

Mayor

James Kallander

Council Members

vacant

James Kacsh
David Allison
Bret Bradford
EJ Cheshier
David Reggiani
Robert Beedle

City Manager

Mark Lynch

City Clerk

Susan Bourgeois

Deputy Clerk

Robyn Kincaid

Student Council

**COUNCIL JOINT WORK SESSION
WITH THE CORDOVA SCHOOL BOARD
AUGUST 02, 2012 @ 6:30 PM
LIBRARY MEETING ROOM**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Mayor James Kallander, Council members Keith van den Broek, James Kacsh, David Allison, Bret Bradford, EJ Cheshier, David Reggiani, and Robert Beedle

C. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Audience Comments regarding agenda items

D. WORKSESSION TOPIC

2. Discussion of draft Ordinance updating School Board..... (page 1)
section of Cordova Municipal Code

E. AUDIENCE PARTICIPATION

F. COUNCIL COMMENTS

G. ADJOURNMENT

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CITY OF CORDOVA

Office of City Manager

July 25, 2012

Memo to City Council
Re: Education Code (3.36) Ordinance Work session

At the March 21, 2012 Council meeting there was a brief discussion of the need for an agreement between the School and the City concerning the maintenance responsibilities of the City owned building used by the Schools. Dave Reggiani offered to work on a memorandum of understanding concerning this issue, and there was no objection from Council. I performed a cursory review of how other cities in Alaska who own school buildings deal with this issue, and found that there were instances where the expectations of cities and school districts was codified rather than dealt with via an MOU. After consideration this seemed to make more sense to me because it is more common for memos and MOUs to be forgotten over time, but Code remains in place and consistent. Therefore I used examples from other communities, primarily Dillingham, to put together a very preliminary draft ordinance for discussion. Additionally, there was some language in our code that needed cleaned up, and some portions that are commonly included in other communities was missing in our, and subsequently added. This includes all sections from 3.36.005 through 3.36.070. The newly added sections based primarily on the Dillingham example are 3.36.080 & 3.36.090. All of the language has been reviewed by our City Attorney, and she actually placed the draft language that I sent her into ordinance form.

On July 13, 2012 Dave and I met with Theresa Keel, the new School Superintendent, to discuss this draft ordinance, and at that meeting Theresa asked if the draft could be distributed to the school board. I told her I wanted to get it out to council first so everyone was on the same page. On July 16th I e-mailed a copy to Council and also sent Theresa an electronic copy for discussion and distribution. On July 18th I met with Theresa again, and we discussed and agreed to some changes to the original document. The copy that is included in this packet is the most recent version, and also includes comments from myself and Theresa. Mine are prefaced with "mal#" and hers with "TK#".

Thank you,

Mark Lynch
City Manager

**CITY OF CORDOVA, ALASKA
ORDINANCE ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AMENDING CORDOVA MUNICIPAL CODE CHAPTER 3.36 TO CLARIFY THE
AUTHORITY AND RESPONSIBILITIES OF THE SCHOOL BOARD, ADOPT
INSURANCE AND MAINTENANCE REQUIREMENTS FOR CITY FACILITIES, AND
TO CREATE A FACILITY COMMITTEE TO ADVISE THE CITY COUNCIL ON THE
USE AND MAINTENANCE OF SCHOOL DISTRICT FACILITIES OWNED BY THE
CITY OF CORDOVA, ALASKA**

WHEREAS, the City of Cordova (“City”) owns the facilities housing the City’s schools;
and

WHEREAS, these facilities are often used by third parties for activities and events; and

WHEREAS, it is in the City’s best interest to be involved in the use of school facilities
for event and activities outside a given school’s curriculum; and

WHEREAS, the City Council believes the implementation of a committee to monitor the
use and maintenance of school facilities is in the City’s best interest;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova,
that:

Section 1. Cordova Municipal Code Chapter 3.36 is amended to read as follows:

Chapter 3.36

EDUCATION SCHOOL BOARD

Sections:

- 3.36.010 Existing board to continue.
- 3.36.020 Members—Terms of office.
- 3.36.030 Vacancy-Declaration of candidacy.
- 3.36.040 Vacancy-Method of filing.
- 3.36.050 Members—Oath.
- 3.36.060 Powers and duties generally.
- 3.36.070 Superintendent.

3.36.010 City School District.

Comment [mal1]: This document has already been reviewed by City legal counsel for content and to be sure it meets legal requirements. Changes to language in existing code (3.36.005-.3.36.070) are part of the City’s ongoing code revisions.

