

Matanuska-Susitna Borough Planning Commission Manual



Adopted February 2016





MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7833 • Fax (907) 861-7876

www.matsugov.us • planning@matsugov.us

Letter from the Planning Director

Members of the Planning Commission provide an invaluable service to our Borough. They advise the Assembly on a wide variety of subjects by making recommendations on important policy matters. Over the years, the services and programs provided by the Borough have expanded. Without the assistance of the Planning Commission, the Assembly could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of the Planning Commission are often catalysts for innovative programs and improved services.

Serving on the Planning Commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. If we are to have government "of the people, by the people and for the people," we must have the continued participation of the many dedicated board and commission members. Making local government effective and responsive is everybody's responsibility.

The Planning Commission, together with the Planning Department and the Assembly, has an important role that involves providing support and direction to citizens and community leaders to guide the future development of the Borough. This is done by working with citizens in the creation of Comprehensive Plans and through the administration of our Borough's Special Use Districts, subdivision, and preservation ordinances that are intended to regulate the use of land so that it is consistent with our Borough's plans.

The main job of the Planning Commission and the Planning Department is to work together toward the vision established in the Comprehensive Plan by establishing ordinances and more detailed project plans that will make that vision a reality.

On behalf of the Matanuska Susitna Borough, I wish to thank the Planning Commission for their service and extend an invitation to all residents of the Borough to give serious consideration to serving on a citizens' advisory body.

Eileen Probasco
Planning and Land Use Director

Providing Outstanding Borough Services to the Matanuska-Susitna Community

By: Lauren Driscoll
Introduced: December 7, 2015
Public Hearing: February 1, 2016
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-30

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING THE PLANNING COMMISSION POLICIES AND PROCEDURES MANUAL.

WHEREAS, the Planning Commission wishes to ensure consistent processes and decisions on actions before them; and

WHEREAS, a Policies and Procedures Manual has been compiled to provide one document in which planning commission members can locate all code requirements, policies and procedures affecting planning commission actions; and


WHEREAS, the manual has been prepared as a result of work sessions and feedback from Commission Members; and

WHEREAS, The Planning Commission conducted a public hearing regarding Resolution 2015-30 on February 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission does hereby adopt the Planning Commission Policies and Procedures Manual; and

BE IT FURTHER RESOLVED that adoption of this manual repeals and replaces the previously adopted policies and procedure manual.

ADOPTED by the Matanuska-Susitna Borough Planning
Commission this 1st day of February, 2016.



JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Klapperich, Healy, Vague, Kendig, Adams, and
Rauchenstein

CONTENTS

I. AN OVERVIEW OF PLANNING 11

Citizen Participation 11

Brief History of Planning in the United States 11

Planning in Alaska 12

Planning Commission Function 14

II. SERVING ON A COMMISSION 15

Membership 15

Application Procedure 15

Appointments 15

Terms of Office 15

Residency Requirements 15

Alaska Public Offices Commission (APOC) 15

Oath of Office 16

Attendance Requirements 16

Stipend Information 17

Ethics and Conflict of Interest 17

Alaska State Law (AS 39.50.090 Prohibited Acts) 17

MSB Code of Ethics (MSB 2.71) 17

Ex Parte Communication 18

Disclosure Statements Required (APOC) 18

MSB Board of Ethics 18

Additional Ethical Guidelines	19
Recusal	20
Recusal Procedures for Quasi-Judicial Actions:	20
Recusal Procedures for Legislative (Advisory) Actions:	21
Planning Commission Best Practices	21
State of Alaska Open Meetings Act (AS 44.62.310)	21
Serving the Public Interest	21
Working Knowledge of Controlling Authority	22
Working Knowledge of Case Materials	22
Site Visits	22
Relationship with Planning Staff	23
Ongoing Education and Training	23
III. BOROUGH ORGANIZATION AND FUNCTION	24
Mayor	24
Assembly	24
Office of the Borough Attorney	24
Office of the Borough Clerk	25
Borough Manager	25
Borough Departments	26
Administration	26
Capital Projects Department	26
Community Development Department	27

Emergency Services Department	28
Finance Department	29
Information Technology Department	29
Planning and Land Use Department	30
Public Works Department	31

IV. MEETING PROCEDURES 32

Basic Rules	32
Public Notice	32
Polling, Quorum, and Voting	32
Cancellation of Meetings	32
Parliamentary Procedure and Robert's Rules of Order	32
Processing Motions	32
Withdrawing Motions	33
Reconsideration of a Vote	33
Order and Decorum	33
Conduct of Commissioners	33
Conduct of Public in Attendance	33
Rules of Debate	33
Public Hearings	34
Action	34
Hearing from the Staff	34
Hearing from the Applicant (Quasi-judicial)	34

Hearing from the Public	34
Impartiality and Standards of “Fair Play”	34
Joint Meetings of Commissions/Assembly	34
Prohibited Serial Meetings	35
Meeting Location	35
Agenda	35
Order Of Business	35
Notice Requirements	36
Meeting Types	36
Regular Meetings	36
Special Meetings	36
Work Sessions	36
Public Hearings	36
Continuing a Public Hearing:	36
Re-opening a Public Hearing:	36
Legislative	37
Quasi-Judicial	37
New Business (Administrative)	37
Commission Packets	37
Action Minutes	37
Adjournment	38

V. PLANNING COMMISSION ORGANIZATION AND FUNCTION 38

Planning Commission Roles and Responsibilities	38
Commissioner Responsibilities	38
Planning Commission Chair Responsibilities	39
Planning Staff Responsibilities	39
Planning and Land Use Director Responsibilities	40
Planning Commission Clerk Responsibilities	40
Applicant Responsibilities	41
INDEX	42
APPENDIX	45
1. Ethical Provisions from Borough Code	46
2. Ethical Principles in Planning	48
3. Planning Commissioners and Length of Terms Information	51
4. Oath of Office	52
5. Planning Powers Poster	54
6. Municipal Boundaries & Borough Incorporation	56
7. Open Meetings Act	64
8. 2016 MSB Planning Commission Calendar	73



I. AN OVERVIEW OF PLANNING

Citizen Participation

The Matanuska Susitna Borough's system of boards and commissions provides a way for residents to participate in the Borough's decision making process by advising the Assembly on numerous issues.

The governmental decision-making process has other citizen participation mechanisms, such as speaking at public hearings, speaking before the Assembly, serving on boards and commissions, participating in neighborhood based organizations such as community councils, petitioning and letter writing, and, of course, voting.

The Borough believes it is not only the right, but also the duty of citizens to participate in planning for their future, and that the Borough has a responsibility to provide Commissioners with the tools to carry out their charge. That responsibility includes having established codes to help guide decisions, providing for annual trainings for Commissioners, and providing supplemental written support such as the State of Alaska Planning Commission Handbook, various professional publications, and this handbook.



The board and commission system provides the opportunity to interact creatively with people of all ages, interests and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While Commissioners are themselves appointed from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when commissions make recommendations to the Assembly. Commissioners should treat these widely varying viewpoints of other Commissioners and member of the public with respect so that all citizens are encouraged to participate in government.

The Borough enjoys a wide variety of Assembly appointed citizen boards, commissions and committees which advise the Assembly on numerous issues. As citizen participation has evolved into a vital and integral part of local government, the number of commissions has steadily grown so that there are now approximately twenty-seven such bodies functioning within the Borough, not counting the councils, boards and committees within Palmer, Wasilla, and Houston, which are independent of the Borough Assembly and not within the purview of this manual.

Brief History of Planning in the United States

Community planning in the United States dates back to the early days of the republic. Colonial Philadelphia, Williamsburg, and the new capital of Washington, D.C., were planned towns where the streets and public buildings were designed before development began. These cities followed the model established by European cities to build according to an overall design. Boulevards were arranged in relation to monumental public buildings and extensive parks to enhance the visual impression of the city. The City Beautiful movement of the late 19th century provided momentum for reform. Influenced by the 1893 Chicago World's Fair, planners began looking at the physical layout of parks, streets, civic centers and transportation systems with an emphasis on aesthetics. The City Practical movement after World War I focused on the engineering, legal, social and administrative aspects of community problems.

Matanuska-Susitna Planning Commissioner Guide

The U.S. Department of Commerce issued the Standard City Planning Enabling Act in 1927 in response to growing interest in regional planning. Community planning began in earnest in the 1930's and 1940's as federal expenditures helped fund numerous planning studies. Local planning activity increased dramatically with the passage of Section 701 of the Federal Housing Act of 1954. Many communities used Section 701 monies to create community plans to meet federal funding requirements as well as address local issues. The program was discontinued in 1981. Contemporary community planning is typically initiated at the local level with state enabling statutes for local planning in all states. Planning continues to be widely held as an essential approach for achieving local health, safety, and community welfare.

Planning in Alaska

There are five classes of Boroughs in Alaska: first-class, second-class, third-class, non-unified home rule, and home rule. Alaska state law requires that all but third-class Boroughs provide for planning, platting, and land use regulation. First-class, second-class, and home rule cities are also required to provide for planning, platting and land-use regulation. Local governments in the Matanuska-Susitna Borough are classed in the following manner:

Class of Local Governments in the Matanuska-Susitna Borough	
Jurisdiction	Class
Matanuska-Susitna Borough	Second-Class Borough
City of Palmer	Home-Rule
City of Wasilla	First-Class
City of Houston	Second-Class
**Please see the appendix for more information about the different classes of Boroughs in the State of Alaska	

As local planners operating within the state of Alaska, it is important that you familiarize yourself with the Alaska Planning Commission Handbook you were given in your initial packet. It can be found online, as well, at: <https://www.planning.org/chapters/alaska/pdf/planning-commissionhandbook.pdf>.

Planning in the Matanuska Susitna Borough

The Matanuska Susitna Borough was incorporated as a second-class Borough in 1964. As such, the Borough is required by state statute to provide for planning, platting and land use regulation.

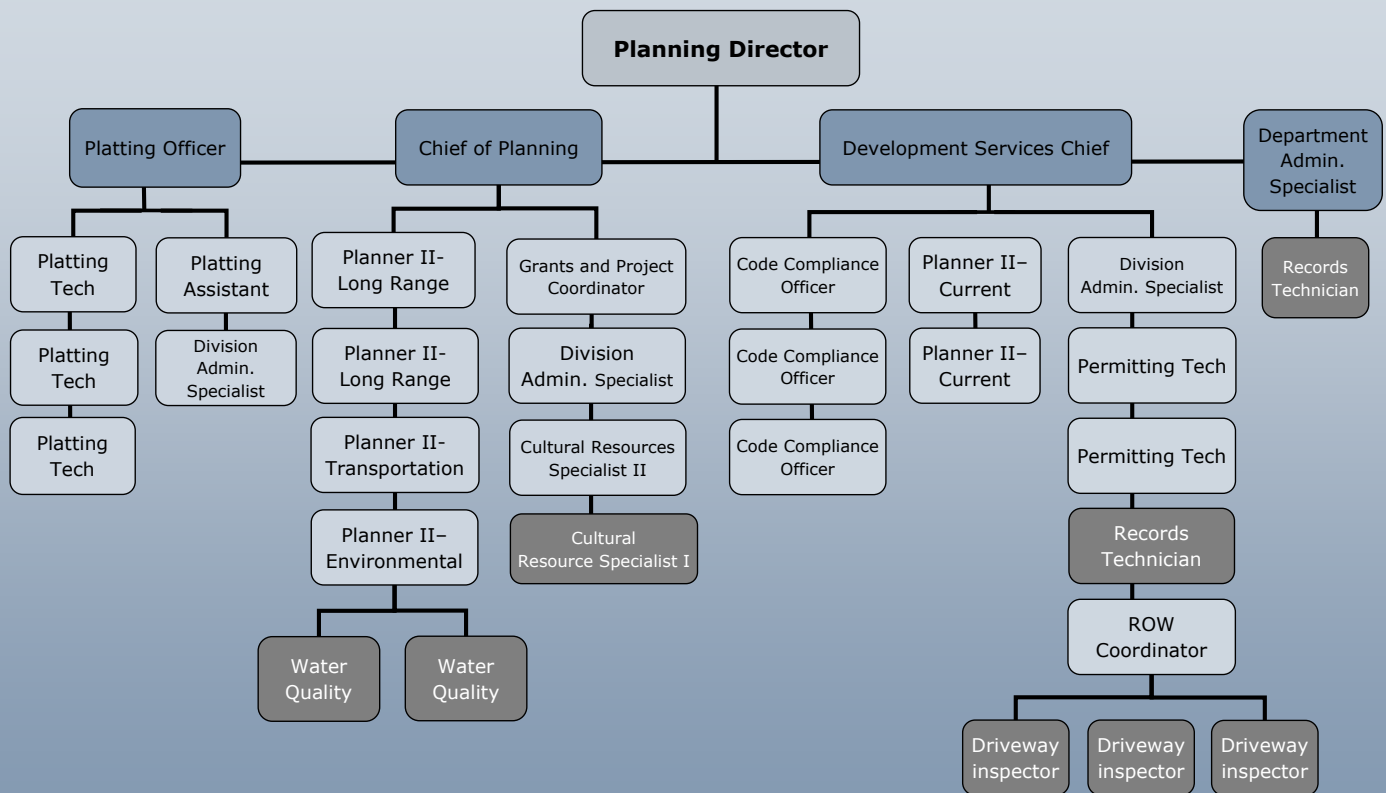
All Boroughs, whether general law or home-rule, must exercise planning powers on an area-wide basis, both inside and outside their cities. AS 29.40.010(b) authorizes a Borough to delegate to a city any of its planning powers and duties. The Matanuska Susitna Borough has delegated planning powers to the Cities of Palmer, Wasilla, and Houston and, having done so, is now responsible for planning in only the areas outside these cities.

“While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.”

American Planning Association



MSB Planning and Land Use Department — Organization Chart



Note: dark gray boxes indicate 1000 hour—temporary or seasonal employees. All other employees are full time.

Updated: December 2015

Planning Commission Function

The Planning Commission's activities fall into three categories: quasi-judicial, administrative (Commission business) and advisory to the Assembly on legislative matters. The Borough code (msb15.04.015) spells out the Planning Commission's functions in detail:

- I. The commission shall:
 - a. prepare and recommend to the assembly a comprehensive plan, a zoning ordinance to implement the plan, a subdivision ordinance and official map of the Borough, and modifications to these documents. The commission shall publish notice and hold at least one public hearing before submitting its recommendations on the plans, ordinances, and maps to the assembly;
 - b. investigate and report on the location and design of any public facility, including, but not limited, to public buildings, docks, beaches, ski ground, statue, memorial, park parkway, boulevard, road, trail, playground, public street, alley or grade of a facility before final action is taken by the Borough or any department, office or agency;
 - c. investigate and prepare, under the directions and conditions as the assembly may from time to time request, the commission's recommendations on a capital improvement program, and to review the program periodically and revise it from time to time, but not less frequently than annually. The annual capital improvement program shall constitute permanent records of the commission, which shall be public records;
 - d. investigate and recommend to the assembly for adoption by ordinance, with the amendments as the commission believes necessary and proper because of local conditions, the published codes of technical regulations as relate to the functions planning, platting, and zoning;
 - e. investigate and prepare, from time to time, and to initiate on its own motion in the absence of directions from the assembly, reports of the availability of public lands by selection, transfer at less than appraised value, and otherwise for Borough purposes;
 - f. investigate and prepare reports on the location and establishment of outdoor public recreation and public campgrounds; and
 - g. review all requests for enactment or amendment to planning, platting and land use regulations, including, but not limited to, comprehensive plans, special land use districts, zoning, and conditional use requirements. At a minimum, this shall include all amendments to MSB Titles 8, 11, 15, 17, 28, and 43. (Ord. 09-025(AM), § 4, 2009; Ord. 94-071 (subl), § 4 (part), 1994)

10 Tips for New (and Not-So-New) Commissioners

- **Listen!**
- **Do your homework**
- **Be polite...and patient**
- **Ask questions**
- **Avoid "ex-parte" contacts**
- **Education yourself**
- **Recognize conflicts**
- **Attend...and contribute**
- **Be independent and informed**
- **Make a difference**

Source: *Planning Commissioners Journal*, Burlington, VT

II. SERVING ON A COMMISSION

Membership

Application Procedure

Planning Commission appointment recommendations are made by the Borough Mayor to the Assembly. A comprehensive list of current boards and commissions and the applications to apply are available in the Borough Clerk's office. This information may also be obtained through the Borough's website at <http://www.matsugov.us/boards>. Completed applications should be returned to the Clerk's office. The Clerk's office will prepare a vacancy report, which includes the applicants for all open board and commission seats, and will forward the report to the Mayor for review.

Appointments

Appointments to the Planning Commission are regulated under Borough Code 15.08.020 which states, "The mayor shall make appointments subject to confirmation by the assembly. Representation from as many assembly districts as is feasible shall be sought on the commission, but all commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire Borough."

The Mayor will make his/her determinations based on the vacancy report, and then send the report back to the Clerk's office. The Clerk's office then includes the vacancy report with the Mayor's recommendations in a packet for the Assembly for approval. Once an applicant is approved by the Assembly, which usually takes two (2) regular Assembly meetings, the Clerk's office will notify applicants should they be appointed.

