



# Fairbanks North Star Borough

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DEPARTMENT OF THE ASSEMBLY  
Division of Boards and Commissions

## **RULES AND PROCEDURES OF THE PLATTING BOARD**

Internal rules governing the Platting Board are set within FNSB Code of Ordinances as set forth below; adopted rules by the Platting Board as set forth below.

### **SECTION ONE: FNSB CODE OF ORDINANCE RULES**

#### **General**

- FNSBC 4.84.050(D) The board may, by resolution, adopt written rules of procedure, subject to the requirements of state law and this code.
- FNSBC 4.04.150(A) A board or commission may adopt other rules but those rules may not conflict with this section. In all matters of procedure not covered by this or other code sections or rules adopted by the board or commission, Robert's Rules of Order, as revised, shall be applicable and shall govern.
- FNSBC 4.84.050(A) The Platting Board shall hold a regular meeting at least once a month.
- FNSBC 4.84.050(B) The chairperson or a quorum of the board members may call a special meeting of the board.
- FNSBC 4.04.170 The borough clerk, or their designee, shall serve as the secretary to boards and commissions.

#### **Organization**

- FNSBC 4.84.040 Annually the platting board shall select from its members a chairperson and a vice chairperson. The chairperson shall preside at meetings. The vice chairperson shall act in the absence of the chairperson.
- FNSBC 17.12.030 The department of community planning platting officers shall review all applications in accordance with FNSBC 17.12.030 and after acceptance of an application prepare a staff report that includes a recommendation for approval or denial to the platting board.

## **Quorum**

FNSBC 4.84.050(C) Five members shall be a quorum.

## **Attendance**

FNSBC 4.84.030(D) A vacancy shall exist upon the occurrence of any of the following events:

1. A member leaves the borough with the intent to remain absent more than 90 days;
2. A member fails to attend three consecutive (regular) meetings of the board and none of the absences are excused by the board;
3. A member presents their resignation in writing to the mayor and said resignation is accepted by the mayor;
4. A member dies;
5. A member fails to qualify within 30 days after their appointment to the board; or
6. A member is removed from the board for cause by the assembly.

## **Consideration of Business**

FNSBC 4.04.150(C) For all quasi-judicial plat applications the following required:  
FNSBC 17.12.030(D)

- Only testimony from parties and interested persons can be received.
- Testimony must be taken under oath or affirmation.
- The applicant or the applicant's representative will be allotted a minimum of 10 minutes at the beginning of the hearing for the presentation of the application and a minimum of 5 minutes for rebuttal following other testimony. The Chair may grant additional time on complex issues.
- Any material presented for consideration during public or interested person testimony shall be retained in the case file.

FNSBC 4.04.150(D) For all legislative applications such as street vacations, determinations on trail easements and proposed changes to Title 17 the following is required:

- Written and Verbal testimony from the general public is allowed.

**Voting**

FNSBC 4.04.140

*Conflict of Interest.* Every member shall vote on all questions unless they have a direct or substantial indirect financial interest in the matter being discussed. No member shall represent any person before the board or commission of which they are a member.

FNSBC 4.84.060

*Conflict of Interest – Ex parte contact.*

A board member shall not participate in deliberation or vote on a question if:

1. The board member or a client, employer, or family member of a board member has a financial or proprietary interest in the question before the board; or
2. The board member or a client, employer or family member of a board member could foreseeably profit in any material way from the resolution of the question before the board. As used in this section, “employer” shall, with respect to the state or federal governments, mean the specific agency department or other division in which the board member is employed.

Board members shall be impartial in all administrative decisions, both in fact and in appearance. No member shall engage in ex parte contact with any party interested in a subject before the board. This section shall not prevent board members from discussion among themselves or from receiving information, in open meetings, from applicants, Borough staff members and other interested parties. It shall not prevent communications between board members and Borough staff where the staff members have no financial interest in the question before the board. If a board member disqualifies themselves from participation in board action on a question, they should leave the room during discussion of that issue.

