

**BYLAWS of the FAIRVIEW COMMUNITY COUNCIL, INC.\***

**ARTICLE I NAME**

The name of this organization shall be Fairview Community Council, hereinafter also referred to as the “Council”.<sup>1</sup>

**ARTICLE II BOUNDARIES**

The Fairview Community Council shall encompass the area outlined in Map 5b, Northwest Anchorage Bowl: East Downtown Vicinity Community Council Districts, as defined by the Anchorage Assembly on July 3, 2003 under municipal code §2.40.040 (AO 2003-11), subject to any comprehensive review of community council boundaries to occur every ten years following the decennial U.S. Census, as required by the municipal code §2.40.040.<sup>2</sup>

**ARTICLE III DEFINITION**

The Fairview Community Council is an independent, non-profit, voluntary, self-governing association composed of residents, non-resident property owners, business owners and representatives from nonprofit associations and other entities located within the Council boundaries who meet the qualifications for membership as outlined in Article VI of these bylaws and municipal code §2.40.

Community councils are recognized by the Anchorage Municipal Charter Article VIII, §8.01 to “afford citizens an opportunity for maximum community involvement and self-determination.” There shall exist between community councils and government a cooperative relationship. The Council is politically non-partisan and will not endorse any candidate for federal, state, or local elected office.<sup>3</sup>

**ARTICLE IV PURPOSE**

The purpose of this council is to provide a direct and continuing means of citizen participation in local affairs.

This council is intended to give:

- A. Local people a method 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 their community’s development and services;
- B. Governmental agencies a method for receiving opinions, needs, desires and recommendations of residents and groups; and
- C. Local governing bodies an improved basis for decision-making and assignment of priorities for all programs affecting community development and individual wellbeing.

## ARTICLE V FUNCTION

The Fairview Community Council has a policy and practice of open membership that encourages participation of persons from all segments of the community. As a representative community council, Fairview Community Council shall have the following functions:

A. In regard to the Anchorage Comprehensive Plan;

1. Evaluate compliance with the plan, alerting Municipal officials to, or proposing appropriate action regarding any inconsistencies with the plan and its adopted elements as described in municipal code §21.01.080 and listed in Table 21.01-01;<sup>4</sup> and
2. Conduct a continuing review and study of the plan to determine its feasibility within the Council's boundaries and advise or propose any appropriate action to Municipal officials regarding, proposed modifications or additions to the plan;<sup>5</sup>

B. Assume leadership and propose action in regards to enforcement of existing laws or ordinances, pursuit of rights under existing rights or ordinances, desired (or opposed) changes in or additions to laws or ordinances, or any matter of policy regulation;

C. Respond to local government proposals submitted to the Council pursuant to municipal code §2.40.060.<sup>6</sup>

D. Work with local government and other governmental entities, as well as with persons and groups outside the government, to accomplish Council goals, including goals that may have an area wide impact;<sup>7</sup>

E. Maintain credibility by not allowing misuse of the Council by, but not limited to,

1. Special interest groups;
2. Withholding of information;
3. Attempting personal, financial or political gain;
4. Intentionally misrepresenting or non representing a cross-section of opinion; or
5. Misrepresenting or non-representing a minority in addition to the majority opinion;

F. Educate local citizens with information concerning area issues and maintain an effective communication system and to continue that education;

G. Solicit items of concern to Council members and generate public interest and participation in community matters originating within the Council area;

H. Publicize within the community all Council activities and results of those activities;

I. Keep written record of all Council proceedings;

J. Minutes of the Council Board meetings shall be made available at the following general membership meetings, and if space is available, shall be published in the monthly newsletter;<sup>8</sup>

K. Inform the Municipal Assembly of Council actions and concerns;

L. Make available information on all political candidates, issues and ballot items and urge increased voter participation at the polls;

M. Participate in the formulation of, and review and comment upon, all land use, and social and economic proposals which will have a significant impact on all or a substantial portion of community residents;

