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Verdia

Prepared by: Assembly Counsel
For reading: November 23, 2021

ANCHORAGE, ALASKA
AO No. 2021-XXX

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE
MUNICIPAL CODE CHAPTER 2.30 *RULES OF PROCEDURE FOR ASSEMBLY*
TO CODIFY ADDITIONAL RULES OF PROCEDURE FOR THE ASSEMBLY AND
PRESIDING OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY
CONDUCT OF ASSEMBLY BUSINESS.**

WHEREAS, Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly
by ordinance shall determine its own rules and order of business”;

WHEREAS, Anchorage Municipal Charter section 4.04(a) provides “[t]he assembly
shall elect annually from its membership a presiding officer known as ‘chair’”;

WHEREAS, the Anchorage Municipal Assembly has adopted Rules of Procedure
codified in Anchorage Municipal Code chapter 2.30 *Rules of Procedure for
Assembly*;

WHEREAS, Anchorage Municipal Code section 2.30.030I. provides that “In all
matters not covered by this chapter, Robert's Rules of Order, Newly Revised, shall
govern”;

WHEREAS, some of the Assembly's customary practices, such as those relating to
immediate reconsideration of an item, are addressed only in Robert's Rules, and
not in municipal code;

WHEREAS, some of the rules and nomenclature contained in Robert's Rules of
Order, Newly Revised, depart from traditional Assembly practice (e.g., to “lay [an
item] on the table,” in Assembly parlance, has been used to add an item to the
agenda, whereas the motion is used in Robert's Rules to “lay [a] main motion aside
temporarily”);

WHEREAS, further codification of the Assembly's rules of procedure in municipal
code can reduce confusion and provide greater clarity to the public;

WHEREAS, this ordinance will not have significant economic effects; now,
therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 2.30 is hereby amended to read
as follows (*the remainder of the section is not affected and therefore not set out*):

2.30.020 Presiding officer.

- A. The chair of the assembly shall be the presiding officer of the assembly.
- B. The vice-chair of the assembly shall be the presiding officer of the assembly in the case of unavailability of the chair.
- C. The presiding officer shall be addressed as "Chair."
- D. The presiding officer shall be a member of the assembly with all of the power and duties of that office.
- E. The chair shall have the authority to make rulings, subject to being overruled by vote of the assembly, to promote the efficient, safe and orderly conduct of Assembly business. That authority shall include:
 - 1. Establishment of a seating chart, arrangement of chambers. The chair shall have the authority to establish a seating chart for individuals participating in an Assembly meeting, and to prescribe how the physical space of a premise used for an assembly meeting may be used.
 - 2. Prohibited items. The chair shall have the authority to prohibit members of the public from bringing dangerous or distracting items to Assembly premises, or to require an item to be removed from Assembly premises if it is being used to create an actual disturbance.
 - 3. Removal for actual disturbance. The chair shall have the right to order a person to be removed from a meeting for creating an actual disturbance to the meeting.
 - 4. Direction to security. The chair shall have the right to direct security guards at Assembly chambers, in furtherance of Assembly meeting purposes.
 - 5. Signage. The chair shall authorize signage posted at Assembly meetings, related to the Assembly meeting.
 - 6. Safety rules. The chair may adopt rules to promote the safety of members and attendees of assembly meetings.
 - 7. Dilatory motions, points of order, and requests for information. The chair shall rule out of order motions, points of order, and requests for information that are dilatory.
 - 8. Non-germane requests for information. The chair shall rule that a request for information is out of order if it is not germane to the pending motion or public hearing.
 - 9. Recess. The chair may temporarily recess a meeting for convenience, to restore order, or to resolve a technical issue.
 - 10. Committee assignments. The chair shall appoint assembly members to subcommittees of the assembly, and appoint a member to chair, or members to co-chair, each subcommittee.
 - 11. Office assignments. The chair shall assign members office space.

12. Direction to municipal clerk. The chair shall provide direction to the municipal clerk.

(AO No. 13-75; AO No. 78-49; AO No. 2017-53, § 4, 4-11-17)

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2.30.035 Meeting agenda.

A. *Order of business.* The order of business at all regular meetings of the assembly shall be as follows:

1. Call to order.
2. Roll call.
3. Pledge of allegiance and land acknowledgment.
4. Minutes of previous meetings.
5. Mayor's report.
6. Assembly Chair's report.
7. Committee and liaison reports.
8. Addendum to agenda.
9. Appearance requests and initial audience participation (shall begin no earlier than 5:15 p.m. and testimony by the last person for initial audience participation shall begin no later than 6:00 p.m.).
 - a. Appearance requests shall be in accordance with section 2.30.040.
 - b. Following appearance requests, members of the public may be heard under initial audience participation, in accordance with subsection 2.30.040G.
10. Consent agenda.

Routine items requiring assembly action may be placed on the consent agenda for approval upon a single motion and vote. Prior to approval, on the request of any member of the assembly, an item placed on the consent agenda may be pulled from the consent agenda and considered with a separate vote.

