

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REMOVING MR. GARLAND MORRISON FROM THE BIG LAKE ROAD SERVICE AREA 21 BOARD OF SUPERVISORS.

AGENDA OF: August 20, 2024

Assembly Action:

Defeated with Assemblymember Gamble in favor. 08/20/24- EMW

AGENDA ACTION REQUESTED: Present to the Assembly for consideration.

Route To	Signatures
Originator	<p style="text-align: right;">7 / 2 3 / 2 0 2 4</p> <p>X _____ N S f o r M a y o r a n d A s s e m b l i . . .</p> <p>Signed by: Nicholas Spiropoulos</p>
Borough Attorney	<p style="text-align: right;">7 / 2 3 / 2 0 2 4</p> <p>X _____ N i c h o l a s S p i r o p o u l o s</p> <p>Signed by: Nicholas Spiropoulos</p>
Borough Manager	<p style="text-align: right;">7 / 2 3 / 2 0 2 4</p> <p>X _____ M i c h a e l B r o w n</p> <p>Signed by: Mike Brown</p>
Borough Clerk	<p style="text-align: right;">7 / 2 3 / 2 0 2 4</p> <p>X _____ L o n n i e M c K e c h n i e</p> <p>Signed by: Lonnie McKechnie</p>

ATTACHMENT(S): Resolution Serial No. 24-075 (4 pp)

SUMMARY STATEMENT: This resolution is sponsored by Mayor DeVries and Assemblymember Gamble to remove a board member from the Big Lake Road Service Are 21 Board of Supervisors, Mr. Garland Morrison.

HISTORY

In general, the Big Lake community is very active and civilly engaged on issues pertaining to their area. One of the Matanuska-Susitna Borough's road service areas ("RSA"), is Big Lake RSA 21. While MSB 5.15.010(C) requires service area bords to meet quarterly (every three months), RSA 21 routinely meets much more often. For example, in 2023 the RSA 21 submitted minutes to the Borough Clerk showing 11 meetings throughout the year.

In addition, due to the interest, attention, and desire for involvement of community members, Ordinance 22-030 was presented to the Matanuska-Susitna Borough Assembly which proposed to increase the number of the RSA 21 Board of Supervisors from 3 to 5. The informational memorandum accompanying that ordinance noted: "Expanding the board allows for more members to be involved in the

road service area activities and also helps bring more people to the table to be involved with and vote on the wide variety of issues the board must discuss." This would be the first RSA board with 5 members. Indeed, as of June 2024, there are only four service area boards with 5 members (two fire service area boards and two road service area boards) and all other service area boards follow the default rule of 3 members. This fact highlights the extra need and desire for engagement of those communities. The Matanuska-Susitna Borough Assembly agreed with the need for increased involvement and on March 15, 2022, the Assembly unanimously passed Ordinance 22-030 to increase the number of the RSA 21 Board of Supervisors from 3 to 5.

Mr. Garland Morrison was appointed to the RSA 21 Board of Supervisors by the Mayor, and was confirmed by the Matanuska-Susitna Borough Assembly on April 19, 2022. However, since his appointment, Mr. Garland Morrison has not regularly attended meetings, and is occupying a seat which could otherwise be filled by someone who is interested, attentive, and involved.

The below summary was provided from the Matanuska-Susitna Borough Clerk's Office based upon the minutes of the RSA 21 Big Lake Road Service Area. As with all boards and commissions, minutes of meetings are regularly provided to the Borough Assembly and included in the Borough Assembly meeting packet. Due to drafting deadlines, minutes as referenced in this IM and Resolution include those provided in Borough Assembly packets through the Borough Assembly regular meeting of July 16, 2024. Since the date of the drafting of this IM and Resolution, more minutes may have been delivered to the Borough Clerk's office which may slightly change the attendance record and percentages. Nonetheless, the numbers are illustrative of the issue here.

As noted, Mr. Garland Morrison was appointed to the RSA 21 Big Lake Road Service Area Board of Supervisors on April 19, 2022. The first meeting thereafter was on May 11, 2022. While the minutes reflect Mr. Garland Morrison was present at the meeting, the minutes also specifically reflect that he was not counted among the quorum. Thereafter, through May, 2024, Mr. Garland Morrison only attended 12 of 23 meetings held. He did not attend 11 of those meetings which makes his overall attendance rate 52%. If the first meeting he "observed" is included in a calculation, Mr. Garland Morrison's attendance rate is only 50% because not being counted among the quorum means his presence was irrelevant to the board's business.

Worse, since being re-appointed in November of 2023, through May 2024, Mr. Garland Morrison only attended 3 of 7 meetings held. He missed 4 of those meetings with an attendance rate of 43%.

