

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: John J. Williams, Kenai Peninsula Borough Mayor

DATE: November 20, 2006

SUBJECT: Resolution 2006-102, authorizing the administration to file a lawsuit on behalf of the Kenai Peninsula Borough residents against the State of Alaska concerning educational funding

This resolution follows up on the assembly approval given during the meeting of May 16, 2006, authorizing the mayor to consider pursuing a lawsuit against the State of Alaska regarding inadequate and/or inequitable state K-12 education funding. The assembly authorized the mayor to investigate and formulate a plan, including legal options to pursue such an action. Pursuant to that authorization, the mayor hired the law firm of Robertson, Monagle & Eastaugh (“ROMEA”) to perform some research and propose a plan of action.

The plan proposed by ROMEA includes funding a lawsuit against the state on behalf of various borough residents to seek equitable funding for the Kenai Peninsula Borough School District and simultaneously attempt negotiations with the state. As the borough and school district do not have standing to sue the State of Alaska for inequitable educational funding, this resolution would authorize the mayor to enter an agreement with borough residents in which the borough would fund and file the lawsuit. If the assembly approves this resolution, then the administration will identify persons who would serve as plaintiffs in the lawsuit and thus represent the interests of the borough and school district. It would then proceed to prepare the complaint. If additional funding is required, then the administration will seek a supplemental appropriation from the assembly.

If the assembly wishes to discuss further details on this matter, an executive session may be requested. Your approval of this resolution is respectfully requested in order that the borough may aggressively proceed with this option.