

NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 08/21/07
Public Hearing: 09/04/07
Amended: 09/04/07
Adopted: 09/04/07

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 07-132(AM)**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH DECLARING THAT THE SEAT FOR ASSEMBLY DISTRICT 2 SHALL REMAIN VACANT UNTIL DECEMBER 4, 2007 IF SUCH VACANCY CONTINUES TO EXIST BEYOND THE CERTIFICATION OF ELECTION TO BE HELD ON OCTOBER 2, 2007.

WHEREAS, Assemblymember Bill Allen (Assembly District No. 2) has resigned from his Assembly seat because he has accepted a position with the city of Palmer as the city Manager; and

WHEREAS, on August 28, 2007, the Matanuska-Susitna Borough Assembly accepted the resignation and declared a vacancy under MSB 2.12.040(D)(3); and

WHEREAS, A.S. 29.20.180 provides that vacancies cannot be filled if less than 30 days remain in a term; and

WHEREAS, A.S. 29.20.180 provides that a vacancy must be filled within 30 days unless a different time period is provided by ordinance; and

WHEREAS, MSB 2.12.040(A) provides that a vacancy on the Assembly must be filled within 30 calendar days; and

WHEREAS, the deadline by Borough code for filling the vacancy in Assembly District No. 2 is September 28, 2007; and

WHEREAS, there is currently a regular election scheduled for October 2, 2007, at which time a new Assemblymember for District No. 2 will be elected; and

WHEREAS, there are no scheduled meetings from the deadline for appointment until the date of the certification of the election; and

WHEREAS the Matanuska-Susitna Borough Assembly has determined that because no meetings will be held between the time an appointment to fill the vacancy would be made and the time that a newly elected member will take office, there is no need to fill the vacancy in Assembly District No. 2.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Findings. The Matanuska-Susitna Borough Assembly finds the following:

(A) Assemblymember Bill Allen (Assembly District No. 2) resigned from his Assembly seat because he has accepted a position with the city of Palmer as the city Manager.

(B) On August 28, 2007, the Matanuska-Susitna Borough Assembly accepted the resignation and declared a vacancy in the seat.

(C) MSB 2.12.040(A) provides that a vacancy on the Assembly must be filled within 30 calendar days, therefore the deadline by Borough Code for filling the vacancy in Assembly District No. 2 is September 28, 2007.

(D) There is currently a regular election scheduled for October 2, 2007, at which time a new Assemblymember for District No. 2 will be elected.

(E) There are no scheduled Assembly meetings from the deadline for appointment until the date of the certification of the election.

(F) Filling the seat will require advertising solicitations of applications, consideration of applications by the Assembly, interviews of finalists by the Assembly at public meetings, and appointment by a majority of the Assembly by September 28, 2007.

(G) Anyone appointed to fill the seat will not participate in any meetings between September 18, 2007, and the certification of the election results on October 16, 2007, because none are scheduled.

Section 3. Declaration. Notwithstanding MSB 2.12.040(A) the Matanuska-Susitna Borough Assembly finds that the public interest in time, effort and money is not served by appointing a member to the Assembly who will not be able to participate in meetings or otherwise vote on issues other than certifying an election. Therefore, notwithstanding MSB 2.12.040(A), the Matanuska-Susitna Borough Assembly is specifically passing this non-code ordinance that it will not, in this unique instance, fill the vacancy currently existing in Assembly District No. 2 within 30 days.

Section 4. Filling the vacancy. Notwithstanding MSB 2.12.040(A), the Matanuska-Susitna Borough Assembly shall act to fill the vacancy in Assembly District No. 2 by December 4, 2007, if such vacancy continues to exist beyond the election of October 2, 2007.

Section 5. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 4 day of September, 2007.

/S/

LYNNE WOODS, Deputy Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Church, Kvalheim, Bettine, Wells, and Kluberton.