

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.12.112 (F) TO CLARIFY THE EFFECTIVE DATE OF ASSEMBLY ACTION WHEN A MOTION TO RECONSIDER IS WITHDRAWN OR FAILS.

AGENDA OF: July 21, 2026

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To	Signatures
Originator	6 / 24 / 2026 X N S for M a y o r D e V r i e s Signed by: Nicholas Spiropoulos
Borough Attorney	6 / 24 / 2026 X N i c h o l a s S p i r o p o u l o s Signed by: Nicholas Spiropoulos
Borough Manager	6 / 24 / 2026 X M i c h a e l B r o w n Signed by: Mike Brown
Borough Clerk	7 / 2 / 2026 X L o n n i e M c K e . . . Signed by: Lonnie McKeehole

ATTACHMENT (S): Ordinance Serial No. 26-079 (3 pp)

SUMMARY STATEMENT: This ordinance is sponsored by Mayor DeVries to clarify the effective date of assembly action when a motion to reconsider is withdrawn or fails.

When a motion to reconsider is made, it suspends implementation and the effect of the decision. The suspension is in effect until the motion is taken up by the body. Thereafter, if the motion to reconsider fails or is withdrawn, the original decision takes effect *retroactively* to the date of the original vote.

Roberts Rules of Order, Newly Revised, 12th Edition 37:12 (2020) provides: ". . . if the suspending effect is terminated by a vote rejecting the motion to reconsider or in any other way, the situation becomes the same as if there had been no such motion, and the vote which it was proposed to reconsider - and any other action held up because of the proposed reconsideration - comes into full force, as if in effect, so far as applicable, from the time the vote was originally taken."

This creates a potential problem when a Mayoral veto of the action is being considered because it forces the Mayor to file a veto preemptively on an item that may be changed by the Assembly. In other words, the default rules on reconsideration do not allow the body to decide reconsideration before the Mayor must lodge the veto. That is not good public policy.

A recent occurrence is the catalyst for this ordinance. OR 26-020 was adopted by the Matanuska-Susitna Borough Assembly on February 17, 2026. The next day, a motion to reconsider was filed. Therefore, the Clerk placed the matter on the Assembly agenda for the March 3, 2026 meeting. At the March 3, 2026 meeting, the motion to reconsider failed. Therefore, the effective date and implementation of OR 26-020 related back to February 17, 2026. The timing issue was noted when the Mayor issued a veto on March 5, 2026.

Under AS 29.20.270, the Mayor must exercise a veto of an ordinance before the next meeting of the Assembly. However, since the reconsideration failed, the effective date and implementation of OR 26-020 related back to February 17, 2026. Thus, by state law, the veto was required to be issued before the meeting on March 3, 2026. By giving deference to the Assembly and giving respect to letting the process carry out, the Mayor lost the ability to issue a veto.

To prevent a situation like this from reoccurring, this proposal is to amend borough code to eliminate the rule about the action relating back to a prior date. Instead, if a motion to reconsider fails or is withdrawn, the effective date will not relate back to the original date of the vote. For purposes of establishing the date of Assembly action and effective date of the decision, implementation and effect is the date of the failure or withdraw of the motion to reconsider. This will be the date from which the Mayor's veto time begins.

If this rule was in place during the consideration of OR 26-020, the Mayor would have had until the next regular meeting after March 3, 2026 to issue the veto because March 3, 2026 would have been the date of Assembly action and not February 17, 2026.

RECOMMENDATION OF ADMINISTRATION: Adopt legislation.