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396

File # ASB 316

# ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

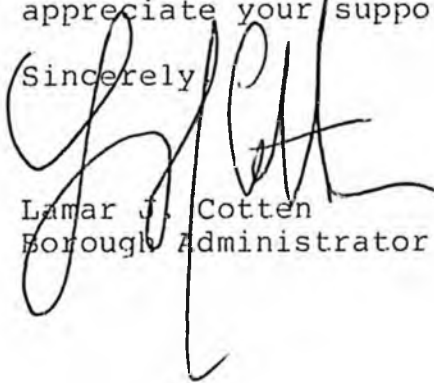
February 29, 1986

Senator Arliss Sturgulewski  
P.O. Box V  
Juneau, Alaska 99811

Dear Arliss:

Just a short note to say thank you for the time concerning SB 396. Again, the Borough does have problems with this bill and views that it an internal; not a state matter. I appreciate your support on this subject.

Sincerely,



Lamar J. Cotten  
Borough Administrator

# ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

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TO: Dick Jacobsen, Mayor and Assembly Members  
FR: Lamar J. Cotten, Borough Administrator  
RE: Education Transition Plan  
DT: February 7, 1988

Attached please find Resolution 88-4. This resolution addresses the issue of the transfer of educational responsibilities from the two Cities and the REAA to the Borough. As you will note, by the background information, and correspondence the transition of the three school districts into one does not have to be a complicated affair. In fact, it can be fairly straight forward activity if everyone strives for cooperation and understanding. This resolution in compliance with State Statutes, attempts to do that. It entails the following:

1. Establishes that the Borough will take over the function of education on or about July 1, 1989. My recommendation for this date, is based in large part, on the fact that it will take a longer time than expected to develop a cohesive and orderly plan for the transition. I have asked for the Assembly to consider the date of on or about July 1, 1989 because of some unforeseen advantage or disadvantage to have the actual date in FY 89 as oppose to FY 90.
2. The Assembly provides a blanket allowance and approval for the Cities and REAA to execute contracts for supplies, materials which are made before July 1, 1989, individual teachers contract for the school year 88-89 and renewal of employment agreements for contracts not to exceed July 1, 1989. Other contracts and obligations are void unless approved by the Assembly. Contracts, however, requiring prior Assembly approval would include but not be limited to equipment purchases over \$6,000, contracts for acquisition of capital improvements over \$10,000 contracts and professional services including lobbying services that will not be paid for prior to July 1, 1989, any contract or obligation that would obligate the Borough to make any payment after July 1, 1989, and a labor agreement or the extension of existing labor agreement with the representatives of a group of employees of the district.
3. Allowance for the Mayor, in certain circumstances, to approve such contracts without direct Assembly approval. The Borough School Board may exercise the approval authority of the Assembly with regards to teachers contracts which must be offered for the 1989-90 school year. No real or equipment assets over \$200 may be disposed of without prior approval of the Assembly.

4. Gives direction to the new School Board to call and conduct meetings, adopt policies by-laws, policy manuals, etc. necessary for the Board to function during the transition period and when it takes over the function of education. Authorizes School Board to negotiate contract for superintendent of the Borough School District. Authorizes the School Board to expend funds within the limits set by the Assembly. Appoint sub-committees and advisory boards as needed.

# ALEUTIANS EAST BOROUGH

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ALEUTIANS EAST BOROUGH, ALASKA

Resolution No. 88-~~88~~ 4

A RESOLUTION ESTABLISHING THE ANTICIPATED DATE FOR THE BOROUGH ASSUMPTION OF THE EDUCATION FUNCTION; DELINEATING THE REAA AND CITY SCHOOL DISTRICT CONTRACTS THAT MUST HAVE ASSEMBLY APPROVAL; AUTHORIZING THE BOROUGH SCHOOL BOARD TO UNDERTAKE LIMITED EDUCATION FUNCTIONS IN ORDER TO PLAN AND IMPLEMENT AN ORDERLY TRANSITION OF THE EDUCATION FUNCTION; AND DEALING WITH OTHER MATTERS RELATING TO THE TRANSITION OF THE EDUCATION FUNCTION.

