

CODE ORDINANCE

Sponsored by: Mayor Halter
Introduced: 10/17/17
Public Hearing: 11/07/17
Adopted: 11/07/17

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-133**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 2.71.040, BOARD OF ETHICS; CREATED; MEMBERSHIP.

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 2.71.040 is hereby amended as follows:

(A) There is created a board of ethics with a total membership of [15] 5 persons designated by seats numbered one through [15] 5. All members shall be residents of the Matanuska-Susitna Borough in accordance with MSB 4.05.040. For any matter to be set for pre-hearing conference under MSB 2.71.180 to come before the board for a full hearing under MSB 2.71.190 or for any matter involving an advisory opinion, [A PANEL CONSISTING OF FIVE MEMBERS NEXT IN NUMERICAL ORDER SHALL BE CALLED] the board will be called.

(B) A paid municipal official may not be a board member.

(C) The chair of the board shall be a hearing

officer from the Matanuska-Susitna Borough Office of Administrative Hearings.

(D) The chair shall rule on all matters and make all determinations through screening and probable cause. If the matter continues, the chair rules on all procedural matters, presides over the hearing under MSB 2.71.190, makes all rulings thereunder and rules on evidentiary matters. The chair may attend, assist and participate in discussions regarding the final order after a hearing under MSB 2.71.190 or the final opinion on an advisory matter, but shall not vote on such final orders or opinions.

(E) Members [OF A PANEL] called for a pre-hearing conference under MSB 2.71.180 to come before the board for a full hearing under MSB 2.71.190, may not participate in probable cause or screening and do not vote on matters of conduct of the hearing, procedure, admissibility of evidence, etc. Members [OF A PANEL] called for a hearing or advisory opinion vote on the final opinion only.

(F) A quorum shall be three voting members of the [PANEL] board called for a purpose; however, no action may be taken without the presence of the chair.

(G) Any member of the board who has conflicting interests, including being a complainant, in any matter under active investigation may not participate in the matter [AS A PANEL MEMBER AND THE NEXT MEMBER SHALL BE CALLED FOR THE PANEL].

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

ADOPTED by the Matanuska-Susitna Borough Assembly this 7 day of November, 2017.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield, Doty, and Kowalke