

SUBJECT: APPROVING THE ADDITION OF A NEW REGULAR, FULL-TIME RIGHT-OF-WAY ACQUISITION OFFICER FOR THE PRE-DESIGN & ENGINEERING (PD&E) DIVISION OF THE PUBLIC WORKS DEPARTMENT.

AGENDA OF: August 17, 2022

ASSEMBLY ACTION:

Adopted without objection
9-6-22 BBA

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:

MB

Route To:	Department/Individual	Initials	Remarks
	Originator - B. Sworts	BJS	
	Public Works Director	MB	
	Finance Director	CV	
	Borough Attorney	Taylor N.S.	
	Borough Clerk	BBA for Lkm	

ATTACHMENT(S): Fiscal Note: YES X NO

Ordinance Serial No. 22-091 (2 pp)

Job Description: Right-of-Way Acquisition Officer
(8 pp)

SUMMARY STATEMENT: The Pre-Design & Engineering (PD&E) Division of the Public Works Department requests authorization to add one (1) full-time Right-of-Way Acquisition Officer position beginning on September 1, 2022. This position will cover right-of-way acquisition duties associated with 19 of the 20 projects listed in the 2021 Transportation Systems Projects, Ballot Proposition 1, recently approved by Borough residents followed by Borough Assembly approval.

This position will be funded 90% with project funds (35472; \$127,250) and 10% with PD&E Operating Budget funds (100.150.182; \$14,138) for the time period September 1, 2022 through June 30, 2023.

RECOMMENDATION OF ADMINISTRATION: Staff recommends approval of this legislation which will approve the addition of a new regular,

full-time Right-of-Way Acquisition Officer for the Pre-Design & Engineering Division.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: August 17, 2022

SUBJECT: APPROVING THE ADDITION OF A NEW REGULAR, FULL-TIME RIGHT-OF-WAY ACQUISITION OFFICER IN THE PRE-DESIGN & ENGINEERING (PD&E) DIVISION.

ORIGINATOR: Brad Sworts

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED <u>\$141,388</u>	FUNDING SOURCE <u>Operating / Project Funds</u>
FROM ACCOUNT # <u>430.000.000 4xx,xxx / 100-150.182 4xx,xxx</u>	PROJECT <u>35472</u>
TO ACCOUNT :	PROJECT #
VERIFIED BY: <u>Trine Winkler</u>	CERTIFIED BY:
DATE: <u>8-4-22</u>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
Personnel Services			<u>14.1</u>			
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING			<u>14.1</u>			

CAPITAL			<u>127.3</u>			
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REVENUE						
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FUNDING:

(Thousands of Dollars)

General Fund			<u>14.1</u>			
State/Federal Funds						
Other			<u>127.3</u>			
TOTAL			<u>141.4</u>			

POSITIONS:

Full-Time			<u>1</u>			
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY:

DEPARTMENT:

APPROVED BY:

PHONE:

DATE:

DATE:

current approved budget for Public Works.
The Finance portion will be funded under
Chapman Hurst
8/4/22



Right-of-Way Acquisition Officer

3408

Public Works

JOB SUMMARY

This position is responsible for coordination of right-of-way and other real estate acquisitions and relocations in support of Borough capital projects.

Work is performed and duties are carried out in accordance with established policies, procedures, and Borough core values: Accountability, Customer Focus, Dedication, Integrity, Responsiveness and Teamwork.

MAJOR DUTIES

- Manages the acquisition and relocation phases of right-of-way projects.
- Provides technical input in the development of project plans; develops and tracks acquisition and relocation timelines; compiles project updates and disseminates data at project status meetings.
- Initiates, directs and coordinates work assignments for service contracts to meet acquisition and relocation requirements and to achieve engineering and construction objectives.
- Determines the applicability of federal, state and local statutes, codes, policies and regulations for acquisition and relocation projects.
- Negotiates with property owners for all types of property acquisitions and relocations; resolves complex issues pertaining to difficult property acquisitions and relocations; prepares recommendations, including justifications, for administrative settlements.
- Coordinates legal issues regarding acquisition, relocation and condemnation with Borough Attorney's Office and contract attorney; reviews and edits correspondence, legislation, and legal documents to ensure compliance with federal, state and local laws, codes, regulations and procedures.
- Plans and implements procedures for the acquisition, relocation and disposition of real estate, including right-of-way, easements, licenses, permits and leases; writes and updates procedures.
- Prepares real estate valuation instructions based on industry standards and funding source requirements; reviews outside and in-house appraisals.
- Manages and arranges the sale, lease or disposition of real property, structures, personal property, and land remnants.
- Gathers data and prepares reports and presentations for delivery at public hearings; conducts

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investigations and issues reports; testifies in court.

- Reviews and prepares memoranda, action memoranda, resolutions and non-code ordinances; drafts proposed legislation related to project acquisitions and leasing.
- Certifies completion of right-of-way acquisitions and relocations; defines the types of property interest acquired, encroachments, and rights of entry; assures the timely distribution of documentation for completed right-of-way and other acquisitions to appropriate parties.
- Establishes and maintains acquisition case files; maintains documentation in a retrievable records database; updates the project management tracking system.
- Attends and conducts open houses, public meetings, and public hearings as project status demands.
- Performs related duties.

