

CLERK'S OFFICE
APPROVED
Date: 10-20-98

Submitted by: Assembly Members Clementson, Bell,
Carlson, Kendall, Meyer, & Wuerch

Prepared by: Department of Law

For reading: October 20, 1998

ANCHORAGE, ALASKA
AR NO. 98-346

A RESOLUTION DIRECTING THE ANCHORAGE SCHOOL BOARD TO SUBMIT ITS SELECTION OF SCHOOL BUILDING DESIGN PROFESSIONALS AND ITS SELECTION OF PRELIMINARY AND SUBSEQUENT SCHOOL BUILDING DESIGNS TO THE ASSEMBLY FOR THE ASSEMBLY'S APPROVAL AS REQUIRED BY ALASKA STATUTES 14.14.060(e).

WHEREAS, Alaska Statutes 14.14.060(e) states:

[1.] The [Municipality's] school board is responsible for the design *criteria* of school buildings. [2.] To the maximum extent consistent with education needs, a design of a school building shall provide for multiple use of the building for community purposes. [3.] Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. [4.] The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly. [5.] A design or revised design *approved by the assembly* shall be submitted by the board to the department in accordance with AS 14.07.020(a)(11). (Underline and italics added.)

and

WHEREAS, Assembly approval of the School Board's selection of school building designs and school building design professionals pursuant to Alaska Statute 14.14.060(e) has not been relinquished or delegated to the School Board; now therefore,

THE ANCHORAGE ASSEMBLY RESOLVES

Section 1. The Anchorage School Board is hereby directed to comply with the provisions of Alaska Statute 14.14.060(e) and submit to the Assembly for approval or disapproval, the School Board's selection of school building design professionals.

Section 2. The Anchorage School Board is hereby directed to comply with the provisions of Alaska Statute 14.14.060(e) and submit to the Assembly for approval or disapproval, the School Board's selection of all preliminary, revised and final school building designs.

Section 3. This resolution shall become effective immediately upon its passage and approval by the Assembly

PASSED AND APPROVED by the Anchorage Assembly this 20th day of October, 1998


Chair of the Assembly

ATTEST


Municipal Clerk

G:\wag\ao\schlbrd-designAR



MUNICIPALITY OF ANCHORAGE



MUNICIPAL ATTORNEY'S OFFICE

MEMORANDUM

DATE: August 11, 1997

TO: Assembly Member Bell

THRU: Mary K. Hughes, Municipal Attorney *MKH*

THRU: Ann Waller Resch, Deputy Municipal Attorney *AWR*

FROM: William A. Greene, Assistant Municipal Attorney *WAG*

SUBJECT: School Building Designs, Design Professionals and Construction

QUESTION:

You requested our opinion as to what Assembly functions specified by Alaska Statutes 14.14.060 were and were not transferred to the Anchorage School District by Assembly Resolution No. ("AR") 82-276 and its implementing Memorandum of Understanding dated October 25, 1982 (herein "1982 Memorandum").

BACKGROUND:

On September 27, 1982 at a special, joint meeting of the Anchorage Assembly and the Anchorage School Board, the Assembly passed AR 82-276 transferring responsibility for "all major rehabilitation, all construction and major repair of school buildings" in the Municipality to the Anchorage School District as provided for in Alaska Statutes 14.14.060(i).¹ The minutes of that joint meeting reveal nothing of the Assembly's intent and the tape recordings of the meeting no longer exist. The Assembly Memorandum ("AM") accompanying AR 82-276 (AM 1113-82); gave a brief history of transferred responsibilities. It noted that: (1) the Greater Anchorage Area Borough ("GAAB") had transferred certain responsibilities to the School District in 1964 by GAAB Resolution No. 32; (2) because school construction had tapered off by 1976, 1964 GAAB Resolution No. 32 was rescinded July 6, 1976 by AR 27-76² thereby returning the GAAB Resolution No. 32 responsibilities back to the Municipality; and (3) in 1982, because both the School District and the Municipality had ambitious construction programs underway and administration of construction in progress had been contracted to a private firm, it was appropriate to transfer construction responsibilities back to the School District. On October 25, 1982, to implement AR 82-276 and clarify the relationship between the Municipality and the School District regarding the transfer of responsibilities, the

AR 95-89(S) passed by the Assembly August 8, 1995 rescinded AR 82-276 effective upon Assembly approval of a memorandum of understanding between the School District and the Municipality. Since the latter memorandum of understanding has never been presented, AR 82-276 remains in effect.

Accompanied by AM 500-76.

then Municipal Manager and Superintendent of the School District entered into the 1982 Memorandum specified in AR 82-276. Between the 1976 rescission of 1964 GAAB Resolution No. 32 and the 1982 transfer of responsibilities back to the School District, it appears the School District routinely presented and the Assembly routinely approved both school building designs³ and school building design professionals,⁴ some of which almost certainly pertained to the projects covered by the 1982 Memorandum.⁵ 1964 GAAB Resolution No. 32 expressly reserved those functions to the Assembly. After execution of the 1982 Memorandum, selection of designs and design professionals by the School District apparently have never been submitted to the Assembly for its final approval.

BRIEF ANSWER:

Except for specified contracts existing on September 27, 1982, neither AR 82-276 nor the October 15, 1982 Memorandum transferred final approval of either school building design professionals or school building designs to the School District and the legislative history AR 82-276 provides no evidence of any Assembly intent to do so. Accordingly, final approval of school building designs and school building design professionals at the present time is the mandatory responsibility of the Assembly under AS 14.14.060(e).

DISCUSSION:

Copies of all the documents referenced in *Background*, except the AMs cited in footnotes 3. and 4., are attached. The primary objective in interpreting municipal legislative action is to determine and give effect to the Assembly's intent. *Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough*, 527 P.2d. 447, 454 (Alaska 1974); 6 McQuillin, *Municipal Corporations*, 3rd Ed. Rev., §20.38, 20.42. Legislative actions should also be construed according to the common understanding of their words and phrases. *Foreman v. Anchorage Equal Rights Comm'n*, 779 P.2d 1199 (Alaska 1989), 6 McQuillan, *supra*, §20.47.