If appointed to the Planning Commission, the applicant will receive a packet from the Clerk's office that includes a confirmation letter, the State of Alaska Public Offices Commission (APOC) paperwork, and the Oath of Office, all of which must be completely filled out and, if necessary, notarized and returned to the Clerk's office prior to taking office or attending any meetings. No new appointee can sit on their board or commission until ALL paperwork has been officially received by the Clerk's office.

Terms of Office

Members of the Planning Commission serve a three (3) year term, unless replacing a member who has left prior to the end of their term. In such a case, if it is less than eighteen (18) months to the end of the previous member's term, the new member may apply for that seat and serve a full three (3) year term in addition to the time served as replacement. Appointments are held annually for every third seat, as outlined in MSB 15.08.030: "The seats shall be numbered and appointments made shall follow numerical sequence according to the following schedule:

1. Seats 1, 4, and 7 beginning January 1, 1976;
2. Seats 2, 5, and 8 beginning January 1, 1977;
3. Seats 3, 6, and 9 beginning January 1, 1978."

Vacating a seat simply involves writing a letter to that effect and delivering it to the Borough Clerk's office. Delivery may be in person, by post, or in email format.

Residency Requirements

Planning Commission members must be registered to vote in the Matanuska Susitna Borough. (MSB 15.08.010)

Alaska Public Offices Commission (APOC)

Members of the Borough Planning Commission are required by Alaska's Public Official Financial Disclosure Law, AS 39.50, to file the Alaska Public Offices Commission financial disclosure statement with the State of Alaska, and provide a copy to

the Borough Clerk. Upon your appointment to the Commission, the information you need to file the disclosure statement will be in the packet you will receive from the Clerk. Each financial disclosure statement must be an accurate representation of your financial affairs and, to the extent known, the financial affairs of specified family members for the prior calendar year. It must be filed under oath. Failure to return a notarized copy to the Clerk's office will result in a delay in your officially taking office.

Alaska's Public Official Financial Disclosure Law was originally called the Conflict of Interest Law, although it doesn't regulate or prohibit conflicts of interest. It merely requires that certain public officials file an annual statement disclosing their financial interests held during the preceding year. It is intended to do three things:

1. Discourage public officials from promoting a private or business interest in their performance of a public duty;
2. Assure that public officials are free of the influence of undisclosed private or business interests in their official acts; and
3. To develop accountability in government by permitting public review of the personal finances of office holders.

Oath of Office

As a public official serving the people of the Matanuska-Susitna Borough, you must take an oath that you will "support and the Constitution of the United States, the Constitution of the State of Alaska, and the Matanuska-Susitna Borough Code," and, "will honestly, faithfully, and impartially discharge [your] duties as a member of the Planning Commission to the best of [your] ability..." Please see appendix for copy of full oath

Attendance Requirements

While absences due to illness or other significant reasons are at times unavoidable, it is imperative that you attend as many meetings as possible in order to fully understand the issues before the Commission and to represent the people of the Borough to the fullest. Your voice is important in the decision making that affects the people and the Borough, and it can't be heard if you're not there.

MSB 4.05.030 was written, in part, to address the issue of absenteeism on boards and commissions. It states that removal from a board or commission may occur if a member cannot attend meetings for 90 calendar days (or more), or if the member is out of the Borough for 90 days (or more), or if the member misses more than three (3) consecutive regular meetings.

Current Borough Plans

- **Big Lake Comprehensive Plan**
- **Borough-Wide Comprehensive Plan**
- **Chase Comprehensive Plan**
- **Chickaloon Comprehensive Plan**
- **Core Area Comprehensive Plan**
- **Fishhook Community Comprehensive Plan**
- **Glacier View Comprehensive Plan**
- **Houston Comprehensive Plan**
- **Knik River Comprehensive Plan**
- **Knik-Fairview Comprehensive Plan**
- **Lake Louise Comprehensive Plan**
- **Lazy Mountain Comprehensive Plan**
- **Meadow Lakes Comprehensive Plan**
- **Petersville Road Corridor Management Plan**
- **Point MacKenzie Comprehensive Plan**
- **Sheep Mountain Comprehensive Plan**
- **Susitna (Formerly Y) Community**
- **Sutton Comprehensive Plan**
- **Talkeetna Comprehensive Plan**
- **Willow Comprehensive Plan**

Stipend Information

As a member of the Planning Commission, you will receive a stipend of fifty dollars (\$50.00) per meeting for regular and special meetings, not to exceed four (4) meetings in a calendar month. You may also receive mileage roundtrip from your place of business or your home to the primary location of these meetings. You cannot receive mileage for other business as a Planning Commissioner, nor can you claim mileage above and beyond going directly to and from Commission meetings.

Ethics and Conflict of Interest

Alaska State Law (AS 39.50.090 Prohibited Acts)

Reads as follows:

(a) A public official may not use the official position or office for the primary purpose of obtaining personal financial gain or financial gain for a spouse, dependent child, mother, father, or business with which the official is associated or in which the official owns stock. A public official other than an elected or appointed municipal official may not use the official's position or office for the primary purpose of obtaining financial gain for the official's domestic partner.

(b) A person may not offer or pay to a public official, and a public official may not solicit or receive money for legislative advice or assistance, or for advice or assistance given in the course of the official's public employment or relating to the public employment. However, this prohibition does not apply to a chair or member of a state commission or board or municipal officer if the subject matter of the legislative advice or assistance is not related directly to the function of the commission, board, or municipal body served by the municipal officer; this exception from the general prohibition does not apply to one whose service on a state commission or board constitutes the person as a full-time state employee under this title.

(c) A public official may not represent a client before a state agency for a fee. However, this prohibition does not apply to a municipal officer, or chairman or member of a state commission or board except with regard to representation before that commission or board; this exception from the general prohibition does not apply to one whose service on the commission or board constitutes the person as a full-time state employee under this title.

(d) A municipal officer may not represent a client for a fee before the municipal body the officer serves.

(e) Violation of this section is a misdemeanor, punishable upon conviction by a fine of not less than \$500 nor more than \$2000, by imprisonment up to one year, or by both.

(f) In this section, "public official" includes, in addition to the persons specified in AS 39.50.200(a), chairmen and members of all commissions and boards created by statute or administrative action as agencies of the state.

MSB Code of Ethics (MSB 2.71)

Commissioners should consistently act diligently or with "due diligence." Due diligence is the process of systematically researching, verifying and evaluating the matters before it. This duty of care can be considered to be exercised well when it is carried out ethically and in accordance with best practices.

Having been appointed by the Borough for service, a Planning Commissioner is considered a "municipal official," and is governed by the Matanuska Susitna Borough Code of Ethics. Borough requirements are found in Section 2.71 of the Matanuska Susitna Borough Code. These requirements reflect the ethical standards set out in Alaska State Law and relate primarily to conflicts of interest and prohibited acts. Specific ethical topics covered in this section of the Borough code include:

- Misuse of official position
- Nepotism
- Receiving improper gifts
- Improper influence in Borough grants, contracts, leases, or loans
- Representing private and public interests
- Personal or financial interest

Matanuska-Susitna Planning Commissioner Guide

- Campaigning
- Improper use or disclosure of information

Additionally, generally accepted planning ethics as expressed by the American Planning Association should be observed, as well, as long as they do not conflict with State Law or Borough code.

**A copy of MSB 2.71 can be found in the appendix of this manual.

Ex Parte Communication

There are a couple of situations that can involve ethical challenges that are common occurrences in the ordinary operation of the Commission that merit special comment. These are ex parte communication and determination of conflict of interest.

“Ex parte” is a Latin phrase meaning “on one side only; by or for one party.” An ex parte communication occurs when a party to a quasi-judicial matter (such as a request for a conditional use permit or a request for a variance), or someone involved with a party, talks or writes to or otherwise communicates directly with a decision maker about the issues of the case without the other parties’ knowledge. Direct communication with an applicant should not occur. Likewise, communication with any neighbors, community interests or any other interested party – including Borough planners - should not occur on substantive issues. Communication about a planning item should be limited to speaking with the Planning Commission Clerk about scheduling or other procedural matters until the case is presented publicly. This approach facilitates fairness, independent judgment and an unbiased approach to decision making.

Disclosure Statements Required (APOC)

According to the Alaska Public Office Commission’s, “Who is APOC?” the Alaska Public Offices Commission is “a quasi-judicial regulatory agency which administers four laws upholding the public’s right to know the financial affairs of lobbyists and their employers, public officials and candidates for state and local offices.”

New Commissioners will be given the necessary information for logging into the APOC site as part of their packet from the Borough Clerk’s office. For more information, you can go to the website at: <http://www.doa.alaska.gov/apoc/>.

MSB Board of Ethics

Determining whether or not there is a conflict of interest is another common occurrence in the ordinary operation of the Commission. However, conflicts can be largely avoided if a Commissioner makes use of the MSB Board of Ethics for advisory opinions prior to making any decisions that may incur or involve a conflict of interest. The MSB Board of Ethics can be an invaluable resource for Planning Commissioners, saving time and money by preventing litigation stemming from a conflict of interest charge.

If a complaint is filed against a Commissioner, it is the likely sole responsibility of the Commissioner to cover any expenses incurred, including the hiring of legal representation, if need be. It’s much better to utilize the MSB Board of Ethics prior to making a decision, than to have to meet with them after the fact as the defendant in a claim. Remember: if you’re concerned that a decision or action may involve a conflict of interest for yourself, you can seek an advisory opinion from the Board of Ethics prior to taking any action. The Board is an excellent advisory resource for Commissioners.

The Purposes and Policies of Code read as follows (MSB 2.71.020):

- (A) *The Matanuska-Susitna Borough expects all municipal officials to provide their honest services, with equality, honesty, and transparency to the general public. Honest services includes the right to conscientious, loyal, faithful, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.*
- (B) *To encourage high moral and ethical standards:*

- (1) To establish standards of ethical conduct.
 - (2) To promote ethics education for all municipal officials.
 - (3) To provide clear guidance to municipal officials of the ethical procedures and standards of the Borough:
 - (a) to recommend procedures that promote ethical behavior and hold municipal officials responsible and accountable for their behavior;
 - (b) to promote Borough procedures that protect municipal officials from harassment or retribution should they raise concerns about activities that do not appear to be in line with good government, honest services or other ethical behavior.
 - (4) To provide for the consideration of potential ethical problems before they arise.
 - (5) To provide for the fair and effective administration and enforcement of this code.
- (C) *Scope of code.* Any effort to benefit a substantial financial interest through official action is a violation of the public trust. The assembly finds that, so long as it does not interfere with the full and faithful discharge of an official's public duties and responsibilities, this code does not prevent an official from following other independent pursuits. The assembly further recognizes that:
- (1) in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of Borough government;
 - (2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and
 - (3) standards of ethical conduct for municipal officials need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.
- (D) *Unethical conduct.* Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a municipal official's:
- (1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or
 - (2) action or influence would have insubstantial or conjectural effect on the matter.
 - (3) A financial interest over \$1,000 is presumed substantial under this chapter. A lesser amount is presumed insubstantial.

The Board of Ethics is comprised of fifteen (15) seats, and their duties are:

- To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with MSB 2.17;
- To conduct hearings, recommend disciplinary action, assess penalties, and make referrals;
- To recommend changes to the ethics code;
- To investigate complaints alleging violation of the standards of the ethics code upon written request of any municipal official;
- to issue an advisory opinion, in writing, as to any questions of conflicts of interest;
- to make recommendations to the Assembly for amendments to the ethics code and for other legislation affecting the subject matter of the ethics code;
- to provide a continuing program of education, assistance and information about the ethics code to persons to whom it applies;
- to timely process complaints concerning acts subject to the code; and
- to create and revise policies and procedures as necessary to transact business under the ethics code.

Additional Ethical Guidelines

The planning process is a very unique function in the life of the community. In addition to the specifics of the Borough code, ethical principles specific to the planning process have been developed by the American Planning Association and the Planning Commission should aspire to them as a best practice. These principles apply not only to the Planning Com-

Matanuska-Susitna Planning Commissioner Guide

mission, but to the Planning Staff as well. The entire set of principles are included in the Appendix and presented under the three following headings:

- “The Planning process must continuously pursue and faithfully serve the public interest.”
- “Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.”
- “APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.”

Recusal

When potential conflicts are identified, it is the duty of the subject of the conflict to make the circumstances known and initiate recusal of themselves. Recusal is removal of oneself from the process of decision making including vacating the space in which the decision is being deliberated and determined. In other words, the Commissioner with a conflict should exit the meeting room until the item is complete.

MSB 2.71.080 addresses mandatory recusal, in which case a Commissioner must recuse themselves without preamble if a matter or proceeding comes before the Planning Commission that involves any “person who is, or has been, a client of the [Commissioner] or the [Commissioner’s] firm or partnership within the 12-month period immediately preceding the date of the action.”

To recuse yourself, should the need arise, you simply need to state, for the record, that there may be a potential for conflict of interest and the nature of the conflict, and therefore are recusing yourself from the matter at hand.

Sometimes a conflict of interest can appear after a Commissioner has already been involved in a matter. If that should happen, contact Planning Department Staff and the Board of Ethics immediately to determine what steps need to be taken to protect yourself and the public decision making process.

Recusal Procedures for Quasi-Judicial Actions:

Chair reads the memorandum regarding quasi-judicial actions into the record;

- queries commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision

If any commissioner answers “yes” to questions 1 or 2, or

Conducting Public Hearings

- **Number one issue is credibility**
- **Consistent process**
- **Published and set agenda**
- **Clarity for audience – what is going to happen and when**
- **All perspectives weighed equally**
- **Diligent control over the meeting**
- **Outcome should not be a surprise to the audience**
- **Use staff wisely and appropriately**
- **Respectful dialogue – civility trumps rudeness**

“no” to question 3, both the borough staff and the applicant will be given the opportunity to ask further questions. A place amongst the Commission, and if any Commissioner objects to the Chair’s ruling. The Commissioner in question does not vote on whether he or she has a conflict.

Recusal Procedures for Legislative (Advisory) Actions:

Commissioners declare conflicts of interest or anything that may be perceived as a conflict of interest. Chair invites questions from the commission, staff, and the applicant (if applicable). Following this, the Chair will rule on whether or not the Commissioner has a conflict of interest. A vote will take place amongst the Commission, should any Commissioner object to the Chair’s ruling. The Commissioner in question does not vote as to whether he or she has a conflict.

Planning Commission Best Practices

Not only does duty of care involve ethical behavior, it involves diligent involvement in the discharge of the public’s business. This section highlights some of the best practices that have been identified as necessary for the exercise of the high duty of care expected of Planning Commissioners.

State of Alaska Open Meetings Act (AS 44.62.310)

The Alaska Open Meetings Act legislates the methods by which public meetings are conducted in the state of Alaska. It applies to all meetings, including teleconferencing, of any and all Alaska governmental bodies of a public entity, unless exempt by statute. The Alaska Open Meetings Act generally ensures that members of the public have both the right to attend government meetings and the right to speak before the body holding the meeting.

****See appendix for full statute**

Serving the Public Interest

This was touched on in the beginning, under Citizen Participation, but it is such a vital component of the Planning Commissioner’s job that it bears going into further detail. What is considered in the realm of the “public interest” is continually being defined and redefined through the democratic processes of a free society. However, there are certain characteristics of the “public interest” that are enduring. These characteristics can be used to understand what is in the public interest at a particular time and in the presence of a particular set of circumstances. There are

Meeting Do’s

- Pay attention to what is being said
- Watch body language
- Avoid side conversations
- Come prepared to listen, discuss, and vote
- Don’t grandstand or use position as a pulpit
- Disclose public contact
- State reasons for your vote
- Balance neighborhood interests with the good of the whole

Meeting Don’t’s

- Encourage audience voting
- Put too much weight on petitions submitted at hearing
- Lose control of the meeting
- People talking out of turn
- Personal accusations
- Yelling, threatening, rolling eyes, clapping
- Reopening a closed discussion
- Put a wedge between staff and Commission
- Agree with audience statements, implying consent
- Give the appearance that no one is listening
- Mingle with the audience before the hearing
- Make a recommendation with no discussion

two major ways of conceiving of the public interest which are important to keep in mind as a Planning Commissioner.

First, the element of public interest associated with economic negative externalities. In economics, an externality is the cost or benefit that affects a party who did not choose to incur that cost or benefit. For example, manufacturing activities that cause air pollution can impose health and clean-up costs on entire communities. Planning in many cases mediates negative externalities through its operation often by finding itself evaluating and assessing costs and benefits of development activity in order to properly steward the future of the community.

Second, the public interest is concerned with the broad civic vision of a community for achieving desired community goals. For example, a community may have a goal of preserving a particular environmental feature such as a river or a built feature like a historic downtown. Such a goal cannot be achieved through the uncoordinated action of individuals. The coordination of action and the community pursuit of such long range goals over time are within the purview of the public interest. In this sense, duly developed and adopted plans and their implementation programs should be considered to embody the public interest and their application to the community is to be stewarded by the Planning Commission.

Working Knowledge of Controlling Authority

Controlling Authority for the Planning Commission are those plans, ordinances and standards that impact development activity. Commissioners should acquire a working knowledge of the controlling authority under which the Commission will make its decisions. Periodic review and update training on the authority is an important component to the planning program.

Working Knowledge of Case Materials

Planning Staff is charged with the responsibility of producing thorough and complete staff reports summarizing requests and the facts related to these requests. Each Commissioner is charged with the responsibility of reviewing these materials to a standard of “working knowledge.” Caseloads vary with economic conditions, time of year and other factors. A Commissioner could reasonably expect to spend several hours reviewing material for each meeting.

