



Brief History of Girdwood Board of Supervisors/Community Council Issue

December 5, 1983 – Girdwood Board of Supervisors (GBOS) voted 4-1 to “broaden its responsibilities to include acting on on-tax-related matters. Thus it will continue to handle any non-tax-related issues brought before it. This status does not preclude the formation of a community council at a future date” (FVCS Local News, January 1984).

November 1997 – GBOS voted in favor of the Alaska Railroad studying the proposed rail spur in spite of community opposition including a petition against it signed by 462 Girdwood residents. This vote prompted local resident Rita Hall to file a complaint with the Municipal Ombudsmen’s office charging the GBOS “has at times been acting outside its authority during the past 14 years” (Anchorage Daily News, December 29, 1997).

December 12, 1997 – Ombudsmen’s report finds that the Anchorage Municipal Code has no provision for a service area board to change their duties and powers on their own and that the “GBOS acted without authority in December 1983 when they voted to take on additional responsibilities and act as the recognized community council for the Girdwood valley” (Ombudsmen’s Report, December 12, 1997).

The community responded by holding 3 town meetings (attended by 50-85 people each time) in order to resolve the issue of the GBOS not legally having the right to deal with land use issues. The Federation of Community Councils assisted in sending out a survey, and advisory questions were on the April 1999 ballot. This tremendous amount of public input resulted in AR 2001-85.

January 15, February 4, March, 1998 – Town meetings were held in Girdwood where the community members expressed they did not want a community council separate from the Girdwood Board of Supervisors. See minutes of GBOS meetings where these meetings were reported, and where similar statements were made from attendees (including Assemblymembers).

April 1998 – First Land Use Committee(LUC) meeting held. LUC is the result of community needing to grapple with land use issues while community sorting out what was legally necessary to respond to ombudsman’s opinion. LUC meeting held every month since (except when lack of agenda items prompted cancellation).

May 1998 -- Federation of Community Councils Survey of Girdwood Residents reported.

1. Should there continue to be a mayoral appointee on the GBOS?
154 Yes/161 No
1. Should the GBOS be increased from 5 to 7?
204 Yes/109 No
1. Should the GBOS and community council be combined?
215 Yes/110 No

October 1998 – Options for combining the GBOS and community council were posted publicly for review and comment.

April 20, 1999 – In the Municipal Election, Girdwood residents voted on several advisory questions:

1. Should the Mayor of Anchorage appoint one member of the GBOS?
182 Yes/ 213 No
2. Should the GBOS function as a service area board?
258 Yes/ 85 No

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[Girdwood Area Plan Review Committee](#)

[Land Use Committee Operating Procedures](#)

[Trails Committee Operating Precedures](#)

[Link to other sites](#)

[Girdwood Chamber of Commerce](#)

[Girdwood.com](#)

3. Should a Girdwood Community Council be formed?

161 Yes/ 190 No

September 13, 1999 – Girdwood Community Association formed as Girdwood community council for the purpose of "providing a direct and continuing means of citizen participation in local affairs and to provide Girdwood residents and property owners, business owners and non-profit representatives a means by which they can work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on Girdwood's development and services.

October 5, 1999 – Letter sent to Assemblymembers Abney and Tremaine outlining description of process to date, and request for Girdwood Community Association to be recognized as the community council for Girdwood.

January 2000 – Annual meeting of Girdwood Community Association publicly posted and held.

February 2001 -- Annual meeting of Girdwood Community Association publicly posted and held.

April 24, 2001 – Assembly passes by a vote of 8-2, AR 2001-85, "A Resolution of the Anchorage Municipal Assembly Recognizing the Girdwood Community Association as the Community Council For the Girdwood Valley Community Council District" against the recommendation of Municipal Attorney Bill Greene, and with the provision that the Municipal Attorney will work to "draft the necessary code changes to legally implement this resolution effective within 30 days."

May 1, 2001 – Mayor Wuerch vetoes the Resolution.

July 18, 2001 – Letter to the Anchorage Assembly from the GBOS states that the GBOS and the LUC unanimously support Anchorage Ordinance No. AO 2001-128, an ordinance amending Anchorage Municipal Code (AMC 1.15.170E) to allow elected members of Girdwood Service Area Boards to represent community views and recommendations before the Assembly, Mayor, School Board and other municipal, boards, commissions and agencies.

