

# SUNSET AUDIT REPORT

2023-S2

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Watershed and Natural Resources Advisory  
Commission

Planning Department

August 11, 2023

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**MUNICIPALITY OF ANCHORAGE**  
**MAYOR DAVE BRONSON**

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**OFFICE OF INTERNAL AUDIT**

August 11, 2023

Honorable Mayor and Members of the Assembly:

I am pleased to present **Sunset Audit Report 2023-S2, Watershed and Natural Resources Advisory Commission, Planning 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 Watershed and Natural Resources Advisory Commission. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Watershed and Natural Resources 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 Watershed and Natural Resources Advisory Commission be reauthorized.

The Watershed and Natural Resources Advisory Commission will sunset on October 14, 2023, unless reauthorized by the Assembly.

Scott Lee  
Acting Director, Internal Audit



MUNICIPALITY OF ANCHORAGE  
MAYOR DAVE BRONSON

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OFFICE OF INTERNAL AUDIT

August 11, 2023

**Sunset Audit Report 2023-S2**  
**Watershed and Natural Resources Advisory Commission**  
**Planning Department**

**Introduction.** We have performed a sunset audit of the Watershed and Natural Resources 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 documents pertaining to matters such as meeting agendas, meeting minutes, resolutions, member authorization, and member 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.

**Overall Evaluation.** Based on our review of documents pertaining to matters such as meeting agendas, meeting minutes, resolutions, member authorization, and member participation, we recommend that the Commission be reauthorized.

## **SUNSET FACTORS**

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

**1. Commission Name.**

Watershed and Natural Resources Advisory Commission

**2. Sunset Date.**

October 14, 2023

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

*Anchorage Municipal Code (AMC) section 4.90.010, Purpose and goal, states:*

*“B. The commission serves as a technical liaison between municipal departments, the community and state and federal agencies having water quality, watershed and natural resources management responsibilities, programs to restore and improve fish and wildlife habitat and other activities to increase community stewardship of aquatic and other natural resources within the Municipality of Anchorage.*

*C. The goal of the commission is to sustain the economic and community benefits of healthy creeks, watersheds and natural resource lands within the Municipality of Anchorage by providing technical advice and guidance to help facilitate coordinated and collaborative*



*local, state, federal and private sector watershed and natural resources stewardship, restoration and protection actions.”*

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

*AMC section 4.90.020, Composition of commission, states:*

- “A. The watershed and natural resources advisory commission shall be composed of nine members.*
- B. When making commission appointments, due consideration shall be given to technical qualifications in the fields of aquatic resources, creek restoration, fish passage, hydrology, land management, engineering, project management and permitting, watershed management, education/outreach and fish and wildlife.”*

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

<u>Commission Member</u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
Luke Graham	11-9-21	10-14-23
Emily Creely	5-9-23	10-14-25
Tamás Deák	5-9-23	10-14-25
Kevin Jackson	6-20-23	10-14-25
Matt Nemeth	7-11-23	10-14-24
Madison Halloran	8-8-23	10-14-24
Holly Kent	8-8-23	10-14-24
Nic Kinsman	8-8-23	10-14-23
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 terms for all Commission members are 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.** No members were absent from three regular meetings without an excuse during any 12-month period from January 2022 through June 2023.

No members were absent from eight regular meetings during any 12-month period from January 2022 through June 2023.

No members failed to attend two-thirds of the regular meetings without an excuse during any 12-month period from January 2022 through June 2023.

In addition, seven of the eight current Commission members were appointed within the last four months.

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 2022 through June 2023 the Commission held 5 regular meetings and 1 special meeting. According to Planning Department staff, there was no quorum for the last three regular meetings. Meetings were publicly announced on the Municipality of Anchorage’s Public Notices website, and the Mayor’s website. In addition, the Commission’s



website had the Commission's meeting information as follows, "...usually meets every fourth Wednesday of the month, 12:00 noon to 1:00 p.m."

**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.** Meeting minutes were taken at each Commission meeting. Planning Department staff keeps a copy available for the public. In addition, the meeting minutes are available on the Commission's website.

**9. Did meetings have action items or other business?**

*AMC subsection 4.90.030A., Powers and duties, states: "The commission has the following powers and duties:*

- 1. Make recommendations, provide advice, and submit reports to the Assembly, the mayor, and municipal departments on watershed, creek and natural resource stewardship, restoration, and protection matters.*
- 2. Serve as a technical liaison and a point of contact between the Municipality and state and federal natural resource, fish and wildlife management agencies, and other interests involved in the stewardship, restoration, management and protection of aquatic habitat, watersheds and natural resource.*
- 3. Review and make recommendations for such special studies on watershed, creek and natural resource matters as may be requested or designated by municipal departments or boards, commissions, or the assembly.*



4. *Act in a technical advisory capacity to the parks and recreation commission, Heritage Land Bank Advisory Commission, community councils and other municipal boards and commissions on matters related to creeks, watersheds, and natural resource lands.*
5. *Provide recommendations to the mayor and the assembly on annual capital improvement plans and budgets for natural resource, creek restoration and watershed related activities and projects.*
6. *Function as the permanent advisory entity for the Municipality's Sustainable Salmon Program and National Fish Habitat Partnership activities.*
7. *Assist with public outreach and education on topics and issues of interest to the commission.*
8. *Provide technical advice, as requested, to the Anchorage School District on curricula and other school programs addressing watersheds, stream ecology, wildlife management and creek restoration.*
9. *Perform other duties, as requested by the mayor and the assembly.*
10. *Prepare an annual report of commission activities.”*

**Audit Finding.** From January 2022 through June 2023, the Commission issued 1 resolution. The resolution was to support a nonprofit organization for its goals of daylighting and rehabilitating Fish Creek. In addition, the January 2022 approved meeting minutes contained a presentation regarding an MOA snow dump site and discussion on a proposed Chugach solar farm. Draft meeting minutes for March 2022 also contained discussions on the restoration of Fish Creek, creating a stormwater utility, beetle kill and woodpecker home preservation, and a possible interagency meeting to “...establish a clear process for dealing with wetland issues.” No annual report of commission activities has been prepared for 2022.