

SUNSET AUDIT REPORT

2015-S1

Americans With Disabilities Act Advisory Commission

Department of Health and Human Services

August 14, 2015

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Municipality of Anchorage

Ethan Berkowitz, Mayor

Internal Audit Department

August 14, 2015

Honorable Mayor and Members of the Assembly:

I am pleased to present **Sunset Audit Report 2015-S1, Americans With Disabilities Act Advisory 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 Americans With Disabilities Act Advisory Commission. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Americans With Disabilities Act Advisory Commission should be reauthorized. Our audit included a review of meeting minutes, resolutions and agendas, and member authorization and participation.

Based on our review of meeting minutes, resolutions and attendance records, we recommend that the Americans With Disability Advisory Commission be reauthorized.

The Americans With Disabilities Act Advisory Commission will sunset on October 14, 2015 unless reauthorized by the Assembly.

Michael Chadwick, CICA
Acting Director, Internal Audit



Municipality of Anchorage

Ethan Berkowitz, Mayor

Internal Audit Department

August 14, 2015

**Sunset Audit Report 2015-S1
Americans With Disabilities Act Advisory Commission
Department of Health and Human Services**

Introduction. We have performed a sunset audit of the Americans With Disabilities Act Advisory 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 June through July 2015.

Overall Evaluation. Based on our review of meeting minutes, resolutions, and attendance records, we recommend that the Americans With Disabilities Act Advisory Commission be reauthorized.

SUNSET FACTORS

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

1. Name of Commission.

Americans With Disabilities Act Advisory Commission

2. Sunset Date.

October 14, 2015

3. The purpose and goal of the Commission.

Anchorage Municipal Code (AMC) 4.60.240.B, Americans With Disabilities Act Advisory Commission, states "The commission shall:

- 1. Review the Americans With Disabilities Act in order to maintain a clear and comprehensive understanding of federal legislation addressing all forms of discrimination against individuals on the basis of disability.*

2. *Make recommendations to the mayor and assembly for the adoption, change or repeal of municipal laws, rules, regulations, restrictions or other matters affecting the individuals with disabilities community.*
3. *Act in an advisory capacity to the mayor and the assembly in matters of policy concerning implementation by the municipality of the Americans With Disabilities Act.*
4. *Report at least annually to the mayor and the assembly on individuals with disabilities issues and progress in relevant areas such as employment and public and private accommodations.*
5. *Identify municipal facilities and employment procedures that require modifications and advise the mayor and assembly of those issues.*
6. *Undertake efforts to open and maintain channels of communication with the disabled community of the municipality and to periodically hold hearings on matters of importance to that community, the Anchorage community as a whole, and the municipal government.*
7. *Carry out educational and public relations programs designed to create public awareness.*
8. *Perform such other powers and duties as the assembly may refer from time to time.”*

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

AMC 4.60.240.A states “There is established an Americans With Disabilities Act Advisory Commission consisting of seven members, with three members from active disability organizations and four members of the community.”

Audit Finding. Currently, the Commission is fully staffed.

<u>Commission Member</u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
David Ziemer	11-27-12	10-14-15
Britteny Howell	4-14-15	10-14-17
Christine King	6-24-14	10-14-17
Holli Yancey	6-24-14	10-14-17
Lynn Kenney	1-28-14	10-14-16
Lindsay Davison	10-8-13	10-14-16
Lynne Koral	11-27-12	10-14-15

Source: Assembly Memorandums

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. The terms for all Commission members are current.

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. No members were absent from three regular meetings without an excuse within any 12 month period.

One member was absent from six regular meetings within any 12 month period. This member has not been removed from the Commission.

Two members failed to attend two thirds of the regular meetings within any 12 month period from January 2014 through June 2015. These members have not been removed from the Commission.

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

AMC 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. From January 2014 through June 2015, the Commission met 17 times. Meetings are publicly announced on the Commission's website and on the Municipality of Anchorage's Public Notices website.

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. Yes, Commission minutes were taken at each Commission meeting. Department of Health and Human Services staff keeps a copy available for the public. In addition, Commission minutes are available on the Commission's website.

9. **Do meetings have action items or other business?**

AMC 4.60.240.B states "The commission shall:

- 1. Review the Americans With Disabilities Act in order to maintain a clear and comprehensive understanding of federal legislation addressing all forms of discrimination against individuals on the basis of disability.*
- 2. Make recommendations to the mayor and assembly for the adoption, change or repeal of municipal laws, rules, regulations, restrictions or other matters affecting the individuals with disabilities community.*
- 3. Act in an advisory capacity to the mayor and the assembly in matters of policy concerning implementation by the municipality of the Americans With Disabilities Act.*

4. *Report at least annually to the mayor and the assembly on individuals with disabilities issues and progress in relevant areas such as employment and public and private accommodations.*
5. *Identify municipal facilities and employment procedures that require modifications and advise the mayor and assembly of those issues.*
6. *Undertake efforts to open and maintain channels of communication with the disabled community of the municipality and to periodically hold hearings on matters of importance to that community, the Anchorage community as a whole, and the municipal government.*
7. *Carry out educational and public relations programs designed to create public awareness.*
8. *Perform such other powers and duties as the assembly may refer from time to time.”*

Audit Finding. From January 2014 through June 2015, the Commission issued two resolutions. One was resolution was for the 24th Anniversary of the American with Disabilities Act and the other resolution was for the National Disability Employment Awareness Month. In addition, the Commission ran a social media public awareness campaign through their facebook page educating the public on a variety of disability topics. Moreover, the Commission provided a focus list of priorities to the Assembly on August 15, 2014. Finally, the Commission collaborated with entities such as the State of Alaska Division of Public Health, the Governor’s Council on Disabilities and Special Education, Access Alaska, and Assistive Technology of Alaska to complete the disaster preparedness video titled “Emergency Preparedness for All”.