



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Assembly President
President, Board of Education
Members, Kenai Peninsula Borough Assembly
Members, Kenai Peninsula Borough School District Board of Education

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*

COPY: Risk Management Committee

DATE: January 7, 2016

SUBJECT: Litigation Status Report

Following is a summary of the non-routine litigation in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough.

1. **ACS Tariff Filings U-15-008-011.** ACS of Fairbanks, LLC, ACS of the Northland, LLC, ACS of Alaska, LLC and ACS of Anchorage, LLC, have filed tariffs that would require certain municipalities, including the KPB, to pay fees to cover expenses incurred by ACS to provide their customer's addresses to the KPB for the 911 program. The tariff would also charge KPB an hourly rate of \$110.66 for costs incurred to correct incorrect addresses. KPB and the Fairbanks North Star Borough jointly opposed these tariffs. A hearing before the Regulatory Commission of Alaska was held August 11-13, 2015. The Regulatory Commission of Alaska denied the portion of the tariff that would have imposed an hourly rate of \$110.66, which was the most significant, and approved the portion allowing ACS to collect \$.04 per customer for new customers and \$.06 per customer for updates to existing customer information. This became effective December 24, 2015.

2. **Anderson v. Kenai Peninsula Borough School District and Todd Syverson.** Case No. 3KN-14-857 CI. Robert and Yvonne Anderson filed suit against the school district on October 2, 2014, claiming damages for the district's alleged failure to prevent purported harassment and bullying of their daughter by other students. The district and Mr. Syverson filed an answer denying their claims. Trial is scheduled for April 18, 2016. Trial preparation and discovery are in process. Due to a pending motion to withdraw by plaintiffs' attorney and the recent death of Yvonne Anderson the trial might be delayed.

3. **Kenai Fellowship v. Kenai Peninsula Borough.** Case No. 3KN-15-804 CI. An appeal of the Borough Assessor's August 7, 2015 decision denying a religious purpose exemption on an adjacent vacant parcel was filed in superior court on September 4, 2015. The appellants voluntarily dismissed their appeal and the case is closed.

4. **King v. Kenai Peninsula Borough.** Case No. 3KN-14-310 CI. Latasha King filed suit against the borough on April 7, 2014, for damages allegedly sustained in a motor vehicle accident on a borough maintained road. The borough filed an answer and a crossclaim against the driver of the vehicle. As plaintiff settled with the driver the parties have agreed to dismiss the driver from the lawsuit. Investigation and discovery are continuing. Due to the death of Ms. King's attorney, Greg Grebe, the trial scheduled for January 18, 2016 has been vacated. Ms. King is seeking new counsel.