

CODE ORDINANCE

Sponsored by: Assemblymembers Fonov
and McKee
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-011**

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

WHEREAS, the intent and rationale for this ordinance are found in the accompanying Information Memorandum No 25-023.

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 2.12.030 is hereby amended to read as follows:

2.12.030 QUALIFICATIONS.

(A) A person is eligible to be an assembly member if the person is a qualified borough voter and has been a borough resident and a resident in the territory embraced within the assembly district for which they file for one year immediately prior to the election.

(B) If an elected member ceases to reside within the district from which the member was elected, the member may serve only until the end of their current term [NEXT REGULAR ELECTION].

(C) A member of the Assembly who ceases to be a voter in the

borough immediately forfeits office.

Section 3. Amendment of section. MSB 2.12.040(B) is hereby amended to read as follows:

(B) If the membership is reduced to less than the number required to constitute a quorum, the remaining members shall, within seven [FIVE] days, appoint a number of qualified persons to constitute a quorum.

Section 4. Amendment of section. MSB 2.12.040(D) is hereby amended to read as follows:

(D) An assembly seat is declared vacant under the following conditions and upon a declaration of vacancy by the assembly. The assembly shall declare an elective office other than the office of mayor or school board member vacant whenever the person elected:

[(1) FAILS TO QUALIFY OR FAILS TO TAKE OFFICE WITHIN 30 CALENDAR DAYS AFTER CERTIFICATION OF ELECTION;

(2) UNLESS EXCUSED BY THE ASSEMBLY, IS PHYSICALLY ABSENT FOR 90 CONSECUTIVE CALENDAR DAYS;

(3) RESIGNS AND THE ASSEMBLY ACCEPTS THE RESIGNATION;

(4) IS PHYSICALLY OR MENTALLY UNABLE TO PERFORM THE DUTIES OF THE OFFICE;

(5) IS REMOVED FROM OFFICE;

(6) MISSES THREE OR MORE CONSECUTIVE REGULAR MEETINGS, UNLESS EXCUSED BY THE ASSEMBLY; OR

(7) IS CONVICTED OF A FELONY OR OF AN OFFENSE INVOLVING A

VIOLATION OF THE OATH OF OFFICE.]

(1) fails to qualify or take office within 30 days after election or appointment;

(2) is physically absent from the municipality for 90 consecutive days unless excused by the assembly;

(3) resigns and the resignation is accepted by the assembly;

(4) is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the assembly;

(5) is convicted of a felony or of an offense involving a violation of the oath of office;

(6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the assembly concur in expelling the person elected;

(7) is convicted of a violation of AS 15.13;

(8) no longer physically resides in the municipality and the assembly by two-thirds vote declares the seat vacant; this paragraph does not apply to a member of the assembly who forfeits office under MSB 2.12.030(C) and AS 29.20.140(a); or

(9) if a member of the assembly, misses three consecutive regular meetings and is not excused by the assembly.

Section 5. Amendment of section. MSB 2.12.050(D) is hereby amended to read as follows:

(D) The assembly may [SHALL] recommend the deputy mayor or other positions [FILLED BY ASSEMBLY MEMBERS] appointed by the mayor

[, AND SHALL APPOINT MEMBERS OF THE STANDING COMMITTEES SUBJECT TO CONFIRMATION AT THE NEXT REGULAR MEETING].

Section 6. Amendment of section. MSB 2.12.070(A) is hereby deleted as follows:

[(A) THE ASSEMBLY SHALL ANNUALLY, AT THE FIRST REGULAR OR SPECIAL MEETING FOLLOWING SEATING OF NEW MEMBERS ELECTED AT THE REGULAR ELECTION, MEET FOR THE PURPOSE OF ORGANIZING ITSELF.]

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)