

CODE ORDINANCE

Sponsored by: Assemblymember Nowers

Introduced: 06/06/23

Public Hearing: 06/20/23

Defeated: 06/20/23

Reconsidered: 06/20/23

Reconsideration Passed: 06/20/23

Adopted: 06/20/23

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 23-057**

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 50 PERCENT TO 67 PERCENT.

WHEREAS, the intent and rationale of this ordinance is found in the accompanying Informational Memorandum No. 23-124.

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 3.28.050 is hereby amended to read as follows:

3.28.050 DECISION AND NOTICE.

(A) The manager shall forward the report on a proposed local improvement district to the assembly in the form of an ordinance creating the district. When the assembly introduces the ordinance it shall set a date for the public hearing on the ordinance, which shall be not less than 30 calendar days after the date on which notices will be mailed under subsection (B) of this section.

(B) After the assembly sets the time for the public hearing the finance director shall:

(1) publish a notice of the public hearing at least once a week for [TWO] **four** consecutive weeks in a newspaper of general circulation distributed within the borough; and

(2) mail, certified return receipt requested, a notice of the public hearing to every current record owner of property within the local improvement district. The notice shall include the following:

(a) the time and place of the public hearing;

(b) The estimated cost of the improvement to each property;

(c) proposed boundary area map; and

(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 [50] 54 percent of the estimated cost of a natural gas distribution line improvement; or more than [50] 54 percent of the estimated cost of any other 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.

(C) After holding a public hearing on the improvement plan, the assembly shall act upon an ordinance to approve the plan, create a local improvement district, and proceed with the improvements. The assembly shall find by ordinance whether:

(1) the improvement request is necessary and should be made; and

(2) the request has sufficient and proper petitioners.

(D) Where a proposed improvement is to be acquired, installed, or constructed under a power

exercised through a service area, the assembly shall consider any recommendations of the supervisors of the service area.

Section 3. Amendment of Section. MSB 3.28.062 is hereby amended to read as follows:

3.28.062 BALLOTS AND REVISIONS.

(A) Ballots approving or disapproving a local improvement district may be filed for a period of 30 calendar days after mailing of notice of the public hearing.

(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 [50] 54 percent of the estimated cost of a natural gas distribution line improvement; or more than [50] 54 percent of the estimated cost of any other 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 [50] 54 percent of the estimated cost of a natural gas distribution line improvement; or more than [50] 54 percent of the estimated cost of any other 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 20 day
of June, 2023.


EDNA DeVRIES, Borough Mayor

ATTEST:

 
LONNIE B. McKECHNIE, CMC, Borough Clerk

(SEAL)



Final Vote:

Yes: Hale, Yundt, Tew, Fonov, and Bernier

No: McKee and Nowers

Reconsideration Vote:

Yes: McKee, Yundt, Tew, Fonov, and Bernier

No: Hale and Nowers

Original Vote:

YES: Fonov, Yundt, and Bernier

NO: Hale, McKee, Nowers, Tew, and Bernier