Site Visits

To prevent violations of due process or the Alaska Open Meetings Act, site visits by members of the Planning Com-

Procedure Used For Public and Agency Testimony

Those wanting to testify sign the Public Hearing Sign-In sheet for that item. The sign-up sheet is located on a table in the back of the Assembly Chambers.

- **The Chair will call the name of the person to testify.**
- **The person testifying goes to the podium in the front of the room and states their name for the record.**
- **Members of the public are permitted to speak up to three minutes.**
- **Agency representatives and recognized community council representatives have up to five minutes to speak.**
- **A timer in front of the microphone will turn from green to red when the individual's time is up.**
- **No one may speak without first signing in and being recognized by the Chair.**
- **No one is allowed to speak, interject comments, yell, or shout questions from the floor.**

mission are not recommended for quasi-judicial matters, except in very limited and special circumstances. If the Planning Commission determines a site visit is necessary, the site visit must be treated as a Planning Commission meeting, and the appropriate notifications, agendas and procedures relating to such meetings should be followed.

If a Planning Commissioner, or the Planning Commission, should require more information regarding a property relating to a quasi-judicial matter, they need to contact Planning Staff in writing through the Planning Commission Clerk, so that Planning Staff and the applicant can be provided an opportunity to make a site visit and provide documentation (written or video) to the Planning Commission. The Planning Staff are here to assist the Planning Commission as much as possible and providing information from site visits is just one of the ways they can make the Commission's job easier.

Relationship with Planning Staff

Planning Commissioners are encouraged to interact with the Planning Staff on specific cases and matters of more general and long range planning interest. Planning Commission members may seek informal information or request more formal action related to procedures or ordinances. Formal interaction generally comes with the need for Staff to complete certain work tasks.

In the case of formal interactions, initiatives that require Planning and Land Use Department Staff to draft new ordinances or procedures or to modify existing ordinances or procedures, must first have Planning Commission approval and, in some cases, Assembly approval. After receiving such approval, the Planning Director shall undertake the necessary actions to accomplish the Planning Commission request or directive.

To manage communication efficiently when interacting with Planning Staff, the following protocols should be observed:

1. All official communication between Commissioners, including but not limited to email, should be transmitted through the Planning Commission Clerk. Failure to do so could inadvertently create a serial meeting, which occurs when members of a body communicate with each other, either directly or indirectly, through whatever medium, to develop collective concurrence.
2. Commissioners should never use the "reply all" function of their email, even via "bcc++", as this could also create a serial meeting.
3. All questions and requests submitted by the Commission need to be in writing, so copies can be given to the applicant and made available to all interested parties and the public upon request.
4. Commissioners may submit questions to the Planning Commission Clerk concerning quasi-judicial and legislative matters, or to request additional information from the applicant at the time of the introduction at an open meeting.

Ongoing Education and Training

While there is no formal requirement in Alaska for a Planning Commissioner to receive ongoing training, it is fundamentally important for a Planning Commissioner to engage in continuing education and training. The field of planning is rapidly changing and dynamic, and the Planning Department will periodically offer opportunities for Commissioner training through organizations such as the Alaska APA.

Supporting Information

Before the hearing: The applicant may include information pertinent to the application as part of the submittal. This can be items such as graphics, renderings of the final project, descriptions of similar projects, photos, and so on. These items remain part of the public record.

At the hearing: Individuals testifying at the hearing may submit items as part of their testimony (for example letters of support or opposition, petitions, photos, etc.). These items will be noted in the minutes.

III. BOROUGH ORGANIZATION AND FUNCTION

As a Planning Commissioner, it is important to understand the organizational structure of the Borough, along with the responsibilities of the individual departments and how they fit as a whole.

Mayor

The Mayor presides at all Assembly meetings. The Mayor may take part in the discussion of matters before Assembly, but may not vote, except in the case of a tie. He/She also acts as the ceremonial head of the Borough and signs documents on behalf of the Borough upon Assembly authorization.

The Mayor is responsible for appointing members of boards and commissions with confirmation by the Assembly, except for members of the Board of Adjustment and Assembly members serving of the Board of Equalization, for confirmation by the Assembly.

The Mayor holds specific veto powers. See MSB 2.08.040

Assembly

The legislative power of the borough is vested in the Assembly. The Matanuska-Susitna Borough Assembly is comprised of seven members elected from districts for staggered three-year terms for no more than two consecutive full terms. The Assembly approves the budget, sets the mill rate for taxation, appropriates funds to provide for Borough services, and establishes policy which is executed by the administration.

Under specific direction of the Assembly is the Borough Attorney, Borough Clerk and Borough Manager. These three positions and their staff work directly for the Assembly.

Office of the Borough Attorney

- a) The Office of the Borough Attorney provides legal advice and counsel regarding the Matanuska



Susitna Borough government and is direct legal counsel for the Borough Assembly.

b) The Borough Attorney is the legal advisor for the Borough. The Borough Attorney's advice is provided to the Assembly and Mayor, Administration, as well as Borough Officers, Departments, and Divisions. The Borough Attorney's Office represents the Borough before the Office of Administrative Appeals, Board of Equalization, Animal Care & Regulation Board, and the Board of Adjustments and Appeals, as well as civil and minor offense criminal proceedings in State Court, and on rare occasion, Federal Courts.

c) The Borough Attorney's Office also confers with borough employees on various legal matters, to include review of contracts, agreements, and disputes. The Borough Attorney's Office prepares and reviews legal documents, governmental legislation, ordinances, contracts, licenses, and deeds, and legal opinions. The Borough Attorney's Office attends various borough meetings in an advisory capacity.

d) The Borough Attorney does not provide legal advice or representation to the general public.

Office of the Borough Clerk

a) The Office of the Borough Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels.

b) Administers all borough Elections. The Clerk also prepares petitions and verifies signatures for initiatives, referendum, and recall elections.

c) Manages borough records for active and inactive files, develops retention schedules and procedures for inventory, storage, and destruction of all Borough records as necessary.

d) Assures that public records, including ordinances, resolutions, rules, regulations, and codes are available for public inspection as required by law.

e) Publishes and gives notice of meetings to the Assembly members and the public of the time, place, and location of the meetings.

f) Prepare agendas and Assembly packets; provide for codification of ordinances; keeps a journal of all Assembly meetings; and, takes oaths, affirmation, and acknowledgements as necessary.

g) Serves as parliamentarian to the Borough Assembly and advises other borough boards on parliamentary procedures.

h) Has custody of the official municipal seal and attests (confirms to be genuine) deeds, and other documents, such as ordinances, resolutions, minutes, and contracts, by signing and affixing the Borough seal.

Borough Manager

a) The Manager is the Chief Administrative Officer of the Borough, and is responsible for the proper administration of all Borough affairs and implementation of Borough policy as established by the Assembly. The Manager has ultimate responsibility and authority for the proper functioning of the Borough.

b) The Manager is responsible for the direction of all Borough employees except for those in the Clerk's and Attorney's offices. The direction and supervision of the Borough staff is distributed among the departments established by ordinance.

- c) The Manager is appointed by the Assembly and serves at its pleasure. An elected official may not be appointed Manager sooner than one year after leaving office.

Borough Departments

The Manager is responsible for the direction of all Borough employees except for those in the Clerk's and Attorney's offices. The direction and supervision of the Borough staff is distributed among the departments and their directors.

The Borough has eight departments and numerous facilities located throughout the Borough. Below you will find a list of all Borough departments and a brief description of each.

Departments are listed in alphabetical order.

Administration

Administration Department is comprised of four divisions including, Animal Care and Regulations, Human Resources, Port MacKenzie, and Public Affairs. The Administration department is managed by the Borough Manager. In addition to clerical staff need to assist the Manager, the department also includes the Assistant Borough Manager.

The Administration Department is responsible for the proper administration of all Borough affairs and implementation of Borough policy.

Animal Care and Regulations

The Animal Care & Regulations Division (MSB ACR) is comprised of two sections, Animal Shelter and Enforcement. The animal shelter section is responsible for care of the animals within the MSB Animal shelter and management of the facility. The enforcement section includes Animal Care Officers who work to ensure the welfare of the borough's domesticated animals and enforce the regulations set forth in Borough code.

Human Resources

The Human Resources Division facilitates the development of the borough's workforce through effective employee recruiting and supervisor training. The division is responsible for providing guidance and direction to all personnel regarding policies and procedures.

Port Mackenzie

The Port is responsible for management of all activity at and involving Port MacKenzie, including infrastructure development and management of all port related facilities.

Public Affairs

Public Affairs Division is responsible for the development and implementation of Borough's communications strategy and objectives. Public Affairs develops the communications plan and implements a broad range of public relations activities such as press releases, the Annual Report, and multi-media presentation for legislative issues or special projects.

Capital Projects Department

The Capital Projects Department is comprised of three Divisions, Pre-Design, Engineering, and Purchasing.

The Capital Projects Department is responsible for the designing and building of all Borough capital projects; this includes roads, school, and other public facilities. Since much of the work with capital projects involves purchasing and contracts the Borough's Purchasing Department is housed within the Capital Projects Department.

Pre-Design and Engineering

The Pre-Design and Engineering Divisions are responsible for continually improving the quality of the borough's transportation network and providing our citizens with the safest, most efficient, environmentally sound and balanced transportation system possible.

The Planning Department works closely with this division. When a project is selected from plans like the Long Range Transportation Plan or Capital Improvement Plan, the project enters the design and construction phase. This phase involves a lot of teamwork between the planners and pre-design staff. Often environmental documents, public outreach, route selection, and other preliminary documents are done with a diverse team for both planning and pre-design. Division responsibilities include:

Pre-design Responsibilities include:

- Identification & programming of MSB, State and Federal funding for road, bridge, railroad, transit and airport projects
- Implementing the preliminary design and environmental phase of transportation projects
- Coordination with Planning and Agency review
- Collection and analysis of traffic data throughout the borough
- Right-of-way acquisition

Engineering Responsibilities include:

- Transportation engineering (roads, bridges, transit) design and construction management
- Environmental analysis and engineering (water, wastewater, septage, storm water, and solid waste)
- Private development and subdivision review, plat review
- Road certification
- In-house design and mapping
- Provide technical advice and consultation to other departments within the borough related to the application of science and technology
- Project Management

Purchasing

Purchasing is responsible for the management and dissemination of contracting opportunities throughout the borough in a fair, competitive manner and in accordance with borough code and governmental purchasing standards. Purchasing is also responsible for tagging, inventorying, and final disposition of borough property.

Community Development Department

The Community Development Department is comprised of three sections, Land Management, Trails Management, and Recreational Services.

The Community Development Department is responsible for the management of borough-owned land for economic and community development; to generate revenue through the use and sale of borough-owned land and resources; and provide library services, community enrichment classes and activities, and recreational services to enrich the lives of our community

Land Management

The Land & Resource Management Division has two main functions. Under Land and Resource Sales, borough-owned properties conveyed from the State of Alaska as Municipal Entitlement

Lands, acquired through tax special assessment foreclosure, purchase, exchange or donation are used to generate revenue through sales, leases, and permits. Tax- and LID-foreclosed properties are sold and put back on the tax roll. In addition to offering land for sale, Land Management permits a variety of uses on borough-owned land, such as sites for tourism activities, float plane tie-downs, industrial and commercial staging areas, campsites and access to remote cabins.

Trails Management

Trails Management, in conjunction with the Division of Recreational Services, provides for the reservation and dedication, management and maintenance of recreational trails.

Recreation Services

Recreational Services provides indoor and outdoor recreational opportunities, programs, services, and facilities to enrich the lives of the Mat-Su residents and visitors. This includes:

- Libraries
- Pool
- Parks
- Ice rinks

Emergency Services Department

The Emergency Services Department is comprised of several sections including, Fire Service, Emergency Medical Service (EMS), Fire Code, Emergency Management and Water Rescue.

The Department of Emergency Services is responsible for fire protection and emergency medical services; fire and building code enforcement, water, technical, off-road, and hazmat rescue services; emergency management and community preparedness programs; Enhanced 911 services; and emergency vehicle maintenance.

There are eight FSAs spread throughout the Borough. They include Central Mat-Su , West-Lakes, Point Mackenzie, Talk-eetna, Butte, Caswell, Sutton, Willow, and Greater Palmer. Between the FSAs they cover the majority of the Core Area and the populated areas along the Parks Highway headed North and the eastern areas of Sutton and Butte. A Fire Service Areas (FSA) is a tax revenue generating unit of the Borough that pays specifically for fire and EMS services.

Fire Service

Fire Service handles all fire related activity within the FSAs. This includes responding to calls for both urban and wild fires. Fire Service also provides backup to the State in the case of a large scale wild fires. Fire fighters also respond to technical rescues such as car crashes and assist EMS when needed.

Emergency Medical Service (EMS)

EMS includes all services related to ambulance and paramedic services.

Fire Code

Fire code and permitting within certain FSAs for various types of buildings are administered by the Emergency Services Department. Areas not covered by Borough are maintained by the State Fire Marshall's office.

Emergency Management

Emergency preparedness and incident management are the responsibility of the Emergency Management section. This also includes preparing and managing the Emergency Operations Center (EOC) and compliance with State and federal laws related to disasters.

Water Rescue

Water rescue consists of a specialized team that works Borough-wide on all water related rescues, this includes body recovery.

Finance Department

The Finance Department is comprised of three divisions, Accounting, Assessment, and Revenue and Budget Divisions.

The Finance Department is responsible for the assessment of properties, maintenance of records and associated levy and collection of taxes, preparation and implementation of the annual budget and other appropriations, central treasury, fixed assets, purchasing functions, and fiscal activities.

Accounting

The Accounting Division includes payroll, accounts payable, and all grant reporting. Accounting is also responsible for recording and accounting for all budget, expenditure and revenue transactions to the general ledger and the capital projects ledger, and is responsible for preparing for the annual financial audit.

Assessments

The Assessment Division is a state-mandated function carried out by the borough. Also, by state statute, the division is responsible for maintaining accurate ownership records of all properties within the borough. This division provides the value conclusions on over 63,000 properties within and throughout the geographical boundaries of the borough and administers state mandated exemption programs and optional borough exemptions.

Revenue and Budget

The Division is responsible for all billing and collection of taxes, solid waste fees, land sales/leases, registrations, business licenses, special assessments, and other miscellaneous receivables and fees that the Borough assesses or charges. The division is responsible for compiling the annual budget. The division is also responsible for recording and accounting for all budget transactions to the general ledger. Additionally, included in this division is responsibility for the formation of Local Improvement Districts (LIDs). Also, the foreclosure of properties due to nonpayment of taxes and LIDs is a duty of this division as is the monitoring of those individuals or corporations in bankruptcy status.

Information Technology Department

The Information Technology Department is comprised of three sections, Geographic Information Services, Business Integration, and Technology Infrastructure.

The Information Technology Department is responsible for collaboration with various Borough departments and divisions to support the business functions of the borough by:

- Providing computer access, telephone and internet services, and technical training to employees.
- Investing in information technology infrastructure and software.
- Ensuring critical systems are functional in the event of a catastrophic event.

Geographic Information Systems

The GIS Division harnesses “the power of where” by making available the most timely and accurate mapping information to borough departments and the public in order to bring only the highest quality of service to the Mat-Su Valley.

Business Integration & Technology Infrastructure

- Develops, manages, and integrates new hardware and systems into the Borough's IT environment.
- The Service Desk provides technical support and assistance for all telephone, network, and computer related hardware and software issues for all borough employees, Assembly members and public citizens. They also provide life-cycle management support for all borough desktop computers and software including reporting, quoting, imaging and placements.
- Develop and maintain the Borough's website.

Planning and Land Use Department

The Planning and Land Use Department is comprised of three divisions, Development Services, Planning, and Platting.

The Planning and Land Use Department is responsible for services that include protecting historic properties, assisting in permitting needs, providing code compliance information, supporting environmental services, long range planning, and the subdivision of land.

Development Services

The Permit Center assists the public in determining permitting needs and obtaining permits for most borough development activities, manages all driveway access onto borough roads, processes all utility, encroachment, construction and other Right-of-Way permits, and manages development in rights-of way and easements. Current planning works to administer the borough's more complicated and involved permits including research, review and adjudication. This work is generally quasi-judicial in nature. An example of current planning variances, conditional use permits, rezones, multi-family permits, special events permits, liquor licenses, special land use districts and non-conforming structure determinations.

The Code Compliance provides services for the administration and enforcement of ordinances, regulations, and the flood damage prevention program. In addition, Code Compliance also provides:

- Disaster mitigation/response planning;
- Coordinates the in-house review of private and public agency projects for compliance with related plans, ordinances and policies;
- Assistance in the development of new and revised plans and ordinances and conducts full code compliance activities in all areas of the borough except the cities of Palmer, Wasilla and Houston.
- Public information and education on Matanuska Susitna Borough ordinances;
- Field inspections, investigates violations and takes appropriate action to gain compliance

Planning

Long Range Planning Section is responsible for developing long range plans including land use, transportation, and public facilities plans; plans concerning the development and growth of the borough; and the development of the capital improvement program. In addition, Planners assists with the development of regulations and other means of implementing adopted plans, and acts as liaison with other public agencies relating to land use planning. In fulfilling these responsibilities, the division works with citizen groups, community councils, incorporated cities, advisory boards, the Planning Commission, and the Assembly.