N. Receive and review notices to the Council from Municipal departments including those noted under municipal code:

1. §2.030.120.c, Alcohol Beverage Control Board license applications;
2. §10.55.030, Permits for teen nightclubs and cultural performance venues;
3. §21.03.020.H, Land use proposals;
4. §24.35.020, National security road closures;
5. §25.303.025.E, Disposal of Municipal land requiring voter approval; or
6. Other notices received from Municipal departments requiring input or action by the Council;<sup>9</sup>

O. Advise the Assembly of the Council's annual priority list of Capital Improvement Projects by filing a copy with the Municipal Clerk when the list is submitted to the Administration;<sup>10</sup> and

P. Participate in the community meeting process under municipal code §21.03.020.C when notice from the developer is timely.<sup>11</sup>

## **ARTICLE VI MEMBERSHIP**

A. Any person 16 years of age or older is eligible for membership provided that the person is a homeowner, tenant, resident, non-resident property owner, business owner, or the designated representative or alternate of a non-resident property owner, business, or non-profit organization physically located within the boundaries described in Article II of these bylaws.<sup>12</sup>

B. A business or non-profit organization located within the boundaries described in Article II of these bylaws may hold only one membership (see VI.H) for voting purposes. A business or nonprofit member shall provide the Council a copy of his or her authority in writing before that individual will be recognized as the designated representative or alternate. That authority shall come from the chief officer of that organization. All business or nonprofit representatives must possess one or more of the following:

1. An Alaska Business license;
2. An Alaska professional license;
3. An incorporated status under Alaska law; or
4. A tax-exempt status under federal law.<sup>13</sup>

C. [Section removed.]<sup>14</sup>

D. To become a member of the Council one must sign the member attendance roster provided by the Secretary at a regular monthly meeting.<sup>15</sup>

E. [Section moved.]<sup>16</sup>

F. [Section moved.]<sup>17</sup>

G. Voluntary membership dues may be set by the Executive Board, and may be paid within 90 days of joining or the beginning of a new year. The calendar year for purposes of voluntary dues shall be from January 1<sup>st</sup> to December 31<sup>st</sup>. Dues shall not be a condition of membership, voting, or other participation.<sup>18</sup>

H. If more than one qualifying resident shares the same habitual, physical dwelling address, each may be a Council member. Alternate designations for resident membership shall not be recognized. Per municipal code §2.040.030, a non-resident property owner, business, and non-profit memberships are single memberships. Non-resident property owner members shall be the owner of record or their designated representative or alternate. Business and non-profit memberships shall have a designated primary representative, and may have a designated alternate representative.<sup>19</sup>

## **ARTICLE VII MEETINGS**

A. There shall be a minimum of eight (8) general membership meetings per year and at least one meeting quarterly.<sup>20</sup>

B. The President shall establish the meeting agenda after consulting with the officers at the Executive Board meeting.<sup>21</sup>

C. Notices required:

1. Whenever possible, the agenda shall be posted at least seven (7) days in advance of the meeting.
2. The meeting date and time may be submitted to the media as a public service announcement.
3. For meetings where annual elections take place, public notice should be done through adequate and free print or electronic means to inform most, if not all, prospective council members.<sup>22</sup>

D. The Executive Board or their designees shall be responsible for publication of these advance

notices.<sup>23</sup>

E. All General Membership and Executive Board meetings shall be open to the public. Meetings shall be run in a manner intended to increase the public expression and discussion of opinions held by Council members on matters of community concern.<sup>24</sup>

F. The latest edition of Robert's Rules of Order, Newly Revised, shall apply to all meeting procedures not covered by these by-laws, acknowledging that strict adherence may not be desirable for a neighborhood advocacy group such as the Fairview Community Council.<sup>25</sup>