WHEREAS, the Aleutians East Borough was established on October 23, 1987, and

WHEREAS, Title 29 of the Alaska Statutes requires boroughs to exercise the education power on an areawide basis, and

WHEREAS, AS 29.05.140 requires that borough powers exercised by cities and service areas within a newly formed borough be assumed by the borough within two years of the date of incorporation, and

WHEREAS, the assembly has called for a special election on February 29, 1988 for the purpose of electing members to the new borough school board, and

WHEREAS, the new borough school board should be given sufficient time to consult with existing city school district and REAA school officials in order to develop a plan for an orderly transition of the education power from the existing districts and REAA to the borough school district, and

WHEREAS, AS 29.05.140 prohibits a service area from incurring any new obligations or contracts and from transferring any assets without the consent of the assembly, and

WHEREAS, blanket approval for certain types of contracts should be given to permit the existing school districts and the REAA to continue to function during the transition period without obtaining assembly approval of routine contracts, and

WHEREAS, the difference in the financial consequences of assuming the educational powers before July 1 and after July 1 of 1989 have not yet been determined,

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

1. That the assembly anticipates that the borough will assume the full education powers and functions on or about July 1, 1989 but that the actual date of assumption will be established by the assembly by a separate resolution.

2. That pursuant to AS 29.05.140(c) the assembly gives its advance approval to the execution by the city school districts and the Aleutian REAA of contracts, purchases and other obligations for the following purposes and under the restrictions set out below:

(a) For ordinary supplies and materials where payment is to be made prior to July 1, 1989.

(b) Individual teachers' contracts for the 1988-89 school year.

(c) New and renewed employment agreements for all other employees; provided, such agreements may not obligate the REAA, a city school district or the borough school district in any manner beyond July 1, 1989.

3. That contracts and other obligations not set out in paragraph 2 above are void unless approved by the assembly. Contracts and other obligations requiring prior assembly approval include, but are not limited to:

(a) Purchases of equipment if the price or value of an individual piece of equipment exceeds ~~\$2,000~~ <sup>\$16,000</sup>. The mayor, at the request of the REAA or a city school district may determine whether an equipment purchase falls within the requirements of this subparagraph. (4,000 AM)?

(b) Contracts for the acquisition of capital improvements, including land and interests in land, of more than \$10,000.

(c) Contracts for personal or professional services other than lobbying services that will not be performed and paid for prior to July 1, 1989.

(d) Any contract or other obligation of any nature, including the exercise of an option, that would obligate the borough to make any payment after July 1, 1989 including the grant of an option to another that by its exercise would create an obligation to be performed on or after July 1, 1989 by a city school district, the REAA, the borough or the borough school district.

(e) A labor agreement, or an extension of an existing labor agreement, with the representative of any group of employees of a city school district or the REAA.

(f) Contracts for lobbying services.

4. That the mayor may approve, on behalf of the assembly, any contract, agreement or other obligation of a city school district or the REAA if the mayor determines that it is critical to have the obligation approved prior to the next regular assembly meeting and that, in the mayor's opinion, the policy matters to be considered in approving the obligation do not justify the expense of a special assembly meeting or that the difficulty of holding a special assembly meeting within the time required outweighs the policy matters at stake. The mayor shall report to the assembly at its next regular or special meeting the approval of a contract under this paragraph along with the reasons justifying the approval.

5. That unless a different approval process is later established by the assembly, the borough school board may exercise the approval authority of the assembly with regard to teachers' contracts that must be offered for the 1989/90 school year.

6. That the Aleutians REAA and the city school districts may not dispose of any equipment or real assets valued at more than \$200 without prior approval of the assembly.

7. That the borough assumes, but only to the extent necessary, so much of the education power as is necessary for the borough school board to perform the following functions:

(a) Call and conduct borough school board meetings.

(b) Adopt policies, bylaws, policy manuals and other operating manuals; provided, except for those policies

and bylaws that are necessary for the board to function during the transition period, such policies, bylaws, and manuals shall become effective only upon the date set out by the assembly in a separate resolution as the date upon which the borough assumes the full range of education powers.

(c) Develop a transition plan for the orderly and timely transfer of the education functions and facilities.

(d) Commence recruitment for and negotiations with a person who will become the superintendent of the borough school district; provided, no contract or agreement with such a person may be entered into before assembly assumption of full education powers unless the contract or agreement is approved by the assembly.