Environmental Services section works with volunteers, residents, agencies, and other govern-

ments to monitor and assess the Borough's environmental resources. In addition, the Environmental Services Division develops management plans regarding Mat-Su environmental resources and provides information and recommendations to Borough administration and decision-making bodies to sustain and protect the quality of Mat-Su's environmental resources.

The responsibilities of the Cultural Resources Section are to protect historic properties and to help stimulate or encourage local economies through historic preservation. This is done through a variety of ways including: assuring compliance with the National Historic Preservation Act; increasing awareness of cultural resources when land uses and economic development are being considered; maintaining a Certified Local Government status; working with the state on their Overall Comprehensive Preservation Plan; incorporating the borough's plan with the state and federal plan; and working with other divisions and departments to promote and protect cultural resources. Other responsibilities include working with museums, historical societies and native groups to ensure borough-wide historical data is being accurately disseminated to the public.

Platting

The Platting Division oversees the subdivision of land within the Matanuska-Susitna Borough. Division staff assists the public in understanding and complying with the subdivision requirements specified by state and Borough regulations. This involves the review of proposals to subdivide land; dedicate public use easements; and vacate public rights-of-way. Staff works with the State Records Office to facilitate recording of subdivision plats and resolutions. They provide copies of recorded subdivision plats and file information to the public upon request. In addition, the division is responsible for contract administration for the survey of Borough Municipal Entitled Lands.

Public Works Department

The Public Works Department is comprised of two divisions, Operation and Maintenance and Solid Waste.

The Public Works Department is responsible for the management of the Borough's infrastructure and related support services. Responsibilities of the Public Works Department include:

- Manage and inspect construction projects
- Inspect subdivision road construction
- Design and obtain public rights-of-way
- Road maintenance
- Perform operations and maintenance for Borough buildings and vehicles
- Provide custodial services for the DSJ Administration Building
- Manage Central Landfill and the Transfer Sites (Solid Waste Division)
- Manage the Talkeetna Water and Sewer Public Utility.

Operation and Maintenance

The Operations and Maintenance (O & M) Division manages road improvement projects, natural

resource projects, and community projects.

Solid Waste

The Solid Waste Division provides a system for refuse disposal in the Borough critical to ensuring refuse is not accumulated on private property or discarded on vacant land.

IV. MEETING PROCEDURES

Basic Rules

All meetings of the MSB Planning Commission will be open to the public and follow the guidelines set forth in the aforementioned Alaska Open Meetings Act. Meetings are usually on the first and third Mondays of every month, with exceptions for holidays or special meetings. You will receive a calendar in your packet from the Borough Clerk's office. Meetings follow Robert's Rules of Order, and you will receive packets containing the pertinent information to be covered as well as the agenda for the meeting from the Planning Commission Clerk prior to the Planning Commission meeting for you to review and familiarize yourself with information to be covered.

Public Notice

The Planning Commission Clerk is responsible for advertising Planning Commission meetings to the public. He/She will place an advertisement at least ten (10) days prior to the meeting in a local newspaper of general circulation.

Polling, Quorum, and Voting

A quorum (the established minimum number of Commission members present during a meeting) is necessary in order for the Planning Commission to conduct any business and to vote on any matters before the Commission. The Planning Commission Clerk will poll Commissioners at least three (3) days prior to the meeting to determine if there is a quorum, and will communicate this information to the Chair. If there is not a quorum, the meeting will have to be rescheduled for a later date. A quorum for the Planning Commission is four (4) members, as there are seven (7) members on the Commission.

All Planning Commission actions shall be by a vote of a majority of the commissions authorized membership. The number of affirmative votes needed to pass a motion is the same number which constitutes a quorum (four affirmative votes.)

If a roll call vote is used, the Clerk will call the roll ensuring that the names are called in a different order for each roll call vote. After all Commissioners have voted, the Clerk announces the vote and whether or not the motion passes. All motions and votes will be included in the meeting action minutes.

Cancellation of Meetings

As soon as it becomes apparent to the Planning Commission Clerk that there will not be a quorum of Commissioners at the meeting, or the meeting needs to be cancelled for other reasons, he/she will attempt to contact all Commissioners both by telephone and email to notify them that the meeting will be cancelled. It is the Planning Commission Clerk's responsibility to also notify Borough Staff, applicants and any presenters.

Parliamentary Procedure and Robert's Rules of Order

Per MSB 15.08.100, meetings shall be conducted under the current edition of *Robert's Rules of Order Newly Revised*, and such modified or amended rules as may be adopted by the Commission.

Processing Motions

When a motion is made and seconded, it should be stated by the maker and repeated by the Chair prior to debate. After

discussion has ended and immediately prior to the vote, the Chair clearly states the motion with amendments. All motions require a second.

Withdrawing Motions

A motion may not be withdrawn by the mover without the consent of the member seconding it.

Reconsideration of a Vote

The Commission may reconsider their action on a vote taken previously. This is limited to actions taken at the meeting currently in session. In order to reconsider a vote, the motion to reconsider must be made by a Commissioner from the prevailing side of the original vote. The motion must be made prior to adjournment of the meeting,

Order and Decorum

Conduct of Commissioners

While the Commission is in session, members should not interrupt the proceedings or any Commissioner that has the floor. A Commissioner, once recognized, should not be interrupted when speaking unless it is to call him/her to order. If a Commissioner is called to order, he/she should cease speaking until the question of order can be determined. If determined to be in order by the Chair, he/she should be permitted to proceed. After being recognized by the Chair, Commissioners may briefly question individuals speaking during audience participation or testifying during a public hearing, but may not enter into a discussion with the individual.

Conduct of Public in Attendance

Persons attending the meeting should observe the rules and procedures of the Planning Commission and should not disrupt Commission business by interrupting Commissioners; speaking out of turn; shouting; preventing or attempting to prevent others who have the floor from speaking; making disruptive noises such as boos, hisses, and clapping; and entering into or remaining in an area of the Commission without consent. Any messages or contact with any member of the Commission during a meeting should be through the Planning Commission Chair.

Members of the public that do not follow the rules for decorum may be asked to leave the meeting. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner towards another member of the public, the applicant, staff, or Commissioners, law enforcement personnel may be called to remove the individual from the premises.

Members of the public must sign-in before speaking. Sign-in sheets are available at the back of the room or at the podium. Although not required, each person addressing the Commission should state and spell their name and state the location of their residence. After recognition by the Chair, all remarks should be addressed to the Commission as a body and not to any specific member. No one other than the Commission and the person having the floor may enter into any discussion, either directly or through a member of the Commission, without the permission of the Chair. No questions may be asked of a Commission member except through the Chairperson.

Interested persons may address the Commission on any subject concerning Borough business during audience participation except for those items that have been advertised and scheduled for public hearing during that meeting. Those items advertised for public hearing cannot be discussed during audience participation and must wait for the public hearing. Once a public hearing has been opened by the Chair, members of the public will be invited to provide testimony. Commissioners may question members of the public following their testimony, but may not engage in discussion. Testimony and questions should remain germane to the agenda item.

Rules of Debate

Every member desiring to speak should first address the Chair, and upon recognition by the Chair, should confine him/herself to the question under debate.

Matanuska-Susitna Planning Commissioner Guide

The Planning Commission Chair may participate in debate and has the same rights and privileges enjoyed by the other members of the Commission; however the Chair should be the last to speak and should not attempt to unduly influence the Commission.

Public Hearings

A public hearing is a formal proceeding before the Planning Commission in which the public is permitted to provide testimony into the record. Testimony may be either presented orally or in writing prior to the close of the public hearing.

Action

All actions must be clearly stated in the form of a motion, receive a second, and then be voted upon. All motions require a minimum of four affirmative votes to take action. All formal actions of the commission shall be by resolution.

Hearing from the Staff

Typically the staff report immediately follows the Chair's reading of the resolution title into the record. The purpose of the staff report is to give a brief overview of the business item and to identify key facts, findings, and recommendations from staff.

Staff is available to the Commission for questions and comments throughout the meeting. The Commission may question staff, request further information or give further direction.

Hearing from the Applicant (Quasi-judicial)

The Applicant, or their representative, will be given an opportunity to provide an overview of their application after the Chair has read the resolution title into the record, and staff has provided a staff report, and prior to the opening of the public hearing. The Applicant is under no obligation to provide an overview of their application.

The Applicant, or their representative, will be given 15 minutes to present an overview of their application, but are not required to do so. Commissioners may question the Applicant, but there will be no Commissioner discussion at this time. The Applicant, or their representative, will be given an additional 15 minutes to rebut questions and comments made by members of the public after the closure of the public hearing. The Applicant is under no obligation to provide a rebuttal. Additional time may be given to the applicant, or their representative, upon determination by the Commission that the complexity of the matter warrants the additional time.

Hearing from the Public

Public testimony will commence after the Chair has read the resolution title into the record, staff has provided a staff report, and the applicant (if any) has been given the opportunity to provide an overview of their application.

Members of the public will be given three minutes to provide testimony. Representatives of state, city, and Borough agencies, and recognized representatives of city councils will be given five minutes.

Impartiality and Standards of "Fair Play"

Each Commissioner should be aware of the need to maintain basic standards of fair play and impartiality. This awareness must also speak to the need to avoid the appearance of bias. The Chair has the primary responsibility to ensure that the varying points of view are heard, that the hearing or work session proceeds in a timely manner, and that the options for future action by the Commission are clearly stated.

Joint Meetings of Commissions/Assembly

The Assembly and Planning Commission shall meet jointly on the fourth Tuesday of March and October for purposes as they deem appropriate (*MSB 2.12.075*). A joint meeting may be changed to a different day or may be cancelled by the

Mayor and Planning Commission Chair. The Assembly and Planning Commission may meet additionally as they see fit. Generally joint meetings are informational or educational in nature and do not result in any action being taken.

Prohibited Serial Meetings

A serial meeting is one in which a quorum of the body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence. Serial meetings are in violation of the Open Meetings Act (OMA). Commissioners should be aware of the potential for serial meetings and never hit “reply all” when responding by email.

Meeting Location

Planning Commission meetings are generally held in the Assembly Chambers at the MSB Dorothy Swanda Jones Building at 350 E. Dahlia Avenue, Palmer, Alaska. Occasionally meetings must be held at other locations due to scheduling conflicts. These meetings are generally held in another public building such as a school or city facility.

If a meeting is moved to another location, the new location will be advertised in the local newspaper and on the Borough website. Additionally, signs with the new location of the meeting will be placed at the entrances of the Borough building.

Agenda

The purpose of the agenda is to inform the public and the Commission regarding the matters to be discussed. Prior to each meeting, the Planning Commission Clerk, at the direction of the Planning and Land Use Director, will prepare and distribute an agenda which includes: Call to Order and Roll Call; Approval of the Agenda, Pledge of Allegiance, Consent Agenda (for items that are considered to be routine and non-controversial and will be approved by one motion), Committee Reports, Agency and Staff Reports, Land Use Classifications (are we going to eliminate this section and place the items under a new section?), Audience Participation, Public Hearings on Quasi-judicial Matters, Public Hearings on Legislative (Advisory) Matters, Correspondence and Information, Unfinished Business, New Business, Commission Business, and Director and Commissioner Comments.

Order Of Business

At every regular meeting, the order of business shall be as follows (MSB 15.08.110):

- Call to Order/Roll Call/Determination of a Quorum
- Approval of the Agenda
- Pledge of Allegiance
- Consent Agenda
- Approval of the Minutes
- Introductions for Public Meetings
- Committee Reports;
- Agency and Staff Reports
- Land Use Classifications (I am hoping that we can change code and put this under new business and have public hearings or create another section on the agenda for various public hearings)
- Audience Participation (for items other than public hearings – three minutes per person)
- Public Hearings (three minutes per person)
- Correspondence and Information
- Unfinished Business
- New Business (will there be any issues with have a public hearing for some items listed in the area or can we set up a new section on public hearings)
- Commission Business
- Director and Commissioner Comments
- Adjournment

Matanuska-Susitna Planning Commissioner Guide

Notice Requirements

In order to protect the right of the public to know when meetings are held, adequate notice must be made. Regular meetings are scheduled and approved by the Commission during a meeting in January of the previous year. The annual meeting schedule will be published as least once in a local newspaper. Agendas are published in the “Notice of Public Meetings” section of the Borough’s website and in the local newspaper. .

Meeting Types

Regular Meetings

A regular meeting shall be held at least once a month. Special meetings may be called by the Commission Chair or shall be called by the Commission Chair at the request of three members. (MSB 15.08.080)

Special Meetings

Special meetings are those not on the regular meeting schedule and may be called by the Commission Chair or shall be called by the Commission Chairperson at the request of three members. Only items that are described on the agenda may be discussed or acted upon. Commissioners may take action during special meetings and may provide direction to staff. Members of the public are allowed to comment during audience participation.

Work Sessions

A work session is not on the regular meeting schedule and is a meeting at which no action is taken and no direction is provided to staff. Work sessions may be called by the Planning and Land Use Director, Commission Chair, or may be called by the Commission Chair at the request of three members. Work sessions are used for educational and non-voting discussions only, and only items that are described on the agenda may be discussed. There are no minutes taken since there are no actions taken. Typically, there is no public testimony during a work session.

Public Hearings

Public hearings are held for legislative (advisory) and quasi-judicial items.

Continuing a Public Hearing:

On occasion the commission may elect to continue a public hearing until a meeting at a later date due to:

- new and potentially substantive information that was submitted late and was not reviewed by staff, the applicant, and/or the public
- the absence of a commissioner that wished to participate
- commission, staff, and/or applicants desire to have more commissioners present to take action.

Procedure:

- Chair opens public hearing
- Members of the public are invited to speak
- Chair entertains a motion to continue the public hearing until time certain
- The motion is made and seconded
- Four or more commissioners vote in favor of continuing the public hearing until time certain
- Does not require re-noticing, some application require mailings and additional outreach to the community prior to the public hearing. Since the public hearing is continued not cancelled the requirement has been met. The continued public hearing will be noticed on the next published agenda.
- Members of the public that have already testified will not be allowed to testify at the next meeting unless the Chair or the Commission determines that there is a reason to allow duplicate testimony

Re-opening a Public Hearing:

On occasion the commission may elect to re-open a public hearing at a meeting at a later date if there is new and potentially substantive information that was submitted late and was not reviewed by staff, the applicant, and the public, and the commission is requesting additional information.

Procedure:

-
- Commissioner moves to re-open a public hearing and continue to a date time certain
 - The motion is seconded
 - Four or more commissioners vote in favor of re-opening the public hearing on a specified date
 - Re-noticing is required; the re-noticing standards are derived from application requirements.
 - The Chair or Commission will determine if members of the public that have already testified will be allowed to testify again due to new and potentially substantive information.

Legislative

While the MSB Assembly has broad executive powers, the Planning Commission is limited to an advisory role to the Assembly with legislative matters. In other words, they do not have the ability to legislate.

Legislative Actions can vary greatly and address a broad range of issues. Examples of legislative type actions include Ordinances, Land Use Classifications, Interim Materials Districts, Special Use Districts, Comprehensive Plans, and Approval of the Capital Improvement Program.

Quasi-Judicial

When the Planning Commission is called upon formally to hear facts and make a decision, they are performing a quasi-judicial function since this is similar to what judges do in court. This duty most commonly arises for requests for conditional use permits (CUP's) and variances.

Quasi-Judicial Actions include items such as Conditional Use Permits (CUP), Earth Material Extraction (MSB 17.30), Junkyards and Refuse Areas (MSB 17.60), Race Tracks (MSB 17.63), Waste Incinerators (MSB 17.64), Tall Structures (MSB 17.67), Alcoholic Beverage Uses (MSB 17.70), Adult Businesses (MSB 17.90), and Variances (MSB 17.65).

New Business (Administrative)

This can include items like Naming Geographic Features (MSB 15.04.025), approval of a Planning Team, updating the PC Policies and Procedures Manual, and approval of the startup of a Comprehensive Plan.

Commission Packets

Packet items are due to the Planning Commission Clerk at least 12 days prior to the scheduled meeting. The Planning Commission Clerk will make every effort to have an electronic version of the packet available to the Commission and members of the public on the Borough website ten days prior to the scheduled meeting. Hard copies will be mailed or delivered to Commissioners no later than five days prior to the meeting. Commissioners may opt out of receiving hard copies of the packet by notifying the Clerk in writing. Commissioners may also make arrangements to pick up their packets at their convenience. Whenever practicable, minutes of the previous meeting and any background materials pertinent to the agenda shall be included in the packet.

Action Minutes

The Planning Commission Clerk shall keep an accurate record of the Commission's proceedings and transactions by preparing and providing action minutes similar to those provided to the Borough Assembly. Action minutes should not be confused with transcripts. Per Robert's Rules of Order, which the Planning Commission generally follows, minutes are a record of what was done at the meeting (action taken) and not what was said. Individuals interested in actual discussions will be referred to the audio recording of the meeting and not the minutes.

Reasons for making a motion, debate, and audience testimony and reaction will not be included in the action minutes. The action minutes will, however, list the date, time, and place of the meetings, the members and staff in attendance,

and a clear and concise description of final actions taken. Motions are indicated “moved” and “seconded”, and a breakdown of the vote is included.

Adjournment

The Matanuska-Susitna Borough Planning Commission has a mandatory adjournment of midnight.