July 24, 2001 – Assembly approved AO 2001-128.

February 2002 - Annual meeting of Girdwood Community Association publicly posted and held.

January 2003 - Annual meeting of Girdwood Community Association publicly posted and held. Subcommittee formed to review By-Laws of the Girdwood Community Association.

August 12, 2003 – Assembly approved 2003-113 (Amended) which reads: E. Districts Recognized; Special Provision. The Municipality recognizes the Girdwood Board of Supervisors as the community council, ex-officio, which serves the Girdwood Community Association/Land Use Committee boundary area depicted on Map 10 located in section 2.40.090.

August 15, 2003 – Memo from Municipal Attorney Frederick Boness states, as a response to Assemblymembers Traini and Fairclough's question concerning the GBOS serving as the Community Council being in violation of AMC 1.15.170E: this was resolved when the Assembly passed AO No 2001-128 and that exception is now contained in AMC 1.15.170E.

Compiled by Julie Jonas, updated 12/9/02, 10/31/03

**2.40.035 - Recognition of community councils; special ex officio
community council recognition
for Girdwood Board of Supervisors.**

A.

Recognition of community councils. Upon request of one or more voluntary associations and after public notice and hearing, the assembly may recognize by ordinance any one voluntary association as the community council for a given district. To qualify for and maintain recognition, an association must establish that it:

1. Includes residents, non-resident property owners, business owners and nonprofit organizations within geographical areas established as community council districts under this chapter;
2. Has a policy and practice of open membership and meetings which will encourage participation of persons from all segments of the community;
3. Is committed to affording citizens an opportunity for maximum community involvement and self-determination through community council membership and does not engage in practices contrary to the provisions of this chapter;
4. Has, in the opinion of the assembly, the capability to represent the community council district membership;
5. Has held at least two meetings in the district which resulted in a determination to seek recognition as a community council. Such meetings must have been subsequent to public notice through publication, school distribution and other means adequate to inform most, if not all, district residents of the meeting; and
6. Has adopted and implements bylaws consistent with this chapter governing the organization, operation, and proceedings of the community council.

B.

Girdwood recognized; special provision. The municipality recognizes the Girdwood Board of Supervisors as the community council, ex-officio, which serves the GirdwoodCommunity Association/Land Use Committee boundary area depicted on Map 10 located in section 2.40.090.



OMBUDSMAN

TO: File 

FROM: Darrel Hess, Municipal Ombudsman

DATE: March 31, 2015

SUBJECT: GBOS & LUC as Community Council for Girdwood

On the afternoon of Monday, March 23, 2015, Assembly Counsel Julia Tucker and I met with Kyle Kelley (MOA), Erin Eker (GBOS), Bob Dugan (GBOS-LUC), and Dick Traini, to discuss GBOS as the community council *ex officio* for Girdwood. Julia and I had met a couple of weeks ago to discuss the situation before our meeting this week. At Monday's meeting we discussed the situation, and possible options to address issues associated with the current structure.

- The Charter's Bill of Rights enumerates and guarantees certain rights to the people of Anchorage, including "The right to establish local community councils to assure maximum community self-determination, exercised in conjunction with others and without infringement upon the rights of other persons."
- The Anchorage Home Rule Charter, Article VIII, Section 8.01 states that "The assembly by ordinance shall provide for establishment of community councils to afford citizens an opportunity for maximum community involvement and self-determination. The ordinance shall include procedures for negotiation between the local government and each community council with respect to the duties and responsibilities of the community council."
- Over the years since unification, and in a variety of contexts, the Department of Law has counseled municipal representatives, including my office, the Assembly, the Clerk's Office, and various other municipal divisions, that community councils, while a part of the process under code and charter, are not government organizations. Instead, they are specifically created as non-profit, self-governing volunteer organizations, outside the direct control of any government office. (By way of example, complaint jurisdiction of Ombudsman does not extend to community councils because they are not "government"). The Charter Commission records and comment from Charter Commission members support this unique position for community councils.
- It is doubtful whether prior actions in recognizing the GBOS as the community council for Girdwood match the wording or intent of the charter.
- Having an elected government body (GBOS) serve as the community council for Girdwood, *ex officio* or otherwise, appears to be something the Assembly cannot "fix" by amending the community council code. (The Assembly cannot change Charter by a code amendment.)

