CODE ORDINANCE

By: Borough Manager
Introduced: 04/20/04
Public Hearing: 05/04/04
Adopted: 05/04/04
Motion to reconsider passed: 05/04/04
Adopted: 05/04/04

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 04-080

AN OMNIBUS ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH AMENDING MSB TITLE 4, BOARDS AND COMMISSIONS; REPEALING MSB 3.38.050-.060, THE ENHANCED 911 ADVISORY BOARD, AND RE-ENACTING IT AS MSB 4.28.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of borough code.

Section 2. Amendment of section. MSB 4.05.010 is hereby amended to read as follows:

(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.

(B) **Temporary committees and** committees formed for a special purpose of limited duration [PURSUANT TO] **by** ordinance or otherwise[, SUCH AS ELECTION BOARDS OR SITE SELECTION COMMITTEES,] shall not be subject to the **term of service** provisions of this chapter [RELATING TO TERM OF SERVICE OR TERMINATION. TERMS OF APPOINTMENT SHALL EXPIRE UPON COMPLETION OF THE SPECIAL PURPOSE, BUT SHALL NOT EXCEED ONE YEAR]. **Such temporary committees shall**

terminate until the duty assigned to it is accomplished and the assembly receives its final report, or upon dissolution by the assembly.

(C) Board and committees may create their own subcommittees as needed.

(D) All committees and boards, whether temporary or not, shall comply with the relevant provisions of the code and shall abide by the rules of procedure as outlined in the most current edition of *Robert's Rules of Order, Newly Revised*.

Section 3. Amendment of section title and section. MSB 4.05.020 is hereby amended to read as follows:

4.05.020 CREATION**/TERMINATION**.

(A) A board [MAY] **shall** be created **either** by ordinance or by resolution. Unless established by ordinance, a board shall have advisory functions only, and shall not otherwise act, individually or collectively, as a borough agent.

(B) The assembly may terminate a board in the same manner as it was created.

(C) This section shall not apply to boards created by state statute.

Section 4. Amendment of section. MSB 4.05.030 is hereby amended to read as follows:

(A) Board members shall be appointed by the mayor and confirmed by the assembly. Assembly confirmation of an appointment made by the mayor may occur only at a special meeting called for the purpose of considering the appointment, or the next regular meeting following the meeting at which the appointment was made. A member may be removed by the assembly before the expiration of the member's term in accordance with this section.

(B) A vacancy occurs on the board when:

(1) a member is removed for good cause by the mayor with the approval of the assembly or by a two-thirds majority of the assembly**. Good cause shall be as determined solely by the assembly and shall be stated with each removal action**;

(2) a confirmed appointee fails to qualify and assume the duties of the office within 30 calendar days of confirmation;

(3) a board member departs the borough intending to remain outside the borough for 90 calendar days or more or an indefinite amount of time;

(4) a board member submits a resignation accepted by the mayor;

(5) a board member, due to incapacity or absence from the borough, cannot attend board meetings for 90 calendar days or more; and

(6) the board member is absent from **more than** three consecutive regular board meetings**,** [WITHOUT THE BOARD EXCUSING THE ABSENCE FOR GOOD CAUSE] **and the respective board requests the removal, in writing, to the assembly**.

(C) In the event that a vacancy is created on a board, the mayor shall promptly act to fill the vacancy for the remainder of the term. [REASONABLE PUBLIC NOTICE OF THE VACANCY SHALL BE GIVEN PRIOR TO APPOINTMENT OF A NEW MEMBER, BUT FAILURE TO PROVIDE NOTICE SHALL NOT INVALIDATE THE APPOINTMENT.]

Section 5. Repeal of subsection. MSB 4.05.040(B) is hereby repealed in its entirety:

[(B) A TASK FORCE ESTABLISHED BY THE ASSEMBLY FOR A PERIOD NOT TO EXCEED 180 CALENDAR DAYS MAY INCLUDE NON-RESIDENT MEMBERS.]

Section 6. Amendment of section. MSB 4.05.050 is hereby amended to read as follows:

(A) The term of any board member is three years unless a different term is established by ordinance. Terms shall be staggered by the appointment of initial members [APPOINTED AFTER ADOPTION OF THIS CHAPTER] for

lesser terms so that as nearly as possible a pro rata number of members are appointed each year. [NO TERM SHALL EXCEED THE LIFE OF THE BOARD ON WHICH THE BOARD MEMBER SERVES.]

