

**ANCHORAGE, ALASKA
AO No. 2013-63(S)**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.30**
2 **REGARDING THE TAKING OF PUBLIC TESTIMONY AT PUBLIC HEARINGS.**

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4 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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6 **Section 1.** Anchorage Municipal Code section 2.30.080 is hereby amended to read
7 as follows (*the remaining subsections are not affected and therefore are not set out*):

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9 **2.30.080 Conduct of debate and discussion.**

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11 A. The mayor or any assembly member, when desiring to speak at an
12 assembly meeting, shall respectfully recognize and address the chair
13 by title [AS "MR. CHAIRMAN"], and shall refrain from speaking until
14 recognized.
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16 B. When two or more members request recognition at the same time, the
17 chair [MAN] shall determine which one shall speak first.
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19 C. The chair shall be charged with the responsibility of maintaining order
20 and decorum at all times. The chair [HE] shall make such rulings as
21 deemed necessary concerning points of order or concerning
22 spectators. Instructions to members of the public concerning public
23 hearing and testimony shall be through the chair. [HE SHALL INSTRUCT
24 THE MEMBERS OF THE PUBLIC TO BE AS BRIEF AS POSSIBLE AND, WHEN
25 SPEAKING AS AN INDIVIDUAL OR FOR A GROUP, TO CONTAIN THEIR REMARKS
26 TO THREE MINUTES. THE CHAIR MAY, AT HIS DISCRETION, EXTEND THE TIME
27 FOR REMARKS BEYOND THREE MINUTES WHEN THE SPEAKER IS
28 REPRESENTING A GROUP.]

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31 (*AO No. 13-75; AO No. 78-49; AO No. 91-178(S)*)

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33 **Section 2.** Anchorage Municipal Code chapter 2.30 is hereby amended by adding
34 a new section to read as follows:

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36 **2.30.140 Assembly guidelines concerning in-person public hearing**
37 **testimony.**

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39 A. The purpose of guidelines under this section is to assist the assembly
40 and all members of the public and municipal government in the
41 implementation of the public's right to be heard during public hearing
42 prior to adoption of proposed six-year plans of the school system and
43 municipality, approval of the annual budget, and ordinances. The basic
44 principles and the Assembly's guidelines under each principle are:

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1. The people of Anchorage shall have notice and opportunity to be heard.
 - a. Consistent with Charter §10.01, public hearing shall be held at least seven days after publication of the notice.
 - b. Public hearing is set for a date certain and consistent with section 2.30.030, will not commence prior to 6:00 p.m.
 - c. The assembly shall hold at least two public hearings on the proposed operating and capital budget for the next fiscal year, consistent with the time frames in Charter §13.04.
 - d. Persons wishing to testify during public hearing must be present and available.
 - e. The assembly by majority vote determines when public hearing is continued.
 - f. The assembly by majority vote may continue public hearing to more than one date.

2. Public hearing must be continued when the published time for hearing proves insufficient to allow those present and signed-in the opportunity to be heard.
 - a. When other business before the assembly makes the time available for public hearing on the scheduled date insufficient to complete public hearing from persons present and wishing to speak on the public hearing item, continued public hearing shall be scheduled and those present, but not able to testify due to assembly time constraints, shall have an opportunity to be heard before final action by the assembly on the item.
 - b. When public hearing is continued for the purpose of giving the persons present and not yet heard the opportunity to testify on another date, the continued public hearing may be reserved, by majority vote of the assembly, to allow the opportunity to be heard for those persons currently present when the public hearing is continued.
 - i. If sign-in has not been implemented, the assembly, through the chair, will direct the municipal clerk to make available a sign-up sheet for persons present and wishing to speak.

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- ii. Any reservation by majority vote of the assembly shall be announced by the chair or the municipal clerk when public hearing is continued, to allow those currently present to complete their sign-in.
 - iii. To help avoid confusion and give additional notice of any reservation to those persons, signed-in and waiting prior to continuation of the public hearing, the opportunity to be heard, the municipal clerk shall include the reservation, if any, with all public agenda notice of the date set for continued public hearing.
 - iv. Public hearing may not be closed until all names on the sign-in list have been called at least once.
- 3. Public hearing may be continued by majority vote of the assembly to allow time for other items on the agenda.
 - a. The charter specifies one public hearing for ordinances and two public hearings on the proposed operating and capital budget for the next fiscal year.
 - b. The assembly by majority vote may schedule more than one opportunity for continued public hearing on any item.
 - c. By majority vote at the time continued public hearing is approved, the assembly may designate the next continued public hearing on the same item as reserved for those persons signed-in but unable to testify because of time constraints.
 - d. If no reservation is approved by majority vote of the assembly and no sign-in is implemented at the time public hearing is continued, the next continued public hearing on the item will not be reserved to testimony by persons present at the time public hearing is continued.
- 4. When sign-in is required, it will be fairly implemented.
 - a. On the date set for public hearing or continued public hearing, the municipal clerk or the assembly may require those persons present and wishing to speak on the item to sign-in, in advance of public hearing.
 - b. Persons signing-in to testify must legibly record their own name, and not the name of any other person, accept as may be required to accommodate the disability of a person present to testify. In no case may a person sign-in the name of a person not currently present.

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- c. Names on the sign-in list shall be called to testify.
 - d. Public hearing may be closed when all names on the list have been called to testify.
 - e. If sign-in is implemented, the sign-in sheet shall remain open to persons present to testify until those on the list have been called to testify and public hearing is closed.
 - f. If public hearing is continued with a reservation under subsection 2.b. to allow those present an opportunity to be heard on a subsequent date, the sign-in sheet shall remain open until the meeting is finished for the evening.
 - g. Persons on the sign-in list who are not present or do not testify when called may be recalled at the discretion of the chair.
5. Time management of public hearing testimony is viewpoint neutral.
- a. Members of the public wishing to testify shall state their name for the record, and spell their last name.
 - b. Testimony shall relate to the matter before the assembly for public hearing.
 - c. When speaking as an individual or for a group, a speaker shall contain their remarks to three minutes.
 - d. The chair may extend the time for remarks beyond three minutes if two or more speakers are presenting jointly at the speaker’s podium.
 - f. Any assembly member may ask the person giving testimony questions to clarify and explain the testimony, and the chair will recognize each assembly member in turn for questions.
 - g. When a matter has been scheduled for public hearing on a date certain, the public hearing will be opened for testimony, even if the matter is continued for public hearing and action by the assembly to a future date.
 - h. When public hearing and assembly action on an agenda item is or will be continued to a future date, announcement of the continuation may be made in advance of its order on the agenda, as a courtesy to the public in attendance.

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i. Members of the public being heard once at public hearing on an item do not testify in person again on the same item, but are invited to provide additional written testimony to supplement or clarify the public hearing testimony.

B. In supplement to the assembly guidelines for in-person testimony, the municipal clerk shall continue to accept and timely distribute to the assembly written public testimony and submittals received prior to assembly action.

Section 3. Consistent with Charter §4.04, the assembly is responsible for determining its own rules and order of business. The guidelines set out in Section 2 shall be provisionally adopted as draft guidelines for a period of 90 days from passage and approval of this ordinance. Absent other action by the Assembly, a public hearing will be set for _____, 2013, for consideration of amendments, if any, and final adoption by the Assembly. Other action by the Assembly may include adoption of principles and guidelines by Assembly Resolution.

Section 4. Sections 1 and 3 of this ordinance shall be effective immediately upon passage and approval by the Assembly. Section 2 of this ordinance shall be implemented as specified in Section 3.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2013.

Chair of the Assembly

ATTEST:

Municipal Clerk