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FNSB Platting Board

## Rules of Order

The Fairbanks North Star Borough Platting Board has hereby adopted and established the following rules to govern the conduct of its business. These rules are adopted pursuant to FNSB 2.39.050(D).

### GENERAL

- Rule 1. The Platting Board shall adopt rules for the conduct of its meetings. Except where stated otherwise in these rules, questions of procedure for the Platting Board shall be governed by Robert's Rules of Order (most current edition) and in particular by Section 49 thereof (Boards).
- Rule 2. The staff of the Department of Community Planning shall act in an advisory and support capacity to the Platting Board and shall review all applications to it. The Planning Director or his designee shall be secretary to the board (2.39.040 B). He shall not vote but shall have the privilege of the floor.
- Rule 3. The Chairman or a quorum of the Board may call a special meeting (2.39.050 b).
- Rule 4. Five members shall constitute a quorum (2.39.050 C).

### ELECTION

- Rule 5. At the January meeting each year (2.39.040 A), the Platting Board shall elect from its membership a Chairman and Vice Chairman. Nominations shall be submitted in writing to the Recording Secretary. The Planning Director or his designee shall preside over the election. The election shall be held by secret ballot at the close of nominations, with voting for the Chairman being completed before that of the Vice Chairman. If no candidate received a majority vote, a run-off election(s) shall be held between the top two candidates.

## **DUTIES OF THE CHAIRMAN AND VICE CHAIRMAN**

Rule 6. The duties of the Chairman and Vice Chairman include, but are not limited to, the following:

- Presiding at the Platting Board meetings (2.39.040 A).
- In the presence of a quorum, convening the Platting Board at the time appointed for the meeting.
- In the absence of a quorum, rescheduling the meeting.
- Securing approval of the minutes of the preceding meeting.
- Conducting the business set forth on the agenda.
- Preserving order and decorum.
- Signing and authenticating official documents of the Platting Board when required.

Rule 7. If both the Chairman and Vice Chairman are absent, the Planning Director or his designee shall assist the Board in selecting and Acting Chairman.

## **ATTENDANCE**

Rule 8. Regular and punctual attendance at Platting Board meetings is expected. The Platting Board may request the Mayor to replace any member whose absences are excessive (2.39.030 D.1,2).

Rule 9. If a member will be late to a meeting, he shall advise the Platting Secretary of his/her estimated time of arrival.

Rule 10. If a member will be absent, he shall notify the Platting Secretary as early as possible.

Rule 11. The Platting Board shall hold a regular meeting at least once a month.

Rule 12. Meetings shall begin promptly at the scheduled time. If the meeting is unavoidably delayed, the audience shall be informed of the problem and the anticipated time of beginning.

Rule 13. The Chairman or a majority of those members present may call for a recess of specific duration.

Rule 14. The meeting shall adjourn by 11:00 p.m. unless extended by a majority vote.

## **AGENDA**

Rule 15. An agenda shall be prepared by the Department of Community Planning.

Rule 16. The agenda may be amended by a majority vote of the Platting Board members present.

Rule 17. Approval of the consent agenda approved by a single action all items designated as being on that agenda. Prior to approval of the consent agenda, anyone may request that an item be returned to the regular agenda.

## **CONSIDERATION OF BUSINESS**

- Rule 18. If there is not time to hear all agenda items, those not considered will be taken up at a reconvened meeting or placed on the agenda for the following regular meeting, at which time they will be heard prior to more recent applications.
- Rule 19. Any business not on the agenda shall be heard under the appropriate Comments portion of the agenda.
- Rule 20. The Platting Board can receive verbal testimony only from parties and interested persons on quasi-judicial plat applications. Testimony must be taken under oath or affirmation.
- Rule 21. If a person appears at the hearing and requests to be an “interest person” pursuant to FNSBC 17.20.010, but failed to timely apply in writing to participate, the person may explain verbally their inability to comply. The Chair may accept the application as timely filed so long as the inability to comply was based upon a serious medical or other similar serious condition or an event beyond the person’s control that resulted in the inability to timely file the application. If the Chair accepts the application as timely filed then the Chair will give the person an opportunity at that time to prove that they possess a specific property interest that is significantly affected by the proposed action in a way different than that of the general public.
- Rule 22. Verbal and written testimony from the general public on legislative applications such as street vacations, determinations on trail easements and proposed changes to Title 17.
- Rule 23. Public testimony will be limited to three minutes per person. The applicant or the applicant’s representative will be allotted a minimum of 10 minutes at the beginning of the public hearing for presentation of the application and a minimum of 5 minutes for rebuttal following other testimony. The Chair may grant additional time on complex issues.
- Rule 24. Any material presented for consideration during public testimony shall be retained in the case file.