V. PLANNING COMMISSION ORGANIZATION AND FUNCTION

Planning Commission Roles and Responsibilities

State Statute (AS 29.40.020 (b)(1) and (2)), and Borough Ordinance (MSB 15.04) define the authority and responsibilities of the Planning Commission. Ordinarily, the Planning Commission will be reviewing or investigating land use matters and preparing reports or recommendations for the Assembly on those matters.

Commissioner Responsibilities

Planning Commissioners need to be aware that planning is evolving and ongoing while remaining cognizant of the inter-relationship of planning to community goals, priorities, and budget constraints. Commissioners represent the entire community, not just the people in their neighborhood or voting district, and should use their knowledge of the community and their unique position to articulate local values.

Public meeting and hearings provide an opportunity for direct interaction between Commissioners and community residents. They give local residents an opportunity to see the Commission in action, and give Commission Members the chance to hear first-hand about the concerns of local residents. Planning Commission meetings are often the first contact that members of the public have with local government and land use issues, so it is important for Commissioners to act in a way that increases the understanding of land uses and issues, and increases the respect for the responsiveness of government.

In addition to understanding, educating and guiding the community in its growth and development, Planning Commissioners need to understand the legislative and quasi-judicial processes involved in their role as advisory to the Assembly. Please see Chapter IV, Public Hearings for more detail on the processes.

The Commission has authority to approve or deny applications for variances and conditional use permits, and is an integral part of the Comprehensive Plan process for individual communities as well as the Borough as a whole. The Planning Commission is responsible for assisting communities with the development, maintenance and implementation of comprehensive plans, to protect the Boroughs planning process, and to foster long-term interests. It's important that a Commissioner be courageous enough to make the hard decisions that will inevitably be brought forth.

The Planning Commission can initiate planning projects when it recognizes a problem or a need that can be accommodated with available staff time and budget. Projects requiring significant staff time or budget appropriations will need Assembly approval. *Understand that there are limits to what the Commission can do.* Have a clear understanding about when the Commission's role is advisory to the Assembly and when it that of the final decision maker.

In short, the Planning Commission's Roles and Responsibilities are:

- Understand Land Use Planning;
- Reflect the Values of the Community;
- Hold Public Meetings and Hearings;
- Inform the Public on Land Use;
- Understand the Legislative and Quasi-judicial Processes;
- Act on Variances and Conditional Use Permits;
- Make Decisions and Recommendations;

-
- Prepare Comprehensive Plans; and
 - Understand the Opportunities and Limits of Planning Commission Authority

Planning Commission Chair Responsibilities

- Conducts meetings and maintains order
- Encourage relevant testimony by making the criteria for decisions clear
- Ensure that time limits are met
- Keep Commission discussion on track and germane to the subject
- Summarizes as needed
- Diffuses hostility
- Asks for ideas and opinions from each commissioner
- Uphold the appropriate codes.
- Rules on recusals (Please see Recusal Procedures on pages 13 and 14)

Planning Staff Responsibilities

Planning Staff plays a vital role in the land use planning process and the effectiveness of the Planning Commission. It is the responsibility of Staff to perform necessary research, prepare staff reports, and provide guidance to communities with developing and updating comprehensive plans and special use districts. The Commission will interact most often with the planning department's management team and the Planners. The department has several types of Planners. The current Planners handle permitting issues such as variances and conditional uses. Long Range Planners handle the majority of borough plans in addition to specialized areas like cultural resources, environment, and transportation. To be really effective, the Planning Commission and Planning Staff must work as a team. The Commission provides perspective on community needs and attitudes, and gives endorsements to plans, reports and recommendations.

Staff provides technical advice on procedure and content, and keeps the Commission informed of developments in the community. Planning Commissioners can expect that minutes accurately reflect Commission actions, and that staff reports are readable and received with adequate time for review. (Please recognize that sometimes flexibility is needed.) To work well as a team, both groups must treat each other with respect and consideration. Demeaning or rude behavior from either side creates tension and unproductive work environments.

Planning Commissioners should not hesitate to call Staff for research information, advice on law, history, land use, or other pertinent information. It is important to remember that in addition to working with the Planning Commission, staff must also address real time and budget restraints, and deal with the priorities of the Assembly and Borough Management.

Planning Staff Responsibilities include:

- Accept and reject land use applications, ensuring that applications are complete, which saves time and confusion at PC meetings;
- Prepare staff reports which identifies issues with applications, and details criteria and conditions for approval;
- Handle public notification and other administrative tasks;
- Prepare finding of fact and conclusions of law, draft resolutions, and compile packet material and comments;
- Stay current on Borough and State regulations;
-
- Conduct planning studies on a wide range of subjects, including but not limited to, population and economic trends, natural resource and environmental management, housing, transportation, and community development;
- Work with citizen groups and consultants to gather input related to necessary updates to land use regulations,

Matanuska-Susitna Planning Commissioner Guide

comprehensive plans and policies, area and regional plans, and interagency agreements;

- Formulate innovative and effective methods of public involvement and citizen education for all projects;
- Perform research and statistical analysis of planning related issues and prepare reports, graphics and maps necessary to convey research effectively;
- Perform spatial analysis and produce maps using geographical information system technology; and
- Serve as staff for special and select committees of the Assembly, Planning Commission, ad hoc committees, or other borough committees assigned by special projects or studies.

Planning and Land Use Director Responsibilities

- Plans, organizes, and directs the work and programs of the department which entails broad and diverse programs involving planning, platting, land use code compliance, and cultural resources;
- Ensures consistent application and compliance of land use codes, platting regulations, and other related land use laws;
- Confers with real estate developers, state and federal agencies, property owners, realtors, and others on questions regarding planning and zoning regulation and land use control;
- Develops and writes land use regulations, resolutions, and ordinances working in concert with the Planning Commission;
- Prepares requests for proposals and administers contracts and grants;
- Coordinates activities of citizen advisory boards and serves as ex-officio member of Planning Commission; prepares Planning Commission agenda and materials; serves as a member of policy review committees and planning teams; and
- Formulates policies, programs, and budgets and oversees implementation; conducts program evaluations; resolves departmental issues.

Planning Commission Clerk Responsibilities

The Planning Commission Clerk is responsible for ensuring all necessary paperwork, notifications, communications, and meetings are completed or conducted according to Borough Code, state law, and Robert's Rules. He/She is the Parliamentarian for all meetings, which includes:

- Preparing commission agendas, resolutions, and packets;
- Notifying commissioners of meetings;
- Taking and keeping record of the minutes and proceedings of the Planning Commission;
- Assisting the Chair during meetings by keeping a record of motions, tallying votes, and other such actions;
- Keeping attendance records and notifying the Chair of absences and vacancies;
- Keeping a record of meeting attendance, travel and other reimbursable expenses of the Commission, and submitting bills for payment;
- Maintaining and having available at meetings a copy of the applicable version of Robert's Rules of Order Newly Revised, and such Special Rules of Order and Standing Orders as may be adopted by the Commission;
- Posting agendas, minutes, resolutions, and packets on the web;
- Advertising agendas in the local newspaper(s);
- Advertising meetings and events in which three or more commissioners may be in attendance; and
- Holding the Seal of the Planning Commission.

In addition, the Planning Commission Clerk is the primary source and conduit of information and communication between Planning Commissioners and Planning Staff. Utilizing the Planning Commission Clerk for communication with staff or applicants can help prevent conflicts of interest.

The Assistant Planning Commission Clerk shall act in the absence of the Planning Commission Clerk.

Applicant Responsibilities

Applicants for permits have significant responsibilities. The Applicant bears the burden of proof! The Applicant is responsible for demonstrating that they have met the criteria needed for approval, and that the land use is consistent with the comprehensive plan.

Property owners who are unfamiliar with the land use process may be daunted by the requirement that they prove their case. Generally Staff works hard to help the applicant understand the criteria on which a decision will be based and offer advice on the type of information to present. It is not the responsibility of Staff, the Planning Commission, or the Assembly to justify an application or provide burden of proof.

INDEX

A

Accounting, 22
Action, 27
Action Minutes, 32
Adjournment, 32
Administration, 19
Agenda, 29
Alaska Public Offices Commission (APOC), 9
Alaska State Law (AS 39.50.090 Prohibited Acts), 10
An Overview of Planning, 5
Animal Care and Regulations, 19
Applicant Responsibilities, 37
Appointments, 8
Assembly, 17
Assessments, 22
Attendance Requirements, 9

B

Basic Rules, 25
Borough Departments, 18
Borough Manager, 18
Brief History of Planning in the United States, 5
Business Integration & Technology Infrastructure, 22

C

Cancellation of Meetings, 25
Capital Projects Department, 19
Citizen Participation, 5
Commission Packets, 32
Commissioner Responsibilities, 33
Community Development Department, 20
Conduct of Commissioners, 26
Conduct of Public in Attendance, 26
Continuing a Public Hearing, 30

D

Development Services, 23
Disclosure Statements Required (APOC), 11

E

Emergency Management, 21
Emergency Medical Service (EMS), 21
Emergency Services Department, 21
Ethics and Conflict of Interest, 10
Ex Parte Communication, 11

F

Finance Department, 22
Fire Code, 21
Fire Service, 21

G

Geographic Information Systems, 22

H

Hearing from the Applicant, 27
Hearing from the Public, 27, 28
Human Resources, 19

I

II. SERVING ON A COMMISSION, 8
III. Borough Organization and Function, 17
Impartiality and Standards of “Fair Play”, 28
Information Technology Department, 22
IV. MEETING PROCEDURES, 25

J

Joint Meetings of Commissions/Assembly, 28

L

Land Management, 20
Legislative, 31

M

Mayor, 17
Meeting Location, 28
Meeting Types, 30
Membership, 8
MSB Board of Ethics, 11
MSB Code of Ethics (MSB 2.71), 10

N

New Business (Administrative), 31
Notice Requirements, 29

O

Oath of Office, 9
Office of the Borough Attorney, 17
Office of the Borough Clerk, 18
Ongoing Education and Training, 16
Operation and Maintenance, 24
Order and Decorum, 26
Order Of Business, 29

P

Parliamentary Procedure and Robert’s Rules of Order, 25
Planning, 23
Planning and Land Use Department, 23
Planning and Land Use Director Responsibilities, 35

Planning Commission Best Practices, 14
Planning Commission Chair Responsibilities, 34
Planning Commission Clerk Responsibilities, 36
Planning Commission Roles and Responsibilities, 33
Planning in Alaska, 6
Planning in the Matanuska Susitna Borough, 6
Planning Staff Responsibilities, 34
Platting, 24
Polling, Quorum, and Voting, 25
Port Mackenzie, 19
Pre-Design and Engineering, 19
Processing Motions, 26
Prohibited Serial Meetings, 28
Public Affairs, 19
Public Hearings, 27, 30
Public Notice, 25
Public Works Department, 24
Purchasing, 20

Working Knowledge of Case Materials, 15
Working Knowledge of Controlling Authority, 15

Q

Quasi-Judicial, 31

R

Reconsideration of a Vote, 26
Recreation Services, 21
Recusal, 13
Recusal Procedures for Legislative (Advisory) Actions, 14
Recusal Procedures for Quasi-Judicial Actions, 14
Regular Meetings, 30
Relationship with Planning Staff, 15
Re-opening a Public Hearing, 31
Residency Requirements, 9
Revenue and Budget, 22
Rules of Debate, 27

S

Serving the Public Interest, 14
Site Visits, 15
Solid Waste, 24
Special Meetings, 30
State of Alaska Open Meetings Act (AS 44.62.310), 14
Stipend Information, 10

T

Terms of Office, 8
Trails Management, 20

V

V. PLANNING COMMISSION ORGANIZATION AND FUNCTION, 33

W

Water Rescue, 21
Withdrawing Motions, 26
Work Sessions, 30

APPENDIX

1. Ethical Provisions from Borough Code

2.71.070 CONFLICT OF INTERESTS; PROHIBITED ACTS.

(A) Misuse of official position.

(1) A municipal official may not grant, obtain, or receive directly or indirectly, any special consideration, treatment, or advantage, for themselves or others, beyond what is generally available to borough residents.

(2) A municipal official may not, among other things:

(a) seek other employment or contracts through the use or attempted use of official position;

(b) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the borough;

(c) use borough time, property, equipment or other facilities to benefit substantial financial interests;

(d) take or withhold official action in order to affect a matter in which the municipal official has a substantial financial interest; or

(e) attempt to benefit a personal or financial interest through coercion of another municipal official covered by the

code.

(f) No municipal official in his or her official capacity or using their title may publicly promote products or services. However, this does not prohibit a municipal official from answering inquiries by other governmental officials, consumer organizations, or product information services.

(B) Nepotism.

(1) Nepotism is prohibited.

(C) Receiving improper gifts.

(1) A municipal official or a member of the official's immediate family may not solicit, accept, or receive, directly or indirectly, a gift in any form, that is a substantial financial interest to the officer under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment, or constitute a benefit for past performance of official duties, actions, or judgment. Going away parties, parting gifts, social activities, and other events of this type are exempt.

(2) A municipal official subject to this code shall notify the official's designated supervisor of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, within 30 days after the date of its receipt, if the municipal official may take or withhold (or took or withheld) official action that affects the giver.

(3) Municipal officials may request guidance from the board concerning whether acceptance of a particular gift is prohibited.

(4) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(5) Gifts that are not connected with the recipient's status as a municipal official are outside the scope of this chapter and no disclosure is required.

(D) Improper influence in borough grants, contracts, leases, or loans includes the following:

(1) A municipal official or the official's immediate family members may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a borough grant, contract, lease, or loan if the municipal official may take or withhold official action that affects the award, execution, or administration of the borough grant, contract, lease, or loan.

(2) The prohibition in subsection (C)(1) of this section does not apply to a borough grant, contract or lease that is competitively solicited unless the municipal official:

(a) is employed by the administrative unit awarding the grant, contract or lease, or is employed by the administrative unit for which the grant, contract, or lease is let; or

(b) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

- (3) A municipal official shall report in writing to the official's designated supervisor a personal or financial interest held by the official or the official's immediate family members, in a borough or school district contract, lease or loan that is awarded, executed or administered by the department that the official serves. The supervisor shall immediately send a copy of this written report to the clerk to be appended to the municipal official's financial disclosure conflict of interests report.
- (E) A board, commission, committee, or assembly member may not appear on behalf of a private or public interest before any borough body of which the municipal official is a member.
- (F) A municipal official may not represent a private or public interest in any action or proceeding against the interest of the borough to which the borough is a party; provided, that this section shall not apply to:
- (1) any member of the assembly or a municipal official appearing before governmental agencies in behalf of or as a representative of constituents in the course of official duties; or
 - (2) performing public or civic obligations without additional compensation; or
 - (3) any municipal official appearing on the official's own behalf; or
 - (4) board, commission, committee, or an assembly member representing a client in front of a borough body of which they are not a member.
- (G) A municipal official may not render services to benefit a personal or financial interest, or engage in or accept employment outside the public employer the official serves, if the outside employment or service is incompatible with, or in conflict with, or impairs the official's independence of judgment or action, the proper discharge of the official's official duties, except as set forth in MSB 2.71.020(C)(1) and (2) and subsections (D)(1) through (3) of this section.
- (H) A municipal official may not take an active part in political campaigns during duty hours or on borough premises.
- (I) A municipal official must notify the manager, in writing, when an immediate family member is applying for a position with the borough.
- (J) Improper use or disclosure of information includes the following:
- (1) A municipal official or a former municipal official may not disclose any confidential information obtained formally or informally as part of his or her work for the borough or due to his or her position with the borough, or use any such confidential information to further his or her own or any other person or entity's personal or financial gain. "Confidential information" means information obtained in the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officials are not prohibited from disclosing the availability of those channels.
 - (2) A current or former municipal official may not disclose or use confidential information acquired in the course of official duties.
- (K) Release of confidential information is a violation of the ethics code.

