

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING AND ADOPTING VARIOUS PROVISIONS OF BOROUGH CODE TO ESTABLISH TERM LIMITS FOR ALL BOROUGH BOARDS AND COMMISSIONS AND PROVIDE AN EXCEPTION FOR REAPPOINTMENT IN CASE OF NECESSITY.

AGENDA OF: January 16, 2018

ASSEMBLY ACTION:

Defeated with Assembly member Doty in support. 2-6-18

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	NS	For Assemblymember Doty
	Borough Attorney	NS	
	Borough Clerk	JMM	1/8/18

ATTACHMENT (S): Fiscal Note: YES ☐ NO ☒
Ordinance Serial No. 18-007 (5 pp)

SUMMARY STATEMENT: This ordinance is brought forward at the request of Assemblymember Doty.

The Matanuska-Susitna Borough has several different types of boards and commissions. State law mandates the creation of boards to perform some specific functions, with the remainder of the boards and commissions being optional. The only boards mandated by state law are those to perform the following functions:

- Governing Body (Assembly)
- Planning Commission
- Platting Board
- Board of Equalization

In the Matanuska-Susitna Borough, these boards all have term limits. Moreover, the Assembly term limits were approved by the voters.

The authority to create optional boards and commissions is found in state law at AS 29.20.320. In addition, the authority to specifically create service area boards is found at AS 29.35.460.

Generally, boards and commissions of the Matanuska-Susitna Borough are governed by MSB 4.05. The first part of the Borough code reads:

4.05.010 APPLICABILITY OF CHAPTER.

(A) Each board, commission, or committee created by the assembly shall be governed by this chapter unless otherwise provided by ordinance. For purposes of this chapter, the terms "board," "commission," and "committee" have identical meanings.

In addition, MSB 4.05, contains a limitation on the terms of a board or commission member.

4.05.050 TERM OF SERVICE

...
(C) Unless otherwise provided in the ordinance establishing a board, a board member may not serve more than two full consecutive terms on the same board. A board member who serves more than one-half of a term is considered to have served a full term. After one year from the date of termination of a board member's second full consecutive term, the ex-board member may be reappointed to the same board.

This means that, just like the Borough Assembly, other board and commission members in the Matanuska-Susitna Borough are limited to serving 2 terms unless specifically exempted from the limits.

The following boards and commissions are exempt from term limits:

Borough School Site Selection Committee	(MSB 4.27)
E911 Board	(MSB 4.28)
Emergency Medical Services Board	(MSB 4.32)
Historical Preservation Commission	(MSB 4.46)
Local Emergency Planning Board	(MSB 4.50)
Wastewater and Septage Board	(MSB 4.70)
Fish and Wildlife Commission	(MSB 4.75)

In addition, Service Area Board of Supervisors, are exempt because MSB 5.15.010(A) reads:

Each supervisor shall serve a term of three years and may serve additional terms.

This means that members of certain boards and service area boards can serve for multiple years or even decades. The sponsor of the current ordinance believes it is time to change the policy as it applies to service area boards and other boards which are exempt from term limits to make all Borough boards and commissions equal.

Boards and commissions which currently do not have term limits often review and recommend operations and budgetary items for their areas. All boards and commissions also act to bring forth local concern and ideas. Enacting term limitations for all Borough boards and commissions will allow for new voices and fresh views to be brought forward. It will also eliminate the potential for favoritism and political preference. It will also bring the overall term policy of Borough boards and commissions in line with those boards mandated by state law including the Assembly.

The Borough continues to experience growth and face new challenges. Some of the solutions which have worked in the past may no longer be appropriate and fresh views and new perspectives can assist in new solutions.

In anticipation of the potential for extended vacancies, the term limits will contain an exemption. A member who has previously served and otherwise has reached their limit may be reappointed by the Mayor if nobody has applied to fill a vacancy and a seat has been vacant for 6 months.

Finally, there will be a non-code section of the ordinance. The non-code section will make clear that upon adoption of the ordinance, it will apply to any board or commission member currently serving in their second or more consecutive term.

RECOMMENDATION OF ADMINISTRATION: Adoption of legislation.