



**OFFICE OF THE GOVERNOR**

American Samoa Government  
Pago Pago, American Samoa 96799

Attorney General's Office  
Date Received: 7-29-90  
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BY: [Signature]

Peter T. Coleman, Governor  
Galeai P. Poumela, Lt. Governor

EXECUTIVE ORDER NO. 02 -1990

AMERICAN SAMOA COMMUNITY COLLEGE

By the authority vested in the Governor of American Samoa under the laws and Revised Constitution of American Samoa, it is hereby ordered as follows:

Section I. PREAMBLE

(a) The American Samoa Government recognizes that in order to make the best possible use of opportunities available for developing and improving the welfare of the people, a decision making process must evolve from a deep sense of responsibility and awareness. Furthermore, this atmosphere cannot function well unless it is fueled by an educated public that is both interested and participatory in matters affecting its welfare. While society is blessed with organizations and institutions which contribute to the creation of this atmosphere of intellectual activity, it is the institutions of higher learning that provide the forum for the development of an educated public.

(b) The Government is cognizant of this need in American Samoa and desires to provide an opportunity for this type of development to take place. It also recognizes that the American Samoa Community College, as an institution of higher learning, is best suited to the task of elevating leadership potential in American Samoa and of increasing scope and depth of awareness of the general public, through its general and specific program of instruction and demonstrations.

(c) The Government is particularly pleased to note the value of the Community College in spurring interest and knowledge of the community about Samoa and its surrounding area, the Pacific region. It also recognizes the need to facilitate the growth of the Community College in the area of research and analysis to assist the policy development and decision making process of government. In this regard and for these reasons, the Government desires to provide the best possible way to allow the Community College to implement this public trust by an appropriate extent of separation from other agencies of the Government, with adequate financial support to meet its unique responsibility to the people of American

## SECTION II. BOARD OF HIGHER EDUCATION

The establishment of the Board of Higher Education is provided by law. For purposes of accomplishing the mandate of the American Samoa Community College, the Board is hereby granted final authority for the management and operation of the Community College, consistent with applicable laws. The Board is responsible for decisions related to duties and responsibilities for which it has final authority.

## SECTION III. THE PRESIDENT OF THE AMERICAN SAMOA COMMUNITY COLLEGE

With regard to the appointment of the President of the American Samoa Community College, the Board of Higher Education shall recommend to the Governor a list of three candidates, in the order of descending priority, who have received the highest consideration of the Board. The Governor shall appoint the President of the American Samoa Community College only from the proffered list.

## SECTION IV. FISCAL MANAGEMENT

Further to 16.2002 and 16.2004 ASCA, the American Samoa Community College, under the authority and supervision of the Board of Higher Education, will be responsible for the management and operation of its fiscal affairs. In implementing this responsibility, the Community College, with approval of the Board of Higher Education, shall establish procedures based on principles of sound bookkeeping and fiscal management and in accordance with the standards of the National Association of College and University Business Offices. Subject to applicable laws, the Community College is granted final authority to effect implementation of its approved budget plan. The Community College shall submit quarterly performance reports to the Director of Planning and Budget as required by 10.0509 ASCA.

## SECTION V. BUDGET

The basic source for the financing of the American Samoa Community College is the American Samoa Government through its regular budgetary process. Further to 16.2002 and 16.2004 ASCA, the Government will provide a minimum budget for the operation and programs of the Community College based on the cost of \$2,069.54 per credit hour of instruction as determined by actual Fall and projected Spring and Summer class schedules, with an annual inflationary rate of 4.5 per cent.

SECTION VI. ADDITIONAL REVENUES

The Community College shall be responsible for additional revenues it generates from fees and charges, and other fund raising activities to supplement its regular budget. All fees and charges collected under this Section shall be deposited into an earmarked revenue fund for the operation of the Community College, except that all tuition charges shall be earmarked for capital improvement. This Section does not preclude the Community College from participating in either the capital improvement program or supplemental budgetary process of the Government.

SECTION VII. PROCUREMENT

Subject to applicable laws and with approval of the Board of Higher Education, the American Samoa Community College shall install procedures to govern its procurement activities. These procedures shall provide for contracting for the procurement of supplies, equipment, materials and personal services other than by employees, to meet the general requirements of the Community College programs.

SECTION VIII. PERSONNEL

Within the general parameters of Government policies for hiring personnel, and bound by provisions of the American Samoa Code Annotated and American Samoa Administrative Code respecting career service, the American Samoa Community College, with approval of the Board of Higher Education, shall develop policies and procedures to govern the hiring of its personnel. These policies and procedures shall be developed with the specific intent of assuring that the Community College meets its program requirements with the great efficiency possible. The Community College shall, at the outset and as subsequently amended, file its policies and procedures with the Department of Human Resources. It shall inform the Department of its hiring plans for professional staff for the next academic year at least six months prior to the close of the current academic year. The Community College shall also file with the Department a list of all current employees and their employment status no later than September 1 of each year.

SECTION IX. HOUSING

In addition to buildings and other structures directly related to instruction and administration of the American Samoa Community College, all Government buildings and structures existing on the Community College campus, including Government housing, shall be dedicated to the special needs of, and shall be administered directly by the Community College for that purpose; provided that the dispensary shall be maintained on the Community College campus by the Department of Health. The dispensary may be utilized as part of the instructional program of the Community College.

SECTION X. REPORTING

The President of the American Samoa Community College shall submit to the Board of Higher Education and the Governor, with copy to the Legislature, an annual report of the financial condition and programs of the Community College no later than 90 days after the close of the fiscal year. The report will present, among other things, a full accounting expenditures and balances, a statement of assets and liabilities and the projection of revenues for the next 12 month period.

SECTION XI. AUDIT

The Board of Higher Education shall provide for an annual audit of the American Samoa Community College accounts and financial procedures by a firm of independent certified public accountants.

SECTION XII. MISCELLANEOUS

In order to facilitate the implementation of this executive order and to assure smooth transition of activities that transfer the direct management and operation of the American Samoa Community College to the Board of Higher, the following tasks are hereby assigned:

- (1) The Director of Planning and Budget will assist the President of the Community College in developing procedures to facilitate implementation of the budget plan of the Community College;
- (2) The Treasurer will assist the President of the Community College in developing accounting procedures that will facilitate the expenditure of funds by the Community College pursuant to its budget plan.
- (3) The Director of Human Resources will assist the President of the Community College in developing separate personnel management procedures for the Community College.
- (4) The Chief Procurement Officer will assist the President of American Samoa Community College in developing procedures that will met the special procurement requirements of the Community College.
- (5) The Director of Public works shall effect necessary repair on all Government housing existing on the Community College campus before handling over responsibility to the President of the Community College.

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Section XIII. EFFECTIVE DATE

This Executive Order is effective January 22, 1990 and shall remain in effect until rescinded ~~partially~~ or in its entirety.

Date: January 22, 1990.

  
PETER TALI COLEMAN  
Governor of American Samoa