2. Ethical Principles in Planning

(As Adopted May 1992, American Planning Association)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to

decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;

6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all “personal interests” they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define “personal interest” broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant’s objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client’s objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclo-

sure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

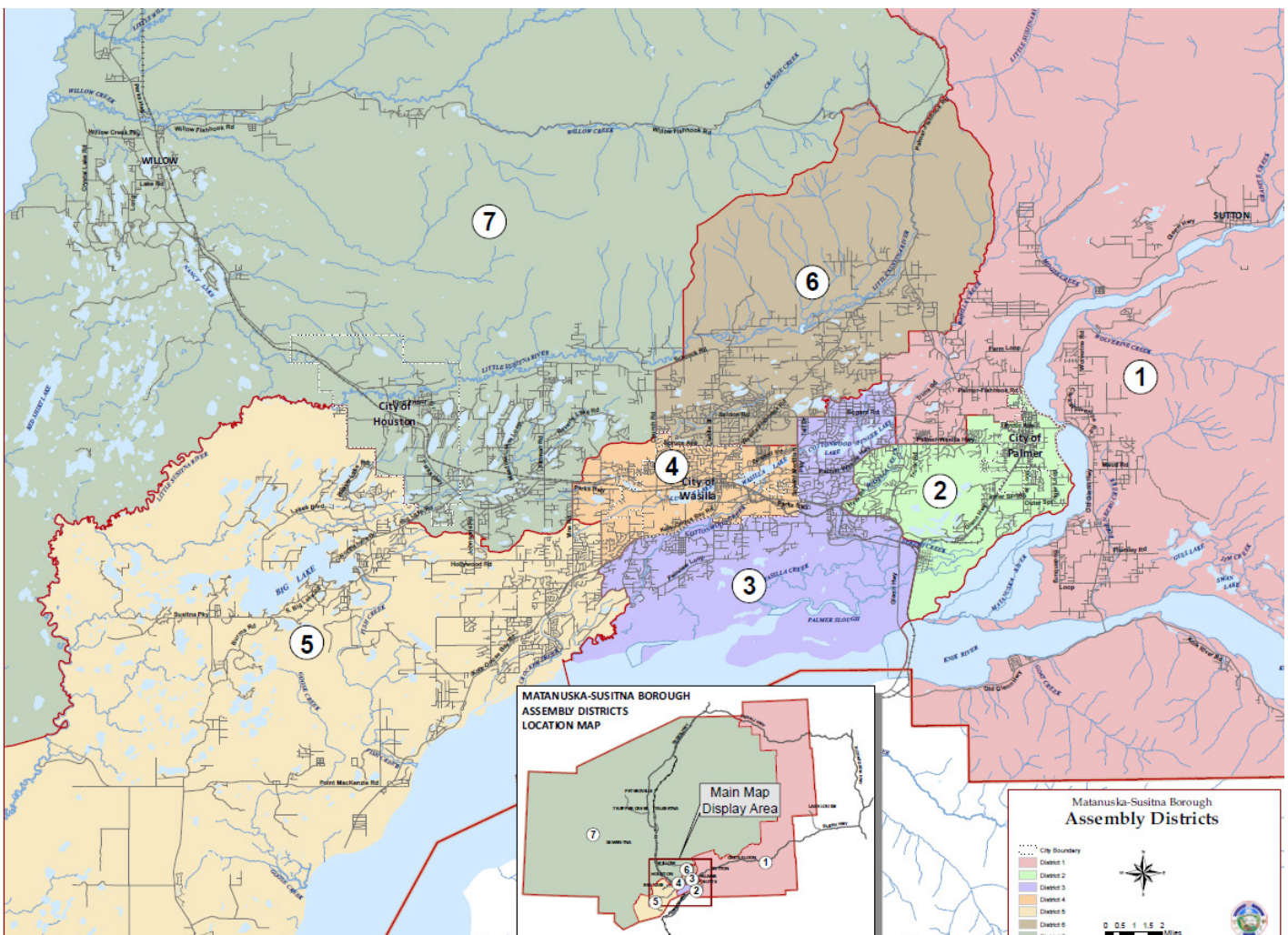
APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.

3. Planning Commissioners and Length of Terms Information

Commissioner	District	Term
Mary Anderson	PC District 1	1/26/2016 - 12/31/2018
Thomas Healy	PC District 2	2/7/2012 - 12/31/2017
John Klapperich, Chair	PC District 3	11/15/2011 - 12/31/2016
Colleen Vague	PC District 4	1/26/2016 - 12/31/2015
William (Bill) Kendig	PC District 5	1/7/2014-12/31/2016
Tomas (Tom) Adams	PC District 6	1/18/2011-12/31/2016
Werner “Vern” Rauchenstein	PC District 7	2/7/2012- 12/31/2017



4. Oath of Office

BOARD AND COMMISSION MEMBERS, BEFORE ATTENDING MEETINGS AND TAKING OFFICE SHALL TAKE AND SIGN THE FOLLOWING OATH OR AFFIRMATION:

OATH OF OFFICE

I, _____, having been duly appointed as an official of the Matanuska-Susitna Borough, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the Matanuska-Susitna Borough Code; and that I will honestly, faithfully, and impartially discharge my duties as a member of the _____ to the best of my ability, so help me God.

Signed this _____ day of _____, 2014

Subscribed and sworn to before me, a Notary Public
this _____ day of _____, 2014.

Notary Public in and for Alaska.
My Commission Expires:_____.

INTRODUCTION

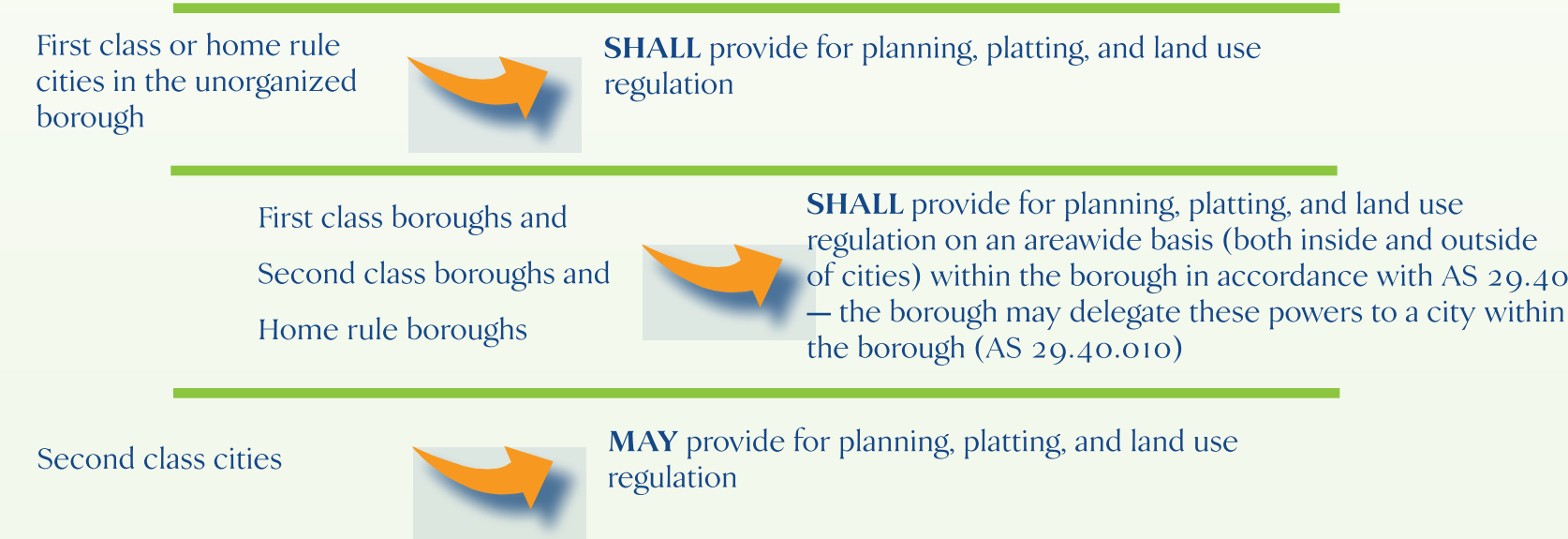
Why should a community plan? What are the benefits today? First, many communities have a limited land base — only so much land can be settled, and only so much suitable land is available for roads, utilities and other improvements. Also, all communities have limited financial resources. In order to provide municipal services that are cost effective, development needs to be planned for and managed. Planning can allocate land for specific uses such as housing, gravel extraction or future roads, while permitting the most efficient use of a community's limited resources. Policies, such as those in a comprehensive plan, can act as the guides for this type of decision-making.

There are other benefits to planning, however, besides the efficient use of land and local funds. Planning can:

- establish ground rules for development for the whole community;
- promote safety by assuring that structures are set apart from one another;
- control development on lands that flood;
- be used to set aside land for important community uses such as landfills, gravel pits, harbors and airports;
- prevent industrial uses from locating near residential areas; and
- provide the means by which residents participate in important decisions about their community's future.

WHICH ALASKA MUNICIPALITIES HAVE THE AUTHORITY TO PLAN AND CONTROL LAND USE?

Alaska Statutes (AS) 29.35 and 29.40 define the authority of cities and boroughs to provide for planning, platting and land use regulation. The planning powers are either mandatory (indicated by the word "SHALL") or optional (indicated by the word "MAY"). Following is a summary of the municipal authorities.



THE STATUTORY BASIS OF ALASKA MUNICIPAL PLANNING POWERS

AS 29.40.010 - 29.40.200 define and direct how planning, platting and land use regulation powers are to be exercised primarily for municipalities that are not home rule municipalities. Only a few of the provisions in AS 29.40 apply to home rule municipalities. The section headings for AS 29.40.010 - 29.40.200 highlight the subjects covered.

Section		
010. Planning, platting and land use regulation	080. Platting authority	150. Recording
020. Planning commission	090. Abbreviated plats and waivers	160. Title to vacated area*
030. Comprehensive plan	100. Information required	170. Delegations
040. Land use regulation	110. Plat procedure	180. Violations
050. Appeals from administrative decisions	120. Alteration or replat petition	190. Remedies
060. Judicial review	130. Notice of hearing	200. Subdivisions of State land*
070. Platting regulation	140. Hearing and determination	*Applies to home rule municipalities

MUNICIPAL EXTRATERRITORIAL JURISDICTION

AS 29.35.020 allows a municipality to go beyond its boundary to provide parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A municipality may also adopt an ordinance to protect its water supply and watershed and enforce that ordinance outside its boundaries; but in order to exercise this power inside another municipality, approval by the other municipality must first be given by ordinance.

AS 29.35.020 applies to home rule and general law municipalities.

JURISDICTION OVER STATE AGENCIES

AS 29.40, as well as other sections of the Alaska Statutes, also address the relationship between State agency activities and local planning authority. A summary of these provisions follows. Please refer to the appropriate statute for more detailed information on these provisions.

AS 09.55.275 prohibits State acquisition of property which results in a boundary change in a municipality exercising platting authority pursuant to AS 29.35.180 or AS 29.35.260(c) without prior approval of the replat by the municipality.

AS 29.40.200 provides that local platting regulations apply to the subdivision of undeveloped State land for disposal purposes.

AS 35.15.080 establishes a procedure whereby municipalities may be able to assume planning and construction responsibilities for State public works projects.

AS 35.30.010 - 030 requires that, before commencing construction of a public project, the State Department of Transportation and Public Facilities and the University of Alaska shall submit the plans for the project to the municipal planning commission for review and approval. Approval by the planning commission may not be required before construction of a highway or local service road under certain circumstances (for example, where the plans for the project are consistent with prior municipal transportation planning). The State Department of Transportation and Public Facilities and the University of Alaska shall also comply with local planning and zoning ordinances and other regulations in the same manner, and to the same extent, as other landowners. This chapter also provides, however, that the Governor may waive these requirements if the State Department of Transportation and Public Facilities and the University of Alaska demonstrate an overriding State interest.

AS 38.04.065 requires that local governments have the opportunity to participate in the State Department of Natural Resources planning process for State lands. Further, the State land plans shall be consistent with local government land plans to the maximum extent possible and still be consistent with State interests.

AS 40.15.010 - 020 requires that before lots of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction. The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. Also, a person filing a plat, map, subdivision or replat of property, or a petition to vacate any of these, shall also file a tax certificate showing that all taxes levied against the property at the date have been paid.

AS 40.15.075 states that the Division of Lands (within the State Department of Natural Resources) is the platting authority in areas outside organized boroughs and outside cities in the unorganized borough and in third class boroughs only for purposes of hearing and acting on petitions for the change or vacation of plats.

AS 46.40.100 provides that municipalities and State agencies shall administer land and water use regulations or controls in conformity with district coastal management programs that are in effect.

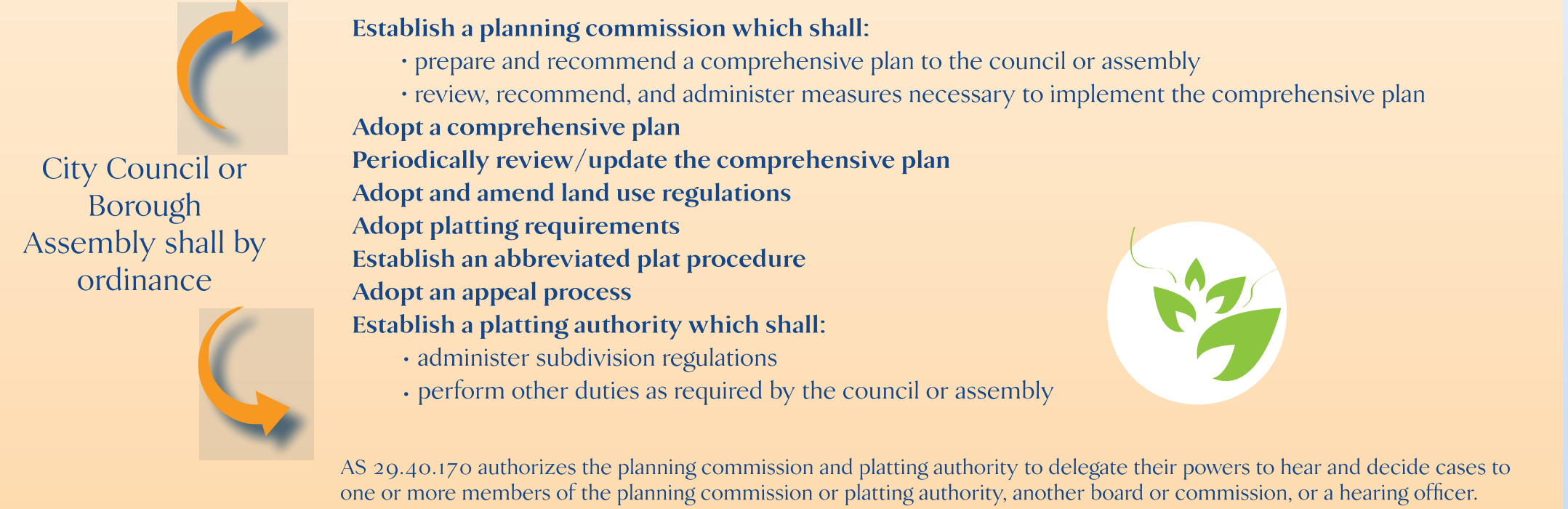
Planning Powers for Alaska Communities

EXERCISING PLANNING POWERS

The council or assembly has the primary responsibility for implementing planning powers; however, the city council or borough assembly, the planning commission, and the platting authority must all work together to perform the functions of planning, platting and land use regulation. The council or assembly must first pass an ordinance to create the planning commission and the platting authority. AS 29.40.020 directs the formation of the planning commission and AS 29.40.080 directs the establishment of a platting authority.

The responsibilities of the council or assembly, planning commission and platting authority can be summarized as follows:

ROLES OF AUTHORITY IN THE LOCAL PLANNING PROCESS (FOR COMMUNITIES WITH PLANNING POWERS)



PLANNING COMMISSION

Membership

The mayor appoints a minimum of five residents to serve as members of the planning commission for a term of three years, subject to confirmation by the assembly or city council. Members first appointed draw lots for one, two, and three year terms. In first class and home rule cities the mayor appoints members of the planning commission from a list of candidates recommended by the city council. Within a borough commission membership shall be apportioned so that the number of members from first class and home rule cities reflects the proportion of the borough population residing in the respective home rule and first class cities. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly or city council.

Duties

The duties of the planning commission are prescribed by the assembly or council by ordinance. In addition to the duties prescribed by ordinance, the planning commission shall prepare and submit to the assembly or council a comprehensive plan. The commission shall also review, recommend and administer measures to implement the plan (AS 29.40.020).

COMPREHENSIVE PLAN

According to AS 29.40.030, the comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public . . . and may include, but is not limited to, the following:

- statements of policies, goals, and standards;
- a land use plan;
- a community facilities plan;
- a transportation plan; and
- recommendations for implementing the comprehensive plan.

The planning commission is responsible for preparing the comprehensive plan and recommending it to the assembly or council. In order for the plan to become an official policy statement, it shall be adopted by the assembly or council by ordinance. Also, after receiving the recommendations of the planning commission, the assembly or council shall perform a thorough review of the comprehensive plan and update the plan as necessary.

LAND USE REGULATIONS

Land use regulations are measures used to implement the comprehensive plan. The regulations must be adopted by ordinance. According to AS 29.40.040, land use regulations, provisions governing the use and occupancy of land, may include but are not limited to:

- zoning regulations restricting the use of land and improvements by geographic districts;
- land use permit requirements designed to encourage or discourage specified uses or minimize unfavorable effects of uses; and
- measures to further the goals and objectives of the comprehensive plan.

AS 29.40.040(b) lists the conditions under which a VARIANCE from a land use regulation may be not be granted. A variance from a land use regulation (adopted under this section) may not be granted if:

- special conditions that require the variance are caused by the person seeking the variance;
- the variance will permit a land use in a district in which that use is prohibited; or
- the variance is sought solely to relieve financial hardship or inconvenience.

PLATTING AUTHORITY

Membership

According to AS 29.40.080, the assembly or council shall establish a platting authority by ordinance. The platting authority may consist of all members of the planning commission, a portion of the members of the planning commission, or other municipal residents. The assembly or council may also provide for an administrative official to act as the platting authority for abbreviated plats.

Duties

The platting authority administers subdivision regulations and performs other duties as required by the assembly or council.

This publication was developed by the State of Alaska, Department of Commerce, Community, and Economic Development. This publication is not and should not be construed to be an official or complete statement of State law governing exercise of municipal planning powers. For an official statement of law governing exercise of planning powers by municipalities, please consult the official published version of the Alaska Statutes.