FNSBC 6.28.010(D)

*Disclosure Requirements.* A board or commission member shall place the public interest above any financial or private interest when taking official action. If an appointed member’s private relationships or interests prevent the member from placing the public interest above a financial or private interest, the appointed member shall disclose this fact on the record. Prior to comment, deliberation or decision on a matter coming before the appointed public body, a member shall disclose any financial or private interest in the matter, including the financial interest or personal involvement of an immediate family member as defined in FNSBC 6.32.010. The nature of the financial or private interest shall be disclosed in

sufficient detail to determine if the financial interest is substantial or the personal involvement is prejudicial. If the chairperson determines that a financial interest is substantial or the personal involvement is prejudicial, the member may not participate in the matter coming before the appointed public body unless overruled by the other members by majority vote.

FNSBC 6.28.010(E) *Substantial Financial Interest.* Whether the financial or private interest disclosed is substantial shall be determined by the appointed public body on a case-by-case basis, with evaluation of these factors:

1. Whether the financial or private interest is a substantial part of the matter under consideration;
2. Whether the financial or private interest directly and substantially varies with the outcome of the official action;
3. Whether the financial or private interest is immediate and known or conjectural and dependent on factors beyond the official action;
4. Whether the financial or private interest is significant monetarily;
5. Whether the financial or private interest is of a type which is generally possessed by the public or a large class of persons to which the member belongs;
6. Other factors deemed appropriate by the chair under the specifics of the disclosure and the nature of the action before the appointed body.

FNSBC 4.84.050(C) All board actions shall be by vote of a majority of the board's membership who are present and voting.

## **FINDINGS OF FACT**

FNSBC 17.12.030(H) The Platting Board shall adopt specific findings of fact.  
FNSBC 17.20.030(H)

## **SECTION TWO: PLANNING COMMISSION ADOPTED RULES**

*The following rules were adopted by the Platting Board on February 26, 1992 and amended on March 25, 1992, March 28, 2007, September 21, 2011, September of 2013, September 15, 2016, and June 19, 2019.*

### **General**

- RULE 1 The Planning Director shall not vote but shall have the privilege of the floor.
- RULE 2 The Chair or a majority of those members present may call for a recess of specific duration.
- RULE 3 The meeting shall adjourn by 11 p.m. unless extended by a majority vote.

### **Organization**

- RULE 4 At the January meeting each year the Platting Board shall elect a Chair and Vice Chair. Nominations shall be submitted in writing to the Platting Board Clerk or from the floor. The Platting Board Clerk shall preside over the election. The election shall be held by secret ballot at the close of nominations, with voting for the Chair being completed before that of the Vice Chair. If no candidate received a majority vote, a run-off election(s) shall be held between the top two candidates.

### **Duties of the Chair and Vice Chair**

- RULE 5 The duties of the Chair and Vice Chair include but are not limited to, the following:
- Preside at the Platting Board meeting.
  - In the presence of the quorum, convene the Platting Board at the time appointed for the meeting.
  - In the absence of a quorum, reschedule the meeting.
  - Secure approval of the minutes of the preceding meeting.
  - Preserve order and decorum.
  - Sign and authenticate official documents of the Platting Board as required.
- RULE 6 If both the Chair and Vice Chair are absent, the Platting Board Clerk shall assist the Board in selecting an acting chair.

## **Quorum**

RULE 6 No business may be conducted in the absence of a quorum.

## **Attendance**

RULE 7 Regular and punctual attendance a Platting Board meeting is expected.

RULE 8 A member who will be late to the meeting shall advise the Platting Board Clerk of their estimated time of arrival.

RULE 9 A member who will be absent, shall notify the Platting Board Clerk as early as possible.

RULE 10 Meetings shall begin promptly at the schedule time. If the meeting is unavoidably delayed, the audience shall be informed of the problem and the anticipated time of beginning.

