

# A

**From:** Sitnews  
**To:** "Deborah S. Otte"  
**Date:** Tue, Feb 10, 2004 8:34 PM  
**Subject:** stats

The stats are done every 24 hours by the software program so I don't have to do any work on that as it is all set up and counting as I write. I can pull the stats out in days, weeks, months, etc. very easily anytime you want them.

Your web page has already had hundreds of visitors and it hasn't even been up a week and already 23.1 MB of information has been downloaded from the Charter Commission web section as of Monday evening the 9th.

People will gradually get more involved. That's a good starting number for a new web site.

Mary

# B

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**From:** "Mike Painter"  
**To:** <charter@kpunet.net>  
**Date:** Wed, Feb 11, 2004 8:03 AM  
**Subject:** Agenda Item?

Debby,

I don't know if it is worthy of an agenda item, but it might be prudent for our commission to have representative(s) in attendance at both the City Council & Borough Assembly meetings. That is at least until we get funding. It would give us exposure and the opportunity for the current elected officials to ask questions if they chose.

Mike Painter

**CC:** Deborah Otte

C

The Ketchikan Charter Commission

344 Front Street  
Ketchikan, Alaska 99901

February 13, 2004

Superintendent Harry Martin  
Ketchikan Gateway School Board  
333 Schoenbar Road  
Ketchikan, Alaska 99901

Dear Harry,

In a few weeks the Ketchikan Charter Commission will be working on Article IX of the Charter for consolidation. This is the article in the charter that addresses education. We would be pleased if you or a school board member would speak to the commission on Article IX. This is particularly true if there are any changes that you or the board would like to make. Attached you will find a copy Article IX, in addition We have included similar articles from the charters of Sitka, Juneau, and Haines. The best evenings for a speaker would be either Friday March 5<sup>th</sup> or 12<sup>th</sup> at 6:00 pm in the City Council Chambers. Thank you.

Sincerely,

John A. Harrington, Member  
Ketchikan Charter Commission

Attachment

**ARTICLE IX EDUCATION**

**Section 9.01 Public School System.**

There shall be a system of public education for the Municipality as prescribed by Alaska statutes. It shall be operated by a school board of seven persons elected at large.

**Section 9.02 Membership, Qualification, and Term.**

A candidate for school board shall be a qualified municipal voter. A school board member shall serve a three (3) year term and shall remain a resident of the Municipality while in office.

The Assembly may provide that ordinances generally applicable to municipal officials, including provisions regarding open meetings, public records, and conflicts of interest apply to school board members. The provisions of this Charter applicable to elected municipal officials apply to school board members to the extent permitted by state law.

**Section 9.03 Powers and Duties of the School Board.**

The school board has the powers provided by law, including, but not limited to, the power to:

Formulate policy for the operation of the schools;

Appoint and provide for suspension and removal of school personnel, including the superintendent;

Generally supervise school district fiscal affairs, including preparation and submission of the

annual budget and six-year plan.

#### **Section 9.04 Joint Meetings**

The Assembly and school board shall meet at least twice yearly in public session to discuss and coordinate financial planning, capital improvement needs, comprehensive plans for education, and other matters of concern.

#### **Section 9.05 Budget and Six-Year Plan**

I. The Superintendent of Schools shall submit to the school board at such time as the board directs a proposed budget for the next fiscal year and a proposed six-year program for capital improvements and fiscal policies. The board shall hold at least one public hearing on the proposed budget and program before they are submitted to the Assembly, and at least one public hearing after Assembly action if the total amount is different. The proposed budget and program shall be approved and submitted to the Assembly by May 1 or as otherwise required by law.

II. The Assembly may increase or decrease the budget of the school district only as to total amount. The school district may not appropriate or otherwise incur the expenditure of any funds, regardless of the source, in excess of the total amount of the budget, as approved by the Assembly, without prior approval of the Assembly.

III. The Assembly shall determine the total amount of the budget of the school district and appropriate the necessary funds before May 31 or such other deadline as required by law. If the Assembly fails to determine the total amount of the school district budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year of the school district without further Assembly action.

