

Introduced by:  
Date:  
Action:  
Vote:

Mayor  
12/05/06  
Adopted as Amended  
5 Yes, 2 No, 2 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2006-102**

**A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ISSUE A REQUEST  
FOR PROPOSALS FOR THE PURPOSE OF HIRING A LAW FIRM TO FILE A  
LAWSUIT ON BEHALF OF KENAI PENINSULA BOROUGH RESIDENTS AGAINST  
THE STATE OF ALASKA CONCERNING EDUCATIONAL FUNDING**

**WHEREAS**, for more than ten years, the Kenai Peninsula Borough School District has annually sought additional funding for education from the State of Alaska based upon cost studies indicating that the area cost differential for the Kenai Peninsula Borough does not adequately reflect the disparity in costs incurred by this school district as compared to other school districts in the State of Alaska; and

**WHEREAS**, local legislators for the Kenai Peninsula Borough have been partially successful through the years in their attempts to obtain additional funding for the Kenai Peninsula Borough School District as well as other school districts throughout the State, but the assembly believes legal action may be necessary to obtain equitable funding for education in the Kenai Peninsula Borough; and

**WHEREAS**, at its meeting of May 16, 2006, the assembly passed a motion expressing its belief that the borough should consider pursuing a lawsuit against the State of Alaska regarding inadequate and/or inequitable State K-12 education funding, authorizing the mayor to investigate and formulate a plan including legal options available to the borough to pursue such an action, and stating that the mayor would first present a plan of action to the assembly before proceeding formally with a lawsuit; and

**WHEREAS**, the administration has investigated options and presents this plan to the assembly that includes selecting counsel through a request for proposals to represent certain affected Kenai Peninsula Borough residents in a lawsuit against the State of Alaska to correct the inequities in the educational funding formula currently used by the state; and

**WHEREAS**, providing funding to help support a lawsuit seeking appropriate levels of education funding from the State of Alaska is within the borough's authority as it is pursuant to the borough's mandated power to provide a public education system in the borough; and

**WHEREAS**, providing representation for private individuals to seek equitable educational funding for the school district satisfies the requirement that funds be used for a public purpose as the goal is to obtain a fair and equitable share of state funding

for public education of Kenai Peninsula Borough School District students, and because the court has previously held that school districts are not "persons" within the meaning of the Constitution of the State of Alaska and therefore lack standing to file a lawsuit based on the equal protection clause of the constitution to obtain equitable state educational funding;

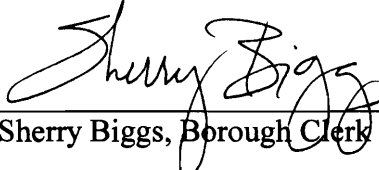
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

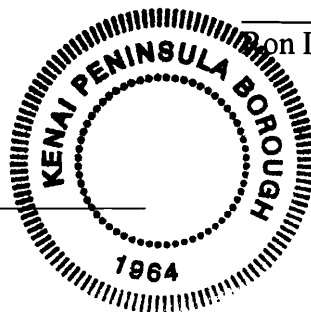
**SECTION 1.** That the mayor is authorized to issue a request for proposals seeking a qualified law firm to represent borough residents in a lawsuit against the State of Alaska to seek equitable funding from the state for the Kenai Peninsula Borough School District. Prior to the award of a contract, the assembly shall approve the selected firm.

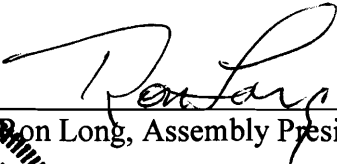
**SECTION 2.** That this resolution takes effect immediately upon its enactment.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF DECEMBER, 2006.**

ATTEST:

  
Sherry Biggs, Borough Clerk



  
Ron Long, Assembly President

Yes: Fischer, Martin, Sprague, Superman, Long  
No: Knopp, Merkes  
Absent: Germano, Gilman