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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applicant's telephonic participation will result in substantial prejudice by
submitting their argument to the Clerk's Office 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's Office shall notify
the applicant and the Assessing Department 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. An applicant's telephonic testimony must be
offered from a landline telephone.

RULE 2. TESTIMONY BY AFFIDAVIT. A party wishing to testify by affidavit
at a quasi-judicial matter may apply for testimony by affidavit on a form
prescribed by the Board of Equalization. The applicant must submit the affidavit
containing the proposed testimony with the application form to 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 testimony by
affidavit the Clerk's Office shall promptly notify opposing parties (to include only
Assessing Department Staff, a City, or property owner) and distribute the
affidavit. Opposing parties may invoke the right to cross-examination by
submitting to the Clerk's Office 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 Board
of Equalization 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's Office shall

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

Rule 3. CONCURRENT APPLICATIONS. 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 Board of Equalization Rules 1 and 2. The party shall notify the
Fairbanks North Star Borough Clerk's Office whether the party prefers to testify
by affidavit or telephonically. If the party fails to specify a preference and the
Chair of the Board of Equalization grants both applications then the Board will
provide for telephonic testimony only and the requirements stated in Board of
Equalization Rule 1 will apply.

PASSED AND APPROVED THIS 22nd DAY OF April, 2016.

Joel Johnson, Chair
FNSB Board of Equalization

Ayes: Morris, Mayo, Foldoe, Hiland, and Johnson
Noes: None
Excused: Flemming

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