 - a. Resolutions for action - proclamations and recognitions.
 - b. Resolutions for action - other.
 - c. Bid awards.
 - d. New business.
 - e. Appropriation items.
 - f. Information and reports.
 - g. Ordinances and resolutions for introduction. All ordinances and those resolutions requiring a public hearing will be placed on the consent agenda for introduction and will be set for public hearing at a future meeting.
11. Unfinished business and unfinished action on public hearing

- items.
 12. Reserved.
 13. Continued public hearings (shall begin no earlier than 6:00 p.m., and shall be taken up immediately following completion of unfinished business and unfinished action on public hearing items).
 14. New public hearings (shall begin no earlier than 6:00 p.m. and shall be taken up immediately following completion of continued public hearings).
 15. Quasi-Judicial or administrative matters and special orders.
 16. Final audience participation.
 17. Assembly comments.
 18. Executive sessions.
 19. Adjournment shall be promptly at 11:00 p.m.; provided, however, by two-thirds vote of the assembly, adjournment and business before the assembly may be continued past 11:00 p.m. until 12:00 midnight.
- B. *Laid-on-the-table items.* Upon passage of a motion to amend the agenda duly made and seconded, any member of the assembly may request action on items not included in the regular or addendum agenda. A motion to "lay an item on the table" may be taken as a motion to amend the agenda.
1. *Ordinances.* Ordinances for introduction may be laid on the table at any time, pursuant to Charter Section 10.01. Ordinances shall be set for a public hearing following introduction and upon approval of three assembly members. The required approval may be in the form of a motion by an assembly member to introduce an ordinance, accompanied by both a second and a third.
 2. *Resolutions to be set for a public hearing at a future meeting.* A resolution may introduced and be laid on the table at any time if the member introducing the resolution moves to set the resolution for public hearing at a future meeting and the motion is approved by majority vote.
 3. *All other assembly items, including resolutions not set for a public hearing at a future meeting.* Upon an affirmative vote of at least eight members, the assembly may take action on these items only under circumstances that require immediate assembly action, such as financial necessity, natural disasters, or when time is of the essence for assembly action on an item.
- C. *Supplemental materials.* Additional materials on an item included on a properly published and distributed agenda may be added at any time.
- D. *Public notice of agenda.* The agenda for the regular assembly meetings shall be published no fewer than 36 hours prior to any regular assembly meeting.

- 1 E. *Agenda distribution.* The agenda for regular assembly meetings shall
2 be distributed to each assembly member and the mayor not less than
3 72 hours prior to the regular assembly meeting.
- 4 F. *Agenda for special meeting.* The agenda for a special meeting shall
5 include such items as are necessary to accomplish the purpose of the
6 meeting, and at least the following:
- 7 1. Call to order.
8 2. Roll call.
9 3. Pledge of allegiance and land acknowledgment.
10 4. Items of business.
11 5. Audience participation.
12 6. Assembly comments.
13 7. Adjournment.
- 14 G. *Public hearings at continued and special meetings.* Continued and
15 new public hearings at special meetings, if any, may be opened or
16 resumed at any time during the pendency of the meeting.
- 17 H. *Adoption.* A published agenda applies to the meeting for which it was
18 published, subject to amendment at the meeting, and does not need
19 to be formally adopted or approved by vote.

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21 (AO No. 2017-53 , § 6, 7-1-17; AO No. 2020-30(S) , § 2, 4-28-20)

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24 **2.30.040 Appearance requests and audience participation.**

- 25 A. A person wishing to speak before the assembly under "appearance
26 requests" must file an appearance request with the municipal clerk
27 specifying the topic on which the person intends to speak.
- 28 B. Appearance requests will be heard by the assembly when placed on
29 the agenda by the municipal clerk. A person may only file one
30 appearance request per meeting. Each speaker is limited to three
31 minutes of testimony. The chair may, at the chair's discretion, extend
32 the time for remarks beyond three minutes when the speaker is
33 representing a group.
- 34 C. In determining whether or not appearance requests are placed on the
35 agenda, the municipal clerk, in conjunction with the assembly chair,
36 shall adhere to the following:
- 37 1. If the appearance request has clearly defined administrative
38 channels of resolution that have not yet been utilized by the
39 person requesting an appearance before the assembly, the
40 municipal clerk shall refer the person to the appropriate
41 administrative channels of resolution.
- 42 2. Except under special circumstances as determined by the
43 chair, appearance requests which involve the following shall
44 not be accepted.
- 45 a. Items that have clearly defined administrative channels
46 of resolution that have not yet been utilized by the

person.

b. Items that the assembly or administration has no jurisdiction over and/or responsibility or authority to resolve per the Municipal Charter, Municipal Code, or Municipal Code of Regulations.

c. Subjects currently under labor negotiations.

d. An item upon which litigation involving the person or the person's representative is currently pending.

3. To ensure that sufficient time remains available for the Assembly to conduct its business, not more than three appearance requests will typically be granted for any single meeting.

D. Appearance requests accepted by the municipal clerk must be placed before the assembly no later than 14 days after acceptance.

