

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ESTABLISHING A CITIZENS' ADVISORY COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS TO THE ADMINISTRATION REGARDING CHALLENGED LIBRARY MATERIALS.

AGENDA OF: March 19, 2024

ASSEMBLY ACTION: Amended and Adopted with Assemblymembers Hale and Nowers Opposed 04/02/24 - BJH

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To	Signatures
Originator	<div>3 / 6 / 2 0 2 4</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Department Director	<div>3 / 6 / 2 0 2 4</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i c h a e l B r o w n</div>
Finance Director	<div>3 / 7 / 2 0 2 4</div> <div>X C h e y e n n e H e i n d e l</div> <div>S i g n e d b y : C h e y e n n e H e i n d e l</div>
Borough Attorney	<div>3 / 7 / 2 0 2 4</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div>3 / 7 / 2 0 2 4</div> <div>X G e o r g e W H a y s</div> <div>S i g n e d b y : G e o r g e W H a y s</div>
Borough Clerk	<div>Recoverable Signature</div> <div>X L o n n i e M c K e c h n i e</div> <div>S i g n e d b y : L o n n i e M c K e c h n i e</div>

ATTACHMENT (S): Ordinance Serial No. 24-039 (4 pp)

SUMMARY STATEMENT: This ordinance is sponsored by Assembly members Fonov, McKee, and Bernier. The Borough has maintained a Libraries Collection Development Policy, including a Library Challenged Materials Policy, for many years. Recently, a group of patrons brought forward challenges for a number of books and at a recent challenged review committee meeting, frustrations boiled over. The Borough Manager suspended the challenged material policy. Several months ago, the Matanuska-Susitna Borough School District created a model for a Library Citizens' Advisory Committee.

A citizens' advisory committee will allow library staff to remain focused on providing services to their respective communities

while incorporating citizens in the review process. The intent of this legislation is to develop a mechanism whereby individuals who have been nominated and confirmed by elected members of the Assembly can provide representative feedback of attitudes and opinions held in the community when evaluating challenged books. It is not the intent of this legislation to ban books, but rather to inform borough staff decisions of community perspectives on challenged books.

This committee will serve in a strictly advisory capacity and will not act as a policy-making or decision-making body.

AS 29.20.320(a) provides that "The governing body may by ordinance establish advisory, administrative, technical, or quasi-judicial boards and commissions." Thus, to formally establish a committee to advise the Borough, the Assembly should act by ordinance, and not by resolution. In addition, as per the provisions of AS 29.20.320(b), the Mayor makes appointments which are subject to confirmation by the governing body.

The ordinance here establishes a committee that is appointed by the Mayor and confirmed by the Assembly. The ordinance establishing this committee will allow the Mayor to appoint the chair, vice-chair, 5 other members and 2 alternates. Like the Planning Commission, representation for the voting members from as many assembly districts as is feasible shall be sought on the committee, but all commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough. There is no guideline or preference for the residency of alternates. In addition, the committee members will not be entitled to compensation or reimbursement.

Moreover, by operation of AS 44.62.310, this committee will be subject to the Open Meetings Act. A quorum of the body is 4 members which means that no more than 3 members could collectively consider or discuss any issue pertinent to the committee outside of a meeting.

The committee has no set meeting schedule and they may decide how often to meet, so long as those meetings are open to the public and occur at least quarterly. The committee will deliver scoring sheets along with a recommendation on challenged books to the Community Development Director, who will make all final decisions.

This ordinance expires June 30, 2027.

RECOMMENDATION OF ADMINISTRATION: Introduce and set for public hearing.