We discussed two options for Girdwood's consideration:

1. Formalize the Land Use Committee as a community council: The Land Use Committee (LUC) could petition the Assembly to be recognized as the Girdwood Community Council. This requires the LUC to be recognized as an independent, not-for-profit, voluntary citizen's group capable of representing Girdwood as a community council. Since the LUC has been acting as a community council for over 15 years, and it would be a fairly simple process (by ordinance) for the Assembly to recognize the LUC as a community council, this option could be easily implemented in code. While continuation of a good working relationship between the LUC and GBOS is expected to continue, the LUC would not be a subcommittee of GBOS, and GBOS would not serve as the executive committee of the LUC. We provided Erin and Bob with a set of draft conceptual Girdwood Community Council Bylaws. GBOS and LUC will need to think through how to best support all the work LUC now does as a subcommittee of GBOS. Continued support from GBOS under this model would be moving Girdwood in the direction envisioned in the charter for all Anchorage communities vis-à-vis community council representation, whether or not a service area for other government purposes is in place.

2. Explore voter approval to accept and maintain exclusive GBOS control of the function reserved to a community council under the charter: It may be possible for Girdwood to accomplish by ballot in a municipal election some form of the present status quo, with GBOS serving as the ultimate community council voice for area residents. This option could also trigger secondary issues, and we need to re-engage the Dept. of Law. This option would potentially move code and charter in the direction of the GBOS preference of serving Girdwood as both the service area board and as the controlling leadership intermediary for community council functions.

We also responded to questions about the third option of drafting additional code amendments to preserve the status quo by defining "ex officio" and/or exempting the GBOS from bylaw requirements. For the reasons discussed above, we have no "ex officio" definition to offer as a cure. Nor will bylaw requirements cure the gap between 1) a non-government community council under the Charter and 2) a governmental entity (GBOS and its official LUC subcommittee) controlling the community council function for Girdwood. The way things stand now, another group in Girdwood could exercise the right to organize and petition the Assembly for community council recognition, replacing "ex officio" status with official status.

Julia has included Municipal Attorney Dennis Wheeler in follow-up to our meeting, and the Department of Law's input on any additional scenarios, and on the question of whether residents of Girdwood could formally vote on waiving their charter right to a non-governmental community council voice, will be helpful and appreciated.

Erin and Bob are going to go back to GBOS and the LUC for further discussion. In the meantime, the Department of Law should have the opportunity to weigh in on the options.

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Municipality of Anchorage

P.O Box 390
Girdwood, Alaska 99587
<http://www.muni.org/gbos>
Dan Sullivan, Mayor



GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
Erin Eker/David Chadwick, Co-Chairman
Tommy O'Malley, Robert Snitzer, Sam Daniel

Resolution 2015-03 Of the Girdwood Board of Supervisors

RESOLUTION OF SUPPORT TO REQUEST CHANGE IN MUNICIPAL CHARTER AS IT RELATES TO GIRDWOOD COMMUNITY COUNCIL

WHEREAS, the Girdwood Board of Supervisors (GBOS) has successfully served the community of Girdwood as the spokesman to the Municipality of Anchorage; and

WHEREAS, the Girdwood Land Use Committee (LUC), votes on a basis of one person, one vote and receives, considers, and relates input from all residents of Girdwood, including those outside of the Girdwood Service Area; and

WHEREAS, the LUC acts as an advisory body to the GBOS, which is responsible for carrying forward the opinion of the LUC the Municipality of Anchorage; and

WHEREAS, the GBOS and the LUC are committed to reviewing their operating principles to clarify the method to handle resolving conflicting opinions of the two entities; and

WHEREAS, at two joint GBOS/LUC public meetings, and at separate regularly scheduled public GBOS and LUC meetings, the overwhelming opinion of the community is to avoid creation of a separate Community Council and to maintain the current system of consideration and communication; and

WHEREAS, change in the Municipal Charter will require a majority favorable vote by the voters of Girdwood to affirm this decision;

THEREFORE, BE IT RESOLVED that Girdwood Board of Supervisors requests that the Municipal Ombudsman, Assembly Council and the Municipal Attorney craft a voter proposition for the change of the Municipal Charter to allow the GBOS to continue act as the Girdwood Community Council, with the Girdwood Land Use Committee continuing in their role as a sub-committee advising on majority opinion of the public.

