

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.39.190(D) AND MSB 24.30.030(B)(10) TO REQUIRE DELIBERATIONS TO BE HELD IN OPEN SESSION.

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 McKee

ATTACHMENT (S): Ordinance Serial No. 26-078 (2 pp)

SUMMARY STATEMENT: This ordinance is sponsored by Mayor DeVries to require deliberations and decision making of the BOAA and the Animal Care and Regulation Board ("ACRB") be held in open session.

The Matanuska-Susitna Borough has a number of boards and commissions that perform quasi-judicial functions. These boards and commissions are tasked with hearing evidence, weigh the factors, find facts, apply the facts to the law, and decide matters. Their decisions can be appealed further into the Alaska Court System.

Most of the hearings before the Boroughs boards and commissions have deliberations where they reach their findings and conclusions openly, publicly, and transparently.

The Planning Commission is a mandated by state law and is granted the authority to decide conditional use permits.

The Board of Equalization is mandated by state law and is granted

the authority to decide valuations in tax assessment appeals. The Platting Board is mandated by state law and is granted the authority to decide whether land meets the requirements and conditions necessary for subdivision approval.

These three boards and commission mandated by state law collectively hear dozens of cases per year. They all hear their cases and then deliberate openly, transparently, and in full view of all interested parties. This ensures that if improper standards are applied, people can know it and file an appeal. If evidence is being considered which is not part of the record, people can know it and file an appeal. If decisions are being driven by emotion or speculation, people can know and file an appeal. Finally, if the boards and commission do not apply the proper rules under Borough code as set by the Borough Assembly, people can know that and file an appeal.

The BOAA and Animal Care and Regulation Board are not boards required by state law. These boards are important and perform important functions, but they deliberate in secret. Nobody knows if they are properly considering evidence. Nobody knows if they are properly applying the code as set by the Borough Assembly. Nobody knows if they are being swayed by emotion or making considerations outside evidence brought forth at a hearing.

Importantly, the Borough Assembly has developed rules in Borough Code that mandate how the BOAA and the ACRB approach their decision making tasks and how to evaluate decisions being appealed to them. Nobody knows how or if the BOAA and ACRB approach this issue or make those consideration because deliberations are all in secret.

In a past BOAA case regarding a marijuana license being too close to a school, the written ruling contained findings on matters which were not presented at the hearing and improper narratives. In another hearing pertaining to interested parties, the BOAA disregarded Borough code, state law, and Alaska Supreme Court rulings and ruled that people who merely drive by a site have standing to challenge a gravel permit. Nobody knows how these circumstances occurred or how the BOAA reached these conclusions exactly because the deliberations were in secret.

No other boards and commissions in the entire Matanuska-Susitna Borough are able to enter adjudicatory session and conduct deliberations in secret. To ensure the utmost transparency, promote public trust, and make sure that all public processes are open, this ordinance will prohibit the BOAA and ACRB from entering adjudicatory session and require that deliberations be in the open.

RECOMMENDATION OF ADMINISTRATION: Adopt legislation.