G. A quorum for general membership meetings and special meetings of the general membership shall be fifteen (15).

H. A resolution brought before the Council shall be voted on no earlier than the next regularly scheduled General Membership Meeting following the regularly scheduled General Membership Meeting at which the resolution is introduced and read.<sup>26</sup>

### **ARTICLE VIII VOTING**

A. Any member of the Fairview Community Council as defined in Article VI shall have one vote. Even if a single individual possesses several kinds of property or businesses within the definition for membership qualification, or meets the definition for member in more than one category, he or she shall still have just one vote. Non-profits and business shall have one vote each (see VI.H). A person may be a member of more than one community council if they qualify for membership.<sup>27</sup>

B. A member must be present at the time of the vote in order to cast a vote. There will be no proxy voting.<sup>28</sup>

C. The opinion of an absent member on a voting issue may be stated at a meeting during discussion of the proposed issue to be voted upon, if such a request is made during discussion.

D. Any vote may be challenged. The membership voting register shall serve as the official list of eligible voters.

E. A new member is eligible to vote at the meeting next following the meeting at which he or she signed the attendance roster (see VI.D).<sup>29</sup>

F. To be eligible to vote in elections, a member must have attended a meeting once in the six months preceding the election.<sup>30</sup>

### **ARTICLE IX VOTE REPORTING AND RELATED CONTACTS**

A. The President or designee shall be charged with the responsibility of sending written communication of any Council positions to the appropriate parties. The communication must include:

1. The date and type of meeting when the vote was taken;

2. A clear statement of the question voted on;
3. The number of members present;
4. The number voting yes;
5. The number voting no; and
6. The number of abstentions, if applicable. (An abstention shall be numbered in the voting only when a member is present at the time of the vote and requests that an abstention be recorded.)<sup>31</sup>

B. The Council's official positions on community matters may be communicated through resolutions, motions, position letters or emails.<sup>32</sup>

## **ARTICLE X OFFICERS**

A. Officers: The officers of the Council shall be the President, Vice-President, Secretary, Treasurer, and up to five (5) members-at-large. The officers shall be called the Executive Board. The purpose of the Executive Board is to receive notice and conduct council business between meetings per municipal code §2.040.036.<sup>33</sup>

B. The offices of President and Vice-President shall be limited to five (5) consecutive one (1) year terms. Individuals who have served five (5) consecutive one (1) year terms as President or Vice-President can seek reelection to those offices after a minimum of one one (1) year term has transpired. There shall be no term limits for the offices of Secretary, Treasurer and Members-At-Large.<sup>34</sup>

C. Elections:

1. Elections shall take place annually. The elections shall be by secret ballot during the March general membership meeting, unless an uncontested slate of candidates is presented to the membership, and there are no nominations from the floor, in which case the membership may accept the slate as presented by simple majority vote.<sup>35</sup>
2. Officers shall be elected by majority vote.

D. Duties of Officers:

1. The President shall be the principal presiding officer, and:
  - a. Shall in general supervise the affairs of the Council;
  - b. Ensure that these bylaws are followed and enforced;
  - c. Be the spokesperson for the Council;
  - d. Assume, or delegate, all duties and responsibilities not assigned to any Council Officer by these bylaws.<sup>36</sup>

2. The Vice-President:

- a. May serve as parliamentarian as needed;
- b. Shall assume the duties of President when the President is absent.

3. The Secretary shall:

- a. Ensure that a copy of the bylaws is available at every Council meeting;
- b. Keep and report the minutes of the meetings;
- c. Be responsible for maintaining records and doing the correspondence of the Council at the discretion and direction of the President;<sup>37</sup>
- d. Keep custody of the membership voting register and ensure that it is available at every Council meeting; and
- e. Ensure that meeting and attendance rosters shall be used only for council business.<sup>38</sup>

4. The Treasurer shall;

- a. Have charge and custody of, and be responsible for, all funds of the Council;
- b. Make necessary disbursements and withdrawals as outlined in Article XII, Section A of these bylaws;<sup>39</sup> and
- c. Report at each monthly meeting all receipts and expenditures for the preceding month, including a statement of the current balance of funds.