PASSED AND APPROVED by the Girdwood Board of Supervisors this 15th day of June, 2015.

T. O'Malley 6-18-15
Tommy O'Malley, GBOS DATE
Attest 6-18-15

Explanation:

Early in 2015, the municipal ombudsman began to question the legality of the position of the Girdwood Board of Supervisors as the Community Council Ex-Officio.

The provision for the GBOS to operate as the Community Council Ex-Officio is stated in municipal code, below (see highlighted text C and E). It is understood by GBOS and LUC at the end of this process that a change in status of GBOS as the Community Council Ex-Officio would require a change in municipal code, which has not occurred.

In reviewing this situation, it is determined that the existence of the Girdwood Community Association, although an inactive organization, was an element that contributed to confusion in this matter. After presentations through the Land Use Committee and the Girdwood Board of Supervisors throughout the fall of 2016, it was decided that the Girdwood Community Association should have been formally suspended after formation of the Land Use Committee.

Therefore, at the November, 2016 Regular GBOS meeting, the following motion was passed:

13. **Agenda Item LUC 1610-06:** Suspension of Girdwood Community Association.

Lewis Leonard reports that Girdwood Community Association was the predecessor to the GBOS and should have been formally suspended after GBOS became Community Council Ex-Officio and LUC became one-person one-vote entity representing the valley. Lack of formal suspension resulted in confusion when municipal ombudsman was inquiring about GBOS and committees. Clarifications have been added to GBOS and LUC Operating Principles.

Motion:

Girdwood Board of Supervisors moves to formally suspend the Girdwood Community Association.

Motion by Jerry Fox, 2nd by Tommy O'Malley

Motion passes 5-0

Anchorage Municipal Code:

2.40.030 Definition and recognition of community councils.

A. *Community councils defined.* Community councils are nonprofit, voluntary, self-governing associations composed of residents, property owners, business owners and representatives from nonprofit associations and other entities located within geographical areas designated as districts by the Assembly. Residents, for the purpose of this chapter, are defined as homeowners, tenants, or others dwelling within the council boundaries, property owners and representatives from nonprofit associations and other entities located within geographical areas designated as districts by the assembly.

B. *Recognition of community councils.* Upon request of one or more voluntary associations and after public notice and hearing, the Assembly may recognize by ordinance any one voluntary association as the community council for a given district. To qualify for and maintain recognition, an association must establish that it:

1. Meets the definition of a community council as set forth in subsection A of this section;

- 2.Has a policy and practice of open membership and meetings which encourages participation of persons from all segments of the community;
- 3.Does not charge dues, or require other financial contribution as a condition of membership or participation, in excess of \$15.00 per member per year; however, the council may waive the required dues in individual instances if the council determines that a hardship exists; a community council may receive gifts, grants, contributions, or in-kind donations from members or others to meet the costs of its operations;
- 4.Is, in the opinion of the Assembly, representative of the residents in the district;
- 5.Has held at least two meetings in the district which resulted in a determination to seek recognition as a community council. Such meetings must have been subsequent to public notice through publication, school distribution and other means adequate to inform most, if not all, district residents of the meeting; and
- 6.Has adopted by-laws governing the organization, operation, and proceedings of the community council. These by-laws shall be presented to the Assembly prior to recognition and shall provide for:
 - a)Definition of the boundaries of the community council as set forth in AMC 2.40.040 D and AMC 2.40.090.
 - b)Definition of membership consistent with A of this section.
 - c)Regular meetings of the council at periodic intervals, at least two times in a calendar year, but preferably once each calendar quarter.
 - d)The election of officers and, if desired, an executive committee or like body to conduct the business of the council between meetings.
 - e)The duties and responsibilities of officers, their removal or replacement when a vacancy occurs, and criteria for eligibility to hold an office with the council.
 - f)Minutes shall be taken at all meetings.
 - g)The management of the council's finances including regular status reports and an annual report to the council members on the council's finances or a compilation of treasurer's reports.
 - h)The dissolution of the council, and for the disposition of the council's property upon dissolution.
 - i)That the latest edition of Robert's Rules of Order, Revised, shall apply in all instances, matters, and proceedings not covered by the by-laws.
 - j)Procedures for amending the by-laws.
 - k)Membership lists are used only for council business.

C. Girdwood is not considered a community council for purposes of this section.

D.[Reserved.]

