

SUNSET AUDIT REPORT

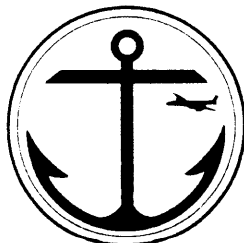
2011-S2

South Central Clean Air Authority Commission

Department of Health and Human Services

August 15, 2011

MUNICIPALITY OF ANCHORAGE
Internal Audit Department
632 W 6th Avenue, Suite 600
P.O. Box 196650
Anchorage, Alaska 99519-6650
<http://www.muni.org/audit>



OFFICE OF THE INTERNAL AUDITOR
Peter Raiskums, CIA, CFE, CGFM
Director
Phone: (907) 343-4438
Fax: (907) 343-4370
E-Mail: raiskumspw@muni.org

MUNICIPALITY OF ANCHORAGE



Office of the Internal Auditor
632 W. 6th Ave., Suite 600

Phone: 907-343-4438
Fax: 907-343-4370

Mayor Dan Sullivan

August 15, 2011

Honorable Mayor and Members of the Assembly:

I am pleased to present **Sunset Audit Report 2011-S2, South Central Clean Air Authority Commission, Department of Health and Human Services**, for your review. A brief summary of the report is presented below.

In accordance with Assembly Ordinance Number 2011-64(S-1), Section 14, we have performed a sunset audit of the South Central Clean Air Authority Commission.

The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the South Central Clean Air Authority Commission should be reauthorized. Our audit included a review of meeting minutes, resolutions and agendas, and member authorization and participation.

The South Central Clean Air Authority Commission will sunset on October 14, 2011 unless reauthorized by the Assembly.

A handwritten signature in black ink, appearing to read "Peter Raiskums".

Peter Raiskums, CIA, CFE
Director, Internal Audit

MUNICIPALITY OF ANCHORAGE



Office of the Internal Auditor
632 W. 6th Ave., Suite 600

Phone: 907-343-4438
Fax: 907-343-4370

Mayor Dan Sullivan

August 15, 2011

**Sunset Audit Report 2011-S2
South Central Clean Air Authority Commission
Department of Health and Human Services**

Introduction. We have performed a sunset audit of the South Central Clean Air Authority Commission (Commission) as required by Assembly Ordinance Number 2011-64(S-1), Section 14 which states:

“The Municipal Clerk shall notify the Assembly and the Mayor by assembly memorandum at least 120 days prior to the sunset of any board or commission, and an ordinance for reauthorization shall be introduced through the Assembly Chair with the assembly memorandum. The assembly memorandum shall include direction to the Office of Internal Audit to audit the board or commission under Anchorage Municipal Code section 3.20.110 D.3.and 4. The Office of Internal Audit shall report its findings to the Mayor and Assembly at least 60 days, prior to sunset, prior to vote by the Assembly on reauthorization.”

Objective and Scope. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Commission should be reauthorized. Our audit included a review of meeting minutes, Commission resolutions and agendas and Commission member authorization and participation.

The audit was conducted in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review, and accordingly, included tests of accounting records and such other auditing procedures as we considered necessary in the circumstances. The audit was performed during the period of July through August 2011.

SUNSET FACTORS

The following factors were used in our evaluation and are presented for information to the Mayor and Assembly:

1. **Name of Commission.**

South Central Clean Air Authority Commission

2. **Sunset Date.**

October 14, 2011

3. **The purpose and goal of the Commission.**

Anchorage Municipal Code (AMC) 15.30.020.B, South Central Clean Air Authority, states "Subject to the powers granted by law to member governments, the South Central Clean Air Authority shall have primary responsibility for control of air pollution from all sources within the boundaries of the member governments except where jurisdiction is reserved by law exclusively for the United States or the state, shall adopt and enforce rules and regulations that endeavor to achieve and maintain national and state ambient air quality standards and emission standards, and shall enforce this chapter and any rules and regulations promulgated pursuant thereto."