## **Agenda**

RULE 11 The agenda may be amended by a majority vote of the Platting Board members present.

RULE 12 Approval of the consent agenda made by a single action approves 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.

RULE 13 The business of the Commission shall be disposed of in the following order:

- A. Call to Order
- B. Roll Call
- C. Messages:
  1. Opening
  2. Chair's Comments
  3. Introduction of Staff
  4. Communications to the Platting Board
  5. Citizen's Comments – limited to three (3) minutes
    - a. Agenda items not scheduled for public hearing, quasi-judicial hearing, legislative hearing, or appeal
    - b. Items other than those appearing on the agenda
  6. Disclosure & Statement of Conflict of Interest for items on the consent agenda
- D. Approval of Agenda and Consent Agenda

Approval of consent agenda passes all routine items indicated by asterisk (\*) on agenda. Consent agenda items are not considered separately unless any board member or citizen so requests. In the event of such request, the item is returned to the general agenda.

- E. Minutes
- F. Consent Agenda Items
- G. Quasi-Judicial Hearings
- H. Public Hearings and Legislative Hearings
- I. Appeals
- J. Unfinished Business
- K. New Business
- L. Excuse Absent Members
- M. Citizen's Comments— limited to three (3) minutes (continuation if needed)
  - a. Agenda items not scheduled for public hearing, quasi-judicial hearing, legislative hearing, or appeal
  - b. Items other than those appearing on the agenda
- N. Board Member's Comments/Communications
- O. Adjournment

### **Consideration of Business**

RULE 14 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 15 Any business not on the agenda shall be heard under the appropriate comments portion of the agenda or placed on a future agenda as may be appropriate.

RULE 16 If a person appears at the hearing and request to be an "interested person" pursuant to FNSBC 17.04.010, but failed to timely apply in writing to participate, 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 17 Interested person or public testimony will be limited to three minutes per person.

RULE 18 For legislative hearings sponsor, 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 5 minutes for rebuttal following other testimony. The Chair may grant additional time on complex issues.

### **Motions**

RULE 19 A motion is required for any action taken by the Platting Board

RULE 20 A motion shall require a second.

RULE 21 Motions shall be made in the affirmative.

RULE 22 When asked for a clarification of the motion prior to a vote, the motion shall be restated by the Chair.

### **Voting**

RULE 23 Roll call vote will be required on all legislative and quasi-judicial matters.

RULE 24 Voice vote upon any question shall be "Yes" or "No" and shall be recorded in the minutes. The Chair shall vote last.

### **Findings of Fact**

RULE 25 The Platting Board shall adopt Findings of Fact for all legislative and quasi-judicial matters that is not specified within FNSB Code.

### **Postponement**

RULE 26 No item shall be postponed indefinitely.

RULE 27 An applicant seeking postponement beyond the statutory 60-day presumption [A.S.29.40.110(a)] must submit a written request for extension of time or so state on the record at the hearing (*Note: This rule may not be suspended by the Platting Board at any time.*)

RULE 28 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 of to reconsider.

RULE 29 Interested parties must be notified if an earlier hearing is to occur.



### **Reconsideration**

RULE 30 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 31 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. No new evidence may be accepted after any interested party has left the meeting.

RULE 32 The member filing for reconsideration shall explain their reasons.

RULE 33 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 34 These rules may be amended by vote of the majority of the Platting Board membership.

### **Suspension of Rules**

RULE 35 Where not in contravention of applicable law, these rules established by the Board may be suspended for a time definite by vote of the majority of those present and voting. Suspension is limited to one meeting approved by a majority of the entire membership.

