



Fairbanks North Star Borough

Mayor's Office

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MEMORANDUM

TO: Fairbanks North Star Borough Assembly

FROM: Bryce Ward, Mayor *BW* for BW

DATE: June 14, 2020

SUBJECT: APPROVAL OF MODIFICATIONS AND/OR WAIVER OF FNSB CODE PROVISIONS GOVERNING BOARDS AND COMMISSIONS PUBLIC MEETINGS DURING COVID-19 HEALTH EMERGENCY

As permitted by FNSB Code 2.16.150, the following modifications and/or waiver of Fairbanks North Star Borough code provisions governing boards and commissions public meetings during the COVID-19 health emergency have been developed in accordance with applicable health mandates and guidance issued by the State of Alaska.

This memorandum supersedes the April 4, 2020 Alternate Rules of Procedure memorandums from my office to the Planning Commission and the Platting Board and is in effect until the Borough's declared COVID-19 disaster is no longer in effect.

1. Planning Commission – Alternate Rules of Procedure

- a. Telephonic Testimony and Participation (FNSBC 04.04.155)
 - i. All provisions requiring application for telephonic testimony and rules limiting the ability for commissioners to participate by teleconference are waived. Planning Commission members (including the Chair), the Assistant Borough Attorney, Applicants, Appellants, Interested Parties, Witnesses, and potentially Staff may participate in hearings by phone or videoconference. A person unable to participate remotely should contact the Department of Community Planning Clerk at 459-1260 or email FNSBPC@fnsb.us to discuss options.

- ii. Provisions requiring that telephonic testimony be from a landline telephone are also waived.
 - iii. Instructions on how to participate in an upcoming hearing remotely will be posted at: <http://www.fnsb.us/Boards/Pages/Planning-Covid.aspx>
- b. Testimony by Affidavit.
- i. The Planning Commission's Testimony by Affidavit procedures are unchanged. Under certain circumstances, a person may apply and the Planning Commission Chair may permit testimony by affidavit, subject to the opposing party's right of cross-examination. These applications have strict deadlines. Testimony by Affidavit applications and instructions are available on the Community Planning website, under 'Applications': <http://www.fnsb.us/cp/Documents/PCTestimonyAffidavit.pdf>
 - ii. A person who did not receive a "Dear Property Owner" notice letter but who wishes to provide testimony by affidavit may apply to the Planning Commission for a pre-hearing determination that the person is an "interested person" as defined in FNSBC 18.04.010. The person shall e-mail the completed pre-hearing determination form to FNSBPC@fnsb.us by the deadlines established in Planning Commission Rule 32 which can be found on the Planning Commission website at <http://www.fnsb.us/Boards/RulesProcedures/PCRules.pdf>. For more information, please call the Planning Commission Clerk at 459-1260.
- c. Interested Persons Determination
- i. The provisions regarding interested persons determinations are modified as follows: The Planning Commission will make a determination concerning an individual's status as a party during the hearing. There will not be a pre-hearing determination option unless the person is submitting testimony by affidavit as described above. For all other persons who did not receive a "Dear Property Owner" notice letter and wish to participate in a quasi-judicial matter, they may seek a determination that the person is an "interested person" as defined in FNSBC 18.04.010 while they are participating remotely at the hearing.
 - ii. Instructions on how to participate in the upcoming hearing remotely will be posted at: <http://www.fnsb.us/Boards/Pages/Planning-Covid.aspx>

2. Platting Board – Alternate Rules of Procedure

- a. Telephonic Testimony and Participation (FNSBC 04.04.155).

is an “interested person” as defined in FNSBC 17.04.010 while they are participating remotely at the hearing.

ii. Instructions on how to participate in the upcoming hearing remotely will be posted at: <http://www.fnsb.us/Boards/Pages/Platting-Covid-19.aspx>

iii. Questions about appeals, meeting dates, document exchange, telephonic testimony, or testimony by affidavit, shall be directed to the Department of Platting Board Clerk at 459-1260 or email FNSBPB@fnsb.us

3. **Attendance by Teleconference (FNSBC 04.04.155).** All boards and commissions, excluding the Board of Equalization, the Planning Commission and the Platting Board are subject to the waived requirements in this section.
 - a. All provisions requiring application for telephonic testimony and rules limiting the ability for board members or commissioners to participate by teleconference are waived. Board members and Commissioners (including the Chair), staff, applicants, appellants, interested parties, and witnesses may participate in all hearings by phone or video conference if they are unable to participate in-person. Individuals unable to participate remotely, should contact the Department of Community Planning Clerk at 459-1260 to discuss options.
 - b. The Chair of the meeting should participate in-person, if practicable.
 - c. The Community Planning Clerks or designated staff will coordinate in-person attendance of Board and Commission members on a rotating basis, as needed.
4. **Pre-Meeting Risk Assessment.** Prior to agenda setting, the Board or Commission Chairperson, with assistance from the Community Planning Director, will determine if the current applicable health mandates and guidance issued by the State of Alaska allow for in person public meetings and may be accommodated within the assembly chambers based upon the attached FNSB Mona Lisa Drexler Assembly Chambers COVID-19 Operational Mitigation Plan.
5. **Meeting Capacity Limits.** Up to six Board or Commission members may attend meetings in person in the Mona Lisa Drexler Assembly chambers if the current health mandate and/or guidance issued by the State of Alaska for Social, Religious and Other Gatherings may be accommodated.

Attachment: Assembly Chambers COVID-19 Operational Mitigation Plan

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