### **[Sitka Charter] ARTICLE X EDUCATION**

#### *Section 10.01 Public School System*

*There shall be a system of public education for the municipality conducted in a manner prescribed by Title 14 "Education" of the Alaska Statutes. It shall be operated by a school board of five elected members or such a number required of home rule municipalities by law.*

#### *Section 10.02 School Board*

*(a) Qualifications. To be eligible for nomination for the office of school board member and to serve in that capacity, a person shall have the qualifications of municipal voter under Section 2.04 of this Charter and shall reside in the municipality.*

*(b) Term. The term of a school board member shall be three years, and said terms shall be staggered to allow for the uninterrupted continuation of the school board functions.*

*(c) Continuity. School board terms shall expire in the same sequence as those of the Greater Sitka Borough School Board in office at the time of unification. Board members in office at the time of unification may continue to hold office until expiration of the term for which they were elected.*

*(d) Vacancies. The office of school board member shall become vacant upon death, resignation, or removal from office in any manner authorized by law or by this Charter, or by forfeiture of office as prescribed for Assembly member in Section 2.05 of the Charter. Vacancies shall be filled in a manner prescribed by Title 14 of the Alaska Statutes.*

*(e) Powers and Duties. The powers and duties of the school board shall be those set forth in Title 14 "Education" of the Alaska Statutes.*

#### *Section 10.03 Budget*

*The superintendent of schools shall submit an annual budget which shall first be approved by the School Board; and public hearings shall be held prior to the submission of said budget to the Assembly. The budget shall be submitted to the Assembly at a date no later than that prescribed by State law, in order for the Assembly to determine the amount to be made available from local sources for school purposes.*

**[Juneau Charter]** ARTICLE XIII – PUBLIC SCHOOLS

Section 13.1. PUBLIC SCHOOL SYSTEM. The system of public schools for the municipality shall be operated by a board of education, pursuant to law, except as otherwise provided by the Charter.

Section 13.2. BOARD OF EDUCATION. (a) The board of education shall be composed of seven members or such number required of home rule municipalities by law.

(b) Board members shall be elected at large by the qualified voters of the municipality at regular municipal elections.

(c) The term of office of board members shall begin immediately following certification of the election.

Section 13.3. VACANCIES. The office of a board member shall become vacant upon the member's death, resignation, removal from office for cause by a vote of two-thirds of the members of the board, or upon forfeiture of office.

(a) "Cause" means:

(1) Incompetency which is the unintentional or intentional failure to perform the duties of a board member; or

(2) Conviction of a felony involving moral turpitude, and the board determines that the crime or circumstances of its commission are of sufficient magnitude for the board member to have been shown to be unfit to hold office.

(b) A board member shall forfeit office if the board member:

(1) Lacks any qualification prescribed by law; or

(2) Fails to attend three consecutive regular meetings of the board without being excused by the board.

(c) The board shall conduct hearings and appeals under this section in the same manner as provided for the assembly in Sections 3.7(b) through (e) of this Charter. (As amended by Serial No. 90-30 § 11, 1990).

Section 13.4. POWERS. The board shall have all powers and duties provided by Title XIV, Alaska Statutes, consistent with this Charter, including but not limited to the following:

(a) Set the broad, general policy for the operation of public schools in the municipality;

(b) Establish the educational policy including but not limited to approval of curriculum study guides, curriculum materials and textbooks;

(c) Serve as a board of appeals for certificated education personnel appealing decisions of the superintendent;

(d) Be responsible for the appointment, promotion, demotion, suspension, removal, compensation, and control of all school employees and administrators and hear and determine grievances related thereto. For these purposes, the board shall be controlled by and derive its powers, duties and guidelines from the following sources, which are listed in direct order of priorities should any inconsistencies arise in the provisions thereof:

(1) The provisions of this Charter.

(2) Title XIV, Alaska Statutes.

(3) The provisions of the municipality's comprehensive personnel system plan, enacted pursuant to Section 3.14 of this Charter.

(e) Meet at least once a month with meetings open to the public.

Section 13.5. PUBLIC MEETINGS. All meetings shall be conducted as provided for the assembly in Section 3.12(d) of this Charter.

Section 13.6. BUDGET. (a) Upon submission to the board by the superintendent, the school budget shall be a public record available for public inspection and for distribution at such reasonable price as the board may direct. The board shall hold a public hearing on the school board budget before approval and submission to the assembly for final action.