(e) Authorize, within the limits of assembly appropriations for that purpose, the expenditure of monies for:

(1) Compensation, per diem, and expense reimbursement for members of the school board.

(2) Expenses associated with school board meetings.

(3) Expenses associated with the development of a transition plan, including the retention of services of a consultant or other professional deemed necessary by the school board to assist in establishing or implementing a transition plan.

(4) Such other purposes as may be specifically set out in an assembly appropriation ordinance, or approved by the assembly by motion or resolution, or as is fairly implied as necessary to perform a function authorized to the school board by the assembly.

(f) Appoint subcommittees and advisory boards and provide for the payment of per diem and reimbursements for advisory board members.

8. That the school board has no authority to assume any additional education powers nor to establish the date for the actual assumption by the borough of the education power; however, the school board may recommend to the assembly the date it believes most appropriate for the assumption of the powers and may further recommend that prior to assumption of full education powers, the assembly assume minor parts of the education power not assumed under this resolution.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

# ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

February 10, 1988

Honorable Arlis Sturgulewski  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

RE: Senate Bill 396

Dear Senator Sturgulewski:

This letter concerns the Senate Bill 396 An Act Relating to the Assumption of Educational Powers by Newly Incorporated Municipality. As you are aware, the Aleutians East Borough (AEB) incorporated on October 23, 1987. A key objective of the newly incorporated Borough has been to insure a smooth transition in the consolidation of the three existing school districts into one Borough School District. The new school board shall be the entity that puts together a transition plan within guidelines set by the Assembly. The Assembly, per State Statutes, sets the date for the transition of powers from the existing school districts to the Borough School District. That date, however, has not been set. The Assembly is reviewing that option at this time.

At first glance, the Borough has few objectives with this bill. However, after reflection, we do find a number of problems with its direction and implications. They include:

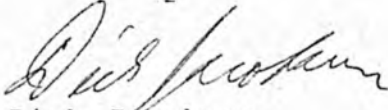
1. It takes a local issue out of the hands of local people. This bill in effect attempts to circumvent local option and control of an ongoing transition process. It appears to reflect a desire to intervene in a local matter without just cause.
2. It changes the rules after incorporation. If this bill is designed for future boroughs, that is fine. Other areas will then have a clear understanding of the rules before it organizes. If this Bill, however, apply to AEB, it changes the rules once the process has started. In effect it says, "We don't like the way you are following State Statutes. Therefore, while you are making the effort to consolidate the school districts we think we will add a few more rules on top of it." Again, this amounts to State interferences into a local matter.

3. It sets a poor precedence for other areas that are interested in incorporating. The bill implies that that, a) the State may change some of the rules after incorporation and b) if a faction within a community does not like the way a borough is operating, the State, with little understanding of the issues involved, may intervene. In short, it serves as a disincentive not as an incentive for other areas to organize.

4. It questions the trust and sincerity of locally elected people. The bill implies something has occurred or will occur which will ill-effect the region. It presupposes poor or questionable judgment by local residents. Again, this is simply not the case and reflects a lack of knowledge of the regions ability to solve problems at the local level.

The Borough and the community residents of the Borough wish to resolve these types of issues internally; not with State interference. It feels that it has had an excellent record of local decision-making over the last 15-20 years. It feels that matters such as these should be solved by those who are directly involved; not by State Legislature which clearly is not knowledgeable of the details of the issues. Hence, we do not support this bill and ask for you to oppose it.

Sincerely,



Dick Jacobsen  
Mayor  
1007 W. 3rd., Suite 201  
Anchorage, Alaska 99501  
274-7555

# Aleutian Eagle

Vol. VII, Ed. 6

Published in Unalaska/Dutch Harbor and 34 Southwest Alaska Communities

February 25, 1988

## Mean Weather Fishermen's Foe

Tuesday morning, Coast Guard patrollers were alerted to watch for a mysterious tanker that had passed through Unimak Pass earlier, colliding with the FV Abadozonza, in the process.

Fortunately the fishing vessel suffered a 15-foot crease, not a hole. The tanker no doubt has a crease or two of her own.

The tanker didn't stop after the 4 AM collision, and it was not known whether her crew was aware of having hit the fishing vessel.

It seems as if the weather has been too much with us the past week.