E. In lieu of appearance requests, the assembly will accept brief written communications on any subject at the electronic transmission address assigned to assembly members by the Municipality of Anchorage. Other written communications directed to the assembly will be reproduced, if necessary, and distributed to assembly members by the municipal clerk no later than 14 days after receipt.

F. Persons who do not wish to speak before the assembly under "appearance requests," persons who had their appearance request denied under subsection C.2 of this section, or persons who do not wish to submit written communications, may be heard under "audience participation."

G. If time is available, final audience participation shall be scheduled at each regular meeting. Audience participation is limited to three minutes of testimony per speaker, whether during initial or final scheduled audience participation. A person may testify on any topic; however, a person shall not testify on the speaker's own appearance request at the same meeting.

(AO No. 78-49; AO No. 79-137, 10-18-79; AO No. 94-177(S), § 2, 10-27-94; AO No. 2014-2(S), § 1, 2-25-14; AO No. 2017-53 , § 7, 4-11-17; AO No. 2020-30(S) , § 4, 4-28-20)

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2.30.055 Conduct of public hearing.

A. The chair or presiding member of the assembly meeting may request persons testifying at public hearing to give their name, and to identify their neighborhood or community of residence.

B. Each individual giving testimony shall be allocated three minutes. The time limit for a designated representative of a community council is five minutes. The time limit for a designated representative of the Native Village of Eklutna is five minutes. The chair may, at the chair's discretion, extend the time for remarks beyond three minutes when the speaker is representing a group. The speaker must focus

testimony to the topic of the public hearing. An individual may use a portion of their allocated time to engage in silent protest, but while doing so, must not prevent the assembly from receiving other testimony while the individual's silent protest continues.

* * *

E. If any time scheduled for public hearing proves inadequate to hear all persons present to testify, the public hearing shall be continued.

1. Continued public hearing may be scheduled for any day of the week.

2. If the date, time, and location of continued public hearing cannot be announced when the public hearing is continued, public notice shall be given as soon as practicable.

F. If the assembly anticipates public hearing or assembly deliberation will draw more people than the assembly chambers will accommodate, additional space with audio or audio and video in the Wilda Marston Theater or other location will be used, if available, to facilitate seating for additional members of the public.

G. Notwithstanding subsection E. of this section, the assembly may close a public hearing:[]

1. In order to meet a deadline imposed by law, [OR]

2. If necessary to pass an[BUDGET OR APPROPRIATION] item which is, in the sole discretion of the assembly, time sensitive[.], or

3. If the item for which the public hearing is being conducted is postponed indefinitely.

H. Questions posed by assembly members should be to provide clarification or additional information on testimony provided. Members shall not engage in debate with members of the public. Questions should not be used as an attempt to lengthen or expand the testimony of an individual. Assembly members shall use restraint and be considerate of the meeting time of the Assembly in exercising the option to pose questions. The chair may intervene if a member is violating the spirit of this subsection, or if questions become so numerous as to impair expeditious conduct of the public hearing.

(AO No. 2014-2(S), § 3, 2-25-14; AO No. 2017-53, § 10, 4-11-17; AO No. 2020-137(S), § 2, 1-14-21)

2.30.060 Public hearings and action on resolutions.

A. The assembly may set public hearings on resolutions at such time and with such public notice as the assembly may determine.

B. Public hearings [AND ACTION] on proposed resolutions shall be conducted in compliance with section 2.30.055[THE PROCEDURES FOR ORDINANCES PURSUANT TO THE CHARTER AND THIS CHAPTER].

C. Action on proposed resolutions shall be governed by this chapter.

(AO No. 78-49; AO No. 92-162; AO No. 94-176, § 3, 9-27-94; AO No. 95-

227, 1-2-96; AO No. 2014-2(S), § 4, 2-25-14; AO No. 2017-53 , § 11, 4-11-17)

State Law reference— Permanent file required, AS 29.25.060.

2.30.065 Motions.

A. *By a member with the floor.* A motion that is in order may be made at any time by a member who has been granted the floor by the chair.

B. *Rules applicable to specific motions.*

1. *Motion to postpone indefinitely.* Any main motion may be proposed indefinitely.

2. *Motion to lay on the table.* A motion to lay an item on the table may be taken as a motion to amend the current agenda.

3. *Motion to change the order of the day.* The assembly may re-order an agenda and take up any item by motion of a member to change the order of the day. A motion to change the order of the day requires a second, and a majority vote.

4. *Motion to continue.* A public hearing and action on an item can be continued to any date.

5. *Motion to reopen a public hearing.* A motion to reopen a public hearing requires a majority vote.

6. *Motion to reconsider.* A motion to reconsider a vote may be made only by a member who voted with the prevailing side and seconded by any other member of the assembly. The motion must be made and seconded during the meeting at which the action to be reconsidered was taken, or by written notification to the municipal clerk within 24 hours of the adjournment of the meeting by the moving party and second. A motion to reconsider may not be made regarding the assembly's action on whether to protest a state liquor license or marijuana license application, or on the assembly's certification of an election. Any member of the assembly may call up a motion to reconsider which has been duly made and seconded at any time during the meeting at which made, or at the next meeting of the assembly.

