

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ALLOWING THE MANAGER TO WAIVE FEES, COSTS, AND LIABILITIES BETWEEN BOROUGH DEPARTMENTS AND FUNCTIONS AND FEES PERTAINING TO EMPLOYEE HEALTH AND WELLNESS.

AGENDA OF: June 6, 2023

ASSEMBLY ACTION:

Adopted without objection 6/20/23 (8P)

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To Department/Director	Signature	Comments
Originator	NS	For Borough Manager
Finance Director	x <i>Chapman</i>	
Borough Attorney	x <i>NS</i>	
Borough Manager	x <i>WNS</i>	
Borough Clerk	x <i>Myskiewicz</i>	<i>(Signature)</i>

ATTACHMENT (S): Fiscal Note: YES X NO _____
Ordinance Serial No. 23-050 (2 pp)

SUMMARY STATEMENT: This ordinance is presented by the Borough Manager to amend code so that the Borough Manager is allowed to waive fees, costs, and liabilities between Borough departments and internal functions as well as reduce or waive fees pertaining to employee health and wellness programs.

The Borough has a multitude of departments and divisions, some of which charge fees. Some of those fees and resulting costs and liabilities are from functions that are areawide in nature, non-areawide in nature, or service area in nature.

When one Borough department interfaces with another Borough department, there are sometimes fees charged. For example, if the Port (an areawide function) wants to subdivide land (an areawide function) it is overly bureaucratic and wasteful to spend time charging a fee from funds originating in the areawide fund to then be deposited back into the areawide fund.

Other examples are that if Land Management cleans up public property and has waste to dispose of, there is a charge for disposal which the Borough pays to itself. If MSB search and rescue wants to park at a trailhead to conduct field exercises, a parking fee is charged which the Borough pays to itself. If an ambulance responds to an employee injured at work, there is a fee charged which the Borough pays to itself.

To be clear, some of the functions of the Borough are administered as an enterprise fund. However, this is an accounting practice, not a legal constraint. Being an enterprise fund is irrelevant to this current ordinance. The Matanuska-Susitna Borough cannot perform functions it is not legally able to do. If it is legally able to do them, then it can levy a tax to do them. Running something as an enterprise fund is not required by law and, ultimately, if an enterprise fund exhausts its funds, it can be funded by tax dollars from the appropriate function (i.e. areawide, non-areawide, or service area).

The above examples are not intended to be a list of what will be done, but are examples of what could be done. The point of this ordinance is to allow the Borough Manager to evaluate fees, charges, and liabilities between Borough departments and internal functions and waive them when deemed appropriate in the overall effort towards increasing efficiency, reducing administrative waste, and maximizing services of the Borough. There may be times when the Borough Manager cannot legally waive fees, charges, and liabilities between internal Borough functions, but any such proposals will have legal review.

A second point of this ordinance is to allow the Borough Manager to waive fees charged by the Borough to Borough employees as part of implementing an employee wellness program. For example, the Borough charges all users a parking fee at trailheads. Under this ordinance, the Manager would have the power to waive the fees for employees as part of a wellness program to encourage physical activity.

Finally, in keeping with the constitutional and statutory directives that municipal powers are construed broadly, "waiver" as used in this ordinance, is not limited to only a full waiver. It includes the power to waive fully or waive partially. There may be times when the Manager deems it appropriate to merely waive part of the fees, charges, or liabilities between internal Borough functions or part of the wellness program. This ordinance is intended to grant maximum flexibility to the Manager.

RECOMMENDATION OF ADMINISTRATION: Adopt ordinance as presented.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: June 6, 2023

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FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED *	FUNDING SOURCE <u>Fees</u>
FROM ACCOUNT #	PROJECT
TO ACCOUNT : <u>Various funds</u>	PROJECT #
VERIFIED BY: <u>Russell Whitlatch</u>	CERTIFIED BY:
DATE: <u>5-12-23</u>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE	*	→				
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FUNDING:

(Thousands of Dollars)

General Fund	*	→				
State/Federal Funds						
Other	*	→				
TOTAL	*	→				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) * Amounts depends on actual fees waived.

PREPARED BY: _____ PHONE: _____

DEPARTMENT: Chugach DATE: _____

APPROVED BY: Chugach DATE: 5/12/23