(b) The board shall submit the annual budget for the following school year to the assembly by April 5 of the current year for approval of the total amount.

Within 30 days after receipt of the budget, the assembly shall determine the amount to be made available from local sources for school purposes, and shall furnish the board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. By May 31, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose. (Serial No. 93-22am § 5, 1993).

Section 13.7. ADMINISTRATION OF BUDGET. No payment may be made and no obligation incurred except in accordance with appropriations duly made. No payment may be made and no obligation incurred against any appropriation unless the superintendent ascertains that there is a sufficient unencumbered balance in the appropriation and that sufficient funds are or will be available to cover the obligation. After adoption of the school budget by the assembly, the board shall not exceed the total budget without assembly approval.

Section 13.8. CAPITAL IMPROVEMENTS. (a) The board shall make recommendations to the assembly concerning the necessity for school construction and other capital improvements, site selection, employment of architects, and building plans. The board shall submit preliminary plans to the assembly for suggestions before recommending final plans.

(b) Decisions by the assembly shall be final in all matters concerning school construction and other capital improvements, site selection, employment of architects, and building plans.

(c) The assembly shall appoint a four-man committee from its membership which shall deliberate with the board in formulating all plans to be recommended under Section 13.8(a) of this Charter.

Section 13.9. SCHOOL MAINTENANCE. The board, unless specifically transferring such responsibilities to the assembly, shall provide custodial services and routine maintenance for school buildings and shall provide employees for these purposes. The assembly shall provide major maintenance and all rehabilitation, repair and construction of school buildings.

Section 13.10. JOINT CONFERENCE. The assembly and board shall meet jointly at least twice a year at public meetings to deliberate upon matters of mutual interest. Minutes of the board shall reflect the business carried on at such meetings.

**[Haines Charter] ARTICLE VII EDUCATION**

**Section 7.01 Public School System**

*The Haines Borough School District shall provide areawide public education in accordance with Alaska Statutes.*

**Section 7.02 School Board Membership**

*(A) Composition. The school district is operated by a school board of seven persons elected at large to staggered terms.*

*(B) Qualifications. A candidate for school board shall be a resident qualified to vote in the Haines Borough. A school board member shall remain a resident of Haines Borough while in office.*

*(C) Terms. The terms of all seats are for three years, except for the first school board elected, according to the procedures described in Article XIX regarding transition.*

*(D) Compensation. The compensation for school board members shall be fixed by resolution adopted by the assembly.*

**Section 7.03 Powers of the School Board**

*The school board has the powers provided by Alaska Statute and borough code to carry out its duties, some of which are formulating a six-year capital improvement plan, managing school personnel and facilities, supervising school district fiscal affairs, and implementing and maintaining a five-year curriculum and instruction plan.*

*Section 7.04 Relationship of the Borough School Board and Borough Assembly*

*(A) Joint meeting. The borough assembly and school board shall meet jointly at least once yearly in public session to discuss and coordinate financial planning, capital improvement needs, the six-year capital improvement plan, and other matters of mutual concern.*

*(B) Administrative procedures. The borough assembly shall by ordinance establish procedures for administration of school district finances and buildings, and which allow for the greatest possible autonomy of the school board within the limitations of this charter.*

## **D**

From: "Dan Bockhorst"

To: "John Harrington"

Sent: Wednesday, November 19, 2003 3:40 PM

Subject: Re: follow up

Regarding your questions, clearly, the sales tax rate can be limited by charter. There are arguments as to whether property tax mill rates can be limited by charter, but in practical terms, many home rule municipalities have property tax limitations.

A charter cannot give a borough service area autonomy. Borough service areas have no corporate status or independent existence. They have been described by the Supreme Court in the following terms: "A service area is a specific geographical area within which a municipal service is furnished by a borough. Its powers derive from statute, charter and ordinance. Service areas have no corporate status or right to sue under any Alaska statute. *North Kenai Peninsula Road Maintenance Service Area v. Kenai Peninsula Borough*, 850 P.2d 636, 639 (Alaska 1993) (emphasis added). Thus, the service areas are mere geographical units, established by a borough for its convenience in providing services and collecting taxes.