

Citizen Task Force on the Assembly Public Hearing Process

Draft Recommendations: September 20, 2013

Public Hearing, October 1, 2013 at 6p.m. at Assembly Chambers

Introduction

The Citizen's Task Force on the Public Hearing Process of the Assembly was authorized by AR 2013-146 on June 4, 2013. The Task Force is composed of 11 residents who met and reviewed the charter, ordinances and the policies and procedures regarding Assembly public hearings. Members held a public hearing about the Anchorage process on September 3, 2013 and discussed opportunities and challenges of public participation in Anchorage.

The members of the Task Force are:

Chair, Jane Angvik, former Charter Commissioner and Assemblymember;
Vice Chair, Bob Churchill, Federation of Community Councils;
Jim Barnett, Former Assemblymember, former Assembly member;
Penny Goodstein, Interfaith Council of Anchorage;
Joelle Hall, Director of Operations, Alaska AFL-CIO State Federation;
Andy Holleman, President, Anchorage Education Association;
Amanda Moser, Deputy Municipal Clerk;
Tim Potter, Owner, DOWL HKM Engineers;
Carolyn Ramsey, Recent APU graduate;
Cheryl Richardson, Anchorage Citizen's Coalition;
Arliss Sturgulewski Charter Commissioner, Assemblymember and State Senator.

Members affirm the following principles:

- The purpose of the public hearing process is to solicit the views, knowledge and ideas of community members to help to shape government action.
- The process should be open, accessible, predictable, inclusive and transparent.
- The articulation of the information and values of community members enhances the development of public policy in Anchorage.
- Discussion of controversial issues with the community in public forums prior to Assembly introduction is desirable because it expands the pool of problem solving skills focused on the issue.

Based on the Public Hearing held September 3, 2013 and discussion among Task Force members on July 25, 2013, August 22, 2013, September 12, 2013, September 18, 2013, and September 19, 2013 the Task Force respectfully offers the following recommendations for consideration to the Anchorage Municipal Assembly:

1. Charter guarantee for a public hearing

Article II, subsection (10) of the Anchorage Home Rule Charter Bill of Rights states the people of Anchorage are guaranteed, “ The right to be heard at public hearings prior to the adoption of proposed six-year plans of the school system and the municipality, or approval of the annual budget or any ordinance (except an emergency ordinance as defined herein).”

The Task Force members consider this provision to mean the Assembly has a duty to conduct its business only after maximizing public participation, regardless of the complexity, emotionality or volume of community expression.

This Task Force recommends that once a public hearing is started, all people who come to testify should be afforded an opportunity to testify. We believe a public hearing cannot be ended by vote of the Assembly while people who came to testify and/or signed up to testify are present. If the Assembly runs out of time to hear all people who have come to and/or signed up to testify, the Task Force recommends the hearing should be continued to a future date-specific meeting.

2. Public Notice of proposed Assembly action

- a. In the agenda of an Assembly meeting the title of the ordinance should accompany the number of the Ordinance or Resolution to be heard.
- b. The Municipal web site should be revised to be more user friendly for the public. The title of ordinances should accompany the number on the agenda and the text of ordinances should be electronically linked to the ordinance on the agenda.
- c. The process of Assembly meetings and the rules for public hearings should appear at the top of the agenda. It should include items such as, but not limited to: how the consent agenda works, how ordinances are introduced and public hearings are scheduled, how “Appearance Requests” and “Audience Participation” work and the time limits for public hearings.
- d. Municipal kiosks should provide the public with free access to the Municipal web site in the lobby of the Assembly Chambers and in other

public buildings to provide access to people who do not have computers or access to the internet.

- e. Items that are in the Addendum to the agenda or “Laid on the Table” for Assembly consideration must be identified and copies of the documents must be available in the back of the Assembly Chamber and also on line. Introduction of Ordinances/Resolutions should be discouraged on the “Addendum” to the agenda. All additions to the “Addendum” must include the documents and should not be “Title only.”
- f. Facebook and other forms of social media should be employed to provide public notice of proposed Assembly business.
- g. Better signage at the entrance to the Assembly Chambers should notify community members about the presence of the agenda and supporting documents under consideration at Assembly meetings.

