans With Disabilities Act Advisory Commission will sunset October 14, 2021, unless reauthorized by the Assembly.

Michael Chadwick, CIA, CICA
Director, Internal Audit



MUNICIPALITY OF ANCHORAGE
MAYOR DAVE BRONSON

INTERNAL AUDIT DEPARTMENT

August 13, 2021

Sunset Audit Report 2021-S1
Americans With Disabilities Act Advisory Commission
Anchorage Health Department

Introduction. We have performed a sunset audit of the Americans With Disabilities Act (ADA) Advisory 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, resolutions and agendas, and member authorization and participation.

We conducted this performance audit in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The audit was performed during the period of June through July 2021.

Overall Evaluation. Based on our review of meeting minutes, resolutions, and attendance records, we recommend that the Commission be allowed to sunset and not be reauthorized. Currently, the Commission is staffed with only one of the required seven members. From January 2020 through June 2021, the Commission did not meet but could have met in 2020 since it had four members at that time. We recognize that the COVID-19 pandemic may have impacted the Commission; however, other boards and commissions we reviewed continued meeting despite the COVID-19 pandemic. In addition, the Commission did not meet in 2019 prior to the pandemic but could have met in 2019 since it had five members at that time. In Sunset Audit Report 2018-S1 we recommended that the Assembly should consider holding a work session with the Commission to discuss its role and recent activities to help determine if it should be reauthorized beyond January 2019. In that audit report we noted that the June 2018 Commission meeting minutes stated that, "There is a discussion of the recommendation of the commission and the potential of the sunset of the commission. The commission was in place because the MOA did not have a designed [sic] ADA Coordinator and the commission may need to review the role and goals of the commission now that the MOA has an ADA Coordinator." If the Commission is authorized to continue beyond October 14, 2021, we recommend that Anchorage Municipal Code (AMC) section 4.60.240 be amended to formally move the Commission from the Anchorage Health Department to the Human Resources Department where Commission staff and a part-time ADA Coordinator are currently located.

SUNSET FACTORS

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

1. Name of Commission.

Americans With Disabilities Act Advisory Commission

2. Sunset Date.

October 14, 2021

3. The purpose and goal of the Commission.

*AMC subsection 4.60.240B., Americans With Disabilities Act Advisory Commission, states
“The commission shall:*

- 1. Review the Americans With Disabilities Act in order to maintain a clear and comprehensive understanding of federal legislation addressing all forms of discrimination against individuals on the basis of disability.*
- 2. Make recommendations to the mayor and assembly for the adoption, change or repeal of municipal laws, rules, regulations, restrictions or other matters affecting the individuals with disabilities community.*
- 3. Act in an advisory capacity to the mayor and the assembly in matters of policy concerning implementation by the municipality of the Americans With Disabilities Act.*
- 4. Report at least annually to the mayor and the assembly on individuals with disabilities issues and progress in relevant areas such as employment and public and private accommodations.*
- 5. Identify municipal facilities and employment procedures that require modifications and advise the mayor and assembly of those issues.*
- 6. Undertake efforts to open and maintain channels of communication with the disabled community of the municipality and to periodically hold hearings on matters of importance to that community, the Anchorage community as a whole, and the municipal government.*
- 7. Carry out educational and public relations programs designed to create public awareness.*
- 8. Perform such other powers and duties as the assembly may refer from time to time.”*

4. **Is the Commission fully staffed?**

AMC subsection 4.60.240A. states "There is established an Americans With Disabilities Act Advisory Commission consisting of seven members, with three members from active disability organizations and four members of the community."

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

<u>Commission Member</u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
David W. Ziemer – Community	11-20-18	10-14-21
Vacant		
Vacant		
Vacant		
Vacant		
Vacant		
Vacant		

Source: Assembly Memorandums

5. **Are the terms of the Commission members current?**

AMC section 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 term for the one Commission member is current.

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

AMC subsection 4.05.060A., Attendance requirements; vacancies, states "The office of a member of a board or commission member shall become vacant if the member:

- 1. Ceases to meet the qualifications prescribed for the office;*
- 2. Resigns;*
- 3. Dies;*
- 4. Is judicially determined to be incompetent;*
- 5. Is convicted of a felony;*
- 6. Is removed from office for breach of the public trust; or*
- 7. During any 12-month period while in office:*
 - a. Is absent from three regular meetings without excuse;*
 - b. Is absent from:*
 - i. Six regular meetings; or*
 - ii. Eight regular meetings for members of the planning and zoning commission, urban design commission, platting board, or zoning board of examiners and appeals; or*
 - c. Fails to attend a two-thirds majority of the regular meetings without excuse."*

Audit Finding. From January 2020 through June 2021, the Commission did not meet. In addition, the Commission did not meet in 2019.

7. **Did the Commission meet regularly?**

AMC section 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 2020 through June 2021, the Commission did not meet, but could have met in 2020 since it had four members at that time. In addition, the Commission did not meet in 2019, but could have met in 2019 since it had five members at that time.

8. Were minutes taken and published?

AMC section 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. From January 2020 through June 2021, the Commission did not meet. In addition, the Commission did not meet in 2019.

9. Did meetings have action items or other business?

AMC subsection 4.60.240B. states "The commission shall:

- 1. Review the Americans With Disabilities Act in order to maintain a clear and comprehensive understanding of federal legislation addressing all forms of discrimination against individuals on the basis of disability.*
- 2. Make recommendations to the mayor and assembly for the adoption, change or repeal of municipal laws, rules, regulations, restrictions or other matters affecting the individuals with disabilities community.*

3. *Act in an advisory capacity to the mayor and the assembly in matters of policy concerning implementation by the municipality of the Americans With Disabilities Act.*
4. *Report at least annually to the mayor and the assembly on individuals with disabilities issues and progress in relevant areas such as employment and public and private accommodations.*
5. *Identify municipal facilities and employment procedures that require modifications and advise the mayor and assembly of those issues.*
6. *Undertake efforts to open and maintain channels of communication with the disabled community of the municipality and to periodically hold hearings on matters of importance to that community, the Anchorage community as a whole, and the municipal government.*
7. *Carry out educational and public relations programs designed to create public awareness.*
8. *Perform such other powers and duties as the assembly may refer from time to time."*

Audit Finding. From January 2020 through June 2021, the Commission did not meet. In addition, the Commission did not meet in 2019.