(B) Except as provided in MSB 4.05.030, the board member serves during the term for which **he is** appointed[,] and [AFTER THE TERM,] until a successor has been elected or appointed and **has** taken the seat to which **he was** elected or appointed. [A person may not continue to serve on a] **In any event, the** board **member** [UNDER THIS SUBSECTION BEYOND] **shall serve no longer than** the 30th calendar day following the **final** day [UPON WHICH] **of** the **original** term [ENDED].

(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.

(D) In filling vacancies for unexpired terms, an officer who has served more than half a term in office is considered to have served a full term.

(E) The required three-year terms shall be calculated on a calendar-year basis.

Section 7. Repeal of section. MSB 4.05.060 is hereby repealed in its entirety:

[(A) ALL BOROUGH BOARDS SHALL BE TERMINATED BY OPERATION OF LAW:

(1) AUTOMATICALLY, BY THE PASSAGE OF THREE YEARS' TIME FROM THE DATE OF CREATION OF THE BOARD; OR

(2) BY ORDINANCE OR RESOLUTION ESTABLISHING THE BOARD WHICH TERMINATES THE BOARD BEFORE THE THREE YEAR PERIOD HAS ELAPSED.

(B) THE ASSEMBLY MAY REESTABLISH A BOARD AT ANY TIME FOR A PERIOD NOT TO EXCEED THREE YEARS.

(C) BEFORE TERMINATING OR REESTABLISHING A BOARD UNDER THIS SECTION, THE ASSEMBLY SHALL HOLD A PUBLIC HEARING TO REVIEW THE PUBLIC NEED FOR THE BOARD. FAILURE TO HOLD A PUBIC HEARING SHALL NOT DELAY TERMINATION.

(D) THIS SECTION SHALL NOT APPLY TO BOARDS CREATED BY STATE STATUTE.]

Section 8. Amendment of subsections. MSB 4.05.071(B) and (C) are hereby amended to read as follows:

(B) Compensation. Compensation for board members shall be paid as follows:

(1) A board member shall be compensated as prescribed by ordinance.

(2) A board member may request a waiver of compensation for any reason or no reason by submitting the request to in writing to the clerk.

(3) For the purposes of compensation, meetings shall be narrowly construed as official and advertised board meetings, and shall include regularly scheduled and special or emergency meetings and work sessions.

(4) Compensation may not be paid for a member's attendance at [EXTERNAL] meetings, training, or informal activities which are not official and advertised sessions of the board or commission, [EVEN] though [THE MEMBER'S EXPENSES FOR] attendance **fees** may be eligible for reimbursement.

(C) *Reimbursement*. Members shall be reimbursed as follows:

(1) A board member shall be reimbursed for actual**, necessary, and pre-approved** expenses incurred on authorized board business.

(2) Board members whose borough business takes them outside the borough for any reason shall receive approval from the manager in advance to be eligible for reimbursement.

[(3) ALL REQUESTS FOR REIMBURSEMENT SHALL BE FOR ACTUAL, NECESSARY AND PRE-APPROVED EXPENSES INCURRED IN THE CONDUCT OF BOROUGH BUSINESS.]

Section 9. Amendment of subsection. MSB 4.05.080(B) is hereby amended to read as follows:

(B) A majority of the number of authorized board [MEMBERS] **seats** shall be a quorum for the transaction of business. **In the absence of a quorum, any business transacted is null and void. The only action that can legally be taken in the absence of a quorum is to adjourn, recess, or take measures to obtain a quorum.**

Section 10. Amendment of section. MSB 4.05.090 is hereby amended to read as follows:

(A) Board meetings shall be held regularly at a designated time and place, or as otherwise provided by resolution or ordinance. [A] **The chair or** [A] majority of the board may call a special board meeting. All meetings shall be open to the public[, EXCEPT FOR EXECUTIVE SESSIONS, FROM WHICH THE PUBLIC MAY BE EXCLUDED].

