

SUNSET AUDIT REPORT

2025-S6

Americans With Disabilities Act Advisory
Commission

Anchorage Equal Rights Commission

July 22, 2025

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MUNICIPALITY OF ANCHORAGE
MAYOR SUZANNE LAFRANCE

OFFICE OF INTERNAL AUDIT

July 22, 2025

Honorable Mayor and Members of the Assembly:

I am pleased to present for your review the **Sunset Audit Report 2025-S6, Americans With Disabilities Act Advisory Commission, Anchorage Equal Rights Commission**. A 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 documents pertaining to matters such as meeting minutes, meeting agendas, resolutions, member authorization, and member participation.

Based on our review documents pertaining to matters such as meeting minutes, meeting agendas, resolutions, member authorization, and member participation, we recommend that the Americans With Disabilities Act Advisory Commission be reauthorized.

The Americans With Disabilities Act Advisory Commission will sunset October 14, 2025, unless reauthorized by the Assembly.

Alden P. Thern

Director, Internal Audit

July 22, 2025

Sunset Audit Report 2025-S6
Americans With Disabilities Act Advisory Commission
Anchorage Equal Rights Commission

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.

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

Commission History

2018-2025

<u>Date</u>	<u>Action</u>
8-10-18	Sunset Audit Report 2018-S1 recommended "...that the Assembly should consider reauthorizing the Commission until January 2019...the Assembly should consider holding a work session with the Commission to discuss its role and recent activities to help determine if the Commission should be reauthorized beyond January 2019."
10-9-18	The Assembly Approved AO 2018-47 to continue the Commission until October 14, 2021.
8-13-21	Sunset Audit Report 2021-S1 recommended "... 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

<u>Date</u>	<u>Action</u>
	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.”
10-12-21	The Assembly approved AO 2021-60(S), As Amended to continue the Commission until October 14, 2022.
10-14-22	There was no action to continue, and the Commission was terminated.
7-16-24	The Assembly reestablished the Commission until October 14, 2025, subject to reauthorization, by approving AO 2024-66.

Overall Evaluation. Based on our review of documents pertaining to matters such as meeting agendas, meeting minutes, Commission correspondence, 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. Name of Commission.

Americans With Disabilities Act Advisory Commission

2. Sunset Date.

October 14, 2025

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 fully staffed.

<u>Commission Member</u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
April White-Community	12-19-2023	10-14-2026
Dean Paul-Disability Organization	12-19-2023	10-14-2026
Jessica Oswald-Community	1-7-2025	10-14-2027
Onome Okurume-Community	2-25-2025	10-14-2027
Ryan Di Giovanni-Community	2-25-2025	10-14-2025
Krystal Blair-Disability Organization	8-8-2023	10-14-2025
Bridger Reed-Lewis-Disability Organization	6-10-2025	10-14-2025

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.”*

Audit Finding. Since the reestablishment of the Commission in July 2024 through June 2025, the Commission met 3 times. However, since the Commission was reestablished in July 2024, there has not been a full year to determine if the attendance requirements were met.

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 chair 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 or when meeting solely to make a decision on a procedural motion brought by a party in an adjudicatory proceeding, from which the public may be excluded.”

Audit Finding. Since the reestablishment of the Commission in July 2024 through June 2025, the Commission met 3 times. Meetings were publicly announced on the Commission's website, the Municipality of Anchorage's Public Notices website, and the Mayor's Boards and Commissions Events Calendar website.

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. Anchorage Equal Rights Commission staff keeps a copy available for the public.

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. During June 2025 meeting, the Commission discussed educational and public relations programs, and accessible improvements in real estate. In addition, the Commission approved a motion to recognize the Winter Accessibility Priority Program to send to the Mayor’s Office.