

Presented by: The Manager
Introduced: 10/16/80
Drafted by: G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 705

A RESOLUTION REQUESTING THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOTPF) PERMIT THE CITY AND BOROUGH OF JUNEAU TO ASSUME THE DEPARTMENT'S RESPONSIBILITIES RELATING TO THE PLANNING AND CONSTRUCTION OF WORK TO BE ACCOMPLISHED WITH THE \$2,500,000 APPROPRIATION BY THE STATE LEGISLATURE FOR SCHOOL REPAIR AND CODE COMPLIANCE WORK ON CITY AND BOROUGH SCHOOLS.

WHEREAS, the 1980 Alaska Legislature appropriated \$1,000,000 for general repair and code compliance work required for schools owned, operated, and maintained by the City and Borough of Juneau, and

WHEREAS, the 1980 Alaska Legislature appropriated \$1,500,000 for repairs to the Auke Bay School which is owned, operated, and maintained by the City and Borough of Juneau, and

WHEREAS, such appropriations were made to DOTPF along with other appropriations for educational facilities, some of which were to be constructed by DOTPF, and

WHEREAS, the Legislature did not provide specifically that the subject appropriations for the Juneau schools were to be passed through the department to the city and borough so that the city and borough could accomplish the work itself, and

WHEREAS, AS 35.15.080 provides that a municipality may, upon the concurrence of the Commissioner of DOTPF, assume the department's planning and construction responsibilities for public works projects of the state which are located within the municipality, and

WHEREAS, AS 35.25.20(6) defines public works to mean works constructed or maintained by the department or any of its divisions, and, in spite of the common knowledge that the subject appropriations were intended to be passed through to the municipality as grants for its use in accomplishing the repair and code compliance work and despite the fact that it does not appear that such work is a "public work" as defined by statute, the department has taken the position that the construction responsibility for the work on the Juneau schools must be accomplished by DOTPF unless the municipality formally assumes the responsibilities of the department relating to the planning and construction of these "public works," and

WHEREAS, the City and Borough of Juneau has the authority to receive and expend such funds and to contract for the design, construction, and equipping of the subject improvements, and

WHEREAS, the City and Borough of Juneau desires to receive the entire appropriation and to use such appropriation in accordance with the intent of the Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the Commissioner of the Department of Transportation and Public Facilities, pursuant to AS 35.15.080, is requested to execute an agreement with the City and Borough of Juneau which provides for the assumption by the city and borough of the department's responsibilities relating to the planning and construction of the work to be accomplished under the following appropriations made by the 1980 Alaska Legislature:

Juneau School Repair and Code Compliance	\$1,000,000
Auke Bay School Repairs	1,500,000

2. That the entire appropriated amount be paid to the city and borough in a lump sum upon execution of the necessary agreement.

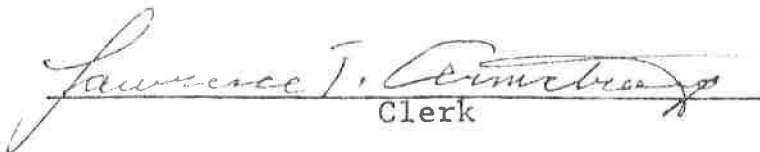
3. That upon the execution of such agreement, the city and borough shall assume responsibility for the administration of the projects and the funds.

4. That the manager of the City and Borough of Juneau or his designee shall be the coordinator for the projects. Further, the manager is authorized to execute necessary agreements and to do all things necessary to comply with the lawful requirements of the department, including, without limitation, the designation of a project coordinator.

ADOPTED this 16th day of October , 1980.


Mayor

Attest:


Clerk