5. The Member(s)-At-Large shall;

- a. Attend Executive Board and Council meetings; and
- b. Perform other duties as assigned.

E. Resignations, Removals and Vacancies:

- 1. Resignations shall be made in writing;
- 2. Three (3) consecutive unexcused absences by an officer shall constitute a vacancy;
- 3. An officer may be removed from office for any reason by a two-thirds (2/3) vote of the voting membership present at a regularly scheduled meeting; and
- 4. Resignations, vacancies and removals shall be filled temporarily by appointment by Executive Board until an election by the voting membership can be scheduled after at least thirty (30) days

notice to the general membership.

F. Meetings of the Executive Board:

1. All meetings shall be open to the general public;
2. The Executive Board shall meet at least monthly;
3. Special meetings of the Executive Board may be called by the President, or by a majority of the Board upon 24 hour notification of all Board members;
4. Any action taken by the Executive Board shall be presented at the next general membership meeting; and
5. A quorum is a majority of the Executive Board, i.e., five (5) members of the Board.

**ARTICLE XI COMMITTEES**

Committees may be established by the President, in consultation with the Executive Board at any time for whatever purpose deemed necessary. The nature and duties of the committees shall be determined by the President, in consultation with the Board. Committee Chairs shall be appointed by, and serve at the pleasure of the President.<sup>40</sup>

**ARTICLE XII FINANCES**

A. Funds collected by the Council shall be deposited into a special account at an established bank with the Treasurer being responsible for all deposits and accountings.

B. All checks and withdrawals \$200.00 or less from the Council accounts shall be signed by the Treasurer. If the Treasurer is not available, the President shall sign the check or withdrawal in place of the Treasurer.<sup>41</sup>

C. All checks and withdrawals over \$200.00 shall require the approval of the membership. All checks and withdrawals over \$500.00 shall require two authorized signatures.<sup>42</sup>

D. A financial report signed by the Treasurer and the President and a person approved by the Membership showing all receipts and expenditures shall be made yearly to the Council prior to the election of new officers.<sup>43</sup>

E. Authorization of the membership is not necessary to disburse funds raised for specific Council projects, or government grants directed to the Fairview Community Patrol, or specific Council projects.<sup>44</sup>

F. The Executive Board members with financial or fiduciary responsibility for the council must be at least 18 years of age or older at the time of service.<sup>45</sup>



## ARTICLE XIII AMENDMENTS

These bylaws may be amended or repealed by a two-thirds (2/3) vote of the members present at a general or special membership meeting. Proposal to repeal or amend these bylaws shall be presented to Council members at least once at a regularly scheduled meeting and action taken at the next meeting. A special membership meeting may be held for purposes of amendment or repeal of the bylaws if at least fourteen (14) days written notice is given of the intention to amend or repeal; such notice shall include a statement of the articles to be changed and the reason.

## ARTICLE XIV: DISSOLUTION

Unless otherwise provided by law, dissolution may occur by vote of three-fourths of the members of the Council at a regular Council meeting, at a special meeting called for that purpose, or by mail ballot. If the Council is dissolved by law or by this Article, the Council's property including, but not limited to, funds remaining in the Council treasury after all obligations are met, may be donated. The Council's donation shall be made to the Federation of Community Councils, or current municipal contractor, for community council use, or another Alaskan nonprofit organization if designated in the dissolution action.<sup>46</sup>

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\* Editor's note: the Fairview Community Council bylaws were originally adopted on February 11, 1993, except where noted in these endnotes by subsequent amendments. These bylaws were revised and adopted on August 14 and October 9, 2014 for acceptance by the Municipality of Anchorage Assembly on December 2, 2014, per AO 2014-3(S), *an ordinance of the Anchorage Municipal Assembly amending AMC Chapter 2.40 providing for the establishment, recognition, duties, and responsibilities related to community councils in reference to Charter Section 8.01.*

<sup>1</sup> Art. I amended 08/14/2014.