04/19/22 Appointed to RSA

05/11/22 present, but not counted for the quorum
06/08/22 No
09/18/22 No
10/12/22 Yes
11/09/22 No
12/14/22 Yes
01/11/23 Yes
02/01/23 Yes
02/08/23 Yes
03/08/23 Yes
04/12/23 No
05/08/23 No
05/17/23 No
06/12/23 Yes
09/11/23 No
10/09/23 Yes
11/13/23 Yes

11/21/23 Reappointed

01/08/24 Yes
01/22/24 Yes
01/29/24 Yes
02/19/24 No
04/08/24 No
04/30/24 No
05/13/24 No

At the June 2024 RSA Meeting, the members of the RSA 21 Big Lake Road Service Area Board of Supervisors voted on whether to recommend removal of Mr. Garland Morrison. That vote did not pass and even though Mr. Garland Morrison was present and inexplicably allowed to vote regarding his own removal, the motion would not have passed even if his vote was not considered. However, the fact that the RSA 21 Big Lake Road Service Area Board of Supervisors did not see fit to recommend removal, that is not the question before the Matanuska-Susitna Borough Assembly.

Mr. Garland Morrison's repeated absences is good cause for removal.

BOROUGH CODE

MSB 4.05.030 provides the guidelines applicable here.

4.05.030 APPOINTMENT, REMOVAL AND VACANCY.

(A) Board members shall be appointed by the mayor and confirmed by the assembly. Assembly confirmation of an appointment made by the mayor may occur only at a regular or special meeting held after the appointment. A member may be removed by the assembly before the expiration of

the member's term in accordance with this section.

(B) A vacancy occurs on the board when:

(1) a member is removed for good cause by the mayor with the approval of the assembly or by a two-thirds majority of the assembly. Good cause shall be as determined solely by the assembly and shall be stated with each removal action;

(2) a confirmed appointee fails to qualify and assume the duties of the office within 30 calendar days of confirmation;

(3) a board member departs the borough intending to remain outside the borough for 90 calendar days or more or an indefinite amount of time;

(4) a board member submits a resignation accepted by the mayor;

(5) a board member, due to incapacity or absence from the borough, cannot attend board meetings for 90 calendar days or more; and

(6) the board member is absent from more than three consecutive regular board meetings, and the respective board requests the removal, in writing, to the assembly.

(C) In the event that a vacancy is created on a board, the mayor shall promptly act to fill the vacancy for the remainder of the term.

Specifically, under MSB 4.05.030(B)(1) a member of any Matanuska-Susitna Borough board or commission can be removed for good cause by the Mayor with the approval of the Assembly, or can be removed for good cause by a two-thirds majority of the Assembly even if the Mayor were to object. As noted in the code section, "Good cause shall be as determined solely by the assembly and shall be stated with each removal action." This language provides the Assembly broad authority to consider removal for good cause at any time, on its own.

Important to note here, simply because RSA 21 has not requested removal under MSB 4.05.030(B)(6) does not mean the Assembly is powerless to act. Such a rendering of the ordinance [that the Assembly cannot act without the Board's request under (B)(6)] would be absurd. First, it would mean a member could elect to never attend a meeting and leave the Assembly powerless to act on its own without a request from the board. Second, the word "and" at the end of

(B) (5) indicates this is a list of reasons for removal, and any one reason suffices. Third, subsection (A) reads "A member may be removed by the assembly before the expiration of the member's term in accordance with this section" and the only section of (B) requiring Assembly action is (B) (1).

ACTION

Mr. Garland Morrison has failed to attend approximately one-half of the meetings of the RSA 21 Board of Supervisors from the time of his appointment through May of 2024. Mr. Garland Morrison has attended less than half of the meetings from the time of his re-appointment in November 2023 through May of 2024. Even if the minutes submitted to the Borough Clerk's Office and provided to the Assembly as of the July 16, 2024 meeting do not completely reflect all the RSA 21 meetings and it is possible Mr. Garland Morrison attended meetings for which there are no minutes submitted, his extremely high absence rate demonstrates a lack of engagement, a lack of commitment, and a lack of diligence.

While this is bad for any appointee for any board or commission, it is especially bad for a board which was increased to 5 members for the specific reason to get more involvement. The absences frustrate the reason and intent for expansion of the RSA 21 Board of Supervisors. The fact that the RSA 21 Board of Supervisors has not requested removal is not conclusive. The Matanuska-Susitna Borough Assembly is the body which decides whether the conduct at issue (the absences) warrant removal, not the RSA 21 Board of Supervisors.

The question before the Matanuska-Susitna Borough Assembly is whether the member be removed. The resolution here determines good cause for removal for the extremely high absence rate from meetings of the Big Lake RSA 21 Board of Supervisors, and answers the question in the affirmative. Upon passage, Mr. Garland Morrison will be removed from the Big Lake RSA 21 Board of Supervisors and a vacancy will exist.

RECOMMENDATION OF ADMINISTRATION: Present to Assembly for consideration.