4. **Have Commission members been appointed?**

AMC 15.30.035, South Central Clean Air Authority commission, states:

- "A. A South Central Clean Air Authority commission of six members shall be the governing body of the South Central Clean Air Authority, shall exercise all powers vested in that authority by law, and shall administer the provisions of this chapter within the member governments.*
- B. The commission shall consist of two assembly members and the mayor or his designee from each member government appointed in the manner provided by the law of that member government. The Anchorage commission members shall consist of the mayor or his designee and two assembly members appointed by the mayor."*

Audit Finding. According to staff at the Department of Health and Human Services, the Commission has not had any members for about the last 20 years.

5. **Are the terms of the Commission members current?**

AMC 4.05.040, Terms, states "Except as otherwise specified in this Code, the regular term of each member of a board or commission is three years commencing on October 15 of the year in which appointed and ending three years thereafter on October 14, provided however, to avoid a vacancy until new appointments can be made and confirmed, an appointed member's term is extended until a new appointment is confirmed or a maximum of 120 days which ever occurs first. The terms of initial or subsequent appointments to a board or commission shall be staggered so that, as nearly as possible, a pro rata number of its members shall be appointed each year of the established regular term of office."

Audit Finding. According to staff at the Department of Health and Human Services, the Commission has not had any members for about the last 20 years.

6. **Are positions deemed vacant after the maximum number of absences?**

AMC 4.05.060.A, Attendance requirements; vacancies, states “. . . a vacancy shall occur if a member during any 12-month period while in office:

1. *Is absent from three regular meetings without excuse;*
2. *Is absent from:*
 - a. *six regular meetings; or*
 - b. *eight regular meetings for members of the planning and zoning commission, platting board, or zoning board of examiners and appeals; or*
3. *Fails to attend a two-thirds majority of the regular meetings.”*

Audit Finding. According to staff at the Department of Health and Human Services, the Commission has not had any members for about the last 20 years.

7. **Does the Commission meet regularly?**

4.05.090, Meetings, states “A board or commission shall hold regular monthly meetings at such time and place as may from time to time be designated by the board or commission, but meetings need not be held if no business is pending. Boards and commissions shall advise the public of their meeting schedules, or publicly advertise their meetings where necessitated by statutory requirements. The chairman of a board or commission, or the municipal employee

who is designated as an ex officio member of the board or commission pursuant to Section 4.05.140, or a majority of the board or commission, may call a special meeting of the board or commission. Meetings of all boards and commissions shall be open to the public, except for an executive session, from which the public may be excluded.”

Audit Finding. According to staff at the Department of Health and Human Services, the Commission has not met for about the last 20 years.

8. Are minutes taken and published?

AMC 4.05.130, Reports, minutes and public hearing records, states “A board or commission shall keep minutes of the board or commission proceedings, and such minutes shall record the vote of each member physically present upon every question formally presented to the board or commissions for its consideration. The minutes shall be maintained in the custody of the municipal agency which supplies staff support to the board or commission and shall be a public record, open to inspection by any person.”

Audit Finding. According to staff at the Department of Health and Human Services, the Commission has not met for about the last 20 years.

9. Do meetings have action items or other business?

AMC 15.30.035.H, South Central Clean Air Authority commission, states “In order to effect the powers and duties of the authority, the commission shall:

- 1. Hear appeals from decisions of the director concerning applications for variances, permits or other entitlements, appeals from compliance orders and other decisions of the director for which appeals are authorized under Section 15.30.220;*

2. *Advise the mayors and assemblies of member governments regarding enactment or revision of legislation affecting air quality within the authority;*
3. *Hold such public hearings as it deems necessary for administration and enforcement of rules and regulations of the authority, member government ordinances and state law, compel the attendance of witnesses and the production of evidence, and adopt such rules of procedure as it finds reasonable and necessary for holding public hearings; and*
4. *Issue such orders in the exercise of its appellate jurisdiction as may be necessary to effect the provisions of this chapter.”*

Audit Finding. According to staff at the Department of Health and Human Services, the Commission has not met for about the last 20 years.