

1 *Postponed indefinitely 6/8/04*
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Submitted by: Assemblymembers Tesche and
Tremaine

Prepared by: Department of Assembly

For reading: May 18, 2004

6 **ANCHORAGE, ALASKA**
7 **AR NO. 2004- 140**
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9 **A RESOLUTION STATING AND CONFIRMING THE ASSEMBLY'S INTENT IN**
10 **ADOPTING AR 82-276 THAT SITE SELECTION OF MAJOR SCHOOL BUILDINGS**
11 **USED FOR CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS BE RETAINED BY**
12 **THE ASSEMBLY AND THAT SITES SELECTED FOR SUCH PROJECTS CONFORM TO**
13 **THE COMPREHENSIVE PLAN**
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16 WHEREAS, by resolution adopted on September 27, 1982, and as allowed by AS
17 14.14.060(1), the Assembly transferred the responsibility "for all major rehabilitation, all
18 construction and major repair of school buildings in the Anchorage School District" to the
19 Anchorage School Board; and
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21 WHEREAS, AR 82-276 did not expressly address the issue of whether the
22 Assembly or the School Board retained final authority for selecting sites for school
23 buildings used to consolidate administrative functions of the district or the degree to which
24 sites selected for those buildings must conform to the officially adopted comprehensive
25 plan of the Municipality; and
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27 WHEREAS, AS 14.14.060(d) provides that the "Assembly shall determine the
28 location of school buildings with due consideration to the recommendations of the . . .
29 school board;" and
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31 WHEREAS, by Section 12.01 of the Charter, a comprehensive plan is required to
32 set "forth goals, objectives and policies governing the future development of the
33 municipality" and that under the current comprehensive plan, the Assembly stated its policy
34 to "locate municipal, state, and federal administrative offices in the Central Business
35 District;" and
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37 WHEREAS, litigable issues have arisen as to whether selection of the location for
38 a new, consolidated headquarters building for the Anchorage School District must conform
39 to the Anchorage 2020 Comprehensive Plan and must also be approved by the Assembly
40 under AS 14.14.060(d).
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42 NOW, THEREFORE, the Anchorage Assembly resolves that:
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44 **Section 1:** The Assembly restates and confirms its intent that, in enacting AR 82-
45 276, the Assembly retains the right to make the final decision as to the location of school
46 buildings, including a new, consolidated headquarters facility for the Anchorage School

District with due consideration given to the recommendations of the School Board and that sites selected for those facilities conform to the policies and other requirements of the Anchorage 2020 Comprehensive Plan.

Section 2: This resolution shall take effect immediately upon passage and approval and shall apply to award of any contract, lease, or acceptance of any proposal to lease space to the Anchorage School district for a consolidated headquarters building made after May 18, 2004.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2004.

Chair

ATTEST:

Municipal Clerk

Chapter 14.14. LOCAL ADMINISTRATION OF SCHOOLS

Sec. 14.14.060. Relationship between borough school district and borough; finances and buildings.

(a) The borough assembly may by ordinance require that all school money be deposited in a centralized treasury with all other borough money. The borough administrator shall have the custody of, invest, and manage all money in the centralized treasury. However, the borough assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibility of a centralized treasury.

(b) When the borough school board by resolution consents, the borough assembly may by ordinance provide a centralized accounting system for school and all other borough operations. The system shall be operated in accordance with accepted principles of governmental accounting. However, the assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibilities of the accounting system.

(c) Except as otherwise provided by municipal ordinance, the borough school board shall submit the school budget for the following school year to the borough assembly by May 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. Except as otherwise provided by municipal ordinance, by June 30, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

(d) The borough assembly shall determine the location of school buildings with due consideration to the recommendations of the borough school board.

(e) The borough school board is responsible for the design criteria of school buildings. 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. Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. 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. 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).

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The borough assembly through the borough administrator, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.

(g) State law relating to teacher salaries and tenure, to financial support, to supervision by the department and other general laws relating to schools, governs the exercise of the functions by the borough. The school board shall appoint, compensate, and otherwise control all school employees and administration officers in accordance with this title.

(h) School boards within the borough may determine their own policy separate from the borough for the purchase of supplies and equipment.

(i) Notwithstanding (e) and (f) of this section, a borough assembly and a borough school board may divide the duties imposed under (e) and (f) of this section by agreement between the borough assembly and borough school board.

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.

PASSED and APPROVED this 27th day of September.

1982.

Aen Smith
Chairman

ATTEST:

Buckley E. Smith
Municipal Clerk