The first class City of Cordova is a city school district which is required to establish, maintain, and operate a system of public schools as provided in AS 29.35.260(b). The city school district established in the City, may be referred to as the Cordova School District, City School District or School District.

3.36.010 – School Existing Board to continue.

The ~~existing~~ School Board, herein also called the Board, composed of five members, who are and shall be qualified voters of the City, shall ~~continue to~~ serve and hold office in the manner hereinafter specified.

3.36.020 – Members-Terms of office.

~~The present members of the school board shall continue to serve as such members for the terms for which they have been elected. All members now serving shall hold office until their successors are elected and qualified to serve. The term of office of any member elected shall be three years.~~The School board shall consist of five (5) members, each of whom shall serve for a three (3) year term. The Board shall select from its members a president, a treasurer, and a secretary to serve for such terms as the board shall from time to time determine.

3.36.022 – School Board-Management, duties.

The City School District shall be operated on a district-wide basis under the management of the School Board as provided by AS 14.12.020(b).

3.36.024 – School District-Treasury/bond.

All school district money shall be deposited in a centralized school district treasury with all other school district moneys. The school board shall have the custody of, invest, and manage all such money in the treasury pursuant to AS 14.14.060(a). The officer responsible for custody, investment, and management of school district funds shall comply with the bonding provisions of AS 14.14.020.

3.36.026 – School District-Accounting.

The responsibilities of the school district accounting system shall perform in accordance with accepted principles of governmental accounting.

3.36.028 School District-Budget.

Provisions of AS 14.14.060(c) shall be followed in the annual submittal of the school budget to the City Council for review, approval, and appropriation of funds.

3.36.030 – School Board Vacancy-Declaration of candidacy.

Any qualified City voter may be a candidate for the School Board of the Cordova public School District, by filing, not more than eight weeks nor less than four weeks prior to the election, with the City Clerk, a sworn declaration of his candidacy. ~~(Alaska Statute 14.12.080 expressly requires that School Board members must have the same qualifications as are necessary to be a municipal voter; code Section 2.08.010 requires that municipal voters be eighteen years of age as set out in Article V State Constitution.)~~

3.36.040 – School Board Vacancy-Method of filling.

Board members shall be elected in accordance with state and city election codes. Candidates for member of the School Board shall file for office in the same manner as candidates for Mayor may file now or hereafter, and the members of the School Board shall be elected in the same manner as the Mayor is elected now or may be elected hereafter. Vacancies in the School Board shall be filled by the Board until the next regular election, when a member shall be elected to serve the rest of the unexpired term in the same manner that a mayor is now or may hereafter be elected to serve the rest of an unexpired term.

3.36.050 – School Board Members-Oath.

Before entering upon the discharge of their duties, each member of the Board shall take and subscribe an oath to faithfully perform the duties of such office, in the manner provided by ordinance as to officers of the city.

3.36.060 – School Board Powers and duties generally.

The School Board shall have and exercise such powers and duties as conferred upon it by this code and the state laws relating to a “City School District” as defined in Section 14.12.010(1) Alaska Statutes. The Board shall constitute and shall exercise such powers as granted by ordinance of the City or by the state statute laws.

Comment [TK2]: AS 14.12.020 grants School Boards, not the city, the power to “manage” and “control” City Schools – verbiage should be remain the same to be consistent with Alaska Statute.

3.36.070 – Superintendent.

The School Board shall employ a superintendent who shall have the active management of city schools, subject to the laws of the state, ordinances of the City, and the supervision of the Board.

Comment [TK3]: AS 14.14.130 (b) defines the local administration by superintendent to “administer the district in accordance with the policies that the school board prescribes by bylaw.” Indicating that the Superintendent is “subject to the laws of the state, etc.” is redundant, because the Superintendent is a citizen and already is subject to the laws of the state and ordinances of the city. Verbiage should mirror Alaska Statute.

3.36.080 – School District-Facilities general.

- A. The School Board shall provide insurance and risk management, custodial services, routine maintenance and repair, snow removal from buildings and grounds, and shall appoint, compensate, and otherwise control personnel for these purposes. Routine repairs shall be all repairs of \$25,000 or less.
- B. The City shall provide for all major rehabilitation, major construction, snow removal from parking lots, water, sewer, refuse, and major repair of school buildings. Major repairs shall be all repairs of more than \$25,000.
- C. Any use of City owned facilities, under School District management, for any purpose other than direct education of K-12 students by the Cordova School District, and for more than seven (7) consecutive days, must be approved by the City Council.

Comment [TK4]: Please add, “The Relationship between the City School District and the City regarding facilities is defined by Section 14.14.060 (e, f, and h) Alaska Statutes.”

Comment [mal5]: Are there other things the School provides ??