Alaska Statute ("AS") 14.14.060(e) assigns exclusive responsibility for school building design *criteria* to the School Board.⁶ The same subsection mandates that the Assembly has exclusive authority to approve preliminary and final school building designs and the selection of design professionals. AS 14.14.060(i) permits the Assembly and the School Board to "divide" those responsibilities assigned by AS 14.14.060(e) as well as the responsibilities for school building custodial services and routine maintenance (assigned the School Board) and major rehabilitation and repair and construction (assigned the Assembly) under AS

³ E.g. AMs 133-81 (October 20, 1981), 633-82, 634-82 and 635-82 (June 8, 1982). This list is not exhaustive.

E.g. AMs 626-79, 626-79A, 433-81, 653-81, 95-82 (copy attached), 349-82, 350-82, 628-82, 651-82, 820-82, 978-82. This list is not exhaustive.

See the AMs cited in footnotes 3. and 4. above.

In terms of "exclusive" or "final authority" we refer only to the division of responsibilities between the School Board and the Assembly under AS 14.14.060. The State Department of Education also has some, albeit limited, authority relevant to these subjects not relevant to this discussion.

14.14.060(f).⁷ Clearly, the Assembly may transfer some or all of its responsibilities under these statutes to the School Board.

AR 82-276 makes no mention of either school building designs or design professionals.⁸ In its first paragraph, AM 1113-82, which accompanied AR 82-276, only impliedly mentions school building design professionals in a historical reference to the provisions of 1964 GAAB Resolution No. 32. The latter resolution explicitly reserved final approval of architectural, engineering and other professional service contracts, construction administration and inspection contracts and final plans, specifications and other contract documents to the Assembly.⁹

In its second preamble paragraph, the 1982 Memorandum paraphrases the provisions of AS 14.14.060(e) relating to school building design criteria and design professionals, but nowhere explicitly mentions building designs. In the next preamble paragraph, the 1982 Memorandum describes a specific 1982 contract then existing with Hanscomb/Heery Associates, a joint venture under which the joint venture was

... to provide contract management services for the design and construction of certain [then specified] school construction projects. ...

The Hanscomb/Heery contract, covering at least seven projects, was with the Municipal general government¹⁰ and was transferred to the School District by the 1982 Memorandum.¹¹ The only other reference in the 1982 Memorandum which might impliedly apply to designs or design professionals is its paragraph 6. which states:

Anchorage hereby delegates to the School District the responsibility and authority to receive and evaluate all proposals for professional services in connection with major rehabilitation, construction or major repairs of school buildings in the Anchorage School District *which were pending on September 27, 1982*, and to make awards, give final approval to and execute contracts for *those* professional services.¹²

⁷ A table setting forth the statutorily assigned responsibilities of the School Board and the Assembly is attached.

⁸ This might be a result of the fact that at least some of the school building projects covered by the 1982 Memorandum were very likely projects for which the designs and/or design professionals had already been approved by the Assembly. See AMs cited in footnotes 3. and 4. above.

1964 GAAB Resolution No. 32. §§3(a)(1) and 3(a)(2); 4(b); 5(a), 5(a)(2), 5(a)(3) and 5(a)(4). See also AM 500-76.

¹⁰ AM 1113-82

1982 Memorandum. ¶5.. p

1982 Memorandum. ¶6

added.

Although we did not extend our research to confirm exactly what projects were covered by the 1982 Memorandum, it is almost certain that at least some of the designs and design professionals for school building projects existing on September 27, 1982 were approved by one or more of the Assembly's prior AMs cited at footnotes 3. and 4. The 1982 Memorandum made no other explicit or implied mention of school building designs or design professionals. Assuming the above quoted language was intended to include designs and design professionals, such was expressly limited to projects that were pending on September 27, 1982.

The 1982 Memorandum was very explicit when making reference to construction, repair and rehabilitation. Its paragraph 1. expressly made a general transfer of authority over

"all major rehabilitation, all construction and major repairs of school buildings. . . , including such work now in progress, . . ." (Emphasis added)

AS 14.14.060 establishes a clear dichotomy between school building designs, design professionals, design criteria and construction, rehabilitation and repair. Both AR 82-276 and the 1982 Memorandum demonstrate that the Assembly and the School District were familiar with that statutory dichotomy of Assembly and School District responsibilities and authority. Designs and design professionals had been submitted to the Assembly for their approval in 1982.¹³ Nonetheless and in contrast to the quoted, unlimited transfer of authority over construction, rehabilitation and repair, neither AR 82-276 or the 1982 Memorandum make any general, unlimited transfer to the School district of final approval authority over school building designs or design professionals.

In light of the fact that the School District undertook virtually all responsibilities for the substantial school construction program existing in 1982, it is understandable that after numerous projects over several years there may have come to be an assumption that the 1982 transfer included the transfer of design and design professional approvals. However, we have found nothing in the legislative history of Assembly action on this subject to warrant any conclusion or implication that the intent of the Assembly in 1982 was to make a general transfer of authority to the School District for final approval authority over school building designs or design professionals. While that has apparently been the *de facto* situation since 1982, custom and practice are not sufficient to pre-empt the Assembly's legislative powers or change the mandate of State statutes at least as to future school building projects.

AMs cited in footnotes 3. and 4. above.

SCHOOL BUILDINGS
ASSEMBLY-SCHOOL BOARD DIVISION OF RESPONSIBILITIES

SCHOOL BUILDING LOCATION

Assembly	School Board	Special Requirements	Ak. Statute
Decides location		Assembly to consider Board recommendations.	14.14.060(d)

SCHOOL BUILDING
DESIGN CRITERIA, DESIGN PROFESSIONALS and DESIGNS

Assembly	School Board	Special Requirements	Ak. Statute
	Design criteria	To maximum extent consistent with education needs, designs to provide multiple community purpose use.	14.14.060(e)
Approval of design professionals	Selection of design professionals		14.14.060(e)
Approval of preliminary designs	Submit preliminary designs to Assembly		14.14.060(e)
Approval of revised designs	Submit revised designs to Assembly		14.14.060(e)