On islands that has meant digging out of deep snow or just staying snowed in, the school bus over an hour late, no planes.

At sea the weather has meant danger and loss, with four boats badly damaged or sunk but no lives lost over the past week.

The Coast Guard was geared up for search and rescue, but they say it was other fishermen who were the real heroes in most of the latest incidents.

### F/V Captain Billy

The rescue of the six-man crew of the FV Captain Billy was a Coast Guard operation, involving two C-130s, a helicopter and two crews.

The beginning of the end of the Captain Billy was last Wednesday when her skipper, Brian Kanzaki, decided to ride out a storm on the south side of Yuanska Island. As the crew tried to move the vessel closer to the island, a freak wave broke out a window in the wheel house and shorted out the steering. Then 20-foot seas flung her over a sand bar, leaving her stuck on the beach.

The crew called the Coast Guard and stayed aboard for several hours till the tide backed off and they could make their way through the surf onto the beach. As they built a roaring bonfire on the beach, the first C-130 appeared, dropping them food, dry clothing, and a radio. Heavy seas prevented a Seattle-based cutter, the Dominator, from launching a small boat to pick up the men, and Thursday evening, they were taken from the island by Coast Guard helicopter and transported to Dutch Harbor.

### F/V Polar Lady

The weather and the seas were unkind, also on Wednesday, to the F/V Polar Lady. About 30 miles west of St. Paul, she was struck by a wave that broke a window in her wheelhouse. Fire then

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## Bering Sea Communities, USSR, Seattle: Commonality of Interest

Unalaska's Mayor Paul Fuhs is in Seattle today at the invitation of that city's Chamber of Commerce to address its members regarding the Bering Sea bottomfish fishery and ways both Alaska and Washington can bring home the benefits.

Among the topics Fuhs is discussing in that context are the Unalaska proposal to Americanize the fishery support industry; changes in policy and practice that both Alaska and Washington should support to assure the longrun value of the fishery; the wastefulness of the too-long-on-going Alaska vs. Washington scenario in the face of the need for cooperation to assure sound management of the fishery; and ways Seattle/Tacoma can cooperate with Unalaska and other Alaskan cities to make certain a substantial amount of the fish pass through all their ports, as Americanization proceeds.

### Then On to The USSR

Mayor Fuhs is among 20 representatives of the American fish industry who have been invited to a joint American-Soviet industry to industry meeting in Khabarovsk, USSR, March 14-18.

Coordinator of the group is North Pacific Fishery Management Council Chair Jim Campbell.

The meeting is a response to one provision of a bilateral U.S./Soviet



agreement reached in principle the end of January. The provision agrees that American fishermen will have access to fish in the Soviet Union's Exclusive Economic Zone. The goal of the meeting is the reaching of an agreement between the industries of the two countries as to how that access will occur.

The Alaska Crab Coalition, which has worked particularly hard with the U.S. State Department the last year and a half for such access, believes what is needed is a "sound commercial agreement that will require the development of a joint venture company." Fuhs supports that sort of

(Continued on Page 3)

## Aleutians East Borough Assembly Acts to Resolve Districts' Anxieties

On Monday, February 29, voters throughout the Aleutians East Borough will go to the polls to elect the school board that will formulate the framework within which education will be provided to the coming generations of youth in the communities joined in the borough.

While candidates for the seven-member board represent four separate district, voters from any community may vote for any candidate, regardless of where either lives.

The board will have three members from District 1, which is the City of Sand Point; two from District 2, the City of King Cove; one from District 3, the City of Cold Bay; and one from District 4, Akutan/False Pass/Nelson Lagoon.

Seeking election from Sand Point are Noel Hemenover, Edith Jacobsen, Richard Kochuten, Janet Ludvick, Susan Osterback, and Edgar Smith. From King Cove, Edwin Bendixen, Kathie Gould,

Glenn Guffey, and Alex Samuelson. From Cold Bay, Carl Mack and Michael Meliello; and from the rest of the borough, Zenia Borenin, Allen Nelson, and Gilda Shellikoff.

Once elected, the board must develop policy for the schools within the district, develop procedures for the conducting of school business areawide, and create a framework assuring students of equal opportunities for education, all without inciting confusion in the process.