PLATTING REGULATIONS

According to AS 29.40.070, the assembly or council shall adopt platting requirements by ordinance that may include, but are not limited to, the control of:

- form, size, and other aspects of subdivision, dedications, and vacations of land;
- dimensions and design of lots;
- street width, arrangement, and rights-of-way, including requirements for public access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage and other public utility facilities and improvements; and
- dedication of streets, rights-of-way, public utility easements and areas considered necessary by the platting authority for other public uses.

Abbreviated Plats and Waivers

According to AS 29.40.090, the assembly or council shall, by ordinance, also establish an abbreviated or "short" plat procedure for plats that will:

- subdivide a single lot into not more than four lots;
- provide legal and physical access to a public highway or street for each lot created;
- not contain or require a dedication of a street, right-of-way or other area; and
- not require a vacation of a public dedication of land or a variance from a subdivision regulation.

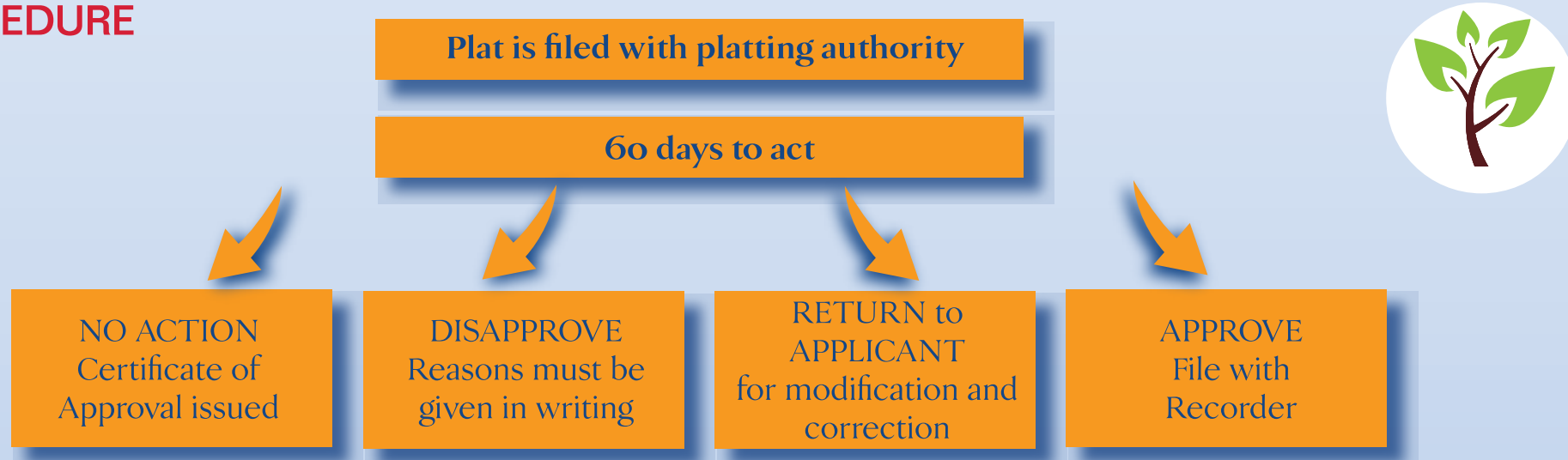
The platting authority shall waive the preparation, submission for approval, and recording of a plat if it meets the requirements listed above and each lot created by the subdivision is five acres or larger.

Plat Procedures

Once a plat is filed with the platting authority, the platting authority shall approve, or disapprove, the plat within 60 days or return it to the applicant for modification or correction. Unless the applicant consents to a time extension, the plat is considered approved if the platting authority fails to act within the 60 days. If the plat is approved, it shall be acknowledged and filed with the recorder in accordance with AS 40.15.010 - 020, which requires proof of the platting authority's approval and a certificate showing taxes have been paid. If such approval is not shown, the recorder will not file the plat. If the plat is disapproved, the platting authority shall state in writing its reasons for disapproval.

The platting authority may change a recorded plat if petitioned by either the state, a public utility, the borough, or the owners of a majority of the land affected by the alteration or replat. After the petition is filed, the platting authority has 60 days in which to publicize and hold a public hearing. Notice shall also be given to each affected property owner who did not sign the petition. The platting authority shall consider the alteration or replat petition at the hearing and make its decision on the merits of the proposal.

PLAT PROCEDURE



Vacations

According to AS 29.40.120, a platted street may not be vacated except on petition of the State, the borough or city, a public utility, or owners of a majority of the land fronting the part of the street sought to be vacated. Vacation of a street in the borough area outside all cities may not be made without the consent of the assembly. Vacation of a city street may not be made without consent of the council. After the platting authority makes a decision to vacate a street, the assembly or council has 30 days in which to veto the action. Again, if a veto does not occur within the 30 days, the vacation is considered approved.

AS 29.40.160(d) allows the council of a second class city located outside a borough to vacate streets, alleys, crossings, sidewalks, or other public ways that may have been previously dedicated or established when the council finds that the public ways are no longer necessary for the public welfare, or when the public welfare will be enhanced by the vacation.

APPEALS

According to AS 29.40.050, the assembly or council shall provide by ordinance for appeals from an administrative decision of a municipal employee, board, or commission made in the enforcement, administration, or application of a land use regulation. The assembly or council may provide for an appeal to a court, hearing officer, board of adjustment, or other body. The assembly or council may also provide for appointment of a hearing officer and for the composition, appointment, and terms of office of a board of adjustment, or other body established to hear the appeals. The assembly or council may define proper parties and prescribe evidentiary rules, standards of review, and remedies available to the hearing officer, board of adjustment or other body. Under AS 29.40.060, the appeals process adopted by the assembly or council must also provide for an appeal by a municipal officer or person aggrieved from a decision of a hearing officer, board of adjustment, or other body to the superior court.

APPEALS PROCESS

Assembly or council shall provide for this process:



GLOSSARY OF PLANNING TERMINOLOGY

Board of Adjustment: A board that hears appeals.

Dedication: A gift or donation of property by the owner to another party. Under subdivision regulations, the transfer of property from private to public ownership is referred to as dedication.

Municipality: A city or a borough.

Plat: A map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties.

Replat: To alter a previously recorded plat to create or delete lots, alter lot lines, to change a note on the plat, etc.

Subdivision: As used in AS 29.40, a subdivision is the division of a parcel of land into two or more lots or other divisions for the purpose of sale or building development, includes resubdivision, and relates to the process of subdividing or to the land subdivided. It does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of, the State regardless of whether these plats include easements or other public dedications.

Vacation: The act of making legally void any right-of-way, easement, public area, or other public interest. For example, to cause a public right-of-way to revert back to private property.

Variance: Granting a property owner relief from requirements of a zoning or subdivision ordinance.

Zoning: A measure enacted by municipalities which establishes geographic districts (zones) within which permitted and special uses and regulations governing lot size, building bulk, placement, etc. are established. The zoning ordinance consists of a text and a map.

For additional information, clarification, or assistance with community planning, please contact:

Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs
550 West 7th Avenue, Suite 1770
Anchorage, Alaska 99501-3510
(907) 269-4501

Or
P.O. Box 110809
Juneau, Alaska 99811-0809
(907) 465-4750

6. Municipal Boundaries & Borough Incorporation

LOCAL GOVERNMENT ONLINE (LOGON)

MUNICIPAL BOUNDARIES

Municipal Government Structure in Alaska

Introduction

The State of Alaska's Constitution, Article X, Section 2, provides that two forms of local government, cities and organized boroughs, form the basic structure of Alaska's Municipal Government. Both cities and boroughs are municipal corporations and political subdivisions of the State of Alaska. (AS 29.04.010 -.020)

Alaska's Constitution also requires that the entire state be divided into organized or unorganized boroughs, based on standards such as natural geographic boundaries, economic viability, and common interests. (Article X, Section 3) For the most part, organized boroughs were formed in those areas where economies were better developed. The large portion of the state that has not incorporated as an organized borough is designated the unorganized borough.

Narrative

The delegates to the State of Alaska's Constitutional Convention of 1955-56 wanted to avoid overlapping local government jurisdictions. Of particular concern was preventing the duplication of local government authorities with the power to tax. A guiding principle of the constitutional convention was that they did not want to force a particular form of government on any community or region of the state.

The constitutional framers attempted to create a system of local government that would be flexible enough to meet the desire for local control as well as the need to realize economies of scale through regional organization. A major factor they considered was the diversity of economies and infrastructure. When Alaskans were considering statehood, many communities relied almost exclusively on a subsistence lifestyle. Entire regions of the state were without basic services or substantial cash economies while other parts of the state were developing resource industries that promised a robust economy.

Considering these differences, the constitution did not mandate the creation of incorporated local governments throughout the state, but did provide that the entire state be divided into boroughs based on, in part, natural geographic boundaries, economic viability, and common interests.

In a city, the governing body is the city council (Alaska Constitution, Article X, Section 8) and in a borough, the governing body is the borough assembly (Constitution, Article X, Section 4 and

and has oversight of services that would otherwise be provided by the organized borough (e.g. education, planning and zoning). (Alaska Constitution, Article X, Section 6). Composition and apportionment of the municipal assembly and council are spelled out in AS 29.20.060 -.130.

A city government exercises its powers within an established boundary, normally encompassing a single community. Under the state's constitution, a city is also part of the borough in which it is located (Alaska Constitution, Article X, Section 7). An organized borough exercises its powers on a regional basis and may provide services on three levels: areawide (throughout the borough), nonareawide (that part of the borough outside of cities), and service areas (size and make up vary).

Cities and boroughs are further organized as either home rule or general law municipalities. A home rule municipality spells out its powers and duties through its adopted charter ratified by the voters, and it can exercise any power not prohibited by state or federal law or by the home rule charter. A general law municipality's powers and duties are derived through established law. (Alaska Constitution, Article X, Sections 9, 10, and 11 and AS 29.04.010.)

Cities and boroughs are also divided into classes with varying powers and responsibilities. (Alaska Constitution, Article X, Section 3, 5, and 7 and AS 29.04.020.) These are:

Classes of Local Government in Alaska

- Boroughs:
- Unified Home Rule Municipality
- Home Rule Borough (not-unified)
- First Class Borough
- Second Class Borough
- Cities
- Home Rule City
- First Class City
- Second Class City

(Note: Unified municipalities are treated as boroughs in statute and regulation.)

The Frequently Asked Questions

intent of the framers of the constitution was to provide for maximum local self-government with a minimum of local government units and tax levying jurisdictions. To do this, the

constitution vested local government powers, including the power to tax, in boroughs and cities. The Alaska Constitution also provides for a “liberal construction” of the powers of local governments, which essentially means if an act isn’t prohibited in law, a local government is probably free to act on the matter.

The constitution provided the basic framework for Alaska’s municipal governments and delegated the responsibility for filling in the details to the legislature. Title 29 of the Alaska Statutes establishes the procedure by which municipalities are organized and municipal powers prescribed by law. The constitution also provides for a Local Boundary Commission to review and approve local government boundaries, and an agency in the executive branch of state government to advise and assist local governments (this agency is the Division of Community and Regional Affairs within the Department of Commerce, Community, and Economic Development). (State of Alaska Constitution, Article X, Section 12 and Section 14)

How is municipal government structured in Alaska?

Article X of the state’s constitution provides that the legislature classify the two forms of local government, cities and boroughs, and prescribe their powers and functions. The legislature has classified local government in the following manner and prescribed varying powers and duties for the different classes of cities and boroughs:

Classes of Local Government in Alaska

- Boroughs:
 - Unified Home Rule Municipality
 - Home Rule Borough (not-unified)
 - First Class Borough
 - Second Class Borough
- Cities
 - Home Rule City
 - First Class City
 - Second Class City

What is the difference between a city and borough?

A city generally exercises its powers within an established boundary that normally encompasses a single community, while a borough (intermediate-sized governments - much larger than cities)

provides services and exercises power on a regional basis. Under the state's constitution, a city is also part of the borough in which it is located.

An organized borough may provide services on three levels. These are: areawide (throughout the borough), non-areawide (that part of the borough outside of cities), and service areas (size and make-up vary). A borough also has the flexibility and capacity to provide services at the community level, typically through the creation of service areas. (State Constitution, Article X, Section 5)

What is the difference between a general law and home rule municipality?

A home rule municipality adopts a charter subject to voter approval and has all powers not prohibited by law or charter. (State Constitution, Article X, Section 9, 10, 11 and AS 29.04.010.) A general law municipality is unchartered and its powers are granted by law. (State Constitution, Article X, Section 4 and 7 and AS 29.04.020.)

General Law Cities and Boroughs. State law and local ordinances define the powers, duties, and functions of general law cities. There are two classes of general law cities -- first and second class. Typically, both classes provide a broad range of municipal services including, but not limited to, police protection, parks, sewer and water utilities. The significant difference between the two classes of city includes taxing authority, responsibility for schools, and the powers and duties of the mayor. A community must have at least 400 permanent residents to form a first class city.

There are two classes of general law boroughs: first class and second class. The primary difference between the two classes of boroughs is the manner in which they adopt additional powers.

Home Rule Cities and Boroughs. Being a Home Rule municipality means the municipality can exercise any power not specifically prohibited by law or the municipality's charter. First and second class boroughs and first class cities may adopt a home rule charter, which defines their powers and duties. (AS 29.10.010). AS 29.10.200 contains a list of state laws that limit certain things that a home-rule charter can legislate on. A community must have at least 400 permanent residents to form a home rule city. Unincorporated regions of the state may incorporate directly as a Home Rule borough.

What is the difference between the organized and unorganized borough?

The state constitution requires that the whole state be divided into boroughs. The areas of the state have incorporated boroughs under state law are called the organized borough. The area outside the boundaries of an incorporated municipality is called the unorganized borough.

Currently 19 organized boroughs cover about half of the state and the rest of the state is considered the unorganized borough. The governing body in the organized borough is the assembly, which is elected by residents of the borough it represents. The governing body of the

unorganized borough is the Alaska State Legislature (Alaska State Constitution, Article X, Section 6.) Some of the populated area of the unorganized borough may have a form of local government or service organization other than an incorporated municipality, such as a tribal council or non-profit community association.

Organized Boroughs. An organized borough is a municipal corporation and political subdivision of the State of Alaska that provides services and exercises powers on a regional basis. Organized boroughs are intermediate-sized governments - much larger than cities. All organized boroughs have three mandatory powers: education, planning and land use regulation, and property assessment and taxation (AS 29.35.150-.180). All boroughs may adopt a broad range of additional powers on an areawide, non-areawide, or service area basis. (AS 29.35.200-.220) "Areawide" means "throughout the borough," while "non-areawide" means "in all of the areas outside cities." Service areas vary greatly, ranging from small neighborhood road districts to large, highly populated urban areas.

The Unorganized Borough. A large portion of the state that has not incorporated as an organized borough is designated the unorganized borough. In the unorganized borough, the state legislature, as the governing body, has oversight of services that would otherwise be provided by the organized borough (e.g. education, planning and zoning). (Alaska State Constitution, Article X, Section 3 and 6, and AS 29.03.010.) Much of Alaska's rural regions have not yet formed organized boroughs. In these regions, cities and tribal organizations typically provide community services while education is delivered by the state through Regional Educational Attendance Areas (REAAs). See AS 14.08.021-.051 for a description of the powers and organizational structure of REAAs.

What are the powers and duties of municipalities?

All local governments in Alaska enjoy broad powers. Article X of Alaska's Constitution establishes the framework for local government in Alaska. Article X, Section 1 states:

The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units. (Emphasis added)

All local governments have certain fundamental duties such as conducting elections and holding regular meetings of the governing bodies. Beyond that, the duties of municipalities in Alaska vary a lot. Duties of cities and boroughs vary depending upon their classification; city duties also vary based on whether they are located inside or outside organized boroughs.

Education - All organized boroughs as well as home rule and first class cities in the unorganized

borough must operate municipal school districts. Second class cities in the unorganized borough and cities in organized boroughs are not authorized to do so.

Planning, Platting, and Land Use Regulation - All organized boroughs, along with home rule and first class cities in the unorganized borough must also exercise planning, platting, and land use regulation. Second class cities in the unorganized borough are permitted, but not required, to exercise those powers. Home rule, first class and second class cities in organized boroughs may exercise planning, platting, and land use regulation powers only if the borough has delegated those powers to them.

Tax Collection - Organized boroughs also have the duty to collect municipal property, sales, and use taxes if these taxes are levied within their boundaries.

Beyond these requirements, municipal powers are exercised at the discretion of local governments. Second class cities are not obligated by law to provide any particular service.

General Law Cities and Boroughs Powers and Duties. General law local governments get their powers from laws enacted by the state legislature. The constitutional principle of liberal construction of local government powers is repeated in the laws enacted by the legislature (AS 29.35.400) and expanded upon with the provision that unless otherwise provided by law a municipality may exercise all powers and functions necessary to carry out its duties and responsibilities. (AS 29.35.410.) Essentially, this means that unless an act is specifically prohibited by law, a home rule municipality is probably free to act on the matter.

Numerous court cases have reaffirmed the constitutional principle of liberal construction. See the publication “Local Government in Alaska”, pages 6-8.

Differences among General Law Boroughs. A main difference between a first class borough and a second class borough is the authority to assume powers. A first class borough may exercise any power not prohibited by law on a non-areawide basis (i.e., in the area of the borough outside cities) by adopting an ordinance. A second class borough, however, must gain voter approval for the authority to exercise many non-areawide powers.

