

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB CHAPTER 2.29: OFFICE OF ADMINISTRATIVE HEARINGS TO ALLOW THE CLERK TO HIRE STATE OF ALASKA ADMINISTRATIVE LAW JUDGES WHEN MSB HEARING OFFICERS ARE UNAVAILABLE

AGENDA OF: JULY 20, 2021

ASSEMBLY ACTION:

Adopted with JS objecting. KBJ 08-03-21

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MIKE BROWN, BOROUGH MANAGER: *UNB*

Route To:	Department/Individual	Initials	Remarks
	Originator	JA	for Borough Manager
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>ymn 7/12/21</i>	<i>[Signature]</i>

ATTACHMENT (S) : Fiscal Note: YES ☐ NO ☒
Ordinance Serial No. 21-067 (2 pp)

SUMMARY STATEMENT: This legislation amends MSB Chapter 2.29: Office of Administrative Hearings to authorize the Clerk to hire a State of Alaska Administrative Law Judge when an MSB Administrative Hearing Officer is unavailable. The Borough has had a difficult time filling the five slots available for MSB Administrative Hearing Officers under MSB 2.29.010. At present there is only one of these slots filled; four slots are vacant. Amending MSB Chapter 2.29: Office of Administrative Hearings to authorize the MSB Clerk to hire a State Administrative Law Judge will ensure that administrative appeals are handled in an expeditious manner even when there are no MSB hearing officers available to conduct an appeal.

RECOMMENDATION OF ADMINISTRATION: Borough Manager recommends approval.

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 21-067**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB CHAPTER 2.29: OFFICE OF ADMINISTRATIVE HEARINGS TO ALLOW THE CLERK TO HIRE STATE OF ALASKA ADMINISTRATIVE LAW JUDGES WHEN MSB HEARING OFFICERS ARE UNAVAILABLE.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 2.29.010 ESTABLISHED is hereby amended to read as follows:

MSB 2.29.010 ESTABLISHED

- (A) The Office of Administrative Hearings is established. Administrative hearing officers shall be appointed by the mayor and confirmed by the assembly. If possible, there shall be five administrative hearing officers appointed in order to maintain a rotating list of available officers. In the event there are no administrative hearing officers available, whether because of a conflict or vacancy, the MSB Clerk may hire a State of Alaska Administrative Hearing Officer.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day
of -, 2021.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)