

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on January 29, 2015, at the Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor DeVilbiss for the purpose of discussing the applicants and interview questions regarding filling the Assembly District 6 vacancy.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Mr. Jim Sykes, Assembly District No. 1
- Mr. Matthew Beck, Assembly District No. 2
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
- Mr. Steve Colligan, Assembly District No. 4 (*arrived at 6:05 p.m.*)
- Mr. Dan Mayfield, Assembly District No. 5
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Moosey, Assistant Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Jamie Newman, Deputy Clerk

III. APPROVAL OF AGENDA

Mayor DeVilbiss inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Borough Clerk Lonnie McKechnie.

V. AUDIENCE PARTICIPATION

The following person spoke to the Alaska Open Meetings Act and public process: Mr. Eugene Haberman.

VI. EXECUTIVE SESSION (*subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.*)

- A. Discussion Of Applicants And Interview Questions Re: Filling The Assembly District 6 Vacancy

Mayor DeVilbiss asked if any of the applicants had contacted staff to request that they be discussed in public rather than in executive session.

Ms. McKechnie stated that she was not contacted by any of the applicants.

MOTION: Assemblymember Arvin moved to enter into executive session for subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. In particular to discuss the applicants to fill the Assembly District 6 vacancy. Those present in the executive session were the Mayor, the members of the Assembly, the Attorney, the Manager, and the Clerk.

VOTE: The motion passed without objection and the Assembly moved into executive session at 6:07 p.m.

MOTION: Assemblymember Arvin moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 6:28 p.m.

MOTION: Assemblymember Arvin moved to direct the Clerk to set up interviews with the top four applicants.

Mayor DeVilbiss:

- advised the Assembly to select the top four applicants on the form provided by the Clerk; and
- added that the Clerk would then gather the forms and read the results into the record.

MOTION: Assemblymember Mayfield moved a primary amendment by striking "four" and inserting "two" in its place to read: to direct the Clerk to set up interviews with the top two applicants.

VOTE: The primary amendment failed with Assemblymember Mayfield in support.

VOTE: The main motion passed without objection.

Ms. McKechnie:

- spoke to the process for selecting the top four applicants;
- added that a list with the name of each applicant was distributed to the Assembly;
- requested that each member mark their top four applicants on the form;
- added that she would then collect the forms and read the results into the record; and
- further added that Ms. Newman would record the tally.

The Assembly voted for the applicants to be interviewed.

Ms. McKechnie read the following results into the record and noted a tie as both Mr. Doyle and Mr. Lacey received three votes:

- Barbara Doty (6) - Assemblymembers Sykes, Beck, Arvin, Colligan, Mayfield, and Halter
- Robert Doyle (3) - Assemblymembers Sykes, Arvin, and Colligan

- Gregg Hanson (4) - Assemblymembers Arvin, Colligan, Mayfield, and Halter
- Neal Lacy (3) - Assemblymembers Sykes, Beck, and Mayfield
- Steve Menard (0)
- Robert Williams (5) - Assemblymembers Sykes, Arvin, Colligan, Mayfield, and Halter

There was a tie vote on the fourth candidate. The Assembly discussed how to proceed.

MOTION: Assemblymember Halter moved to interview the top three applicants.

VOTE: The motion passed with Assemblymembers Colligan and Arvin opposed.

Mayor DeVilbiss issued a veto on the motion to interview the top three applicants on the basis of due process.

MOTION: Assemblymember Sykes moved to override the mayoral veto on the motion to interview the top three applicants.

VOTE: The motion to override the mayoral veto failed with Assemblymembers Mayfield, Sykes, Halter, and Beck in support (requires five votes).

MOTION: Assemblymember Arvin moved that the Assembly interview five applicants including the two that tied.

VOTE: The motion failed with Assemblymembers Colligan and Arvin in support.

MOTION: Assemblymember Mayfield moved that the Assembly vote again for the top four applicants and that the Assembly interview the top four applicants.

VOTE: The motion passed without objection.

(The meeting recessed at 6:47 p.m. and reconvened at 6:52 p.m.)

The Assembly voted for the applicants to be interviewed.

Ms. McKechnie read the following results into the record:

- Barbara Doty (4) - Assemblymembers Sykes, Beck, Mayfield, and Halter
- Robert Doyle (2) - Assemblymembers Arvin and Colligan
- Gregg Hanson (6) - Assemblymembers Sykes, Beck, Arvin, Colligan, Mayfield, and Halter
- Neal Lacy (4) - Assemblymembers Sykes, Beck, Colligan, and Mayfield
- Steve Menard (0)
- Robert Williams (6) - Assemblymembers Sykes, Beck, Arvin, Colligan, Mayfield, and Halter

MOTION: Assemblymember Halter moved to direct the Attorney to get an opinion from outside counsel on the number of votes required to override a veto when a vacancy exists on the Assembly, who appoints a vacant seat on the Assembly, and whether the mayor can break a tie vote when a vacancy is being filled.

VOTE: The motion passed without objection.

MOTION: Assemblymember Mayfield moved to immediately proceed with interviews as the top four applicants are in attendance.

VOTE: The motion failed with Assemblymember Mayfield in support.

MOTION: Assemblymember Beck moved that the Assembly meet on Thursday, February 5, at 5 p.m. with interviews to take place at 6 p.m. as originally scheduled.

VOTE: The motion passed without objection.

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey:

- spoke to the Borough's employee lobbying policy;
- added that the policy has been distributed to all employees; and
- spoke to his intent to request funding from the State Legislature on Assembly priority projects only.

Mr. Spiropoulos:

- spoke to the Assembly District 6 vacancy process that will take place on February 5;
- affirmed that he will obtain a legal opinion from outside counsel addressing the following: can the mayor vote in the case of a tie and or veto the appointment to an Assembly seat and when there are only six members seated with the seventh seat vacant what is the override number; and
- remarked that he hopes to have the opinion before the next Assembly meeting.

Assemblymember Sykes:

- spoke to the process for filling a vacancy on the Assembly;
- expressed concern about the process being prolonged while the residents of Assembly District 6 go unrepresented; and
- expressed support in getting the seat filled in a timely manner.

Assemblymember Mayfield:

- thanked the applicants for attending the Assembly meeting this evening;
- spoke to his intent to expedite the appointment process without circumventing the public process; and
- added that the seat needs to be filled expeditiously to ensure District 6 has representation on the Assembly.

Assemblymember Halter:

- commented on his experience in hiring the Borough Manager; and
- spoke to the process for filling the Assembly District 6 vacancy.

Assemblymember Beck:

- spoke about the vacancy process;
- thanked the public for attending tonight's Assembly meeting; and
- thanked the applicants for attending tonight's Assembly meeting.

Assemblymember Colligan:

- stated that he is pleased and excited about the vacancy process;
- added that he is approaching the process with an open mind;
- thanked the applicants for applying and taking an interest; and
- expressed that he is looking forward to the interviews and getting to know the applicants through that process.

Assemblymember Arvin:

- thanked the applicants for attending tonight's Assembly meeting;
- spoke to his tenure on the Assembly; and
- added that being involved in the public process as a member of the Assembly is personally gratifying.

Mayor DeVilbiss:

- asked if he could ask questions during in the interview process;
- spoke to the value of those serving on the Assembly being able to communicate concisely; and
- added that he too hoped the vacancy could have been filled tonight so that District 6 had representation at the next regular Assembly meeting on February 3.

VIII. ADJOURNMENT

The special meeting adjourned at 7:35 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 02/17/15