To provide stability in the time between the election of the school board and July 1, 1989, when the Aleutians East Borough must undertake its mandated responsibility for education, the Assembly has promised that the takeover indeed will not occur before July 1, 1989. And it will not meddle in the day to day affairs of current school districts in the interim. Purchases over \$6,000 and real estate transactions must be approved by the Assembly, however.

## Dock Lighting Jobs Bill Project

The small state-owned dock by the Unisea Inn in Dutch Harbor will be lighted, some funds provided for water and sewer extension in Unalaska, and small but important job-creating projects undertaken around the southwest, according to Senator Fred Zharoff and Representatives Cliff Davidson and Adelheid Herrmann who have announced the District N projects now incorporated into House Bill No. 512 and Senate Bill No. 430, the two versions of the \$75 million Jobs Bill introduced in mid-February by Governor Steve Cowper.

The finance committees of the House and Senate are presently holding joint hearings on the two identical bills. Legislators are expected to accept recommendations of individual legislators for projects in their districts and approve the bills before the end of the month.

Both versions of the legislation allocate \$1.62 million for each single member House district and \$10.2 million for the Governor for administrative priorities.

Among the projects announced by the legislators are the following:

Adak School District	
emergency roof repair	\$ 50,000
Akhiok community building,	
electrical upgrade, and	
erosion control	100,000
Atka road repair	30,000
Chignik bridge and emergency	
shelter completion	250,000
Chignik Lagoon road and	
flood control	25,000
Chignik Lake centralized	
electrification	75,000
Chiniak emergency building	
and satellite ground pad	100,000
Egegik sewage lagoon	100,000
False Pass road improvements	40,000
False Pass sockeye	
incubation site	41,000
Ivanof Bay emergency shelter	75,000
Karluk landfill relocation,	
erosion control and historic	
preservation	100,000
King Cove hydro/transmission	
distribution line	150,000
Nelson Lagoon erosion	
control and dock	25,000
Nikolski building improve-	
ments	25,000
Larsen Bay erosion control	65,000
Old Harbor erosion control,	
solar facility relocation	
and community upgrade	75,000
Ouzinkie firehall extension,	
greenhouse, and parks	
and trails	75,000

(Continued on Page 11)

File for file in bill  
in committee

# ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

February 24, 1988

Honorable Arliss Sturgulewski  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

RE: Senate Bill 396 Assumption of Educational Powers

Dear Senator Sturgulewski:

This letter follows-up previous correspondence concerning Senate Bill 396. The following statement made by the Alaska Municipal League education sub-committee clearly represent the Aleutians East Borough's concern on this bill. The Borough feels this legislation is counter-protective to its ongoing education consolidation process.

"AS 29.05.140 presently requires a newly formed Borough to assume the education power within two years of incorporation and requires the appropriate municipal officials to consult with school district and REAA officials to arrange an orderly transfer of the power. This requirement for consultation to arrange an orderly transfer is sufficient to cover the proposed requirements set out in the first three sentences of this bill. Further, the first sentence requires that the new school board establish a timetable for transition. This would appear in place in the new school board a determination of when the transfer would occur. However, the existing provision of section 140 make assembly the body that determines when the transfer will occur. The date of the transfer has substantial local financial implications that go beyond the concerns of the school board. These are the concerns of the assembly and there should be no doubts cast on the authority of the Assembly to weigh the financial implications of the date of transfer of the power and determine the date transfer accordingly.

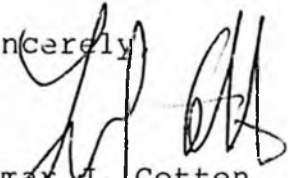
The last sentence of the Bill would unnecessarily restrict the option available to the new school board to efficiently managing the school system by devoting its scarce financial resources as it sees fit. Also, it would limit the ability of the school board to adjust attendance areas until to all funds of the former school

districts were expended. If it is important that the funds of the former district be spent only in the former district, it would follow that no district should receive additional funds, even if needed. Where, indeed, would such additional funds come from if not from the funds of another former district? How would the new district meet the needs of a central administration if it could not use funds of former districts outside the district.

The bill is confusing, overly restrictive, and unnecessary."

I hope you give the AML Education sub-committee comments some consideration.

Sincerely,



Lamar J. Cotten  
Borough Administrator  
1007 W. Brd., Suite 201  
Anchorage, Alaska 99501