3. Public Hearings

- a. The rules of Public Hearings should be printed on the agenda and should include but are not limited to: time limits for Assembly meetings (midnight), how to submit testimony electronically, time limits for speakers, and requirements for testifiers to identify themselves by name and possibly by community or neighborhood.
- b. The Assembly has the authority to limit the amount of time a person is allocated to testify. The Task Force recommends a 3 minute time limit for individual speakers and a 5 time minute limit for designated representatives of Community Councils.
- c. A signup sheet may be employed to facilitate the management of a public hearing, so all who seek to testify may be heard in an orderly manner. If a sign up list is employed it must be managed by the Municipal Clerk to ensure fairness. People who signed up should be called in the order in which they signed. If a person is not available when called, they do not forfeit their chance to be heard.
- d. Prior to closing the public hearing the Chair should always ask if anyone else would like to testify.
- e. If a member of the public requests the use of a signup sheet, this management tool shall be employed.
- f. The Task Force recommends that the Municipal Clerk and the Assembly explore ways for citizens to sign up electronically.
- g. If the Assembly runs out of time to hear all who have come to testify the Assembly will continue the public hearing and must identify the date of the continued hearing at a date as expeditiously as possible. If

a signup sheet has been instituted, it continues to be available to anyone who seeks to testify as long as the hearing continues. Hearings may be set for Saturdays.

- h. Prior to closing the public hearing the Chair should always ask if anyone else would like to testify.
- i. If possible the title of the ordinance being heard or discussed should appear on the bottom of the TV screen so viewers know the topic being debated.
- j. If the Assembly anticipates that a public hearing will draw more people than the Assembly Chambers can accommodate, the Task Force recommends that either the Marston Theater should be set up so people can hear and see the public testimony, or the Assembly consider moving the public hearing to a larger public space. Such an action must be widely publicized.

4. Substitute versions of ordinances

- a. When a “Substitute” or “S” version of an ordinance is introduced, it should be accompanied by statements showing what has been changed from the original version and should be posted on the Municipal web site.
- b. The Task Force recommends that copies of any “S” version of an ordinance be available for public review in the lobby of the Assembly Chambers and on line.
- c. When the “S” version of an ordinance is being debated, if possible, the statement describing the change should be displayed on the TV screen so someone at home could understand what is being debated.
- d. The task Force recommends that if the changes are so substantial that it significantly changes the original proposal through substitution or amendment, the new version should be evaluated to determine if it should be treated as a new ordinance and the public hearing process should be started again.
- e. The Task Force requests that the Municipal Clerk evaluate the production of “track change” versions of amended or substitute ordinances so a person could see all deletions and additions that occurred as the ordinance was being developed.

5. Continuation of a Public Hearing

- a. The Assembly will continue a public hearing to a date specific meeting if time runs out at the meeting where public notice was given on an issue. The public record of this ordinance/resolution will remain open

so any citizen may comment in writing on paper or electronically on an issue which has been continued.

- b. If the Assembly finds itself continuing many public hearings it should consider scheduling additional meetings to accommodate public participation. The Charter requires a minimum of two meetings per month, but more meetings are allowed.

6. The public record of an ordinance or resolution

- a. The public record of an ordinance or resolution should include not only the record of those testifying at the Assembly Chambers, but also all written materials and all emails or electronic testimony received and distributed to Assembly members by the Municipal Clerk. All of these materials should be stored on a publically accessible site corresponding to the ordinance number and title so any member of the public may review them. Each submittal must be identified by the name of the submitter. No anonymous submittals will be posted.
- b. If possible, an electronic kiosk should be set up at the entrance to the Assembly Chambers so citizens may access the Municipal site that displays the “public record” on each ordinance or resolution.

7. The Meeting Room of the Assembly

- a. The Assembly should invest in a “Reader Board” in the Assembly Meeting room which display where they are in the agenda. Modeled after electronic boards in airports, it would identify the location of the meeting in the agenda, the identification of any issues that had been postponed, all items that had been adopted, as well as any change that had been made regarding the order of any agenda item.
- b. Acoustics should be improved in the Assembly Chambers for the efficacy of both in person and television audiences.
- c. If possible, a light cue should be placed in front of each Assembly member which will illuminate when they speak, so the audience member can identify who is speaking.

8. Community Council Collaboration

Community Councils are named in the Charter’s Bill of Rights as a tool to assure maximum community self-determination. It is desirable that controversial topics be reviewed by Community Councils prior to the Public Hearing process at the Assembly. Such a review allows the community to learn about proposed concepts and to comment about them before they are up for action by the Assembly. The budget of the Community Councils should

be reviewed for possible increase in order to facilitate communication and neighborhood participation.

9. Assembly presence

- a. Assembly members are urged to limit the time of their dinner break to 15 minutes, so the public is not waiting too long to testify at public hearings. The TV and the “Reader Board” should report the break and the time the Assembly is scheduled to return.
- b. Assembly members are encouraged to listen attentively to the members of the community who come to testify on proposed ordinances.

Prepared by Jane Angvik 9.20.13