

September 25, 2023

Dear Assembly members:

After the Assembly adopted RS 23-093 on September 5, 2023, I gave notice that I was vetoing that action. As I stated at the meeting, the Mat-Su Borough as a second-class borough organized under the laws of the state of Alaska doesn't have powers or duties to approve the issuance of these revenue bonds for a private corporation.

I have attached the powers and duties allowed by a second-class borough. As you can see the borough doesn't have the power to approve this request. I consider this request on behalf of a medical facility outside of the powers that the voters in the Mat-Su Borough adopted when the borough was formed in 1964.

Below is the oath of office that I took as Mayor of the Mat-Su Borough – each of you took the same oath prior to beginning your term as an assembly member. I am asking you to follow the powers and duties that are outline in Chapter 29 in the State of Alaska Constitution that you swear to uphold.

I ask for your vote to allow my veto to stand. Thank you for your consideration.

Edna DeVries

Mayor Edna DeVries

OATH OF OFFICE

I, First M. Last, having been duly elected to the office of the Matanuska-Susitna Borough Mayor, with a term beginning November XX, 20XX, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the Matanuska-Susitna Borough Code; and that I will honestly, faithfully, and impartially discharge my duties as Mayor to the best of my ability so help me God.

Signed this XX day of November, 20XX

Chapter 29 – Powers and duties State of Alaska Alaska Stat. § 29.35.210

Current through Chapter 26 of the 2023 Legislative Session

Section 29.35.210 - Second class borough powers

(a) A second class borough may by ordinance exercise the following powers on a nonareawide basis:

- (1) provide transportation systems;
- (2) regulate the offering for sale, exposure for sale, sale, use, or explosion of fireworks;
- (3) license, impound, and dispose of animals;
- (4) subject to AS 29.35.050, provide garbage, solid waste, and septic waste collection and disposal;

- (5) provide air pollution control under AS 46.14.400;
 - (6) provide water pollution control;
 - (7) participate in federal or state loan programs for housing rehabilitation and improvement for energy conservation;
 - (8) provide for economic development;
 - (9) provide for the acquisition and construction of local service roads and trails under AS 19.30.111 - 19.30.251;
 - (10) establish an emergency services communications center under AS 29.35.130;
 - (11) subject to AS 28.01.010, regulate the licensing and operation of motor vehicles and operators;
 - (12) engage in activities authorized under AS 29.47.460;
 - (13) contain, clean up, or prevent a release or threatened release of oil or a hazardous substance, and exercise a power granted to a municipality under AS 46.04, AS 46.08, or AS 46.09; the borough shall exercise its authority under this paragraph in a manner that is consistent with a regional master plan prepared by the Department of Environmental Conservation under AS 46.04.210;
 - (14) establish an energy and resilience improvement assessment program under AS 29.55.100 - 29.55.165.
- (b) A second class borough may by ordinance exercise the following powers on an areawide basis:
- (1) provide transportation systems;
 - (2) license, impound, and dispose of animals;
 - (3) provide air pollution control under AS 46.14.400;
 - (4) provide water pollution control;
 - (5) license day care facilities;
 - (6) establish an energy and resilience improvement assessment program under AS 29.55.100 - 29.55.165.
- (c) In addition to powers conferred by (a) of this section, a second class borough may, on a nonareawide basis, exercise a power not otherwise prohibited by law if the exercise of the power has been approved at an election by a majority of voters living in the borough but outside all cities in the borough.
- (d) In addition to powers conferred by (b) of this section, a second class borough may, on an areawide basis, exercise a power not otherwise prohibited by law if the power has been acquired in accordance with AS 29.35.300.

AS 29.35.210 Amended by SLA 2022, ch. 28, §§sec.3, sec.4 eff. 6/30/2022.

Amended by SLA 2017, ch. 25, §§sec.3, sec.4 eff. 9/7/2017.