KNOWLEDGE REQUIRED AT A LEVEL APPROPRIATE FOR THIS POSITION

- Knowledge of right-of-way acquisition and relocation processes and procedures.
- Knowledge of the Rules of Civil Procedure, state statute and administrative laws, and Borough codes governing condemnations and similar proceedings.
- Knowledge of regulations related to the disposal of property remnants.
- Knowledge of the procedures and requirements related to acquiring the services of a building removal or demolition company.
- Knowledge of Alaska access laws and right-of-way determinations.
- Knowledge of federal, state, and local right-of-way acquisition policies.
- Knowledge of property appraisal principles and practices.
- Knowledge of engineering plans and construction drawings.
- Knowledge of legal descriptions and/or legal documents involved in real estate transactions.
- Knowledge of local, state and federal laws governing property acquisition and relocation.
- Knowledge of computers and job-related software programs.
- Skill in negotiation and conflict resolution in compliance with established policies and regulations by persuasion or negotiations with difficult property acquisitions.
- Skill in managing contract progress to meet workload and construction timelines and demands.
- Skill in problem solving.
- Skill in prioritizing and planning.
- Skill in interpersonal relations.
- Skill in oral and written communication.

SUPERVISORY CONTROLS

The supervisor assigns work in terms of very general instructions. The supervisor spot-checks completed work for compliance with procedures and the nature and propriety of the final results.

GUIDELINES

Guidelines include local, state, and federal laws governing property acquisition and relocation

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assistance, the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act, the State of Alaska Department of Transportation and Public Facilities Right-Of-Way Manual, the International Right-Of-Way Association Code of Ethics, and department and Borough policies and procedures. These guidelines require judgment, selection, and interpretation in application.

COMPLEXITY/SCOPE OF WORK

The work consists of varied duties related to the acquisition of property and relocation in support of capital projects and existing Borough rights-of-way. The unique nature of each property negotiation contributes to the complexity of the position. The purpose of this position is to coordinate the acquisition of rights-of-way. Successful performance contributes to the efficient and effective completion of right-of-way projects.

CONTACTS

Contacts are typically with coworkers, other Borough personnel, elected and appointed officials, attorneys, representatives of other government agencies, surveyors, utility companies, title companies, business owners, consulting and engineering firms, appraisers, property owners, and members of the general public. Contacts are typically to exchange information, negotiate matters, resolve problems, motivate persons, and provide services.

PHYSICAL DEMANDS/ WORK ENVIRONMENT

The work is typically performed while sitting at a desk or table or while intermittently sitting, standing or stooping. The employee occasionally lifts light and heavy objects, climbs ladders, distinguishes between shades of color, and utilizes the sense of smell. The work is typically performed in an office and outdoors, occasionally in cold or inclement weather. May operate a motor vehicle.

SUPERVISORY AND MANAGEMENT RESPONSIBILITY

None.

MINIMUM QUALIFICATIONS

Baccalaureate degree in a course of study related to the occupational field. Post-secondary education or experience which provides the expertise required to perform effectively the functions of the position may substitute for the degree on a year-for-year basis.

Five (5) years of progressively responsible experience in the occupational field, sufficient to understand the major duties of the position, and to be able to answer questions and resolve problems.

Possession of or ability to readily obtain a valid driver's license issued by the State of Alaska for the type of vehicle or equipment operated.

Possession of or ability to readily obtain certification as a Senior Right of Way Agent from the International Right of Way Association.

Must successfully pass a pre-employment drug screen and post-offer employment physical.

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Completion of required Incident Command System (ICS) courses in accordance with established Borough policy.

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FACTOR EVALUATION SYSTEM JOB SPECIFIC DETAIL
ADDENDUM

The Factor Evaluation System (FES) is the method the Mat-Su Borough uses to assign grades to positions. The FES criteria used includes ten factors common to most positions/occupations. The FES job specific factor details for this position are as follows:

1. **Knowledge Required by the Position** measures the nature and extent of information or facts that employees must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply those knowledge:

Knowledge (Level 6): Knowledge of the principles, concepts, and methodology of a professional or administrative occupation which has been either: (a) supplemented by skill gained through job experience to permit independent performance of recurring assignments, or (b) supplemented by expanded professional or administrative knowledge gained through relevant graduate study or experience, in carrying out assignments, operations, and procedures in the occupation.

OR

Practical knowledge of a wide range of technical methods, principles, and practices similar to a narrow area of a professional field, and skill in applying this knowledge to such assignments.