SCHOOL BUILDING CUSTODIAL and MAINTENANCE
MAJOR REHABILITATION, CONSTRUCTION and MAJOR REPAIR

Assembly	School Board	Special Requirements	Ak. Statute
	Custodial Services		14.14.060(f)
	Routine Maintenance		14.14.060(f)
All major rehabil.		Assembly shall consider Board recommendations.	14.14.060(f)
All construction		Assembly shall consider Board recommendations.	14.14.060(f)
All major repair		Assembly shall consider Board recommendations.	14.14.060(f)

RE-ALLOCATION of SCHOOL BUILDING RESPONSIBILITIES
AR 82-276 and MEMORANDUM OF UNDERSTANDING¹

Assembly	School Board	Special Requirements	Ak. Statute
→	All major rehabilitation	See AR 82-276 and 10/25/82 Memorandum	14.14.060(i)
→	All Construction	See AR 82-276 and 10/25/82 Memorandum	14.14.060(i)
→	All major repair	See AR 82-276 and 10/25/82 Memorandum	14.14.060(i)

NOTE: On August 8, 1995, AR 82-276 was repealed by AR No. 95-89(S) *effective on Assembly approval of a "structured process" to transfer construction, rehabilitation and repair authority/responsibility back the Municipality.* Since the latter has never occurred, AR No. 95-89(S) has not been implemented.

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. 32

A RESOLUTION OF THE ASSEMBLY OF THE GREATER ANCHORAGE AREA BOROUGH FIXING THE OVERALL RESPONSIBILITY OF THE BOARD OF EDUCATION OF THE GREATER ANCHORAGE AREA BOROUGH SCHOOL DISTRICT IN CONNECTION WITH SCHOOL FACILITY SITE SELECTION, SCHOOL CONSTRUCTION, AND BOND AUTHORIZATION IN THE DISTRICT AND SPECIFYING THE SEVERAL AREAS IN WHICH THAT RESPONSIBILITY SHALL BE EXERCISED AND SPECIFICALLY CHARGING THE BOARD OF EDUCATION WITH THE ADOPTION OF PROCEDURES FOR THE PERFORMANCE OF DUTIES IN THE FOLLOWING OPERATIONAL AREAS; (1) THE SELECTION OF SITES FOR LOCATION OF SCHOOL FACILITIES, INCLUDING THE HANDLING OF NEGOTIATIONS LEADING TO THE ACQUISITION OF SUCH SITES, AND PROVIDING FOR ALL ON-SITE AND OFF-SITE UTILITIES; (2) THE OPERATION AND MAINTENANCE OF THE BOROUGH SCHOOL DISTRICT MASTER BUILDING AND FINANCE PLAN; THE SELECTION OF ARCHITECTS AND ENGINEERS; THE SUPERVISION OF CONSTRUCTION OF SCHOOL FACILITIES; THE APPOINTMENT OF CITIZENS ADVISORY CONSTRUCTION COMMITTEES WHEN DEEMED ADVISABLE; TO SERVE AS THE AGENTS OF THE ASSEMBLY IN THE ACQUISITION OF CAPITAL EQUIPMENT FOR NEW OR REMODELED SCHOOL FACILITIES; PROVIDE INSURANCE COVERAGE FOR SUCH FACILITIES; (3) TO RECOMMEND AS THE NEED EXISTS TO THE ASSEMBLY, GENERAL OBLIGATION BOND AUTHORIZATION ELECTIONS, AND IN CONNECTION WITH THAT NEED, TO PREPARE SUPPORTING INFORMATION FOR PUBLIC DISSEMINATION; RECOMMENDATION OF BOND SALES; PREPARATION OF BASIC RESOLUTIONS, PROSPECTI, AND OTHER SUPPORTING BOND SALE DOCUMENTS.

SECTION 1. School Facility Locations

(a) The Borough Board of Education is hereby charged with the responsibility of developing and maintaining records and formulating plans for the location of needed school facilities.

(1) Such records shall include basic data indicating the residence location of school pupils, the economic nature of the immediate neighborhood where a facility may be needed, planning and zoning regulations, public improvements planned and/or constructed by other agencies, and health and safety regulations.

(b) The Borough Assembly hereby charges the Board of Education with the responsibility to negotiate with property owners for the purchase of school facility sites, requiring the Board to submit recommendations for final purchase approval by the Assembly.

(1) The Board is authorized to adopt appropriate acquisition procedure, including employment of technical advice which may include, but is not limited to land appraisals, surveys and sub-soil tests.

(c) The Borough Assembly hereby designates the Board of Education its Agent to negotiate with suppliers for providing all on-site and off-site utilities to serve school facilities, reserving to the Assembly final contract approval.

SECTION 2. Master Building and Financing Plan

(a) The Board of Education is hereby charged with preparing and maintaining a Master Building and Financing Plan of School District facilities, amending and extending such plan at least annually.

(1) The plan shall contain such basic school facility data as pupil enrollments and projections, current inventory of school facilities, projected school facility needs, estimated costs of projected school facilities, schedules of acquisition or construction of needed school facilities and proposed financing programs to provide school facilities.

SECTION 3. School Facility Architects and/or Engineers

(a) The Board of Education is hereby charged with the selection of architects and/or engineers for designing school facilities and coordinating the work of such architects and/or engineers.

(1) The Assembly reserves to itself the final approval of school facility architectural and/or engineering contracts including the fee basis to be paid.

(2) The Board will act as agent for the Borough Assembly in coordinating the work of architects and engineers of school facilities approving final plans, specifications and other contract documents, submitting such documents in each case with appropriate analysis and recommendation to the Assembly for final approval.

SECTION 4. Joint Construction Advisory Committee

(a) The Board of Education is authorized to create by appointment, a citizens' advisory construction committee and if deemed advisable to join with the City of Anchorage in establishing a City of Anchorage - Greater Anchorage Area Borough School District Construction Advisory Committee to assist and advise the Board of Education on the design and specifications of school facilities and the appropriate department of city operations on municipal facilities.

If, at the time this resolution is approved and adopted, there exists such a Construction Advisory Committee serving the City of Anchorage, the Assembly will authorize the School Board to request the City to constitute that Committee, including all of its then appointed members, as a joint City-Borough Committee to serve both entities.