[(B) A BOARD MAY AT ANY TIME GO INTO AN EXECUTIVE SESSION FROM WHICH THE GENERAL PUBLIC MAY BE EXCLUDED. EXECUTIVE SESSIONS SHALL BE APPROVED BY A MAJORITY OF THE BOARD MEMBERS IN A VOTE TAKEN AT A PUBLIC MEETING. ONLY THOSE SUBJECTS SHALL BE DISCUSSED AS ARE MENTIONED IN THE MOTION FOR EXECUTIVE SESSION. NO VOTE OR ACTION MAY BE TAKEN WHILE IN EXECUTIVE SESSION. AS A MATTER OF PUBLIC POLICY, EXECUTIVE SESSIONS ARE DISCOURAGED.

(C) ONLY THE FOLLOWING SUBJECTS MAY BE DISCUSSED WHILE IN EXECUTIVE SESSION:

(1) MATTERS THE IMMEDIATE PUBLIC KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE BOROUGH;

(2) SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION; AND

(3) MATTERS WHICH BY LAW OR ORDINANCE ARE REQUIRED TO BE CONFIDENTIAL.

(*Note to Codifier*: *Subsection (D) is actually the legislative history and should not have been lettered as a subsection. Please delete the subsection number.*)

Section 11. Amendment of subsection. MSB 4.05.110(B) is hereby amended to read as follows:

(B) The duties of the chairperson [SHALL BE TO PRESIDE AT ALL BOARD MEETING, TO CALL MEETINGS AND TO PERFORM OTHER DUTIES AS REQUIRED. THE CHAIRPERSON SHALL BE RESPONSIBLE FOR RECORDING MEMBERS PRESENT AND ABSENT AT EACH MEETING AND RECORDING ALL ACTIONS TAKEN BY THE BOARD AT ANY MEETING.] **are:**

(1) to open the meeting at the appointed time and determine that a quorum is present;

(2) to enforce the rules relating to debate, order, and decorum;

(3) to state and put to a vote all questions that legitimately come before the board as motions or that otherwise arise in the course of the meeting;

(4) if a motion is not in order; to rule it out of order; and

(5) assign a member to note those members present and absent and ensure minutes are taken on all actions by the board at each meeting.

Section 12. Amendment of section. MSB 4.20.010 is hereby amended to read as follows:

(A) The planning commission is established with powers and duties as set out in MSB 15.04 **and created in accordance with AS 29.40.020.**

Section 13. Repeal of section. MSB 4.20.020 is hereby repealed in its entirety:

[THE PLANNING COMMISSION IS CREATED IN ACCORDANCE WITH A.S. 29.40.020 AND SHALL NOT BE TERMINATED UNDER MSB 4.05.060.]

Section 14. Amendment of section. MSB 4.22.010 is hereby amended to read as follows:

(A) The platting board is established with powers and duties as set out in MSB 16.10 **and created in accordance with A.S. 29.40.080.**

Section 15. Repeal of section. MSB 4.22.020 is hereby repealed in its entirety:

[THE PLATTING BOARD IS CREATED IN ACCORDANCE WITH A.S. 29.40.080 AND SHALL NOT BE TERMINATED UNDER MSB 4.05.060.]

Section 16. Amendment of section. MSB 4.24.010 is hereby amended to read as follows:

(A) The board of adjustment and appeals is established with powers and duties as set out in MSB 15.39 **and performs delegated duties required by AS 29.40.050.**

Section 17. Repeal of section. MSB 4.24.020 is hereby repealed in its entirety:

[THE BOARD OF ADJUSTMENT AND APPEALS PERFORMS DELEGATED DUTIES REQUIRED BY A.S. 29.40.050 AND SHALL NOT BE TERMINATED UNDER MSB. 4.05.060.]

Section 18. Amendment of section. MSB 4.26.010 is hereby amended to read as follows:

(A) There is established a board of equalization with the powers and duties set out in MSB 3.15 **and performs delegated duties required by AS 29.45.200(a) and (b).**

Section 19. Repeal of section. MSB 4.26.020 is hereby repealed in its entirety:

[THE BOARD OF EQUALIZATION PERFORMS DELEGATED DUTIES REQUIRED BY A.S. 29.45.200(A) AND (B) AND SHALL NOT BE TERMINATED UNDER MSB 4.05.060.]