E.*Districts recognized; special provision.* The municipality recognizes the Girdwood Board of Supervisors as the community council, ex-officio, which serves the Girdwood Community Association/Land Use Committee boundary area depicted on Map 10 located in section 2.40.090

Girdwood Community Council discussions 2014-2020

2003: AMC was revised with AO 2001-128 and GBOS is officially the Girdwood community Council Ex-Officio

GBOS, Girdwood Land Use and Trails Committee meet consistently. Girdwood community Association meets sporadically. GVSA begins hiring staff to formally oversee projects, in particular projects related to Roads and Parks and Recreation. GVSA contracts for professional secretarial services to post meetings, agendas, and produce minutes.

Over several years this evolves into the following MOA positions:

Girdwood Valley Service Area Manager

Girdwood Administrative Officer/Parks and Recreation

Summer seasonal part-time Parks Caretaker Position(s)

2014: Two issues come forward

- Voting requirements in bylaws of LUC and GTC. New code adopted in Feb 2014 brings existing attendance requirements at both committees out of compliance. These are resolved by changes to operating rules for both bodies. LUC opts to remove attendance requirement. GTC changes from 6 meetings in a year to vote to 1 meeting per year to vote. Rules of each committee are updated to reflect these changes.
- Lack of true community council. Attorneys Hess and Sherwood agree that LUC/GBOS system is not true community council as GBOS is elected body. GBOS Operating Rules and Procedures are to be updated to clarify how dissenting opinions on items at Land Use and GBOS will be handled. LUC and GBOS bylaws are revised with system to resolve disagreeing opinions between LUC and GBOS.

2015: Work on the two issues results in the following actions

June, 2015 GBOS passes resolution 2015-03 at the recommendation of LUC:

THEREFORE, BE IT RESOLVED that Girdwood Board of Supervisors requests that the Municipal Ombudsman, Assembly Council and the Municipal Attorney change of the Municipal Charter to allow the GBOS to continue act as the Girdwood Community Council, with the Girdwood Land Use Committee continuing in their role as a sub-committee advising on majority opinion of the public.

September 2015 LUC Discussion:

[Agenda Item LUC 1503-05](#): Update on Girdwood Community Council status.

Jerry Fox, Tommy O'Malley attended a meeting recently with Darryl Hess, MOA Ombudsman and Todd Sherwood, MOA Attorney. Meeting was to discuss the request of GBOS to find a way to maintain the status quo with regard to GBOS/LUC acting as the community council for Girdwood.

Overall the input from Hess and Sherwood is that there is no way to change city charter to accommodate the Girdwood current system. Changing the charter is similar to changing the Constitution. Girdwood's set up doesn't work legally as community councils must operate completely separately from elected government and without paid muni staff support. GBOS and LUC should not discuss land use issues, these should go to a separate community council.

Darryl Hess will write report to Assembly, and Assembly may or may not take action that requires change. Overall opinion is that until there is action from the Assembly, no action is needed. Group considered the consequences of having a separate community council (including: does LUC become obsolete, what is the role of GBOS other than taxation board).

Diana Livingston recalls that there was a Girdwood Community Council, which met as part of the LUC meetings for a while and elected officers. No actions were ever taken by the Community Council and eventually the meetings stopped occurring. She suggests that LUC invite Brooks Chandler to attend a future meeting of LUC to give insight on the topic. Bob Dugan offers to coordinate this for a meeting sometime in the next several months

October 2015 LUC

Agenda Item LUC 1503-05: Update on Girdwood Community Council status.

At the last LUC meeting, the general consensus was the desire to stay with the status quo unless the Municipality took action against current structure. The LUC asked Bob Dugan to check with Brooks Chandler to gain further understanding, and Brooks replied that there would have to be a change to Muni code 2.40.035 in order to change the GBOS from its current role as Community Council Ex-Officio. Basically, the current ombudsman and the MOA assistant attorney argue that what was voted on and adopted in the past is not legal, but they must take action to change it. There is no need for LUC or GBOS to do anything now as the structure is as outlined in municipal code.

2016: Operating rules for GBOS and LUC and updated and reviewed by GBOS and approved in Sept 2016 and December 2016 at the GBOS/LUC Joint Quarterly meetings

October/November 2016: LUC and GBOS address Suspension of the Girdwood Community Association, ultimately resulting in this action at the November 2016 GBOS Meeting:

13. **Agenda Item LUC 1610-06:** Suspension of Girdwood Community Association.