(b) Advice and recommendations of the Advisory Committee in the matter of school facilities will be made directly to the Board of Education which will take such advice and recommendations into consideration in formulating final recommendations to the Borough Assembly for approval and adoption.

SECTION 5. School Facility Construction or Furnishing Contracts

(a) In the matter of acquisition of school facilities the Board of Education is charged with responsibility of advertising for bids or proposals, evaluating the said bids or proposals and making recommendation to the Borough Assembly for final action. The Board shall further, following Assembly approval, be charged with the management of contracts so awarded.

(1) Upon award of a contract for construction or furnishing a school facility the Board of Education shall manage the contract, coordinating activities of the Architect Engineer and the contractor in carrying out all conditions of the contract documents.

(2) The Board of Education shall select and recommend to the Borough Assembly for approval and employment such professional employees as it may deem necessary in the supervision and inspection of all school facility construction while in progress.

(3) All orders of change to the contract shall be first reviewed and approved by the Board of Education before being submitted to the Borough Assembly for final action.

In order that construction on any school facility may proceed with a minimum of delay, the Assembly hereby authorizes the Board to approve any contract change, the amount of which does not exceed \$3,000.00, subject, however, to ratification by the Assembly.

(4) If school facilities being acquired are of a leased nature the Board of Education shall be responsible for recommending Assembly approval of the lease contract provisions.

SECTION 6. School Facility Equipment

(a) The Board of Education is charged with the responsibility for planning the proper equipment and furnishings for all school facilities including existing or remodeled as well as new facilities.

(b) It shall be the responsibility of the Board to prepare school facility equipment lists, inviting bids or quotations for supplying and recommending final bid award by the Borough Assembly.

(c) Equipment for school facilities shall be delivered to the care of the School District and it shall be the responsibility of the District to require compliance with bid conditions.

SECTION 7. School School Facility Casualty, Liability Insurance

(a) The Board of Education shall be responsible for maintaining an adequate casualty and liability insurance program in connection with school facilities for which it serves as agent of the Borough.

(b) Casualty and liability insurance plans proposed by the Board of Education shall be submitted to the Borough Assembly for approval.

SECTION 8. Fund Requirements by General Obligation Bonds

(a) The Borough Board of Education is hereby charged with the responsibility of preparing for Borough Assembly approval recommendations for general obligation bond authorization elections for acquiring school facilities.

Following Assembly approval to hold a general obligation bond authorization election, the Board is further charged with the responsibility of preparing for public dissemination supporting information on the bond needs for school facilities.

(1) The Board shall, in presenting for Assembly consideration its general obligation bond recommendations, include data on needed school facilities, current bond indebtedness, projected costs of debt retirement based upon estimated property valuations and other pertinent information.

(b) The Board is hereby charged with recommending for Assembly approval the schedules of bond sales for school facilities.

(c) The Board is hereby charged with the responsibility of preparing basic resolutions, bond sale prospecti and all other required supporting documents necessary to the sale of general obligation bonds for school facilities.

(1) The Board is authorized to seek the services of a financial consultant individual or firm to act as fiscal agent of the Borough in the sale of general obligation bonds for school facilities, recommending the selected individual or firm for final employment by Borough Assembly.

PASSED AND APPROVED by the Assembly of the Greater Anchorage Area Borough on the 21 day of December, 1964.

C. A. Houtz
Presiding Officer

ATTEST:

Arlee F. Jones
Clerk

Approved this 21 day of December, 1964

John M. Agnew
Borough Chairman

NOTE: RESOLUTION NO. 102, May 23, 1966, deleted the final paragraph above (8 c 1)

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. 102


A RESOLUTION AMENDING RESOLUTION NO. 32 BY DELETING SECTION 8(c) (1) OF RESOLUTION NO. 32 WHICH DELEGATED THE AUTHORITY TO SEEK THE SERVICES OF A FISCAL AGENT FOR THE GREATER ANCHORAGE AREA BOROUGH IN THE SALE OF GENERAL OBLIGATION BONDS FOR SCHOOL FACILITIES TO THE GREATER ANCHORAGE AREA BOROUGH SCHOOL BOARD

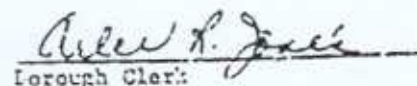
NOW, THEREFORE, BE IT RESOLVED by the Assembly of the Greater Anchorage Area Borough:

Section 1. Resolution No. 32 is amended by deleting Section 8(c) (1) of the said resolution.

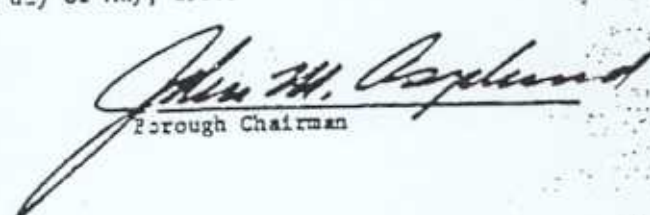
PASSED AND APPROVED by the Assembly of the Greater Anchorage Area Borough this 23 day of May, 1966.

ATTEST:


Presiding Officer


Borough Clerk

APPROVED this 23 day of May, 1966.


Borough Chairman

the request of the Mayor
Prepared by: Department of Law *AMB*
For Reading:

ANCHORAGE, ALASKA
AR NO. 27-76

Amended + APPROVED

Date: 7-6-76

A RESOLUTION RESCINDING GREATER ANCHORAGE AREA BOROUGH RESOLUTION
32 RELATING TO RESPONSIBILITY FOR CONSTRUCTION OF SCHOOL FACILITIES.

WHEREAS, in December of 1964 the Greater Anchorage Area
Borough Assembly approved Resolution 32; and

WHEREAS, Resolution 32 transferred from the Borough to
the Schc 1 District basic responsibility for planning, construction,
and remodeling of school facilities; and

WHEREAS, the reason for this transfer was the lack of
Borough staff suitable for performing the task; and

WHEREAS, at the present time the Municipality's Public
Works staff is capable of assuming major responsibility for
school facility construction; and

WHEREAS, both the School Board and the Assembly desire
that responsibility for construction of school facilities be
allocated in accordance with existing statutory provisions
(AS 14.14.060, attached).