Differences among General Law Cities. A main difference between a first class city and a second class city is the power to provide education. A first class city must exercise education powers while a second class city may not.

Home Rule Cities and Boroughs Powers and Duties. While general law local governments in Alaska have broad powers, home rule local governments have even broader powers. Article X, Section 11 of Alaska’s Constitution states that a home rule borough or city may exercise all

legislative powers not prohibited by law or by charter.

Why isn't Alaska divided into counties?

The minutes of the constitutional convention indicate that counties were not used as a form of local government for various reasons. The failure of some local economies to generate enough revenue to support separate counties was an important issue as well as the desire to use a model that would reflect the unique character of Alaska, provide for maximum local input, and avoid a body of county case law already in existence. Instead, Alaska adopted boroughs as a form of regional government. This regionalization was an attempt to avoid having a number of independent, limited-purpose governments with confusing boundaries and inefficient governmental operations.

Additional Resources

Publications:

- Background on Boroughs in Alaska
- Local Government in Alaska (2004)
- Home Rule Municipalities in Alaska: Maximum Local Self-Government
- See the LBC section of the Division's Publication page for many more.

Recommended web site search topics:

- Local Boundary Commission
- Department of Law
- Alaska Statutes and Regulations
- Alaska Constitution

Applicable Laws and Regulations

Alaska Constitution - Article X

- Section 1 Purpose and construction.
- Section 2 Establishes boroughs and cities, vests powers, taxing authority.
- Section 3 Mandatory borough requirement, standards for incorporation, classification, direction to legislature to classify, prescribe powers, and establish methods of organization.

- Section 4 Borough assembly, composition.
- Section 5 Service areas, prohibition, power to levy.
- Section 6 Unorganized borough, legislature as governing body, local participation.
- Section 7 Cities, incorporation, cities inside boroughs, powers, organization.
- Section 8 City council.

7. Open Meetings Act

Introduction

The State of Alaska's Open Meetings Act (AS 44.62.310-.312) requires that all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves.

In essence, the OMA protects the public's right to know.

Narrative

To be able to protect the public's right to know, the OMA requires that:

- all deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- the public must be provided prior knowledge of all steps occurring in the decision making process, with limited exceptions; and that
- individual actions of an official are made known.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting. The public must also have access to materials being considered during the meeting.

In addition to laying out specific steps required for meetings and allowable exceptions, the statutes addressing open meetings speak about the state's policy regarding what authority the public has delegated to governing bodies. Following is a synopsis.

According to the 'State Policy Regarding Meetings' (AS 44.62.312):

- The government exists to aid in conducting the people's business.
- Government units should act and deliberate openly.
- The people do not yield sovereignty to government agencies that serve them.
- Public servants have not been given the right to decide what is good or not good for the people to know.

- People should remain informed so they may retain control over the government they created.
- The use of teleconferences is for convenience of the parties, public, and government.
- The Open Meetings Act should be narrowly construed to effectuate these policies and avoid unnecessary exemptions

Frequently Asked Questions

What is the Open Meetings Act?

The State of Alaska's Open Meetings Act (AS 44.62.310-.312), is a law that addresses the meetings of public entities; it protects the public's right to know and their opportunity to be heard. Among other things, the Act:

- defines public meetings and public entities;
- lays out specific requirements for public notice;
- requires that all meetings of a governmental body of a public entity are open to the public;
- lays out provisions for attendance at meetings and voting methods;
- lays out provisions for distribution of meeting materials; and
- lists the few exceptions to the act as well as matters that may be discussed in executive session.

In order to assure that the public information/participation provisions of the act are met, the act requires that the public entity must provide "reasonable" notice that meets the requirements of the act. To meet these notice requirements the notice must:

- be provided within a reasonable amount of time prior to the meeting;
- include the date, time, and place of the meeting;
- be posted at the principal office of the public entity, in addition to any other methods and locations stated in local ordinance; and
- be done in the same way each time (consistent).

What is the definition of a meeting that would fall under the provisions of the Open Meetings Act?

AS 44.62.310(h) provides detailed definitions of “governmental body,” “meeting,” and “public entity” that, when combined, define what constitutes a public meeting. The act makes a distinction between what constitutes a meeting of a policy/decision making body and what constitutes a meeting of an advisory only body.

A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject that the body is authorized to act and set policy on and is therefore subject to the Open Meetings Act. Under this definition, it doesn’t matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact.

A meeting of an advisory only body is a prearranged gathering to consider a matter on which the entity is authorized to advise and assist the decision making body and is subject to the provisions of the act. The act doesn’t specify a number, so two or more members, if the gathering is prearranged for the purpose of conducting any business of the entity, could constitute a meeting.

What types of meetings might be conducted that would require notice under the Open Meetings Act?

Following are the most common types of meetings that would be subject to the Open Meetings Act:

Regular Meetings: State law requires that the governing body conduct its business at regularly scheduled meetings that are open to the public. Regular meetings must be held at least once a month and may be held more often, as required or established in local ordinance. The local code of ordinances should provide the date, time, and place of regular meetings so that everyone knows when regular meetings will take place. The public shouldn’t have to wonder about the meeting time, date, and place always changing. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.

Special Meetings: Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, local ordinance may require that the governing body hold its regular meeting on the third Tuesday of each month at 7:00 PM at the municipal offices. If the governing body must meet earlier, it can call a special meeting for a different date. The special meeting does not take place instead of the regular meeting, it is in addition to the regular meeting. Special meetings should be held rarely and only to address time sensitive issues. A special meeting may be held with less than 24 hours’ notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

Emergency Meetings: Emergency meetings are held to address situations that are so urgent that the governing body must meet right away. An emergency meeting may be held if a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members.

Committee Meetings: Permanent (“standing”) committees and temporary (“ad hoc”) committees of the governing body may be formed to study particular issues in more detail. Standing committees may include the finance committee, public works committee, and/or a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all members of the governing body (referred to as a committee of the whole), or of fewer members, usually three. A committee cannot take action on behalf of the full governing body but instead makes a recommendation to the governing body for the governing body’s action. Usually the committee of the whole meets to discuss items that are not ready for action but need further discussion in an informal setting. For example, the annual budget usually requires a work session before it is formally adopted.

Board of Equalization: The governing body, or its appointees, sits as the Board of Equalization in municipalities that levy a property tax. AS 29.45.200(a) states, “the governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor.” A property owner who believes the assessor has made a mistake in the yearly valuation of their property may appeal the assessor’s decision to the board of adjustment, which meets once a year.

How much notice is required to meet the “reasonable” public notice provision of the Open Meetings Act?

How much notice is required depends on the complexity of the issue and the potential effect it will have. Proper public notice must be provided in advance of the proposed action and local ordinances should state the minimum number of days that notice is required. This number should be adjusted up if the situation warrants additional notice. Special and emergency meetings require only 24 hours notice or less. If less notice is given, absent members must waive the notice requirement. Notice requirements for work sessions and committee meetings should follow the same guidelines as those established in local ordinance for regular meetings.

There are minimum mandatory notice requirements for certain actions, such as notice of a public hearing on a proposed ordinance, or election notice. There is, however, no specific number of days spelled out in statute that defines “reasonable.” The general tone of case law on the subject has essentially found that reasonable notice provides enough notice that a concerned-party will have notice of a proposed action within enough time to be involved in the deliberations. This could vary anywhere from three months to three days. The notice also has to pro

vide enough information to let the public know what subjects will be covered in the meeting. If a complete agenda isn't available at the time of posting, a summary will work until the complete agenda is available.

Local ordinances should contain all of the requirements for public notice of meetings including what to include in the notice, where the notices are posted, and how soon before the meeting the notices are posted.

Where and how does notice have to occur?

State law, AS 44.62.310(e), requires that reasonable notice include the date, time, and place of the meeting; and, if by teleconference, the location of any teleconferencing facilities. It also provides that notice may be given in print or broadcast media; that it be posted at the principal office of the public entity or, if no principle office, at a location designated by the governing body; and that it be done in the same way each time "consistent."

In addition to the locations required in statute, notice should be posted at well-used locations in the community like the post office, the store, government offices, and the community bulletin board. It may also be published in a newspaper of general circulation in the community or broadcast over a local radio station in addition to any other means and locations stated in local ordinance.

Where and how does notice have to occur?

State law, AS 44.62.310(e), requires that reasonable notice include the date, time, and place of the meeting; and, if by teleconference, the location of any teleconferencing facilities. It also provides that notice may be given in print or broadcast media; that it be posted at the principal office of the public entity or, if no principle office, at a location designated by the governing body; and that it be done in the same way each time "consistent."

In addition to the locations required in statute, notice should be posted at well-used locations in the community like the post office, the store, government offices, and the community bulletin board. It may also be published in a newspaper of general circulation in the community or broadcast over a local radio station in addition to any other means and locations stated in local ordinance.

Are there exceptions to the Open Meetings Act and what subjects may be discussed in executive session?

Exceptions to the OMA are discussed in the Executive Session section of LOGON.

Is secret ballot voting allowed under the act?

Almost always, no. In addition to requiring that deliberations of a governing body be open to the public, the act also requires that the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote, including meetings conducted by teleconference. The one exception is organizational meetings of a governing body to elect members to various offices, which are exempted from the requirement that the vote of each member be made public (AS 44.62.310(a)).

Is telephone polling considered a violation of the Open Meetings Act?

Whether a phone poll by a member or agent of the governing body would be considered a violation of the act, depends on the subject matter. If the matter involves an administrative or procedural issue that would not warrant public discussion, a phone poll may be conducted. If, however, the phone poll touches on an issue that should be discussed in an open meeting or can have the effect of swaying opinion on a public issue, it could be considered a violation of the act.

Who enforces the Open Meetings Act?

It is the responsibility of the administration and governing body to assure that the provisions of the Open Meetings Act are enforced. Any individual may contest an action administratively through local channels that they think was done in violation of the Open Meetings Act and ultimately may, within 180 days, file a court action if the issue isn't remedied locally AS 44.62.310(f).

There are several court cases that have ruled in favor of the Open Meetings Act. When deciding these cases, the court doesn't just consider whether a violation has occurred, but also considers whether the action has interfered with the public process that the act was intended to protect.

What is the cure for a violation of the Open Meetings Act?

Actions taken at meetings that are found to be in violation of the Open Meetings Act may be voided. Failing to provide proper notice can cost a great deal of money to defend in addition to the wasted time and effort involved. The governing body can attempt an informal cure by holding another meeting in compliance with the Open Meetings Act and conducting a substantial and public reconsideration of the matters.

If a lawsuit is filed, the court may void any action taken by the governing body if the court finds that, considering all of the circumstances, the public interest in compliance with the law outweighs the harm that would be caused by voiding the action AS 44.62.310(f)).

In deciding whether to void an action, the court must consider:

- (1) the expense that may be incurred if the action is voided;
- (2) the disruption that may be caused if the action is voided;
- (3) the possibility of additional litigation if the action is voided;
- (4) the extent to which the subject has previously been considered in compliance with the act;
- (5) the amount of time that has passed since the action was taken;
- (6) the degree to which the action has come to be relied on;
- (7) whether and to what extent the governmental body has, before or after the lawsuit was filed, engaged in or attempted to engage in public reconsideration of the matter;
- (8) the degree to which the violations were willful, flagrant, or obvious;
- (9) the degree to which the governing body failed to adhere to the policy under AS 44.62.312 (a).

This does not apply to an advisory only body that has no authority to establish policies and make decisions for the public entity (AS 44.62.310(g)).

What effect does attorney client privilege have in dealings between a public entity and its attorney?

Executive session procedure requires that the reason for calling the executive session is clearly stated. The attorney-client privilege exemption to the Open Meetings Act is limited to matters where public interest may be injured. This might include how to avoid legal liability, litigation strategies and candid discussion of facts, a proposed settlement conference, and a conference on a decision to appeal.

In addition to the rights protected under the Open Meetings Act, what rights can the public expect under state law?

In addition to the rights protected under the Open Meetings Act, Title 29 reiterates the requirement that all meetings be open to the public and also provides that the public will have the right to be heard at regular and special meetings AS 29.20.020.

AS 29.20.160 lays out the procedures that a governing body must follow in conducting its meetings. These procedures include:

- Provision for identification of the presiding and deputy-presiding officers;

- The requirement that the governing body hold at least one regular monthly meeting, unless otherwise provided by ordinance;
- The requirement that the governing body shall provide at least 24-hours notice for special meetings or absent members must waive the notice requirement;
- Clarification on how actions of the governing body are adopted and what constitutes a quorum;
- The requirement that all members present shall vote on every question, unless required to abstain; and
- The requirement that a governing body maintain a journal of its proceedings that is available to the public.

AS 29.20.380 assigns certain meeting duties and responsibilities to the municipal clerk. These include:

- Attendance at public meetings;
- Keeping the journal;
- Assuring that notice and other requirements for public meetings are complied with;
- Assuring that public records are available for public inspection;
- Managing and maintaining public records; and
- Preparing agendas and agenda packets.

Who enforces the local rules under which a municipality conducts its meetings?

Governing bodies must have procedures in place and follow them for their meetings. Some of these procedures are in Title 29 and other statutes. Others are in the local ordinances, which are usually more specific and detailed than Title 29, or in rules of procedure adopted by the governing body.

Essentially, the presiding officer enforces the rules by following them when conducting a meeting and, when there is a question of procedure, the clerk, acting as parliamentary advisor, researches the question and proposes an answer, which the presiding officer then rules on. Members of the public also enforce the rules by questioning whenever something occurs that doesn't seem to follow the rules. The last resort for enforcement is a lawsuit.

Additional Resources

Publications:

- Perkins Coie, Alaska's Open Meetings Law, by Gordon Tans, October 2002, 3rd Edition
- A Primer for City Council Members
- The Mayor's Handbook: A Primer for Small City Mayors

Recommended web site search topics:

- Alaska's Open Meetings Act

Applicable Laws and Regulations

Alaska Constitution

- Article I, Section 1 Inherent rights.
- Article I, Section 2 Source of government.
- Article I, Section 22 Right of privacy.

Alaska Statutes

- AS 29.20.020 Public meetings, opportunity to be heard.
- AS 29.20.160 Procedures of governing bodies.
- AS 29.20.250 Powers and duties of mayor.
- AS 29.20.300-.320 Boards and commissions
- AS 29.20.380 Municipal clerk duties, official journal.
- AS 29.20.500 Powers and duties of a manager.
- AS 40.25.110-.120 Public records open to inspection, exceptions.
- AS 44.62.310 Government meetings public.
- AS 44.62.312 State policy regarding meetings.

Revised 12/24/2014

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION

Regular Meeting Schedule for 2016

Approved December 7, 2015

Planning Commission Regular Meetings

Planning Commission Meeting Date	Agenda Items Due Cut-Off Date 5 P.M.	Packet Items Due Cut-Off Date 5 P.M.
Monday, January 04, 2016	Monday, December 14, 2015*	Wednesday, December 16, 2015*
Monday, January 18, 2016	Monday, January 04, 2016	Wednesday, January 06, 2016
Monday, February 01, 2016	Monday, January 18, 2016	Wednesday, January 20, 2016
Monday, March 07, 2016	Monday, February 22, 2016	Wednesday, February 24, 2016
Monday, March 21, 2016	Monday, March 07, 2016	Wednesday, March 09, 2016
Monday, April 04, 2016	Monday, March 21, 2016	Wednesday, March 23, 2016
Monday, April 18, 2016	Monday, April 04, 2016	Wednesday, April 06, 2016
Monday, May 02, 2016	Monday, April 18, 2016	Wednesday, April 20, 2016
Monday, May 16, 2016	Monday, May 02, 2016	Wednesday, May 04, 2016
Monday, June 06, 2016	Monday, May 23, 2016	Wednesday, May 25, 2016
Monday, June 20, 2016	Monday, June 06, 2016	Wednesday, June 08, 2016
Monday, July 18, 2016	Monday, June 27, 2016**	Wednesday, June 29, 2016**
Monday, August 01, 2016	Monday, July 18, 2016	Wednesday, July 20, 2016
Monday, August 15, 2016	Monday, August 01, 2016	Wednesday, August 03, 2016
Monday, September 19, 2016	Friday, September 2, 2016***	Wednesday, September 07, 2016
Monday, October 03, 2016	Monday, September 19, 2016	Wednesday, September 21, 2016
Monday, October 17, 2016	Monday, October 03, 2016	Wednesday, October 05, 2016
Monday, November 07, 2016	Monday, October 24, 2016	Wednesday, October 26, 2016
Monday, December 05, 2016	Monday, November 14, 2016****	Wednesday, November 16, 2016****
Monday, December 19, 2016	Monday, December 05, 2016	Wednesday, December 07, 2016
Monday, January 16, 2017	Friday, December 30, 2016*****	Wednesday, January 4, 2017*****

**Due to Christmas Holiday 2015*

***Due to Independence Day Holiday (7/4/16)*

****Due to Labor Day Holiday (9/5/2016)*

*****Due to Thanksgiving 2016*

******Due to New Years 2017*

Joint Assembly/Planning Commission Meetings

Assembly/Planning Commission Meeting Date	Finance Cut-Off Date 5 P.M.	Agenda Cut-Off Date 5 P.M.
Tuesday, March 22, 2016	Wednesday, March 09, 2016	Friday, March 11, 2016
Tuesday, October 25, 2016	Wednesday, October 12, 2016	Friday, October 14, 2016