Lewis Leonard reports that Girdwood Community Association was the predecessor to the GBOS and should have been formally suspended after GBOS became Community Council Ex-Officio and LUC became one-person one-vote entity representing the valley. Lack of formal suspension resulted in confusion when municipal ombudsman was inquiring about GBOS and committees. Clarifications have been added to GBOS and LUC Operating Principles.

Motion:

Girdwood Board of Supervisors moves to formally suspend the Girdwood Community Association.

Motion by Jerry Fox, 2nd by Tommy O'Malley

Motion passes 5-0

2019:

Clarification of how LUC and GBOS hear and respond to Community Council type topics is drafted in 2018 and approved by LUC and GBOS in 2019

2020: Discussion renewed about a true community council in Girdwood.

Municipality of Anchorage



P.O Box 390

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Ethan Berkowitz, Mayor

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS

Jerry Fox & Robert Snitzer, Co-Chairs

Eryn Boone, Mike Edgington, Christina Hendrickson

Procedure for considering Out of Area Requests for hearing and action

Introduction & Overview:

Anchorage Municipal Code 2.40.030.E: The municipality recognizes the Girdwood Board of Supervisors as the community council ex-officio, which serves the Girdwood Community Association/Land Use Committee boundary area depicted on Map 10 located in section 2.40.090.

Occasionally there are requests for action not related to Girdwood Valley Service Area budget items of: parks and recreation, roads, cemetery, public safety and fire department and/or pertaining to items originating outside of the Girdwood Valley. These items must be represented a community sponsor*; action is voted on at Land Use Committee (LUC), and passed to the Girdwood Board of Supervisors (GBOS) for further consideration and action. This process typically requires two months (four meetings) and a majority vote of both LUC and GBOS to complete.

Process:

Petitioner must determine if they are seeking group action from LUC/GBOS or if they are seeking action by individuals in the area. If individual action is requested, the petitioner should speak under Public Comment at the Girdwood Public Meetings requesting that individuals take action. Public comment is limited to 3 minutes.

If action from the LUC/GBOS is requested, the item will follow LUC/GBOS procedures:

A. Introduction at LUC and GBOS as New Business

Item will be brought to the LUC and GBOS as New Business for introduction. This introduction should not last more than 5 minutes, plus Questions/Answer period. If the item does not have a community sponsor*, the petitioner must find one before it can be brought back to LUC and GBOS as Old Business for a potential vote.

B. Hearing at LUC and GBOS as Old Business

After one month, items with a community sponsor can come back for hearing and review by the LUC and GBOS to request action as Old Business. At least one week prior to the LUC meeting, the community

sponsor must provide draft language of the Resolution of Support. LUC will hear the topic and will vote whether or not to recommend action by the GBOS. If LUC votes in favor of the action, the draft resolution language will be reviewed by a member of the GBOS and the community sponsor to create a final draft. At the GBOS Old Business hearing, the topic will be discussed, including the recommendation of the LUC and proposed final language.

In the event that LUC and GBOS disagree on the outcome, a special meeting to resolve their differences will be called, as outlined in the GBOS Rules and Procedures and LUC Operating Principles.

*A community sponsor is any member in the community who meets the requirements as a voting member of the Girdwood Land Use Committee. A voting member is any person eighteen (18) years of age or older who has been a resident and/or property owner, business owner or designated representative of a non-profit association who has resided in, owned property in, owned a business located in, or operated as a non-profit association for ninety (90) days or longer in Girdwood Valley.