NOW, THEREFORE, the Assembly of Anchorage resolves:

Section 1. That Greater Anchorage Area Borough Resolution
32 is hereby rescinded.

Passed and approved by the Anchorage Assembly, this

10th day of July, 1976.

ATTEST:

William E. Baker
Municipal Clerk *deputy*

Samuel C. Koon
Chairman

AM 500-76
Retyped 7/13/76

Requested by

Chairman of the Assembly
in the request of the Ma

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 500-76

Meeting Date: July 8, 1976

From: Mayor

Subject: RESCINDING FORMER GREATER ANCHORAGE AREA BOROUGH
ASSEMBLY RESOLUTION #32

In December, 1964, the former Greater Anchorage Area Borough Assembly approved Resolution #32, which in effect transferred from the Borough to the School District the responsibilities for developing and maintaining records and formulating plans for the location of school facilities; negotiating with property owners for the purchase of school sites; negotiating for utilities to serve school facilities; preparing and maintaining a Master Building and Financing Plan of school facilities; selection of architects and engineers for the design of school facilities; establishing a citizens advisory construction committee; advertising for construction bids or proposals and recommending to the Assembly who should be chosen; administering such construction contracts; planning and scheduling bond requirements and elections; and various other duties.

Since December of 1964, the School District has performed these duties. Some amendments have been made to Resolution #32, but they have been minor in nature.

In a February 24, 1976 letter to Assembly Chairman David Rose, the President of the School Board requested that Resolution #32 be rescinded and that the duties and responsibilities enumerated above be transferred to the Municipality. The School Board's reasoning is as follows: Originally, the Borough did not have a construction staff which was capable of administering and inspecting school construction projects; the School District had such a staff. At present, the School District's construction activities are at an all time low and the majority of the District's construction staff has been phased out. Since the Municipality now has an adequate construction staff to administer contracts similar to those proposed by the School District, it would seem prudent to allow the Municipality to administer major school rehabilitation and new facility construction, rather than to increase the staff at the School District for this purpose.

Municipal staff members have met with the School District staff and can foresee no problems with assuming the construction activities now delegated to the School District. The Municipality does have adequate personnel available to administer the construction of School District construction contracts, although some additional construction inspectors might be needed, depending upon the amount of construction activity generated by the School District. However, these personnel would only be requested on an as-needed basis.



1-5-82
AM 95-82

ANCHORAGE
SCHOOL DISTRICT

4800 DeBarr Avenue
Pouch 6-814
Anchorage, Alaska 99502
[907] 333-9561

RECEIVED

December 18, 1981

DEC 21 1981

MAYOR'S OFFICE

Honorable George M. Sullivan, Mayor
and Members of the Municipal Assembly
Pouch 6-650
Anchorage, Alaska 99502

Dear Mayor Sullivan:

SUBJECT: Architectural Selection for the Six-
Room Addition at Chinook Elementary

On December 14, 1981 the School Board recommended for approval the firm of Architects' GDM and Associates, ASD Memorandum #230 (81-82), to provide the design, assistance in bidding, and project administration for the proposed six-room addition on the Chinook Elementary School.

We are hereby requesting, by this letter, that this matter be placed on the Municipal Assembly Agenda at the earliest possible time for your consideration and final approval.

Sincerely,

E. E. (Gene) Davis, Ed.D.
Superintendent

EED/RHT/cl

Enclosure

cc: G. Bellville
L. T. Freeman
Jim Hutton
R. Taylor

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

DEC 14 1981

Enclosure 49

ASD MEMORANDUM #230 (81-82)

December 14, 1981

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT *E.E. Wendtman*

SUBJECT: THE SIX CLASSROOM ADDITION TO CHINOOK ELEMENTARY SCHOOL

PERTINENT FACTS:

An Architectural Selection Committee met on Friday, November 13, 1981 for the purpose of interviewing five (5) architectural firms.

The firms interviewed were: Architects' GDM & Associates; Raymond Lawson; Leo McGlothlin; and Quadra Engineering. The firm of Unwin, Scheben, Korynta and Huettl declined stating that their current work load was such that they had no other option.

The firm of Architects' GDM & Associates was selected from which to obtain a fee proposal to do this work. The proposal for the complete design and printing of 100 sets of contract documents is \$54,290 or 7.7% of the total budget. They also submitted a proposal of \$3,600 to make a pre-evaluation relative to the space requirements and construction costs so that a determination can be made as to what spaces can be provided within the budget. This would add an additional one-half of one percent to their fee and would bring the total to 8.2% or \$57,890.

RECOMMENDATION:

It is recommended that the School Board approve a contract with Architects' GDM & Associates in the amount of \$57,890.

EED/RHT/cl

Attachments

ARCHITECT EVALUATION ITEMS FOR CHIMNEY ADDITION

WEIGHTED RATINGS

WEIGHTED RATINGS

TOTAL (110)

NOTE: Weighted Ratings in parenthesis, total possible score is 110.

[illegible]

DE COOL		ARNE	MOULIN		J. F.	S P	SIMPSON	JAMES	STERTZ	PHILIP	TORRENCI	TRA/			
OF DONAL	MCGILVER	IN MOE	ASSOC	MCR	ROSS	GRAND	ASSOC	SIRHAN	ASSOC	THORN	INC	5000	MSK	WCO	

HABITAT	HARLEY	JENS	W E	KRAMER	PATRICK	LANE	RAYMOND	LITTLE	MARQUES	MAYNARD	EE
MEMIN	HIGH- TOWER	A JENSEN	W KIM	CHIN MAYO	KROCHIN	KNOOR PLUNKETT	LAWSON	SUSITNA	ASSOC	MARTCH	MC CAMP

[illegible]

RECEIVED NOV 20 1981

ARCHITECTS **GDM &**
ASSOCIATES INC.

324 Third Avenue • Fairbanks, Alaska 99701 • (907) 452-7233
328 F St. Suite 208 • Anchorage, AK 98501 • (907) 277-7732

November 20, 1981

Mr. Robert H. Taylor P.E.
Facilities Coordinator
Anchorage School District
4500 DeBarr Ave.
Anchorage, Alaska 99502

Re: Six Classroom Addition to Chinook Elementary School

Dear Mr. Taylor:

We are happy to provide you with a fee proposal for the referenced project as requested in your letter of November 13, 1981.