Comment [mal6]: Are there cost savings if building insurance is combined with existing City policy instead of being separate ??

Comment [TK7]: Snow removal within the capabilities of school district-owned equipment (i.e. shovels and skid loader)

Comment [TK8]: Less than \$25,000.

Comment [TK9]: Snow removal requiring City-owned or any contracted equipment or personnel (i.e. plows and contracted equipment such as lifts, hiring of temporary work to clear snow, etc.)

Comment [mal10]: Added parking lot snow removal, and water, sewer, & refuse that the City currently provides. There may be other things to add. I'm working on that.

Comment [TK11]: \$25,000 or greater.

Comment [mal12]: My attempt to differentiate between short and long term.

Comment [TK13]: Scope of the use of city-owned school facilities is with the School District and the lease of city-owned school facilities is with the City. Use of School District Facilities is already outlined in School Board Policy BP 1330 and AP1330. Lease of City real property is already covered in City Ordinance 5.22.040. This is an unnecessary clause.

Comment [TK14]: State Statute 14.14.060 (f) clearly indicates that the school district is responsible for the custodial services and routine maintenance of the school buildings. Board Policy 3510 clearly defines the process by which the statute is to be carried out. This committee is an unnecessary creation of redundant bureaucracy.

3.36.090 – School District-Facility Committee.

- A. In order to ensure maintenance of City owned School District facilities there is created a School Facility Committee.
- B. The Committee shall be composed of the Mayor, the School Board President, a City Council member, a School Board member, the City Manager, the Superintendent, the City Public Works Director, the City Parks & Rec Director, the School District Director of Buildings and Grounds, and a citizen who is resident of the City. The Council member and citizen shall be appointed by the Mayor and confirmed by the Council. Appointments shall be made annually after the regularly scheduled municipal election. The Mayor shall chair the committee.
- C. The City Clerk shall make public notice of meetings, generate written minutes and shall assist in drafting reports from the Committee to the School Board and to the City Council.
- D. The Committee shall:
 - 1. Meet on a quarterly basis, or more often as it deems necessary, and discuss any need for increases or decreases in school facility-related services and regarding the funding necessary for school facility maintenance and repair; and
 - 2. Arrange for an annual inspection of city school facilities to be performed cooperatively by school district and city employees, or by an independent

Comment [TK15]: The Committee duties are the duties outlined in the scope of the job of the Superintendent of Schools who is held accountable through the School Board – Redundant bureaucracy

Comment [mal16]: Could be bi-annual ??

third party agreed upon by the City and the School District, whose cost shall be borne by the school district; and

Comment [mal17]: City might consider bearing cost, but will it apply to the cap ??

3. Before yearly budget activities begin for the City, issue an annual report to be presented to both the School Board and the City Council based on the annual inspection conducted as set out in subsection (D)(2), of this section; and
4. Consider and review emergency appropriations made by the City to the School District for unforeseen expenditures relative to school facility maintenance and to make recommendations to the City Council regarding any need for and use of emergency appropriations; and
5. Oversee implementation of the School District's maintenance master plan, such plan defined as a plan for major rehabilitation, construction, and/or major repair; and
6. Conduct an annual review of the maintenance master plan including of the six-year capital improvement plan that is included therein; and
7. Monitor the implementation of a preventative maintenance plan at the School District, such preventative maintenance plan defined as the regularly scheduled activities that carry out the diagnostic and corrective actions necessary to prevent premature failure or maximize or extend the useful life of a facility and/or its components; and
8. Review all facility policies or agreements concerning use of facilities for any purpose other than direct education of K-12 students by the Cordova School District, and submit a recommendation to the City council prior the council's approval of such policy or agreement as established in CMC 3.36.080(C); and
9. Make recommendations to the City Council regarding annual appropriation of revenues for facility maintenance and/or repair purposes.

E. The City and School District may, by joint agreement, determine that maintenance and janitorial services for school district facilities shall be provided by the City. Any agreement shall be reviewed by the City Council on an annual basis and then subject to consideration as to whether the City will renew any agreement where it has accepted maintenance and janitorial service responsibility. To offer an opportunity for the City or the School District to request a change in who is to provide the maintenance and janitorial services, that request shall be made in writing ninety days prior to the beginning of a fiscal year of the City.

Comment [mal18]: Intent is to create a pathway for future possible shared facilities maintenance director.

Comment [TK19]: AS 14.14.060 (h) already addresses this – unnecessary clause.

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: _____
2nd reading and public hearing: _____

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

ATTEST:

James Kallander, Mayor

Susan Bourgeois, CMC, City Clerk

DRAFT