2. **Supervisory Controls** covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review, e.g., close and detailed review of each phase of the assignment; detailed review of the finished assignment; spot-checks of finished work for accuracy; or review only for adherence to policy:

Supervisory Controls (Level 4): The supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. At this level, the employee, having developed expertise in the line of work, is responsible for planning and carrying out the assignment; resolving most of the conflicts which arise; coordinating the work with others as necessary; and interpreting policy on own initiative in terms of established objectives. In some assignments, the employee also determines the approach to be taken and the methodology to be used. The employee keeps

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the supervisor informed of progress, potentially controversial matters, or far-reaching implications. Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

3. **Guidelines cover the nature of guidelines and the judgment needed to apply them. Guidelines include, for example: desk manuals, established procedures and policies, traditional practices, and reference materials such as dictionaries, style manuals, engineering handbooks and so forth. Guidelines should not be confused with the knowledge described under Knowledge Required by the Position. Guidelines either provide reference data or impose certain constraints on the use of knowledge:**

Guidelines (Level 3): Guidelines are available, but are not completely applicable to the work or have gaps in specificity. The employee uses judgment in interpreting and adapting guidelines such as agency policies, regulations, precedents, and work directions for application to specific cases or problems. The employee analyzes results and recommends changes.

4. **Complexity covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work:**

Complexity (Level 4): The work typically includes varied duties requiring many different and unrelated processes and methods such as those relating to well-established aspects of an administrative or professional field. Decisions regarding what needs to be done include the assessment of unusual circumstances, variations in approach, and incomplete or conflicting data. The work requires making many decisions concerning such things as the interpreting of considerable data, planning of the work, or refining the methods and techniques to be used.

5. **Scope and Effect covers the relationship between the nature of the work, i.e., the purpose, breadth, and depth of the assignment, and the effect of work products or services both within and outside the organization. Effect measures such things as whether the work output facilitates the work of others, provides timely services of a personal nature, or impacts on the adequacy of research conclusions. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture, allowing consistent evaluations. Only the effect of properly performed work is considered:**

Scope and Effect (Level 3): The work involves treating a variety of conventional problems, questions, or situations in conformance with established criteria. The work product or service affects the design or operation of systems, programs, or equipment; the adequacy of such activities as field investigations, testing operations, or research conclusions; or the social, physical, and economic well-being of persons.

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6. **Personal Contacts** includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain and are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place (e.g., the degree to which the employee and those contacted recognize their relative roles and authorities):

Personal Contacts (Level 2): The personal contacts are with employees in the same agency, but outside the immediate organization. People contacted generally are engaged in different functions, missions, and kinds of work, e.g., representatives from various levels within the agency such as headquarters, regional, district, or field offices or other operating offices in the immediate installations;

AND/OR

The contacts are with members of the general public, as individuals or groups, in a moderately structured setting (e.g., the contacts are generally established on a routine basis, usually at the employee's work place; the exact purpose of the contact may be unclear at first to one or more of the parties; and one or more of the parties may be uninformed concerning the role and authority of other participants).

7. **Purpose of Contacts** ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives:

Purpose of Contacts (Level 3): The purpose is to influence, motivate, interrogate, or control persons or groups. At this level the persons contacted may be fearful, skeptical, uncooperative, or dangerous. Therefore, the employee must be skillful in approaching the individual or group in order to obtain the desired effect, such as, gaining compliance with established policies and regulations by persuasion or negotiation, or gaining information by establishing rapport with a suspicious informant.

8. **Physical Demands** covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities (e.g., specific agility and dexterity requirements) and the physical exertion involved in the work (e.g., climbing, lifting, pushing, balancing, stooping, kneeling, crouching, crawling, or reaching). To some extent the frequency or intensity of physical exertion must also be considered, e.g., a job requiring prolonged standing involves more physical exertion than a job requiring intermittent standing:

Physical Demands (Level 1): The work is sedentary. Typically, the employee may sit comfortably to do the work. However, there may be some walking; standing, bending; carrying of light items such as papers, books, small parts; driving an automobile, etc. No special physical demands are required to perform the work.

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9. **Work Environment** considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required. Although the use of safety precautions can practically eliminate a certain danger or discomfort, such situations typically place additional demands upon the employee in carrying out safety regulations and techniques:

Work Environment (Level 1): The work environment involves everyday risks or discomforts which require normal safety precautions typical of such places as offices, meeting and training rooms, libraries, and residences or commercial vehicles, e.g., use of safe work practices with office equipment, avoidance of trips and falls, observance of fire regulations and traffic signals, etc. The work area is adequately lighted, heated, and ventilated.

10. **Supervisory and Management Responsibility** measures job responsibility for supervising subordinates. Measurement of supervisory responsibility involves consideration of the authority granted for determining, controlling, and evaluating employee work performance and impacting upon personnel management action. Additionally, the type and difficulty of work performed by the employees supervised is considered:

Supervisory and Management Responsibility (Level 1): Positions at this level have no formally assigned supervisory responsibility or authority. Employees are responsible only for the performance of their own assigned work. They may be asked to train new employees in the fundamentals of the jobs or to participate in cross-training of other employees in the department, but such assignments do not include the on-going authority to assign and review work of other employees or to recommend or take corrective action with regard to other employees' performance.

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