We have reviewed the Program Statement and Educational Specification and feel that before we could start with the concept phase of the project that certain evaluations need to be made relative to the space requirements and construction costs so that it can be determined what spaces and requirements can be provided within the project budget. If you wish for us to provide this evaluation service we would propose to provide these services for a lump sum fee of \$3,600, which would be in addition to our basic fee.

We propose to provide basic professional Architectural and Engineer services including civil, structural, mechanical and electrical engineering design, through the 100% contract document phase for the proposed six classroom addition to Chinook Elementary School for a basic lump sum fee of \$54,290.00.

The basic lump sum fee includes the cost of printing 12 sets of plans and specifications for each of the three required submittals plus 100 sets of plans and specifications of the final design documents for bidding purposes. Additional copies of plans and specifications will be furnished if required for the cost of printing plus 10%.

Mr. Robert H. Taylor P.E.

November 20, 1981

Page Two-

We have not included in our proposed basic fee the review of shop drawings, and services during the construction phase, as we understand from your letter that these services will be provided by others. We have also excluded from the proposed fee the costs of subsoils exploration and analysis, site and topographical surveys, and the design of utilities beyond a point 5'-0" outside of the building.

We appreciate being given the opportunity to present this proposal and look forward to working with you on the project.

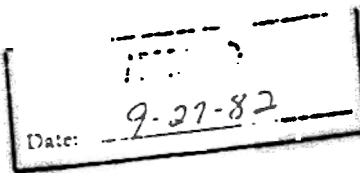
Sincerely,



Carl Zuender
Architects: GDM & Associates, Inc.

CZ/ss

cc: Jim Hutton, GDM Anchorage



Submitted by: Chairman of the Assembly
At the Request of: The Mayor
Prepared by: Department of Law
For Reading: September 27, 1982

ANCHORAGE, ALASKA
AR NO. 82- 276

A RESOLUTION TRANSFERRING THE RESPONSIBILITY FOR ALL MAJOR
REHABILITATION, ALL CONSTRUCTION AND MAJOR REPAIR OF SCHOOL
BUILDINGS TO THE ANCHORAGE SCHOOL BOARD.

WHEREAS, the Anchorage Assembly is responsible for all major rehabilitation, all construction and major repair of school buildings in the Anchorage School District pursuant to A.S. § 14.14.060; and

WHEREAS, this responsibility may be delegated by the Municipality; and

WHEREAS, the Anchorage Assembly desires to delegate said responsibility to the Anchorage School Board; and

WHEREAS, the Anchorage School Board desires to assume the responsibility for all major rehabilitation, all construction and major repair of school buildings;

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1. That the Anchorage School Board is hereby charged with the responsibility for all major rehabilitation, all construction and major repair of school buildings in the Anchorage School District.

Section 2. That the Administration is directed and authorized to take the necessary action to accomplish this transfer of responsibility.

Section 3. That this resolution shall become effective upon passage and approval by the Anchorage Assembly

AR NO. 82-276
Page 2

PASSED and APPROVED this 27th day of September

1982.

Don Smith

Chairman

ATTEST:

Dorothy E. Smith
Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 1113-82

Meeting Date: September 27, 1982

From: MAYOR
Subject: TRANSFERRING RESPONSIBILITY FOR
SCHOOL CONSTRUCTION TO THE
ANCHORAGE SCHOOL BOARD

In December, 1964, the former Greater Anchorage Area Borough Assembly approved Resolution No. 32, which in effect transferred from the Borough to the School District the responsibilities for planning of school facilities; site acquisition; financial planning; selection of architects and engineers; advertising for construction bids or proposals; administering such construction contracts; and various other duties. These duties were performed by the School District until 1976 when the School District requested that Resolution No. 32 be rescinded.

Originally, the Borough did not have a construction staff which was capable of administering and inspecting school construction projects; the School District had such a staff, hence Resolution No. 32. By 1976, the School District's construction activities had tapered off, and the majority of the School District's construction staff had been phased out. Meanwhile, the Municipality had developed the capacity to administer School District contracts, so the prudent course was to return this responsibility to the Municipality.

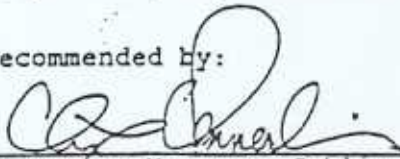
At present, both the School District and the Municipality have ambitious construction programs. By and large, these projects are being handled by contract with construction management firms. Neither entity has the staff necessary to administer these major construction projects in-house. The construction manager for the School District contracts, Heery & Associates, coordinates with the School District on a day-to-day basis. However, the construction management contract is between the Municipality and Heery & Associates, and this requires unnecessary and duplicative involvement by the Municipality. Since construction is now primarily administered by construction management firms, it would seem appropriate for the Municipality to delegate to the School District its role in school construction.

44-82-276

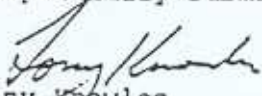
THE ADMINISTRATION RECOMMENDS THAT THE ASSEMBLY APPROVE
RESOLUTION NO. 82-276 WHICH TRANSFERS TO THE ANCHORAGE SCHOOL
BOARD THE RESPONSIBILITY FOR ALL MAJOR REHABILITATION, ALL
CONSTRUCTION AND MAJOR REPAIR OF SCHOOL BUILDINGS IN THE ANCHORAGE
SCHOOL DISTRICT.

Prepared by Department of Law

Recommended by:


Executive Manager, Public
Services Department

Respectfully Submitted:


Tony Knowles
Mayor

ANCHORAGE AND

ONE

DATE 2-15-83

MINUTES OF THE JOINT MEETING
OF THE ANCHORAGE ASSEMBLY AND
THE ANCHORAGE SCHOOL BOARD
ANCHORAGE, ALASKA
SEPTEMBER 27, 1982

The Anchorage School Board/Anchorage Assembly met in Joint Session on Monday, September 27, 1982 at 12 Noon in the School Administration Building Board Room. Chairman Don Smith presided.