6. *Motion to reconsider and enter upon the minutes.* A motion to reconsider and enter upon the minutes is out of order, except in circumstances:

a. *Absent members.* When one or more assembly members is absent from the meeting; and

b. *Vote could have changed.* The absent members could have changed the outcome of the vote to be reconsidered, had the absent members been present and voted in the negative.

8. *Effect of motion to reconsider.* A proper motion to reconsider, once seconded, suspends implementation and effect of the decision for which reconsideration is sought, until the assembly

takes action on that motion.

9. Second motions to reconsider that are not in order. No motion or item can be reconsidered twice, unless it was materially amended during the first reconsideration. The failure of an immediate vote for reconsideration precludes a further motion for reconsideration.

10. Motion for a division of the assembly. A motion for a division of the assembly is out of order whenever the outcome of the immediately prior assembly vote is clear.

11. Motion to rescind or amend something previously adopted. A motion to rescind or to amend something previously adopted may be moved by any member, but must be seconded. An ordinance, resolution or memorandum may not be rescinded or amended by motion after the effective date of the ordinance, resolution, or memorandum. Other actions that cannot be rescinded or amended by motion to amend something previously adopted are as defined in Robert's Rules of Order, Newly Revised.

a. Approval. A motion to rescind or to amend something previously adopted requires the approval of two-thirds of the entire assembly unless previous notice of the motion has been given at the regular meeting immediately preceding that meeting during which the motion is to be considered. If previous notice of the motion has been given, only a majority of the assembly is required for approval.

b. Further motions if motion fails. Upon failure of a motion to rescind for which previous notice has once been given, no further motions or notices of intent to rescind the same action are in order. Upon failure of a motion to amend something previously adopted for which no previous notice has been given, no further motions or notices of intent to amend the same action, substantially similar in substance to the failed motion to amend, are in order.

c. Time limit and suspension. There is no time limit on making either a motion to rescind or to amend something previously adopted. The making of either motion or the notice of intent to do so does not operate to suspend the implementation or effect of any prior Assembly action, in contrast to a proper motion to reconsider, and the effective date of action is not delayed.

C. No Committee Motions. Motions may not be referred to the assembly by committee.

D. Withdrawal. A motion may be withdrawn by the mover at any time

before it is voted upon without the consent of the second, or the assembly.

2.30.070 Voting and disclosure of financial and private interests.

A. *Duty to vote.* All assembly members present shall vote on each question before the assembly for determination, unless excused by the chair or a quorum of the assembly as provided in subsection B.

B. *Duty to disclose financial or private interests.* Prior to participation in official action, each member shall disclose financial or private interests for determination of whether they are substantial. No member of the assembly may vote or participate in any official action of the assembly on any question in violation of Chapter 1.15, Code of Ethics.

C. *Stating the question.* The chair formally places a motion before the assembly by stating the question. The chair may state the question by referencing written items or amendments, which are incorporated into the chair's statement as if read in full.

D. *Announcing the vote; tie vote.* On completion of the vote, the chair of the assembly shall announce the number of affirmative votes, the number of negative votes and whether the action has carried or has failed. If the votes on a motion result in a tie, the motion fails.

E.[D.] *Votes required.*

1. An affirmative vote of six members of the assembly is required to carry any measure or motion before the assembly, unless a greater number is required by ordinance or the Charter. Any lesser number, even though it constitutes a majority of the members present, shall not carry and the measure shall be defeated.

2. Some assembly actions require a supermajority of eight votes of the assembly. Motions or actions that require eight votes (a supermajority or two-thirds) include:

a. The Charter:

- § 5.02(c) - motion to override mayoral veto;
- § 7.01(b) - motion to remove an elected official (see also AMC 2.70.030B);
- § 18.02 - motion to approve an ordinance for voters to amend the Charter;

b. Anchorage Municipal Code:

- 2.30.035A.14. & 20. - motion to extend the time of the meeting;
- 2.30.080H. - motion to rescind or amend something previously adopted without prior notice;

- 2.70.030B. - motion to remove an elected official (see also Charter at § 7.01(b));
- 3.70.100C.10.- motion to approve decision by arbitrator after impasse;
- 14.20.010. - motion to remove administrative hearing officer prior to expiration of term without cause requires affirmative vote of the mayor and six assembly members or eight members of the assembly;
- 21.10.030.- motion to approve appointment of members of the board of adjustment;
- 21.20.120.- motion to approve zoning map amendment if the amendment is protested by owners in the area under certain specific circumstances;
- 21.20.140. - motion to approve an overlay district zoning map amendment if the overlay district amendment is protected by owners in the area under certain specific circumstances;
- 21.40.240T. - motion to approve a T zone use if the T zone land use determination is protested by the owners in the area under certain specific circumstances;
- 25.20.027E. - motion to approve an ordinance on the limitations on the exercise of eminent domain;
- 25.35.065A. - motion to designate and withdrawal of municipal land to the Anchorage Community Development Authority;
- 31.10.020 - motion to remove member of the board of directors of the Anchorage Waste Water Utility (AWWU) affirmative vote of the mayor and six assembly members or eight members of the assembly;

c. Other motions or actions as detailed in the Charter and code.