## **MOTIONS**

- Rule 25. A motion is required for any action taken by the Platting Board.
- Rule 26. A motion is required when a variance has been requested by the applicant.
- Rule 27. A motion shall require a second.
- Rule 28. Motions shall be made in the affirmative.
- Rule 29. When a motion is to be voted upon, it shall be restated or read aloud by the Chairman.

## **VOTING**

- Rule 30. Roll call vote will be required in the following cases:
- Variance from the requirements of Title 17.
  - Vacation of public right-of-way.
  - Objection by Platting Board member to any motion on the floor.
  - Vote requested by staff or Platting Board member.
  - Public opposition to an issue.
- Rule 31. Unless excused by the board, every member present shall vote. Any member requesting to be excused from voting should do so before discussion on the item is begun. He may be asked to make a brief statement as to the reason for making such a request. The Board shall rule on the request.
- Rule 32. Voice vote upon any question shall be “Yes” or “No” and shall be recorded in the minutes. The Chairman shall vote last.
- Rule 33. Unless otherwise stated, all actions shall require only a majority of those present and voting.

## **FINDINGS OF FACT**

- Rule 34. The Board shall adopt Findings of Fact if it does any of the following:
- Denies an application.
  - Imposes conditions opposed by the applicant.
  - Grants approval over the opposition of any person or agency.
  - Grants a variance.

## **POSTPONEMENT**

- Rule 35. No item shall be postponed indefinitely.
- Rule 36. If an applicant wished postponement beyond the statutory 60-day limit he must submit a written request for extension of time [A.S.29.40.110(a)].
- Rule 37. If a motion to postpone has been approved, no further action may be taken on the matter before the scheduled hearing date without first passing a motion to reconsider.
- Rule 38. Interested parties must be notified if an earlier hearing is to occur.

## **RECONSIDERATION**

- Rule 39. Any decision may be reconsidered unless something impossible to reverse has resulted from the decision or unless reconsideration would be to the detriment of those who have reasonably relied on the decision. However, any unexecuted action may be reconsidered.

Rule 40. A notice of reconsideration may be made only by a member who voted on the prevailing side. Unless reconsideration is to take place before adjournment, notice must be given in writing by the close of business on the following workday. A decision to reconsider at the same meeting may not be made after any interested party has left the meeting.

Rule 41. The member filing for reconsideration shall explain his/her reasons.

Rule 42. Prior to reconsideration of an item, a vote must be taken on the motion to reconsider. If the motion passes, the item is then brought to the floor.

#### **AMENDMENT OF RULES**

Rule 43. These rules may be amended by vote of the majority of the Planning Board membership.

#### **SUSPENSION OF RULES**

Rule 44. These rules may be suspended for a time definite by vote of the majority of those present and voting. Suspension is limited to one meeting unless approved by a majority of the entire membership.

#### **CONFLICT OF INTEREST (2.39.060)**

Rule 45. See FNSB code 2.21.190 for conflict of interest requirements.

#### **INTERESTED PERSONS DETERMINATION**

RULE 46. A person with a significant property interest not adequately represented by existing parties may seek an interested person determination at the hearing for a quasi-judicial matter before the Platting Board. A person may apply for an interested person determination in advance of the hearing. A pre-hearing application for an interested person determination shall be on a form prescribed by the Platting Board and received by the Clerk of the Platting Board before the close of business (5 p.m.) no less than 5 working days before the scheduled quasi-judicial hearing at which the applicant wishes to testify. The applicant must provide an affidavit establishing that the applicant:

1. Possesses a specific property interest;
2. Which may be significantly affected by the proposed action; and
3. Which may be affected in a way different than that of the general public.

