

FAIRBANKS NORTH STAR BOROUGH
ANIMAL CONTROL COMMISSION] MEETING AGENDA
MONA LISA DREXLER ASSEMBLY CHAMBERS AT THE
JUANITA HELMS ADMINISTRATION CENTER
907 TERMINAL STREET, FAIRBANKS, ALASKA

DECEMBER 20, 2018 6:00 PM

A. ROLL CALL

B. MESSAGES

1. Citizen's Comments – limited to three (3) minutes
 - a. Agenda items not scheduled for public hearing
 - b. Items other than those appearing on the agenda
2. Disclosure & Statement of Conflict of Interest

C. 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 Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

D. MINUTES

1. Minutes from November 26, 2018.

E. CONSENT AGENDA ITEMS

- 1.

F. UNFINISHED BUSINESS

1. Shelter report
2. Sled dog housing committee report
3. ACC resolution 2018-01
4. Accessory building

G. NEW BUSINESS

1. Nominations for chair and vice-chair

H. EXCUSE FUTURE ABSENCES

I. COMMISSIONER'S COMMENTS/COMMUNICATIONS

J. ADJOURNMENT

1 FAIRBANKS NORTH STAR BOROUGH
2 ANIMAL CONTROL COMMISSION
3 RESOLUTION NO. 2018- 01
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5 A RESOLUTION TO PROMULGATE RULES PROVIDING FOR TELEPHONIC TESTIMONY
6 AND TESTIMONY BY AFFIDAVIT
7 IN QUASI-JUDICIAL ANIMAL CONTROL COMMISSION HEARINGS
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9 WHEREAS, the Fairbanks North Star Borough's (FNSB) Assembly passed
10 Ordinance No. 2015-74 amending FNSB code applicable to the boards and commissions
11 holding quasi-judicial hearings which would include the Animal Control Commission;
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13 WHEREAS, the changes require the Animal Control Commission to
14 promulgate rules allowing for various forms of participation in quasi-judicial hearings;
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16 NOW, THEREFORE, BE IT RESOLVED that the Animal Control Commission
17 adopts the following rules:
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19 RULE 1. INTERESTED PERSONS DETERMINATION. A person with a significant
20 property interest may request an interested person determination for a
21 quasi-judicial matter before the Animal Control Commission. A person may
22 seek an interested person determination at the hearing for the quasi-judicial
23 matter or a person may apply for a determination in advance of the hearing.
24 A pre-hearing application for interested person determination shall be on a
25 form prescribed by the Division of Animal Control and received by the
26 Department of Community Planning no less than five working days before
27 the scheduled quasi-judicial hearing at which the person wishes to testify
28 and shall include a completed pre-hearing determination form
29 demonstrating that the applicant

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- 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 of the Animal Control Commission or the Chair's designee shall make the interested person determination with reasonable promptness and the Clerk of the Animal Control Commission shall notify the applicant of the decision with reasonable promptness thereafter.

RULE 2. TELEPHONIC TESTIMONY. 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 Division of Animal Control and by demonstrating good cause for the request. The request must be received by the Clerk of the Animal Control Commission at the Community Planning Department 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 Animal Control Commission shall promptly notify the parties (to include only the Owner and Staff) and any interested person who has received a determination granting that interested person the level of standing equivalent to the Owner and Staff, who 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 Community Planning Department no later than 5 p.m. on the business day following notification of the application. The Chair or the Chair's designee may deny the request for telephonic testimony if good cause is not shown

59 or if substantial prejudice to another party will result from the telephonic
60 participation. The Chair or the Chair’s designee shall make the telephonic
61 testimony determination with reasonable promptness and the Animal
62 Control Commission Clerk shall notify the person requesting telephonic
63 testimony of the decision with reasonable promptness. If the telephonic
64 testimony is allowed, the person applying for telephonic testimony is
65 responsible for making proper arrangements to accomplish the telephonic
66 testimony. If telephonic connection cannot be made, is lost, or is
67 unintelligible, the meeting will continue as scheduled without the telephonic
68 testimony.

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70 RULE 3. TESTIMONY BY AFFIDAVIT. A party, witness, or interested person wishing
71 to testify by affidavit at a quasi-judicial matter may apply for testimony by
72 affidavit on a form prescribed by the Division of Animal Control. The person
73 must submit the affidavit containing the proposed testimony with the
74 application to testify by affidavit at least five working days before the
75 scheduled quasi-judicial matter at which the person wishes to testify. Upon
76 receipt of the request:

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- 78 1. The Animal Control Commission Clerk shall promptly distribute the
79 affidavit to the parties (to include only the Owner and Staff) and any
80 interested person who has received a determination granting that
81 interested person the level of standing equivalent to the Owner and
82 Staff;
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84 2. The parties shall submit any relevant cross-examination questions to
85 the Department of Community Planning no less than three working
86 days prior to the quasi-judicial matter at which the affiant wishes to
87 testify;

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- 3. The Chair or the Chair’s 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 Department of Community Planning no less than two working days prior to the quasi-judicial matter 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 or in part;
 - b. If the questions are not reasonably necessary, the affidavit shall be accepted for Animal Control Commission consideration;

- 4. The Animal Control Commission Clerk shall promptly notify the parties of all determinations relating to reasonable necessity and rejection or acceptance of all or portions of an affidavit.

RULE 4. CONCURRENT APPLICATIONS. A party, witness, or interested person wishing to testify either telephonically or by affidavit may submit concurrent applications complying with the respective requirements and procedures. If

117 the party, witness or interested person has a preference to testify
118 telephonically or by affidavit, that preference must be indicated on the
119 application. The Chair or the Chair's designee will review the preferred
120 application first and only if that application is denied will the Chair or the
121 Chair's designee review the second application. If no preference is indicated,
122 the Chair or the Chair's designee will review the application to testify
123 telephonically first.

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126 RULE 5. HOLIDAYS. With respect to Rules 1 through 4, any deadline that falls on a
127 Borough-observed holiday will thereby be due the following business day. If
128 a deadline falls on a holiday and the foregoing rule is not practicable under
129 the particular circumstances, the Chair or the Chair's designee may modify the
130 deadline in writing issued reasonably in advance of the deadline.

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133 THIS __ DAY OF _____, 2018.

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Scott Chesney, Chair
FNSB Animal Control Commission