- 2.30.080I. - other motions or actions not covered by Chapter 2.30 are governed by Robert's Rules of Order, Newly Revised, shall govern.

F.[E.] *Numbers of members for determining a majority or supermajority (two-thirds).* Whenever this title refers to a vote of a majority or other greater designated portion of the assembly, the vote required shall be the designated portion of the number of members authorized to serve on the assembly (11 members). A majority is not determined by a majority of the members present.

(AO No. 13-75; AO No. 78-49; AO No. 79-137; AO No. 80-56; AO No. 85-56; AO No. 87-17(S); AO No. 94-191, § 1, 10-25-94; AO No. 2001-58, § 1, 3-20-01; AO No. 2002-61, § 1, 3-19-02; AO No. 2005-79, § 1, 6-28-05; AO No. 2006-140(S-1), § 3, 1-1-07; AO No. 2017-53, § 12, 4-11-17; AO No. 2020-30(S), § 6, 4-28-20)

Editor's note— Subsection H. is repealed effective March 20, 2002 unless renewed prior thereto.

Charter reference—Voting, §§ 4.02(d), 10.03; quorum, § 4.04(e); ordinances, § 10.01.

Cross reference— Code of ethics, ch. 1.15.

State Law reference— Requirements for voting, AS 29.20.010.

2.30.075 Absences, excused absences, and telephonic participation.

A. Unless a member is participating telephonically with advance approval of the chair, a member of the assembly who is physically absent from a regular or special meeting, including an executive session, will be recorded as absent. A member of the assembly who is physically absent from a regular or special meeting, including an executive session, and not approved to participate telephonically, must obtain approval from the chair for the absence to be an excused absence.

B. A member of the assembly who is participating telephonically under this section may participate in and vote at the meeting by telephone or other electronic means under the following circumstances:

1. The meeting is held with a quorum of members physically present, except as expressly provided in subsection D. of this section;
2. Reasonable technical capabilities are available at the meeting

- location to allow the member to participate, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting;
3. The member participating telephonically has the ability to obtain the meeting agenda and other pertinent documents to be discussed and/or acted upon; and
4. A member who is participating telephonically will have a voice vote.
- C. Telephonic participation under this section shall include any means through which a member may participate remotely, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting.
- D. When the mayor, governor, or federal government has declared an emergency, or for good cause by ruling of the chair, a quorum of assembly members may be established with the combined total of members physically or telephonically present.
- (AO No. 2017-53 , § 13, 4-11-17; AO No. 2020-31 , § 1, 3-20-20)

2.30.080 Conduct of debate and discussion; general parliamentary authority.

- A. Obtaining the floor. The mayor or any assembly member, when desiring to speak at an assembly meeting, shall respectfully address the chair as "Chair," and shall refrain from speaking until recognized.
- B. Order of recognition. Debate on any question before the assembly may be initiated by any member, but the moving party shall be given first opportunity to do so. When two or more members request recognition at the same time, the chair shall determine which one shall speak first. The chair may call on members in the order in which they indicated their desire to speak, or may attempt to alternate between those favoring and opposing a motion. No one is entitled to the floor a second time in debate on the same motion on the same day as long as any other member who has not spoken on this motion desires the floor.
- C. Order and decorum; rulings of the chair. The chair shall be charged with the responsibility of maintaining order and decorum at all times. The chair shall make such rulings as deemed necessary concerning points of order or concerning spectators. [THE CHAIR SHALL INSTRUCT THE MEMBERS OF THE PUBLIC TO BE AS BRIEF AS POSSIBLE AND, WHEN SPEAKING AS AN INDIVIDUAL OR FOR A GROUP, TO CONTAIN THEIR REMARKS TO THREE MINUTES. THE CHAIR MAY, AT THE CHAIR'S DISCRETION, EXTEND THE TIME FOR REMARKS BEYOND THREE MINUTES WHEN THE SPEAKER IS REPRESENTING A GROUP.]
- D. Overruling a chair's ruling. Any assembly member may challenge a ruling of the chair by motion to overrule the ruling of the chair.[,] [AND, IF DULY SECONDED, T]The chair's ruling shall stand unless the motion to overrule receives a second and is passed[DISAPPROVED] by a majority

vote of the assembly.

E. Member comments; chair's participation in debate. Every member, while speaking, shall confine the member to the subject under debate, and shall not refer to any other member except in a respectful manner. Members shall generally speak while seated. If the chair of the assembly wishes to speak in debate, the chair shall temporarily relinquish control of the meeting to the vice chair or, in the absence of the vice chair, to any other member present. At the conclusion of the chair's remarks, the chair shall resume control of the meeting.