I. ROLL CALL

Assembly Members Present: Don Smith, Paul Baer, Fred Chiei, Joe Josephson, Carol Maser, Rick Mystrom, Gerry O'Connor, Lidia Selkregg.

Excused Absences: Jane Angvik, Bernard Marsh, Dave Walsh

School Board Members Present: Jim Robinson, Lee Gorsuch, Bettye Davis, Jean Buchanan, Vi Schellenberg, Alyce Hanley, Brent Wadsworth.

Municipal Staff: Mayor Tony Knowles, Barbara Steckel, Carol Larsen, Allen Tesche, ~~Phil~~ ^{PAUL} Denier, Jerry Wertzbaugher, Ruby Smith.

School District Staff: E. E. (Gene) Davis, Superintendent; Tom Freeman, Bill Tanner, Marilyn Scott, Stephen Daeschner, Brent Rock, William Eckels, Rita Strachan, Gerald Butts, Guy Bellville, Dru Childs, Patricia Gold.

II. SPECIAL ORDER OF BUSINESS

Mayor Knowles stated that there were four significant items that should be addressed by both the Assembly and School Board. They were an alternative proposal for data processing for the Anchorage School District; a resolution transferring the responsibility for all major rehabilitation; all construction and major repair of school buildings to the Anchorage School Board; a resolution establishing a policy governing the use of municipal lands for educational purposes and school site selection process.

Moved by Garry O'Connor
seconded by Lidia Selkregg

for approval of Resolution No. AR 82-276, a resolution transferring the responsibility for all major rehabilitation, all construction and major repair of school buildings to the Anchorage School Board

Carol Maser stated that she objected to the fact that there had not been sufficient public notice that the Assembly/School Board would be voting on this subject.

Vote on the motion:

Ayes: Smith, Baer, Chiei,
Josephson, Mystrom,
O'Connor, Selkregg

Nays: Maser

Motion Carried.

Moved by Garry O'Connor
seconded by Fred Chiei

for approval of Resolution No.
AR 82-277 (S), a resolution of
the Anchorage Assembly and the
Anchorage School Board establishing
a policy governing use of
Municipal lands for educational
purposes

Carol Maser stated that she objected to the fact that there had not
been sufficient public notice that the Assembly/School Board would be
voting on this subject.

Vote on the motion:

Ayes: Smith, Baer, Chiei,
Josephson, Mystrom,
O'Connor, Selkregg

Nays: Maser

Motion Carried.

Moved by Lee Gorsuch
seconded by Brent Wadsworth
Ayes: Schellenberg, Gorsuch,
Hanley, Robinson,
Wadsworth, Davis,
Buchanan

Nays: None

Motion Carried.

for approval of Resolution No
AR 82-277 (S)

Moved by Garry O'Connor
seconded by Rick Mystrom

for concept approval for the
Alternative for Data Processing
Services for the Anchorage
School District

Ayes: Smith, Baer, Chiei,
Josephson, Maser,
Mystrom, O'Connor,
Selkregg

Nays: None

Motion Carried.

II. COMMENTS

Don Smith commented that he would like to see the Assembly Lobbyist and School District Lobbyist working closely together in Juneau.

Jim Robinson commented that the Board has asked the Lobbyist to work in cooperation with the Assembly Lobbyist.

Rick Mystrom asked if the district had a policy or was planning to initiate a policy whereby commercial users of school facilities would have to pay a percentage for clean-up after an event.

Gene Davis commented that the District was looking forward to the completion of the Sports Arena, which would eliminate the commercial use of the schools.

Joe Josephson asked what was the current status of the Eagle River site?

Tom Freeman stated that the right of entry from the parties had been given in order to clear the land.

Allen Tesche stated that the Platting Board would be taking final action on the plat in November.

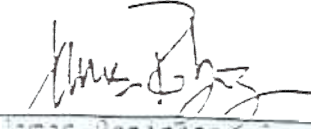
Paul Baer stated that the Assembly would be voting on the ordinance to permit certain municipal employees to serve on the Anchorage School Board tomorrow night and asked for comments from the Board.

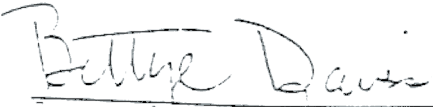
The Board members stated that they had not received copies of the ordinance at this time.

Mayor Knowles and Jim Robinson agreed to appoint members to the School Site Selection Committee.

IV. ADJOURNMENT

MEETING ADJOURNED AT 1:22 p.m.


James Robinson, President


Bettye Davis, Clerk

MEMORANDUM OF UNDERSTANDING

The Municipality of Anchorage (hereinafter "Anchorage") and the Anchorage School District (hereinafter "School District"); hereby agree as follows:

WHEREAS, Anchorage is responsible for all major rehabilitation, all construction and major repairs of school buildings by the authority of AS 14.14.060(f); and

WHEREAS, the School District is empowered to promulgate the design criteria for school buildings and to select the appropriate professional personnel to develop the design by the authority of AS 14.14.060(e); and

WHEREAS, Anchorage has entered into a contract with Hanscomb/Heery Associates, A Joint Venture, dated February 11, 1982, to provide contract management services for the design and construction of certain school construction projects, and has entered into Change Order No. 1 to that contract to add seven (7) additional projects for an additional fee not to exceed \$427,310; and

WHEREAS, on September 27, 1982, the Anchorage Municipal Assembly passed Resolution No. AR 82-276, which delegated the responsibility for all major rehabilitation, all construction and major repairs of school buildings to the School District, including the delegation to the School Board of the authority to make the final contract awards on all such matters pursuant to procedures adopted by the School Board and which directed the executive officials of Anchorage to take necessary action to accomplish a transfer of responsibility; and

WHEREAS, the parties desire to clarify the relationship between them and the responsibilities of each party in order to effectuate AR 82-

1. Anchorage hereby delegates to the School District authority for all major rehabilitation, all construction major repairs of school buildings in the Anchorage School District, including any such work now in progress, effective as of the passage and approval by the Anchorage Assembly of AS 82-276.