Section 20. Adoption of chapter. MSB 4.28 is hereby adopted to read as follows:

Chapter 4.28: ENHANCED 911 ADVISORY BOARD

Section

4.28.010 Established

4.28.020 Composition

4.28.030 Meetings; officers; quorum

4.28.040 Functions and duties

4.28.050 Enhanced 911 fund

4.28.010 ESTABLISHED.

(A) There is established an enhanced 911 advisory board.

4.28.020 COMPOSITION.

(A) The five member board shall consist of a representative from the following entities:

(1) Matanuska-Susitna Borough;

(2) city of Palmer;

(3) city of Wasilla;

(4) city of Houston; and

(5) Alaska state troopers.

4.28.030 MEETINGS; OFFICERS; QUORUM.

(A) The board shall meet at least quarterly or as called by the chair.

(B) The board shall have as its officers the following:

(1) chair;

(2) vice-chair; and

(3) secretary.

(C) A quorum consists of three members, and a vote of three is necessary for the board to take action.

(D) Irrespective of the limits specified in MSB 4.05.050, a board member may serve more than two consecutive three-year terms.

(E) Irrespective of the limits specified in MSB 4.05.040.

4.28.040 FUNCTIONS AND DUTIES.

(A) The board shall have the following duties and responsibilities:

(1) provide for an annual review of the 911 system;

(2) review improvements and enhancements to the 911 system operations, policies, and procedures for the 911 system;

(3) make recommendations to the assembly on equipment, operations, policies, and procedures for the

enhanced 911 system;

(4) review and make recommendations to the assembly, cities, and any other users of the enhanced 911 system on annual budgets, expenses and revenues; and

(5) recommend expenditures from the enhanced 911 fund.

4.28.050 ENHANCED 911 FUND.

(A) There is created the enhanced 911 fund (Fund 202) whose funds shall be accounted for separately from all other revenues and expenditures of the borough.

Section 21. Amendment of section. MSB 4.32.010 is hereby amended to read as follows:

(A) There is created an emergency medical services board.

(B) The emergency medical services board membership shall consist of:

(1) an **emergency medical service (**EMS**)** [VOLUNTEER] **primary** and an alternate [WITH VOTING AUTHORITY] from each service unit;

(2) [A TRAINING COORDINATOR] **the medical director**;

(3) [THE MEDICAL DIRECTOR] **a hospital representative**;

(4) [A HOSPITAL REPRESENTATIVE] **a dispatch center representative**;

(5) [A DISPATCH CENTER REPRESENTATIVE;] **a dive rescue team representative; and**

(6) [A DIVE RESCUE TEAM REPRESENTATIVE; AND] **a uniformed or responder fire service representative.**

[(7) A UNIFORMED OR VOLUNTEER FIRE SERVICE REPRESENTATIVE.]

(C) Members of this board are exempted from the term limits specified in MSB 4.05.050.

Section 22. Amendment of paragraph. MSB 4.32.030(A)(2) is hereby amended to read as follows:

(2) review the budget for each service unit and make recommendations to the [ADMINISTRATION] **emergency services director** with regard to the proposed annual budget for emergency medical services within the borough, [TO BE SUBMITTED TO THE ASSEMBLY BY THE ADMINISTRATION. RECOMMENDATIONS AND REPORTS SHALL BE MADE TO THE ASSEMBLY AT LEAST ANNUALLY] **and** on capital improvement projects and equipment needs for each service unit.

Section 23. Repeal of section. MSB 4.33.020 is hereby repealed in its entirety:

[THE PORT COMMISSION PERFORMS DELEGATED DUTIES AS SET FORTH IN MSB 18.03, AND SHALL NOT BE TERMINATED UNDER MSB 4.05.060.]

Section 24. Amendment of section. MSB 4.38.010 is hereby amended to read as follows:

(A) The ethics board is established [BY MSB 2.70.040] with the powers and duties set out in MSB 2.70[.050].

Section 25. Amendment of section. MSB 4.40.010 is hereby amended to read as follows:

(A) [THERE IS ESTABLISHED] The library board[, WHICH SHALL CONSIST OF NINE PERSONS] **is hereby established**.

