

**SUBJECT:** An ordinance of the Matanuska-Susitna Borough Assembly changing the Mayor and Assembly term of office from three years to four years for future terms without altering the length of current terms.

**AGENDA OF: January 2, 2024**

**ASSEMBLY ACTION:** Adopted, Hale & Nowers opposed 1/16/24 - EMW

**AGENDA ACTION REQUESTED:** Introduce and set for public hearing.

Route To	Signatures
Originator	1 2 / 6 / 2 0 2 3 X      N   S   f o r   A   s s e m b l y   m e m b e r s   Y . . . <small>Signed by: Nicholas Spiropoulos</small>
Department Director	1 2 / 6 / 2 0 2 3 X      N   /   A <small>Signed by: Nicholas Spiropoulos</small>
Finance Director	1 2 / 7 / 2 0 2 3 X      C h e y e n n e   H e i n d e l <small>Signed by: Cheyenne Heindel</small>
Borough Attorney	1 2 / 7 / 2 0 2 3 X      N i c h o l a s   S p i r o p o u l o s <small>Signed by: Nicholas Spiropoulos</small>
Borough Manager	1 2 / 7 / 2 0 2 3 X      M i c h a e l   B r o w n <small>Signed by: Michael Brown</small>
Borough Clerk	1 2 / 7 / 2 0 2 3 X      L o n n i e   M c K e c h n i e <small>Signed by: Lonnie McKechnie</small>

**ATTACHMENT (S):** Ordinance Serial No. 24-009 (3 pp)

**SUMMARY STATEMENT:** This ordinance is sponsored by Assemblymembers Yundt and McKee to change the terms of the Mayor and Assembly to four years.

State law found at AS 29.20.150(a) provides that "A member of the governing body is elected for a three-year term and until a successor qualifies, unless a different term not exceeding four years is prescribed by home rule charter or ordinance."

When considering a change to the length of term, AS 29.20.150(b) provides "Except when otherwise required by a change in composition or apportionment, if the term of a member of a governing body is

changed by charter or ordinance the term of the member holding office when the change becomes effective is not affected.”

Likewise, AS 29.20.230(a), pertaining to the Mayor, provides in part, “. . .The mayor of a borough or first class city serves a term of three years, unless by ordinance a different term not to exceed four years is provided. The current term of an incumbent mayor may not be altered. . .”

Here, the proposal is to amend the Matanuska-Susitna Borough to provide for four year terms for both the Mayor and the Assembly. The intent is to have the Mayoral election every four years and alternating Assembly elections every two years coinciding with the State of Alaska election cycle.

Since the Matanuska-Susitna Borough elections have moved to the November date in 2019, voter turnout on the years that coincide with State of Alaska elections have significantly higher turnout.

November 2019 - 10.3%  
November 2020 - 32.9%  
November 2021 - 17.9%  
November 2022 - 40.58%  
November 2023 - 9.5%

By changing terms to four years and having Borough Mayor and Assembly elections coincide with the State of Alaska elections, more Borough voters will be involved in selecting their local representatives. In addition, having elections every other year will result in some degree of cost savings because the expenses incurred on the “off” years will only be for School District Board seats which are at the end of their term.

The current three year term schedule is as follows:

Assembly District 4 and 5	2023-2026
Assembly District 3, 6, 7 and Mayor	2021-2024
Assembly District 1 and 2	2022-2025

By state law, the Borough cannot change the length of term for current members. Assembly Districts seats 4 and 5 expire on year the State of Alaska holds elections. Assembly District seats 3, 6, 7, and the Mayor also expire on a year the State of Alaska holds elections. Therefore, the only transition needed is to have a shortened transitory term for Assembly Districts 1 and 2.

The proposed transition and four year term schedule is as follows:

	Current 3 yr term	Transition term	New 4 year term
Assembly District 4 and 5	2023-2026	None	2026-2030
Assembly District 3, 6, 7 and Mayor	2021-2024	None	2024-2028
Assembly District 1 and 2	2022-2025	2025-2026	2026-2030

Under this proposal, it will take until 2026 to have all elected Assembly and Mayor seats on an election cycle with 4 offices up for election every other year to coincide with the State of Alaska election year.

For purposes of applying the lifetime term limits approved by the Matanuska-Susitna Borough voters in 2022, there is a non-code portion of this proposed ordinance specifying that the transition term does not count towards the two term limit. This is done for two reasons. First, the transition terms are very short (1 year) so it is not equitable to classify that term as a "regular" term. Second, since the time transition term is for less than half of a regular term (three year term or four year term), it is not counted towards the lifetime term limits of MSB 2.12.020.

The proposed ordinance here also amends language in Borough code regarding lifetime term limits. This language could add confusion over the applicability to "current" members being able to serve an additional full term. It was clear from the ordinance proposing lifetime term limits that the language regarding current members was the "then current" members as of the date of voter ratification and not future members.

Finally, one item of note is that this ordinance does not affect the terms of school board members. AS 14.12.050(a) provides, in part "The term of office of a member of a borough or city school board is three years and until a successor takes office." In addition, AS 29.20.300 provides, in part, ". . .members of a school board are elected at the regular election for three-year terms and until their successors take office." There is no provision in Title 14 or Title 29 of state law allowing the Borough to change the terms of office for school board members.

**RECOMMENDATION OF ADMINISTRATION:** Introduce and set for public hearing.