The Chair of the Platting Board or the Chair's designee shall make the interested person determination with reasonable promptness and the Clerk of the Platting Board shall notify the applicant of the decision with reasonable promptness thereafter.

Interested person pre-determination application, although recommended, is not required if the individual is appearing in person.

## **TELEPHONIC TESTIMONY**

- RULE 47. A party, witness, or interested person wishing to testify telephonically at a quasi-judicial matter may apply for telephonic testimony on a form prescribed by the Platting Board and by demonstrating good cause for the request. The request must be received by the Clerk of the Platting Board before the close of business (5 p.m.) no less than 5 working days before the scheduled quasi-judicial hearing at which the applicant wishes to testify. Upon receipt of an application for telephonic testimony the Clerk of the Platting Board shall promptly notify the Platting Board and opposing parties. The Chair of the Platting Board or the Chair's designee may deny the request for telephonic testimony upon finding that the applicant failed to demonstrate good cause for the request or upon finding that substantial prejudice to another party will result from the telephonic participation. Opposing parties may assert that an applicant's telephonic participation will result in substantial prejudice by submitting their argument to the Clerk of the Platting Board before the close of business no later than 3 working days before the scheduled hearing. The Chair or the Chair's designee shall grant or reject the application and the Clerk of the Platting Board shall notify the applicant and opponents of the decision no less than 2 working days before the scheduled quasi-judicial hearing. If the telephonic testimony is allowed, the applicant is responsible for making proper arrangements to accomplish the telephonic testimony and for payment of associated telephone charges. It is recommended but not required that an applicant's telephonic testimony be offered from a landline telephone.

## **TESTIMONY BY AFFIDAVIT**

- RULE 48. A party wishing to testify by affidavit at a quasi-judicial matter may apply for testimony by affidavit on a form prescribed by the Platting Board. The applicant must submit the affidavit containing the proposed testimony with the application form to the Clerk of the Platting Board before the close of business (5 p.m.) no less than 5 working days before the scheduled quasi-judicial hearing at which the applicant wishes to testify. Upon receipt of an application for testimony by affidavit the Clerk of the Platting Board shall promptly notify and distribute the affidavit to the Platting Board and opposing parties. Opposing parties may invoke the right to cross-examination by submitting to the Clerk of the Platting Board questions relevant to the affidavit before the close of business no less than 3 working days before the scheduled quasi-judicial hearing. If after reviewing an opposing party's submission the Chair of the Platting Board or the Chair's designee determines that cross-examination is reasonably necessary to explore matters which contradict, modify, or explain the testimony contained in the applicant's affidavit then the Chair or the Chair's designee may reject the application for testimony by affidavit. The Chair or the Chair's designee shall grant or reject the application and the Clerk of the Platting Board shall notify the applicant and the opposing parties of the decision no less than 2 working days before the scheduled quasi-judicial hearing.

## **CONCURRENT APPLICATIONS**

- Rule 49. A party wishing to testify either telephonically or by affidavit may submit concurrent applications. Each application must comply with the respective requirements and procedures outlined in Platting Board Rules 47 and 48. The party shall notify the Clerk of the Platting Board whether the party prefers to testify by affidavit or telephonically.

If the party fails to specify a preference and the Chair of the Platting Board grants both applications then the Commission will provide for telephonic testimony only and the requirements stated in Platting Board Rule 47 shall apply.

#### **HOLIDAYS**

**RULE 50.** With respect to rules 46 through 49, any deadline that falls on a Borough-observed holiday will thereby be due the following business day. If a deadline falls on a holiday and the foregoing rule is not practicable under the particular circumstances, the Chair or the Chair's designee may modify the deadline in writing issued reasonably in advance of the deadline.