Section 26. Amendment of section. MSB 4.40.020 is hereby amended as follows:

(A) The [MAYOR MAY APPOINT BOARD MEMBERS] **board shall consist of nine members** as follows:

(1) one member shall be selected from [A] **each** list of names presented by the:

(a) Big Lake librarian and community library advocates;

(b) Palmer librarian and community library advocates;

(c) Sutton librarian and community library advocates;

(d) Talkeetna librarian and community library advocates;

(e) Wasilla librarian and community library advocates;

(f) Willow librarian and community library advocates; and

(g) Trapper Creek librarian and community library advocates.

(B) Two members may be appointed at-large from lists of names from all Matanuska-Susitna Borough librarians and from applications or lists from borough library advocates.

(C) Each of the nine positions shall have one vote on the Matanuska-Susitna Borough Library Board.

[(D) MEMBERSHIP CONSIDERATION SHALL BE GIVEN GEOGRAPHICAL DISTRIBUTION.]

Section 27. Amendment of section. MSB 4.40.030 is hereby amended as follows:

(A) The library board shall hold an organizational meeting each year during September to elect a chairperson, vice-chairperson, and secretary. The library board shall establish regular meetings and may hold additional meetings as are called by its chairperson, one-third of its members, or the mayor. Minutes shall be kept of each meeting and the secretary shall [BE RESPONSIBLE] **forward them to the borough clerk** for [THEIR] preservation.

(B) A quorum [SHALL BE A MAJORITY OF THE TOTAL] **consists of five** members[HIP]**,** and a [MAJORITY] vote of [THE TOTAL MEMBERSHIP] **five** is necessary for the board to take action.

Section 28. Amendment of section. MSB 4.40.040 is hereby amended to read as follows:

(A) The library board shall have the following powers and duties:

(1) act in an advisory capacity to the manager and the assembly in the administration of the borough non-areawide library power;

(2) initiate and recommend to the manager and assembly proposed ordinances and regulations pertaining to libraries;

(3) review the budget of the libraries and make recommendations to the manager [WITH] regard**ing** [TO] **the** proposed annual budget to be submitted to the assembly;

(4) make investigations and reviews in the general field of libraries considered beneficial to providing library services within the borough at the request of the manager, assembly, or on its own initiative;

(5) receive and consider recommendations from individuals and groups with regard to libraries and

evaluate and refer these to the manager and assembly;

(6) recommend to the manager and assembly needed programs and expenditures for the promotion of library services in connection with any local, state**,** or federal program; and

(7) review and make recommendations to the manager and the assembly in regards to the long-range [LIBRARY] capital improvement program.

Section 29. Amendment of subsection. MSB 4.43.010 is hereby amended to read as follows:

(A) There is established a Transportation Advisory Board [THAT SHALL CONSIST OF NINE MEMBERS] to advise the assembly, planning commission, and the administration on borough transportation policy. The board shall report directly to the planning commission which shall review its findings. [THE THREE-YEAR MEMBERSHIP TERMS SHALL BE CALCULATED ON A CALENDAR YEAR BEGINNING JANUARY 1, 1997.]

Section 30. Amendment of subsection. MSB 4.43.030(A) is hereby amended to read as follows:

(A) The board shall consist of [NOT MORE THAN NINE PERSONS] **eight members** representing the following interest areas:

(1) **the** chairperson[, BUT IF UNABLE OR UNWILLING TO SERVE, A MEMBER] of the local road service area advisory board, **or if the chairperson is unable to**

serve, a member of that board;

(2) one member from the transportation industry;

(3) one member from the school district;

(4) one member from the construction industry;

(5) one member from the environmental conservation community;

(6) one member representing trails; and

(7) two members at large.

(8) The manager shall be a non-voting advisory member of the board.

(C) Five members shall constitute a quorum and a vote of five is necessary for the board to take action.