Approved by the LUC March 11, 2019

Approved by the GBOS March 18, 2019

Brenden Raymond-Yakoubian

Notes for 28 Sep 2020 GBOS Worksession

Argument for creating a ‘true’ community council in Girdwood

NATURE OF THE PROBLEM

- I. GBOS is recognized in Muni Code (i.e. by the Assembly) as both a Service Area Board (for the GVSA - Girdwood Valley Service Area - which does not include Crow Creek) and as an ‘Ex Officio’ Community Council (for the Girdwood valley community council area, which includes Crow Creek).
- II. A community council, by definition, cannot be an elected government body, which GBOS is.
- III. ‘Ex officio’ community council is a meaningless term, defined nowhere in Code.
- IV. Having GBOS as a community council violates the charter rights of people on Crow Creek. They are not able to have a say (e.g. elect) re their community council i.e. GBOS membership as they are outside the service area.
- V. LUC is not a community council. GBOS cannot recognize a Community Council. Also, GBOS is under no obligation to go along with how LUC votes on a particular issue. LUC, like all other GBOS bodies, is also subject to the law and code that GBOS is subject to, which creates problems. LUC being locally and informally called or treated like a community council, or having operating procedures similar to community councils, doesn’t solve the problems.
- VI. This setup creates numerous legal and procedural problems. E.g.:
 - A. It makes nearly every adult in Girdwood who participates in what would otherwise be ‘exempt’ community council type activities potentially subject to the Alaska Open Meetings Act. This is because people who can vote at a GBOS body - e.g. GBOS, GTC, LUC - are now members of a governmental/public decision-making or advisory body subject to these rules, because GBOS is such a body. This means that every time a majority or more than 3 (whichever is less) members of any Girdwood body (including GTC, LUC, etc.) meet (which includes emails, phone calls, etc.) to deliberately discuss a topic under consideration by a GBOS-related body, they are having a ‘meeting’ that has to be noticed, etc.
 - B. It makes nearly every adult in Girdwood who participates in what would otherwise be ‘exempt’ community council type activities potentially subject to Muni Code 1.15 (open meetings, which largely mirrors the AOMA; see V.A. above) and 1.25 (Ethics code).

While the Ethics Code question is still up in the air, it is not adhered to locally, but reasonable arguments could be made it is highly relevant regarding many issues under deliberation by these bodies.

- C. As a result of the above, there are probably thousands of State law and Muni Code violations happening in Girdwood every year. This has numerous highly negative implications:
 - 1. It makes it very easy for many people and entities to be breaking the law/violating code (or perhaps more accurately, participating in the breaking of law/violating of code)
 - 2. It has a hugely chilling effect on speech and assembly
 - 3. We are never able to accurately say we know what the community wants, because we do not have a system which can encourage everyone to communicate on any issue (e.g. if a person or group wants to have community discussion about an issue that a GBOS body is considering - to encourage people to deliberate and vote about that issue - they can't/shouldn't, because that could violate State law/Muni code).
 - 4. It means many 'decisions' made (or 'advice' provided) by local bodies can be overturned eventually because they often entailed, in the process of being made, violations of State law and/or Muni Code.
 - 5. Related to the above, this setup can actually create false indicators of what the community wants, because some people will refuse to break law/code while others will not care, providing 'false' results at votes about a particular issue.
 - 6. It makes it impossible for community members and organizations to parse out what they can and cannot do.
 - 7. It creates regular confusion about what rules are in play, what Staff can and cannot do, leads to confused policy and procedures e.g. the Out-of-Service-Area, and creates confused expectations.
- D. Various problems arise in local operating procedures e.g. at GBOS and LUC as a result of our peculiar setup.
- E. Girdwood's bodies inequitably use Muni resources compared to other Community Councils, who do not have access to Muni Staff e.g. for minutes etc.

THE PROPOSED SOLUTION

NOTE: In all the solutions below, GBOS remains as the GVSA Service Area Board and sticks to those functions only.

- I. Create a standalone Community Council. This could be created and petition the Assembly for recognition, and GBOS would lose its 'ex officio' community council status. It is hard to see how Assembly could deny such an application given the problems outlined above.

- A. Problem: This does not address the open meetings related problems of the self-organizing bodies that might remain under GBOS.
 - B. Problem: This does not address, and potentially worsens, the meeting-schedule/fatigue problem in Girdwood.
- II. Spin off only LUC into a standalone Community Council

- A. Problem: This does not address the open meetings related problems of the non-LUC self-organizing bodies that might remain under GBOS.

III. Preferred Alternative:

- A. Spin off LUC into a standalone Community Council. Rename it (e.g. Girdwood Community Council), and move it under the Federation of Community Councils umbrella to take advantage of their logistical support etc.
- B. Place all the other self-organizing bodies (e.g. GTC) under the new Girdwood Community Council (GCC).
- C. **Enhancement:** Use this as an opportunity to radically change the meeting schedule in Girdwood, which will likely reduce meeting fatigue and increase participation in local issues. GBOS and the GCC could, for example, each have just one meeting a month for e.g. 5 hours to cover all issues for that month, with ‘time-certains’ for particular topics e.g. Trails.

