

CODE ORDINANCE

Sponsored by: Assemblymember Nowers
and Bowles
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-027**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 3.28 TO INCREASE THE PROPERTY OWNER BALLOT THRESHOLD FOR CONTIGUOUS LOCAL IMPROVEMENT DISTRICTS FROM 54 PERCENT TO 75 PERCENT, AND REMOVE THE PROVISIONS THAT ONLY RETURNED BALLOTS ARE CONSIDERED IN TABULATION.

WHEREAS the intent and rationale of this ordinance is found in the accompanying Information Memorandum No. 26-039.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 3.28.010(C) is hereby amended to read as follows:

(C) A proposal for a contiguous improvement district may be initiated by:

(1) petition to the assembly by the owners of [:] **50 percent in value of the property to be benefited, and property that will bear more than 50 percent of the estimated cost of the improvement;**

or

[(A) FIFTY PERCENT IN VALUE OF THE PROPERTY TO BE BENEFITED, AND PROPERTY THAT WILL BEAR MORE THAN 50 PERCENT OF THE ESTIMATED COST OF A NATURAL GAS DISTRIBUTION LINE IMPROVEMENT; OR

(B) FIFTY PERCENT IN VALUE OF THE PROPERTY TO BE BENEFITED, AND PROPERTY THAT WILL BEAR MORE THAN 50 PERCENT OF THE ESTIMATED COST OF ANY OTHER IMPROVEMENT; OR]

(2) the assembly.

Section 3. Amendment of section. MSB 3.28.020(C) is hereby amended to read as follows:

(C) The clerk shall certify a petition to form a local improvement district only if the petition contains:

(1) signatures, dated within 90 calendar days preceding submission of the petition to the finance director, of record owners, according to the borough's tax assessment records.

(a) For contiguous improvement projects[:], **not less than 50 percent of the appraised value of all property in a proposed local improvement district, and property that will bear more than 50 percent of the estimated cost of the improvement.**

[(I) NOT LESS THAN 50 PERCENT OF THE APPRAISED VALUE OF ALL PROPERTY IN ANY OTHER PROPOSED LOCAL IMPROVEMENT DISTRICT; AND

(II) PROPERTY THAT WILL BEAR MORE THAN 50 PERCENT OF THE ESTIMATED COST OF THE IMPROVEMENT; OR

(III) NOT LESS THAN 50 PERCENT OF THE APPRAISED VALUE OF ALL PROPERTY IN A PROPOSED NATURAL GAS DISTRIBUTION LINE LOCAL IMPROVEMENT DISTRICT, AND PROPERTY THAT WILL BEAR MORE THAN

50 PERCENT OF THE ESTIMATED COST OF THE IMPROVEMENT.]

(b) For noncontiguous improvement projects, 100 percent in value of the property that will bear 100 percent of the estimated cost of the capital improvement.

(2) All of the information required in subsection (B) of this section.

Section 4. Amendment of section. MSB 3.28.050(B)(2)(d) is hereby amended to read as follows:

(d) a ballot with a return envelope addressed to the borough finance department. The ballot shall request the property owner to indicate approval or disapproval of the local improvement district by marking a vote of "yes" or "no" on the ballot, and shall state that the assembly will not proceed with the improvement unless, within 30 days after mailing notice of the public hearing, the borough receives ballots marked "yes" from owners of property bearing more than [54] 75 percent of the estimated cost of [A NATURAL GAS DISTRIBUTION LINE IMPROVEMENT; OR MORE THAN 54 PERCENT OF THE ESTIMATED COST OF ANY OTHER] the improvement, except that for noncontiguous improvement districts, the borough must receive ballots marked "yes" from 100 percent of property owners bearing 100 percent of the estimated cost of the improvement. [FOR CONTIGUOUS LOCAL IMPROVEMENT DISTRICT PROPOSALS, THE PERCENTAGE CALCULATION WILL BE CALCULATED BASED UPON THE TOTAL NUMBER OF BALLOTS RETURNED. UNRETURNED BALLOTS WILL NOT AFFECT THE

CALCULATION.]

Section 5. Amendment of section. MSB 3.28.062(B) is hereby amended to read as follows:

(B) The assembly may not proceed with the improvement unless ballots approving a contiguous local improvement district are timely filed by owners of property bearing more than [54] **75** percent of the estimated cost of [A NATURAL GAS DISTRIBUTION LINE IMPROVEMENT; OR MORE THAN 54 PERCENT OF THE ESTIMATED COST OF ANY OTHER] **the** improvement; or for a noncontiguous local improvement district, by owners of property bearing 100 percent of the estimated cost of the improvement. If sufficient ballots are not timely filed, the assembly may not proceed with the improvement unless it revises the plan, and a new balloting of owners of property in the local improvement district results in the timely filing of ballots approving the local improvement district by owners of property bearing more than [54] **75** percent of the estimated cost of [A NATURAL GAS DISTRIBUTION LINE IMPROVEMENT; OR MORE THAN 54 PERCENT OF THE ESTIMATED COST OF ANY OTHER] **the** improvement; or for a noncontiguous local improvement district, of owners of property bearing 100 percent of the estimated cost of the improvement. A revised plan shall be approved and adopted as an original plan as provided in MSB 3.28.050. [FOR CONTIGUOUS LOCAL IMPROVEMENT DISTRICT PROPOSALS, THE PERCENTAGE CALCULATION WILL BE CALCULATED BASED UPON THE TOTAL NUMBER OF BALLOTS RETURNED.

UNRETURNED BALLOTS WILL NOT AFFECT THE CALCULATION.]

Section 6. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2026.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)