

**SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.12 RELATED TO ASSEMBLY OFFICE HOLDING, VACANCIES, AND MEETINGS.**

**AGENDA OF:** Choose an item.

<b>ASSEMBLY ACTION:</b>
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**AGENDA ACTION REQUESTED:** Introduce and set for public hearing.

Route To	Signatures
Originator	<div style="text-align: right;">1 2 / 2 6 / 2 0 2 4</div> <p><u>  X  </u> <u>  N  </u> S f o r A s s y m F o n o v &amp; M c . . . <u>  </u></p> <p><small>Signed by: Nicholas Spiropoulos</small></p>
Borough Attorney	<div style="text-align: right;">1 2 / 2 6 / 2 0 2 4</div> <p><u>  X  </u> <u>  N  </u> i c h o l a s S p i r o p o u l o s</p> <p><small>Signed by: Nicholas Spiropoulos</small></p>
Borough Manager	<div style="text-align: right;">1 2 / 2 6 / 2 0 2 4</div> <p><u>  X  </u> <u>  M  </u> i c h a e l B r o w n</p> <p><small>Signed by: Mike Brown</small></p>
Borough Clerk	<div style="text-align: right;">1 2 / 2 6 / 2 0 2 4</div> <p><u>  X  </u> <u>  E  </u> s t e l l e W i e s e f o r</p> <p><small>Signed by: Estelle Wiese</small></p>

**ATTACHMENT(S):** Ordinance Serial No. 25-011 (4 pp)

**SUMMARY STATEMENT:** This ordinance is sponsored by Assemblymembers Fonov and McKee to amend various portions of MSB 2.12 related to Assemblymembers qualifications for office, vacancies, and some aspects related to Assembly meetings. The informational memorandum presented here discusses the changes and reasons for the contained in this ordinance.

MSB 2.12.030 has two changes. First, current code provides that Assembly members who move from their district to another district in the borough to serve only until the next regular election. This can cause seats to have out-of-cycle elections on the years when voter turnout is low and more recently, led to the premature departure of an Assemblymember who moved out of his district before knowing this rule. The change here will allow an Assemblymember who moves out of their district to simply complete their term.

Second, AS 29.20.140(a) has a provision reading: "A member of the

Assembly who ceases to be a voter in the borough immediately forfeits office." However, borough code does not contain this important rule. The change here will place this provision into MSB 2.12.030 as subsection (C).

MSB 2.12.040(B) is being amended to conform to state law. AS 29.20.180(b) requires that if the Assembly membership is reduced to less than a quorum, remaining members must make appointment within seven days to constitute a quorum. Borough code must be amended to comply with state law.

MSB 2.12.040(D) is being amended to mirror state law at AS 29.20.170 regarding reasons which the Assembly shall declare a seat vacant. There are reasons for vacancy contained in state law which are not in borough code. Moreover, borough code contains a reason called "is removed from office" but is vague and undefined as to what that means. Conforming Borough code to state law will eliminate uncertainty.

MSB 2.12.050(D) is being amended to reflect that it is optional for the Assembly to make recommendations as to mayoral appointees. This section is also being amended to remove language suggesting that the Assembly can make appointments.

MSB 2.12.070(A) is being removed from the code because the assembly has not followed it for as long as anyone can remember. The Mayor of the Matanuska-Susitna Borough is the chair of the Assembly meetings and appoints the Deputy Mayor. Moreover, the Borough Assembly does not have standing committees or other administrative functions. Therefore, there is no need for an organizational meeting.

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