F. Total time for debate. [DEBATE ON ANY QUESTION BEFORE THE ASSEMBLY MAY BE INITIATED BY ANY MEMBER, BUT THE MOVING PARTY SHALL BE GIVEN FIRST OPPORTUNITY TO DO SO.] Total debate on any question before the assembly shall not be permitted to exceed one hour unless such time is extended by a majority vote of the assembly.

G. Amendments and preambles. When an ordinance or resolution contains a preamble consisting of one or more statements beginning "whereas," the preamble may be amended before or after amendment of the resolving or ordaining clauses has been completed.

H. Previous question. Debate on any pending motion may be ended by motion to call the previous question. A member may make the motion by stating, "I call the question." A motion to call the question on a main motion to adopt a resolution or ordinance with a preamble applies to debate and amendment of a preamble, unless otherwise stated by the member making the motion.

[A MOTION TO RECONSIDER A VOTE MAY BE MADE ONLY BY A MEMBER WHO VOTED WITH THE PREVAILING SIDE AND SECONDED BY ANY OTHER MEMBER OF THE ASSEMBLY. THE MOTION MUST BE MADE AND SECONDED DURING THE MEETING AT WHICH THE ACTION TO BE RECONSIDERED WAS TAKEN, OR BY WRITTEN NOTIFICATION TO THE MUNICIPAL CLERK WITHIN 24 HOURS OF THE ADJOURNMENT OF THE MEETING BY THE MOVING PARTY AND SECOND. A MOTION TO RECONSIDER MAY NOT BE MADE REGARDING THE ASSEMBLY'S ACTION ON WHETHER TO PROTEST A STATE LIQUOR LICENSE OR MARIJUANA LICENSE APPLICATION.

ANY MEMBER OF THE ASSEMBLY MAY CALL UP A MOTION TO RECONSIDER WHICH HAS BEEN DULY MADE AND SECONDED AT ANY TIME DURING THE MEETING AT WHICH MADE, OR AT THE NEXT MEETING OF THE ASSEMBLY; A MOTION TO RECONSIDER AND ENTER ON MINUTES MAY BE CALLED UP ONLY AT THE NEXT MEETING OF THE ASSEMBLY.

A PROPER MOTION TO RECONSIDER, ONCE SECONDED, SUSPENDS IMPLEMENTATION AND EFFECT OF THE DECISION FOR WHICH RECONSIDERATION IS SOUGHT, UNTIL THE ASSEMBLY TAKES ACTION ON THAT MOTION.

H. *MOTION TO RESCIND OR AMEND SOMETHING PREVIOUSLY ADOPTED.* A

MOTION TO RESCIND OR TO AMEND SOMETHING PREVIOUSLY ADOPTED MAY BE MOVED BY ANY MEMBER, BUT MUST BE SECONDED. AN ORDINANCE, RESOLUTION OR MEMORANDUM MAY NOT BE RESCINDED OR AMENDED BY MOTION AFTER THE EFFECTIVE DATE OF THE ORDINANCE, RESOLUTION, OR MEMORANDUM. OTHER ACTIONS THAT CANNOT BE RESCINDED OR AMENDED BY MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED ARE AS DEFINED IN ROBERT'S RULES OF ORDER, NEWLY REVISED.

1. *APPROVAL.* A MOTION TO RESCIND OR TO AMEND SOMETHING PREVIOUSLY ADOPTED REQUIRES THE APPROVAL OF TWO-THIRDS OF THE ENTIRE ASSEMBLY UNLESS PREVIOUS NOTICE OF THE MOTION HAS BEEN GIVEN AT THE REGULAR MEETING IMMEDIATELY PRECEDING THAT MEETING DURING WHICH THE MOTION IS TO BE CONSIDERED. IF PREVIOUS NOTICE OF THE MOTION HAS BEEN GIVEN, ONLY A MAJORITY OF THE ASSEMBLY IS REQUIRED FOR APPROVAL.

2. *FURTHER MOTIONS IF MOTION FAILS.* UPON FAILURE OF A MOTION TO RESCIND FOR WHICH PREVIOUS NOTICE HAS ONCE BEEN GIVEN, NO FURTHER MOTIONS OR NOTICES OF INTENT TO RESCIND THE SAME ACTION ARE IN ORDER. UPON FAILURE OF A MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED FOR WHICH NO PREVIOUS NOTICE HAS BEEN GIVEN, NO FURTHER MOTIONS OR NOTICES OF INTENT TO AMEND THE SAME ACTION, SUBSTANTIALLY SIMILAR IN SUBSTANCE TO THE FAILED MOTION TO AMEND, ARE IN ORDER.

3. *TIME LIMIT AND SUSPENSION.* THERE IS NO TIME LIMIT ON MAKING EITHER A MOTION TO RESCIND OR TO AMEND SOMETHING PREVIOUSLY ADOPTED. THE MAKING OF EITHER MOTION OR THE NOTICE OF INTENT TO DO SO DOES NOT OPERATE TO SUSPEND THE IMPLEMENTATION OR EFFECT OF ANY PRIOR ASSEMBLY ACTION, IN CONTRAST TO A PROPER MOTION TO RECONSIDER, AND THE EFFECTIVE DATE OF ACTION IS NOT DELAYED.]