Section 31. Amendment of subsection. MSB 4.44.030(A) is hereby amended to read as follows:

(A) The board shall consist of **the following** nine [PERSONS] **members**:

(1) nominee of Upper Susitna Soil Conservation District;

(2) nominee of Wasilla Soil Conservation District;

(3) nominee of Palmer Soil Conservation District;

(4) nominee of the Matanuska-Susitna Loggers' Association;

(5) a person with experience in Alaska agricultural or forestry management services;

(6) a person with experience in legislative affairs involving agriculture or forestry;

(7) a person with experience in agricultural or forest economics;

(8) a person who is interested in the borough's agricultural and forest development; **and**

(9) representative from an agricultural organization.

Section 32. Adoption of subsection. MSB 4.44.030(D) is hereby adopted to read as follows:

(D) Five members shall constitute a quorum and a vote of five is necessary for the board to take action.

Section 33. Repeal of subsection. MSB 4.46.030(B) is hereby repealed in its entirety:

[(B) THE REQUIRED THREE-YEAR BOARD TERMS SHALL BE CALCULATED ON A CALENDAR-YEAR BASIS.]

Section 34. Amendment of section. MSB 4.46.040 is hereby amended to read as follows:

(A) Irrespective of the limits specified in MSB 4.05.050, a board member may serve more than two consecutive three-year terms.

Section 35. Amendment of section. MSB 4.48.020 is hereby amended to read as follows:

(A) The board is comprised of one road supervisor from each of the road service areas within the borough. Each service area board shall select its representative and a first and second alternate from within its own members. [THE TERM OF ALL ADVISORY BOARD MEMBERS AND ALTERNATES ENDS ON THE DATE THE REGULAR MUNICIPAL ELECTION IS CERTIFIED BY THE ASSEMBLY]

Section 36. Amendment of subsection. MSB 4.48.030 is hereby amended to read as follows:

(A) The road service area advisory board shall establish **a** regular meeting[S] **schedule each calendar year** and may hold additional meetings as are called by its chairperson, one-third of its members**,** or the mayor. Minutes shall be kept of each meeting by the secretary, who shall transmit a copy to the clerk **for its preservation**.

Section 37. Amendment of subsection. MSB 4.48.040(B) is hereby amended to read as follows:

(B) The road service area advisory board shall review the budget for each road service area and [MADE] **make** recommendations to the administration [CONCERNING BUDGETS] **no later than March 31st of each year**.

Section 38. Amendment of section. MSB 4.48.050 is hereby amended to read as follows:

(A) The establishment of the road service area advisory board [DOES] **shall** not [IN ANY WAY] displace or lessen any function or duty of a road service area board of supervisors.

Section 39. Amendment of paragraphs. MSB 4.50.020(A)(9) and (10) are hereby amended as follows:

(9) coordinate **the borough's disaster planning** with **those of other** local governments [WITH THEIR DISASTER PLANNING]; and

(10) coordinate **the borough's disaster planning** with **those of** local industry and utilities [WITH THEIR DISASTER PLANNING].

Section 40. Amendment of subsection. MSB 4.50.030(A) is hereby amended to read as follows:

(A) The emergency planning board shall be composed of a representative [OF] **from** the following:

(1) borough administration;

(2) elected **borough** official;

(3) city of Houston;

(4) city of Palmer;

(5) city of Wasilla;

(6) emergency medical services;

(7) fire service;

(8) hospital or public health agency;

(9) news media;

(10) public utilities;

(11) school district;

(12) Alaska Railroad Corporation;

(13) National Guard;

(14) trucking and/or transportation association;

(15) law enforcement; **and**

(16) no more than ten members from the following areas;

(a) environmental groups;

(b) business and development interests; **or**

(c) other specific technical expertise as deemed necessary.

Section 41. Amendment of subsection. MSB 4.50.040(A) is hereby amended to read as follows:

(A) The emergency planning board shall have [THE FOLLOWING OFFICERS:] **one chairperson and one vice chairperson.**

[(1) ONE CHAIRPERSON;

(2) TWO VICE CHAIRPERSONS.]

Section 42. Amendment of section. MSB 4.50.060 is hereby amended to read as follows:

(A) Irrespective of the limits specified in MSB 4.05.050, a board member may serve more than two consecutive three-year terms in the absence of new qualified applicants.