<sup>2</sup> Art. II amended 08/12/04 & 08/14/2014.

<sup>3</sup> Art. III "Definition" inserted by amended 08/12/04 & amended 08/14/2014.

<sup>4</sup> Art. V, § A, 1 is as amended 08/14/2014.

<sup>5</sup> Art. V, § A, 2 is as amended 08/14/2014.

<sup>6</sup> Art. V, § C is as amended 08/14/2014.

<sup>7</sup> Art. V, § D is as amended 08/14/2014.

<sup>8</sup> Art. V, § J is as amended 03/11/1993.

<sup>9</sup> Art. V, § N is as amended 08/14/2014.

<sup>10</sup> Art. V, § O is as amended 08/14/2014.

<sup>11</sup> Art. V, § P is as amended 08/14/2014.

<sup>12</sup> Art. VI, § A is as amended 08/14/2014.

<sup>13</sup> Art. VI, § B is as amended 08/14/2014.

<sup>14</sup> Art. VI, § C moved to G as amended 08/14/2014.

<sup>15</sup> Art. VI, § D is as amended 08/14/2014.

<sup>16</sup> Art. VI, § E moved to art. VIII as amended 08/14/2014.

<sup>17</sup> Art. VI, § F moved to art. VIII as amended 08/14/2014.

<sup>18</sup> Art. VI, § C - G are as amended July 8, 1993, G. is as amended 08/14/2014.

<sup>19</sup> Art. VI, § H is as amended 08/14/2014.

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- <sup>20</sup> Art. VII, § A as amended 08/12/04 & 08/14/14.  
<sup>21</sup> Art. VII, § B as amended 08/14/14.  
<sup>22</sup> Art. VII, § C.3 is as amended 08/14/14.  
<sup>23</sup> Art. VII, § D is as amended 08/14/14.  
<sup>24</sup> Art. VII, § E is as amended 08/14/14.  
<sup>25</sup> Art. VII, § F is as amended 03/12/09 & 08/14/14.  
<sup>26</sup> Art. VII, § H added by amended 08/12/04.  
<sup>27</sup> Art. VIII, § A is as amended 08/14/14.  
<sup>28</sup> Art. VIII, § B is as amended 08/14/14.  
<sup>29</sup> Art. VIII, § E is as amended 08/14/14.  
<sup>30</sup> Art. VIII, § F is as amended 08/14/14.  
<sup>31</sup> Art. IX, § A is as amended 08/14/14.  
<sup>32</sup> Art. IX, § B is as amended 08/14/14.  
<sup>33</sup> Art. X, § A is as amended 08/14/14.  
<sup>34</sup> Art. X, § B is as amended 03/12/09.  
<sup>35</sup> Art. X, § C is as amended 03/12/09.  
<sup>36</sup> Art. X, § D, 1, a-d as amended & added 03/12/09.  
<sup>37</sup> Art. X, § D, 3, c is as amended 03/12/09.  
<sup>38</sup> Art. X, § D, 3, e is as amended 08/14/14.  
<sup>39</sup> Art. X, § D, 4, b is as amended 03/12/09 & 08/14/14.  
<sup>40</sup> Art. XI is as amended 03/12/09.  
<sup>41</sup> Art. XII, § B is as amended 08/14/14.  
<sup>42</sup> Art. XII, § C is as amended 08/14/14.  
<sup>43</sup> Art. XII, § D as amended 08/12/04.  
<sup>44</sup> Art. XII, § E as amended 08/14/14.  
<sup>45</sup> Art. XII, § F as amended 08/14/14.  
<sup>46</sup> Art. XIV is as amended 10/9/14.