BENEFITS OF THE PROPOSED SOLUTION (“PREFERRED ALTERNATIVE WITH ENHANCEMENT”)

- I. Respects the charter rights of everyone, including people living up Crow Creek
- II. Stops putting individuals and organizations into binds that are difficult and sometimes impossible to navigate
- III. Open the public process up to real, collaborative community discussion, including a real discussion about transparency and openness
- IV. Potentially increases community participation in local public bodies and the issues they are taking up (e.g. because interactions no longer violate law/code, because of the potential to reduce the number of meetings every month, etc.)
- V. Creates understandable expectations about how meetings are held
- VI. Allows Girdwood and the Muni to have a valid claim to knowing what the community thinks and wants about issues
- VII. Additionally, following on the previous item, when the community’s desires can accurately be known and understandable expectations are in place and adhered to, helps ensure that community ‘decisions’/‘advice’ has a lower chance of being overturned
- VIII. Gives our community two public body voices rather than one, which will either enhance a message or accurately reflect division, both of which are good
- IX. Fixes our problems with State law, Muni code, and local operating procedures which we are constantly trying to bandaid-over
- X. Open up some local Muni Staff’s time to other things
- XI. Aligns us equitably with the resources other parts of Anchorage have in terms of Muni staff
- XII. Gives us a chance to radically change Girdwood’s ludicrous meeting schedule and move to a two-meeting-a-month schedule (one for the Community Council, one for the Service Area Board)

ADDRESSING COUNTER-ARGUMENTS

- I. Argument: “Girdwood and GBOS voted to do things this way.”
 - A. Reply: Girdwood residents (or just the GVSA?) and GBOS voting to violate Crow Creek residents’ charter rights is not an impressive argument. It is also unlikely GVSA residents and GBOS realized the extent of the problems this ‘solution’ would create. Finally, these votes happened a while ago, and it’s appropriate to revisit them.
- II. Argument: “Some people think it’s OK and some don’t, so it’s a wash.”
 - A. Reply: The current position of the Muni Attorney’s Office and the Ombudsman are that this current setup is not legal. Additionally, the included meeting packet for this meeting misses the point that Mayor Wuerch’s veto (and perhaps the Muni attorney’s objection?) in 2001 re the Girdwood Community Association were because that body kept GBOS as its executive committee, thus not solving the problem.
- III. Argument: “Girdwood has more power by having one concentrated voice in GBOS.”
 - A. Reply: This setup actually likely creates less power for the people, rather than more or an ‘outsized effect’. In practice, there are really only two potential variants for any issue: a situation where a SAB and a CC would vote the same, or where they would vote differently. In the former case, Girdwood’s voice/power is enhanced because two bodies are saying the same thing rather the one. In the latter case, Girwood’s voice/power is enhanced because it accurately reflects a division in the community which having only once voice would falsely elide.
- IV. Argument: “We get local Muni Staff to do work for us that we otherwise wouldn’t have.”
 - A. Reply: We do not have a right to this (in terms of Muni staff doing community council tasks), and it is inequitable with other residents of the Muni who do not have this for their community councils. That makes us look bad, because it is bad.
- V. Argument: “This will decrease the power of GBOS.”
 - A. Reply: GBOS didn’t have a right to this power in the first place. It is currently diminishing the power of the people by acting as an ‘ex officio’ community council.
- VI. Argument: “Community Councils aren’t subject to the AOMA and Muni Code 1.15 and 1.25, so this would decrease openness, transparency, ethics rule-following, etc.”
 - A. Reply: First, our local bodies do not do a good job of adhering to these rules now. What makes it worse, though, is that there is a reasonable expectation that they should be adhered to, which creates many of the problems that have come out of this peculiar structure. Secondly, reasonable rules could be crafted in the development of the Community Council’s charter which addressed some of these issues - and expectations would follow, which is the even bigger benefit for transparency and openness. Thirdly, if

done right, this could actually lead to more free, open, and robust community discussion about issues.

VII. Argument: “Girdwood doesn’t need more meetings!”

- A. Reply: I agree. There are ways to do this which actually decrease the number of meetings, in some cases drastically, while likely increasing public engagement in local issues.