

SUNSET AUDIT REPORT

2024-S3

Heritage Land Bank Advisory Commission

Real Estate Department

August 7, 2024

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MUNICIPALITY OF ANCHORAGE
MAYOR SUZANNE LAFRANCE

OFFICE OF INTERNAL AUDIT

August 7, 2024

Honorable Mayor and Members of the Assembly:

I am pleased to present for your review **Sunset Audit Report 2024-S3, Heritage Land Bank Advisory Commission, Real Estate Department**. 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 Heritage Land Bank Advisory Commission. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Heritage Land Bank 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 Heritage Land Bank Advisory Commission be reauthorized. The Heritage Land Bank Advisory Commission is staffed with six of the required seven members.

The Heritage Land Bank Advisory Commission will sunset October 14, 2024, unless reauthorized by the Assembly.

Scott Lee,
Acting Director, Internal Audit



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MAYOR SUZANNE LAFRANCE

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Introduction. We have performed a sunset audit of the Heritage Land Bank 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, resolutions and agendas, and member authorization and participation.

We conducted this performance audit in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Overall Evaluation. Based on our review of meeting minutes, resolutions, and attendance records, we recommend that the Commission be reauthorized. The Commission is staffed with six of the required seven members.

SUNSET FACTORS

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

1. **Name of Commission.**

Heritage Land Bank Advisory Commission

2. **Sunset Date.**

October 14, 2024

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

Anchorage Municipal Code (AMC) subsection 4.60.200B., Heritage Land Bank Advisory Commission, states “There is established a Heritage Land Bank Advisory Commission, to perform those functions assigned to it by chapter 25.40. . . . The Heritage Land Bank Advisory Commission shall directly involve in its functions the Anchorage School District, Parks and Recreation Commission, Planning and Zoning Commission, other affected municipal agencies, community councils and the public. The commission may initiate actions with other boards and commissions when deemed necessary to perform its functions.”

4. Is the Commission fully staffed?

AMC subsection 4.60.200A. states “The Heritage Land Bank Advisory Commission shall be composed of seven voting public members appointed by the mayor and confirmed by the assembly. When appointing members to the Heritage Land Bank advisory commission, the mayor shall consider public members selected from a diversity of geographic residence, occupations, and civic involvement in the Anchorage community. At least one member shall reside in the Girdwood area and at least one member shall reside in the Eagle River-Chugiak area. No more than three members shall have professional interests in acquisition, financing or development of private real property within the municipality. Those persons appointed and confirmed shall serve a term of three years. No person may serve more than two consecutive three-year terms on the commission.”

Audit Finding. Currently, the Commission is staffed with six of the required seven members.

<u>Commission Member</u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
Bryan Flynn	11-23-21	10-14-24
Tammy Oswald	11-23-21	11-14-24
Dean Marshall (a Resident of Eagle River)	11-7-23	10-14-26
Ryan Hansen	11-7-23	10-14-26
Tim Charnon (a Resident of Girdwood)	11-7-23	10-14-26
LaQuita Chmielowski	11-21-23	10-14-25
Vacant		

Source: Assembly Memorandums

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

AMC section 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 six Commission members are current.

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

AMC subsection 4.05.060A., Attendance requirements; vacancies, states "The office of a member of a board or commission member shall become vacant if the member:

1. *Ceases to meet the qualifications prescribed for the office;*
2. *Resigns;*
3. *Dies;*
4. *Is judicially determined to be incompetent;*
5. *Is convicted of a felony;*
6. *Is removed from office for breach of the public trust; or*
7. *During any 12-month period while in office:*
 - a. *Is absent from three regular meetings without excuse;*
 - b. *Is absent from:*
 - i. *Six regular meetings; or*
 - ii. *Eight regular meetings for members of the planning and zoning commission, urban design commission, platting board, or zoning board of examiners and appeals; or*
 - c. *Fails to attend a two-thirds majority of the regular meetings."*

Audit Finding. No members were absent from three regular meetings without an excuse during any 12-month period from January 2023 through June 2024.

No members were absent from six regular meetings during any 12-month period from January 2023 through June 2024.

No members failed to attend two-thirds of the regular meetings during any 12-month period from January 2023 through June 2024.

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

AMC section 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 chair 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, or when meeting solely to make a decision on a procedural motion brought by a party in an adjudicatory proceeding, from which the public may be excluded.”

Audit Finding. From January 2023 and through June 2024, the Commission met 13 times. Meetings are publicly announced on the Commission’s website and on the Municipality of Anchorage’s Public Notices website and Municipal Events Calendar website.

8. Were minutes taken and published?

AMC section 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. Meeting minutes were taken at each Commission meeting. Heritage Land Bank staff keeps a copy available for the public. In addition, the meeting minutes are available on the Commission’s website.

9. Did meetings have action items or other business?

AMC subsection 4.60.200B. states “The Heritage Land Bank Advisory Commission shall directly involve in its functions the Anchorage School District, Parks and Recreation Commission, Planning and Zoning Commission, other affected municipal agencies, community councils and the public. The commission may initiate actions with other boards and commissions when deemed necessary to perform its functions.”

Audit Finding. From January 2023 through June 2024, the Commission issued eight resolutions. These resolutions included items such as the Heritage Land Bank Annual Work Programs, Five-Year Management Plans, the endorsement of the Administrations and the Assembly’s approval of the appointment of the Heritage Land Bank and Real Estate apartment’s new Executive Director, and the disposal, acquisition and leasing of land parcels.