I. General adoption of Robert's Rules. In all matters not covered by this chapter, Robert's Rules of Order, Newly Revised, shall govern.

J. Minor deviations. Minor deviations from the rules and procedures contained in this chapter and incorporated by the adoption of Robert's Rules of Order, Newly Revised, shall not be a basis for invalidating any otherwise valid assembly action.

K. Non-member participation in debate. The rules may be suspended to allow a person other than an Assembly member or the mayor to speak in debate, except that:

1. Counsel. The municipal attorney and assembly counsel may give an opinion, either written or oral, on legal questions; and

2. Municipal Staff. Municipal employees may obtain the floor to respond to a question from an assembly member. As a courtesy to the mayor, when the mayor exercises the mayor's right under the Charter to participate in an assembly meeting to the same extent as an assembly member (except that the mayor may not vote), the mayor also may call upon a municipal

1 employee to make comments on the mayor's behalf.

2
3 (AO No. 13-75; AO No. 78-49; AO No. 91-178(S); AO No. 2017-53 , § 14, 4-
4 11-17; AO No. 2019-84 , § 1, 7-9-19; Ord. No. 2019-97 , § 1, 8-20-19)

5 ***
6 ***
7 ***

8 **2.20.100 Minutes.**

9 Minutes of assembly meetings shall be prepared by the municipal clerk. The
10 minutes shall be in any form acceptable to the assembly that accurately
11 reflects members' attendance, motions, amendments, and votes.

12
13 **Section 2.** This ordinance shall be effective immediately upon passage and
14 approval by the Assembly.

15
16 PASSED AND APPROVED by the Anchorage Assembly this _____ day
17 of _____, 2021.

18
19
20 Chair _____

21 ATTEST:

22
23 _____
24 Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM XXX-2021

Meeting Date: November 23, 2021

FROM: Assembly Chair LaFrance

SUBJECT: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.30 RULES OF PROCEDURE FOR ASSEMBLY TO CODIFY ADDITIONAL RULES OF PROCEDURE FOR THE ASSEMBLY AND PRESIDING OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY CONDUCT OF ASSEMBLY BUSINESS.

The ordinance submitted with this memorandum would further codify rules of procedure for the Assembly and its presiding officer, to promote the efficient, safe, and orderly conduct of assembly business.

Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly by ordinance shall determine its own rules and order of business,” and section 4.04(a) provides “[t]he assembly shall elect annually from its membership a presiding officer known as ‘chair’.” Pursuant to those Charter provisions, the Anchorage Municipal Assembly has adopted Rules of Procedure codified in Anchorage Municipal Code chapter 2.30 *Rules of Procedure for Assembly*, including a code provision providing that “In all matters not covered by this chapter, Robert's Rules of Order, Newly Revised, shall govern.”

The attached ordinance attends to the facts that: (1) some of the Assembly's customary practices, such as those relating to immediate reconsideration of an item, are addressed only in Robert's Rules, and not in municipal code; (2) some of the rules and nomenclature contained in Robert's Rules of Order, Newly Revised, depart from traditional Assembly practice; and (3) that further codification of the Assembly's rules of procedure in municipal code can reduce confusion and provide greater clarity to the public.

Section 1 of the ordinance amends several provisions of AMC chapter 2.30.

AMC 2.30.020 is amended to codify several customary rights and authorities of the chair. Many of the items proposed to be codified, such as the rules relating to removal of persons who are creating an actual disturbance and the duty of the presiding officer to rule on certain motions, points of order and requests for information, are addressed in Robert's Rules, but have not been

1 expressly addressed in code. Others, such the rules relating to seat and office
2 assignments, have prevailed by long custom, but are here codified for the first time.
3

4 AMC 2.30.035 is amended to further clarify the procedure for setting a
5 proposed ordinance or resolution for a public hearing, and to clarify the mechanics
6 of agendas for special meetings.
7

8 AMC 2.30.040 is amended to codify traditional limits on appearance
9 requests.
10

11 AMC 2.30.055 is amended to permit persons testifying at a public hearing
12 to engage in silent protests, so long as the protest does not impede efficient
13 conduct of the public hearing. Some content is relocated from current
14 AMC 2.30.080C. to AMC 2.30.055B., where it more logically belongs.
15 Amendments would also permit the Assembly to close a public hearing in order to
16 pass any time sensitive item, or if the item that is the subject of the public hearing
17 is postponed indefinitely. The section is further amended to adopt guidance related
18 to Assembly members' questions of the public, patterned on Model Rules of
19 Procedure published by the League of Oregon Cities.¹
20

21 AMC 2.30.060 is amended to better codify the current interpretation of rules
22 related to public hearings for Assembly Resolution, and to make explicit the
23 meaning of a cross reference that has, occasionally, led to confusion.
24

