

BOARD OF EQUALIZATION  
RESOLUTION NO. 2016-1

A RESOLUTION TO PROMULGATE RULES PROVIDING FOR TELEPHONIC  
TESTIMONY AND TESTIMONY BY AFFIDAVIT IN QUASI-JUDICIAL BOARD OF  
EQUALIZATION HEARINGS

WHEREAS, the Fairbanks North Star Borough’s (FNSB) Assembly recently passed Ordinance No. 2015-74 amending FNSB code applicable to the Board of Equalization;

WHEREAS, the changes require the Board of Equalization to promulgate rules allowing for various forms of participation in quasi-judicial hearings;

NOW, THEREFORE, BE IT RESOLVED that the Board of Equalization adopts the following rules:

RULE 1. TELEPHONIC TESTIMONY. A party or witness wishing to testify telephonically at a quasi-judicial matter may apply for telephonic testimony on a form prescribed by the Board of Equalization and by demonstrating good cause for the request. The request must be received by the Fairbanks North Star Borough Clerk’s Office 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’s Office shall promptly notify opposing parties (to include only Assessing Department Staff, a City, or property owner). The Chair of the Board of Equalization 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

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32 applicant's telephonic participation will result in substantial prejudice by  
33 submitting their argument to the Clerk's Office before the close of business no  
34 later than 3 working days before the scheduled hearing. The Chair or the Chair's  
35 designee shall grant or reject the application and the Clerk's Office shall notify  
36 the applicant and the Assessing Department of the decision no less than 2  
37 working days before the scheduled quasi-judicial hearing. If the telephonic  
38 testimony is allowed, the applicant is responsible for making proper  
39 arrangements to accomplish the telephonic testimony and for payment of  
40 associated telephone charges. An applicant's telephonic testimony must be  
41 offered from a landline telephone.

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43 RULE 2. TESTIMONY BY AFFIDAVIT. A party wishing to testify by affidavit  
44 at a quasi-judicial matter may apply for testimony by affidavit on a form  
45 prescribed by the Board of Equalization. The applicant must submit the affidavit  
46 containing the proposed testimony with the application form to the Fairbanks  
47 North Star Borough Clerk's Office before the close of business (5 p.m.) no less  
48 than 5 working days before the scheduled quasi-judicial hearing at which the  
49 applicant wishes to testify. Upon receipt of an application for testimony by  
50 affidavit the Clerk's Office shall promptly notify opposing parties (to include only  
51 Assessing Department Staff, a City, or property owner) and distribute the  
52 affidavit. Opposing parties may invoke the right to cross-examination by  
53 submitting to the Clerk's Office questions relevant to the affidavit before the close  
54 of business no less than 3 working days before the scheduled quasi-judicial  
55 hearing. If after reviewing an opposing party's submission the Chair of the Board  
56 of Equalization or the Chair's designee determines that cross-examination is  
57 reasonably necessary to explore matters which contradict, modify, or explain the  
58 testimony contained in the applicant's affidavit then the Chair or the Chair's  
59 designee may reject the application for testimony by affidavit. The Chair or the  
60 Chair's designee shall grant or reject the application and the Clerk's Office shall

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61 notify the applicant and the Assessing Department of the decision no less than 2  
62 working days before the scheduled quasi-judicial hearing.

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64 Rule 3. CONCURRENT APPLICATIONS. A party wishing to testify either  
65 telephonically or by affidavit may submit concurrent applications. Each  
66 application must comply with the respective requirements and procedures  
67 outlined in Board of Equalization Rules 1 and 2. The party shall notify the  
68 Fairbanks North Star Borough Clerk's Office whether the party prefers to testify  
69 by affidavit or telephonically. If the party fails to specify a preference and the  
70 Chair of the Board of Equalization grants both applications then the Board will  
71 provide for telephonic testimony only and the requirements stated in Board of  
72 Equalization Rule 1 will apply.

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76 PASSED AND APPROVED THIS THIS 22<sup>nd</sup> DAY OF April, 2016.

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81 Joel Johnson, Chair  
82 FNSB Board of Equalization

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84 Ayes: Morris, Mayo, Foldoe, Hiland, and Johnson

85 Noes: None

86 Excused: Flemming

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