2. The School District may execute all contracts for repair, rehabilitation, construction and construction management of school buildings and the School Board shall have final approval authority for all such contracts to the same extent as it would have under its own purchasing procedures

3. The School District may administer all contracts.

4. It is the intent of the parties that the School District shall use the School District Purchasing Department in connection with the projects encompassed by this agreement. If the School District Purchasing Department is used, the School District's purchasing procedures may be used. If the School District uses the Municipal Purchasing Department, the purchasing procedures set forth in Anchorage Municipal Code Title 7 shall be followed. Said services shall be made available to the School District, and the School District shall reimburse Anchorage such services on the same basis as such services are made available to and paid for by other municipal departments.

5. Both parties agree to employ their best efforts to effectuate the transfer of the Hanscomb/Heery contract and all construction contracts now in progress from Anchorage to the School District

6. Anchorage hereby delegates to the School District the responsibility and authority to receive and pay for proposals for professional services in connection with a rehabilitation, construction or repairs

in the Anchorage School District which were pending on September 27, 1982, and to make awards, give final approval to and execute contracts for those professional services. Anchorage further delegates to the School District the responsibility and authority to complete the public notification, solicitation of bids, receipt of bids, opening and evaluation of bids, award of contracts, final approval of contracts and execution of contracts for all major rehabilitation, construction and major repairs of school buildings which were pending at any stage of the process as of September 27, 1982. Specifically, the School District is authorized to complete the following pending matters with the assistance, as required, of the Municipal Purchasing Department or through the School District's Purchasing Department

- A. Receipt and evaluation of bids for construction of Klatt Elementary School, award of contract, final approval of contract by the Anchorage School Board and execution of contract with the successful bidder.
 - B. Award, final approval of and execution of contract with Heery Program Management, Inc. for project management services in connection with the construction of Eagle River Elementary School and Ernest Gruening Junior High School, which may be in the form of a Change Order to the above-referenced contract with Hanscomb/Heery.
 - C. Receipt of proposals, evaluation of proposals contract award, final approval of contract by the Anchorage School Board and execution of contract for project management services for construction phase of U.S. Hanshew Junior High School
- The School District shall be responsible to

incurred contr etc 20000

construction and repairs of school buildings no matter when such costs were incurred, including any and all costs incurred before September 27, 1982

H. The parties specifically wish to provide for the disposition of claims arising out of the school construction projects as follows:

A. The School District may, at its option, obtain services of the Municipal Department of Law in connection with claims. Said services shall be made available to the School District, and the School District shall reimburse Anchorage on the basis as such services are made available to and paid for by other municipal departments.

B. In the event that any claim is brought against either the School District or Anchorage which affects the interests of Anchorage independently of the interests of the School District, Anchorage shall have the option to participate in administration of such claim in order to protect its interests, whether or not the School District has requested the services of Anchorage with regard to such claim.

C. In all claims arising out of the bidding and award process, including but not limited to bid protests, bid withdrawals, and mistaken bid claims, where the Municipal Purchasing Department has rendered services to the School District in connection with the contract in question, the claim shall be handled by the Department of Law and the School District shall reimburse Anchorage all expenses incurred

School District shall indemnify defend save

SCHOOL DISTRICT ATTORNEY

CLERK'S OFFICE

APPROVED

Date: 8-8-95

Submitted by:

Prepared by:

For reading:

Assembly Member Begich

Department of Law

M. H.

ANCHORAGE, ALASKA

AR NO. 95-89(S)

(As Corrected* by the Revisor of Ordinances)

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY TRANSFERRING THE RESPONSIBILITY FOR ALL MAJOR REHABILITATION, AND ALL CONSTRUCTION AND MAJOR REPAIR OF SCHOOL BUILDINGS FROM THE ANCHORAGE SCHOOL BOARD TO THE ANCHORAGE ASSEMBLY

WHEREAS, the Anchorage Assembly is responsible for all major rehabilitation, and all construction and major repair of school buildings in the Anchorage School District pursuant to AS 14.14.060(f); and

WHEREAS, AS 14.14.060(i) provides that this responsibility may be delegated to the School District by the Municipality; and

WHEREAS, on September 27, 1982, at a joint Assembly/School Board meeting, the Anchorage Assembly approved Assembly Resolution 82-276 (see attached), delegating this responsibility to the Anchorage School Board; and

WHEREAS, the Anchorage Assembly desires to reassume the responsibility for all major rehabilitation, and all construction and major repair of school buildings pursuant to AS 14.14.060 in accordance with this Resolution.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That, subject to existing rights, responsibilities and liabilities as to past and existing projects and operations under the October 25, 1982 Memorandum of Understanding which shall not be changed or modified as between the Municipality and the School District except as hereinafter provided, Assembly Resolution 82-276 is hereby repealed effective upon completion and approval by the Assembly and Anchorage School District Board of Education of a revised Memorandum of Understanding as provided for in Section 2. of this Resolution.

Section 2: That upon passage of this Resolution, the Municipal Administration and School District Administration shall form a joint team to develop a structured process for accomplishing this transfer of responsibility, to include but limited to:

- a. Revising the Memorandum of Understanding between the Municipality of Anchorage and Anchorage School District dated October 25, 1982, as provided for in subparagraph (b) of this Section.
- b. Ensuring that the revised Memorandum of Understanding provides for:

*Page 1 line 30: Period after "repealed" deleted d "E" in "effective" corrected to lower case.

- (1) A phased transfer of responsibility continuing Anchorage School District responsibility for all capital projects currently in progress.
- (2) Adjustment of legal rights and responsibilities under the Memorandum of Understanding dated October 25, 1982 consistent with this Resolution, but without changing, modifying or transferring any rights, responsibilities or liabilities as to past or existing projects or operations presently subject to the Memorandum of Understanding dated October 25, 1982, except as mutually agreed upon by the Municipality and the School District and approved by the Municipal Assembly and the Anchorage School District Board of Education.
- (3) To the extent permitted by law, placing all interest from School District capital projects, either grant or bond related, in the School District's maintenance fund.

Section 3: This Resolution shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 8th day of August, 1995.


Chair of the Assembly

ATTEST:


Municipal Clerk

*Page 2.. line 13: "grand" corrected to "grant"