### **Interested Person Determination**

RULE 36 A person who did not receive a "Dear Property Owner" notice letter but who wishes to participate in a quasi-judicial matter may apply to the Platting Board for a determination that the person is an "interested person" as defined in FNSBC 17.04.010. A person may seek an interested person determination at the hearing for the quasi-judicial matter or a person may apply for a determination in advance of the hearing. A pre-hearing application for interested person determination shall be on a form prescribed by the Platting Board and shall be received by the Borough Clerk's Office no later than 5 p.m. on the Tuesday one week before the scheduled quasi-judicial hearing at which the person wishes to testify and shall include:

1. An affidavit or other adequate proof that the person resides or owns property within the hearing notification area; or
2. A completed pre-hearing determination form demonstrating that the applicant
  - a. Possesses a specific property interest;
  - b. Which may be significantly affected by the proposed action; and
  - c. Which may be affected in a way different than that of the general public.

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

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

### **Telephonic Testimony**

RULE 37 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 Borough Clerk's Office must receive the request no later than 5 p.m. on the Tuesday one week before the schedule quasi-judicial hearing at which the person wishes to testify. Upon receipt of the request:

1. The Platting Board Clerk shall promptly notify the parties (to include only the Applicant, Staff and any interested person who has received a determination granting that interested person the level of standing equivalent to the Applicant and Staff);
2. The parties may assert that the request for telephonic participation will result in substantial prejudice by submitting the assertion as well as the basis for the assertion to the Platting Board Clerk no later than 5 p.m. on the business day following notification of the application;
3. The Chair or 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. The Chair or designee shall make the telephonic testimony determination with reasonable promptness and the Platting Board Clerk shall notify the person requesting telephonic testimony of the decision with reasonable promptness; and

4. 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. If telephonic connection cannot be made, or is unintelligible, the meeting will continue as scheduled without the telephonic testimony.

### **Testimony By Affidavit**

RULE 38 A party, witness, or interested person wishing to testify by affidavit on a quasi-judicial matter may apply for testimony be affidavit on a form prescribed by the Platting Board. The affidavit containing the proposed testimony with the application form shall be received by the Borough Clerk's Office no later 5 p.m. on the Tuesday one week before the scheduled quasi-judicial hearing at which the applicant wishes to testify. Upon receipt of the request:

1. The Platting Board Clerk shall promptly distribute the affidavit to the parties (to include only the Applicant, Staff, and any interested person who has received a determination granting that interested person the level of standing equivalent to the Applicant and Staff);
2. The parties shall submit any relevant cross-examination questions to the Borough Clerk's Office no later than noon on the Friday prior to the quasi-judicial hearing at which the affiant wishes to testify;
3. The Chair or designee shall with reasonable promptness make a determination whether the submitted questions are reasonably necessary to explore any matters tending to contradict, modify, or explain the testimony;
  - a. If the questions are reasonably necessary, the affidavit may be excluded in whole or in part and the affiant may be required to testify in person or by telephone. Alternatively, those questions that are deemed reasonably necessary may be submitted to the affiant, who shall answer the questions in a second affidavit, which shall be submitted to the Borough Clerk's Office no later than the Monday prior to the quasi-judicial hearing at which the affiant wishes to testify. If the affiant fails to answer the questions in a second affidavit, the original affidavit may be excluded in whole in part;
  - b. If the questions are not reasonably necessary, the affidavit shall be accepted for Platting Board consideration;

4. The Platting Board Clerk shall promptly notify the parties of all determination relating to reasonable necessity and rejection or acceptance of all or portions of an affidavit.

### **Concurrent Applications**

RULE 39 A party wishing to testify either telephonically or by affidavit may submit concurrent applications complying with the respective requirements and procedures. If the party or witness has a preference to testify telephonically or by affidavit, that preference must be indicated on the application. The Chair or designee will review the preferred application first and only if that application is denied will the Chair or designee review the second application. If no preference is indicated, the Chair or designee will review the application to testify telephonically first.

### **Holidays**

RULE 40 With respect to rules 36 through 39, 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 designee may modify the deadline in writing issued reasonably in advance of the deadline.