

Introduced by: Ogle
Date: 02/05/19
Hearing: 02/19/19
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-19-29**

AN ORDINANCE APPROPRIATING SUPPLEMENTAL FUNDING TO PAY LEGAL FEES AND COSTS TO THE PREVAILING PARTY IN THE HUNT ET AL V. KENAI PENINSULA BOROUGH LAWSUIT

WHEREAS, following the adoption of Resolution 2016-056, which established a policy for invocations before the assembly, the borough was sued by plaintiffs who claimed the policy violated the Constitution of the State of Alaska; and

WHEREAS, the Superior Court granted plaintiffs' motion for summary judgment holding that the policy violated the Establishment Clause of the Alaska Constitution and entered judgment against the borough on December 26, 2018; and

WHEREAS, plaintiffs filed a motion to recover their attorneys' fees and costs from the borough under AS 09.60.010(c), which provides that the court shall award full reasonable costs and fees to a party that prevails in a civil action asserting the establishment, protection or enforcement of a civil right under the United States Constitution or the Constitution of the State of Alaska; and

WHEREAS, although plaintiffs' attorneys agreed to reduce their fees sufficient funds are not available to pay the amount agreed upon; and

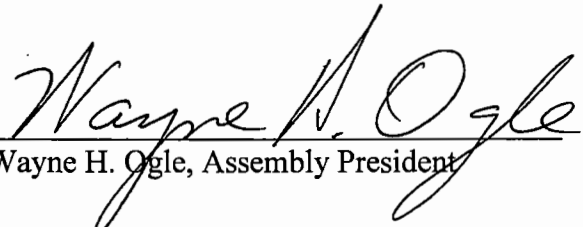
WHEREAS, to avoid additional costs and fees the best interests of the borough would be served by providing funding necessary for this purpose;

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


SECTION 1. That \$70,400 is appropriated from the borough General Fund, fund balance to account 100.11310.17ACL.43035, opposing litigants, for the payment of costs and attorney fees to the prevailing party in *Hunt et al v. KPB*.

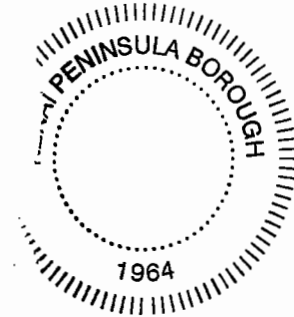
SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF FEBRUARY, 2019.


Wayne H. Ogle, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None