25 A new section, AMC 2.30.065 *Motions*, is added to: (1) clarify when motions
26 may be made, and (2) codify customary and other rules of Assembly procedure
27 that: (a) are in regular assembly use, but only contained in Robert's Rules (such
28 as the rule stating, generally, that a motion may not be reconsidered twice, or that
29 a motion to divide the assembly is out of order where the result of a vote is clear)
30 or provisions of code other than AMC 2.30 (such as the rule contained in
31 AMC 28.85.040C that the Assembly's certification of an election cannot be
32 reconsidered); (b) are not contained in Robert's Rules (such as those relating to

¹ See LEAGUE OF OREGON CITIES, MODEL RULES OF PROCEDURE FOR COUNCIL MEETINGS (March 2017) at ch. 1 § VI.H(6), available at: <https://www.oregocities.org/application/files/1115/7228/7626/ModelRulesofProcedure3-15-19.pdf> ("Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline."); ch.5 § III.C ("Public comment is a time for comment, it is not a time for debate[.]").

public hearings) or (c) that deviate from provisions of Robert's Rules.² Portions of existing AMC 2.30.080 are also relocated into the new AMC 2.30.065. The new section would also permit a motion to be withdrawn without requiring the consent of the second, or the assembly.³

AMC 2.30.070 is amended to codify existing assembly practice that when the chair places a motion before the assembly by stating the question, the chair may state the question by referencing an agenda item or written document. (For example, "We now have before as a motion to approve Amendment #4" or "We now have before us a motion to approve AO 2021-121 as amended").

AMC 2.30.075 is amended to provide that a quorum may be established for good cause by ruling of the chair by combining total of assembly members physically and telephonically present.

AMC 2.30.080 is amended to clarify that members will generally speak while seated,⁴ to remove language made unnecessary by the adoption of 2.30.055, to

² Compare RONR (12th ed.) at:

- § 6:5(1) (a motion to postpone indefinitely may be made "if an embarrassing main motion has been brought")
- § 17 (a motion to "lay on the table" is a motion to "to interrupt the pending business so as to permit doing something else immediately")
- § 9:9 ("If two consecutive regular business sessions are separated by no more than a quarterly time interval, then—provided that there is no specified portion of the membership whose term expires before the start of the later session—there are several ways business can go over from the earlier session to the later one. . . "); fn.3 ("a question cannot be postponed at the May meeting until the September meeting")
- § 41:37 ("Any particular item of business can be taken up out of its proper order by adopting a motion to Suspend the Rules by a two-thirds vote")
- § 37:46 ("*Reconsider and enter upon the minutes* is a special form of the motion to *Reconsider* that has a different object from the regular motion. Its purpose is to prevent a temporary majority from taking advantage of an unrepresentative attendance at a meeting to vote an action that is opposed by a majority of a society's or a convention's membership")
- § 4:11 ("a motion [may be] made by . . . [a] duly appointed committee").

³ Cf. MODEL RULES OF PROCEDURE at ch. 5 § 1(6) ("A motion may be withdrawn by the mover at any time without the consent of the council.").

⁴ Compare *id.* § 3:12 ("...except in committees and small boards, a member never speaks while seated").

1 clarify how the chair may participate in debate,⁵ and to codify rules relating to
2 amendments,⁶ and calling the previous question.⁷ The section clarifies that minor
3 deviations from the rules of procedure are not a basis for invalidating any otherwise
4 valid assembly action, and generally permits legal counsel and municipal
5 employees on the mayor's behalf, to obtain the floor in debate.⁸

6
7 Last, the ordinance would enact a new AMC 2.20.110, to address the form
8 that minutes of assembly meetings must take.

9
10 We request your support for the ordinance.

11
12 Prepared by: Assembly Counsel

13
14 Respectfully submitted: Assembly Chair Suzanne LaFrance
15 District 6, South Anchorage

16
17 Assembly Vice Chair Christopher Constant
18 District 1, Downtown Anchorage

19
20 Assembly Member Kameron Perez-Verdia
21 District 3, West Anchorage
22
23

⁵ Compare *id.* at § 43.29 ("To participate in debate, he must relinquish the chair; and in such a case he turns the chair over: a) to the highest-ranking vice-president who has not spoken on the question and does not decline on the grounds of wishing to speak to it; or b) if no such vice-president is in the room, to some other member qualified as in (a), whom the chair designates [but which can prompt a vote]. The presiding officer who relinquished the chair then may not return to it until the pending main motion has been disposed of, since he has shown himself to be a partisan as far as that particular matter is concerned.")

⁶ Compare *id.* at §12:23 ("When a resolution has a preamble (one or more clauses beginning "Whereas"), the preamble is not opened to amendment until after amendment of the resolving clauses has been completed.").

⁷ Compare *id.* at § 16:8 ("When a resolution having a preamble . . . is pending, if the *Previous Question* is ordered on the resolution before consideration of the preamble has been reached . . . , the order does not apply to debate and amendment of the preamble, to which the assembly proceeds before voting on the resolution.").

⁸ Compare *id.* at § 25:11 fn.7 ("the rules may be suspended to allow a nonmember to speak in debate."). Cf. MODEL RULES at ch. 1 § IV.C. ("The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.").