Section 43. Repeal of chapter. MSB 4.54 is hereby repealed in its entirety:

[**CHAPTER 4.54: BID REVIEW PANEL**

SECTION

4.54.010 ESTABLISHED

4.54.010 ESTABLISHED.

A BID REVIEW PANEL IS ESTABLISHED WITH THE POWERS AND DUTIES SET FORTH IN MSB 3.08.341. THE PROVISIONS OF MSB 4.05 DO NOT APPLY TO THE BID REVIEW PANEL.]

Section 44. Adoption of subsection. MSB 4.56.030(B) is hereby adopted to read as follows:

(B) A quorum consists of five members, and a vote of five is necessary for the board to take action.

Section 45. Repeal of sections. MSB 3.38.050 and .060 are hereby repealed in their entirety and re-enacted in MSB 4.28.

[3.38.050 ENHANCED 911 ADVISORY BOARD.

(A) THE ENHANCED 911 ADVISORY BOARD IS CREATED. THE BOARD SHALL HAVE AS ITS MEMBERS ONE REPRESENTATIVE FROM THE FOLLOWING ENTITIES:

(1) MATANUSKA-SUSITNA BOROUGH;

(2) CITY OF PALMER;

(3) CITY OF WASILLA;

(4) CITY OF HOUSTON; AND

(5) ALASKA STATE TROOPERS.

(B) THE BOARD SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(1) PROVIDE FOR AN ANNUAL REVIEW OF THE 911 SYSTEM;

(2) REVIEW IMPROVEMENTS AND ENHANCEMENTS TO THE 911 SYSTEM OPERATIONS, POLICIES AND PROCEDURES FOR THE 911 SYSTEM;

(3) MAKE RECOMMENDATIONS TO THE ASSEMBLY ON EQUIPMENT, OPERATIONS, POLICIES AND PROCEDURES FOR THE ENHANCED 911 SYSTEM; AND

(4) REVIEW AND MAKE RECOMMENDATIONS TO THE ASSEMBLY, CITIES AND ANY OTHER USERS OF THE ENHNACED 911 SYSTEM ON ANNUAL BUDGETS; EXPENSES AND REVENUES;

(5) SERVE AS A USER GROUP FOR THE DISPATCH CENTER OF THE AGENCIES, AND SHALL ADVISE THE MEMBER AGENCIES ON ISSUES, POLICIES AND PROCEDURES, BUDGETS, COST ALLOCATION, AND OTHER MATTERS THAT PERTAIN TO THE OPERATION AND ADMINISTRATION OF A JOINT DISPATCH CENTER THAT HOUSES THE ENHNACED 911 SYSTEM.

(C) THE BOARD SHALL MEET AT LEAST QUARTERLY OR AS CALLED BY THE CHAIRMAN. THE BOARD SHALL HAVE AS ITS OFFICERS THE FOLLOWING:

(1) CHAIRPERSON;

(2) VICE-CHAIRPERSON; AND

(3) SECRETARY.

(D) THE BOARD SHALL, WITHIN SIX MONTHS OF BEING APPOINTED, PROVIDE A WRITTEN REPORT TO THE ASSEMBLY AND CITY COUNCILS CONCERNING THE STATE OF THE CURRENT 911 SYSTEM AND RECOMMENDATIONS FOR IMPROVEMENTS, ENHANCEMENTS OR MODIFICATION TO THE CURRENT SYSTEM.

(E) THIS BOARD SHALL MEET AS NEEDED OR AS CALLED BY ANY MEMBER.

3.38.060 ENHANCED 911 FUND

(A) THERE IS CREATED THE ENHANCED 911 FUND (FUND 202) WHOSE FUNDS SHALL BE ACCOUNTED FOR SEPARATELY FROM ALL OTHER REVENUES AND EXPENDITURES OF THE BOROUGH.

(B) THE 3-911 ADVISORY BOARD SHALL RECOMMEND AND APPROVE ALL EXPENDITURES UNDER THIS FUND SUBJECT TO THE ANNUAL APPROPRIATION APPROVED BY THE ASSEMBLY AND ALL APPLICABLE PROVISIONS OF BOROUGH CODE.]

Section 46. 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 May, 2004.

/s/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/s/

SANDRA A. DILLON, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Bush, Allen, Colberg, Kvalheim, Simpson, Colver, and Vehrs