



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441, Ext. 2120

PHONE: (907) 714-2120 • FAX: (907) 714-2379

www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Kelly Cooper, Assembly President
Joe Arness, 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: March 23, 2017

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. **Callahan v. Kenai Peninsula Borough** - Case No. 3KN-16-00574CI (BOE Appeal). Carter Callahan appealed the Board of Equalization's opinion regarding tax parcel numbers 13145401 and 13145501. Callahan dismissed his appeal on March 14, 2017.
2. **Larrison v. Kenai Peninsula Borough**, Case No. 3KN-16-499 CI. Cledia Larrison filed this lawsuit against the borough for injuries allegedly sustained in an automobile accident on July 9, 2014. Settlement was reached on December 1, 2016 and the court case was dismissed.

3. **Harris v. Kenai Peninsula Borough School District** - Case No. 3KN-17-00111CI. Plaintiff filed suit against the school district claiming damages for injuries sustained by his minor son during school. The parties stipulated to the entry of judgment on behalf of plaintiff. The court approved the stipulated judgment on behalf of the minor child on March 10, 2017.
4. **Hunt v. Kenai Peninsula Borough** – Case No. 3AN-16-10652CI. By this lawsuit the plaintiffs ask the court to declare the borough assembly’s invocation policy violates the Alaska Constitution. It also seeks a declaration that the plaintiffs are public interest litigants and an award of full and reasonable attorneys’ fees and costs as well as nominal damages. The complaint was originally filed in state court. The borough removed it to federal court as it also alleged violations of the U.S. Constitution. Plaintiffs amended their complaint to remove the federal claims and the case was remanded to state court. A status hearing is scheduled for April 19, 2017.
5. **Interior Telephone Co. v. Kenai Peninsula Borough** (Case No. U-17-11); and, **Matanuska Telephone Assn. v. Kenai Peninsula Borough** (Case No. U-17-12) – MTA and ITC have filed formal complaints and requests for declaratory rulings against the Kenai Peninsula Borough before the Regulatory Commission of Alaska. They are seeking a ruling that the Kenai Peninsula Borough is responsible to pay third-party costs associated with delivering their customers’ calls from their telecommunication service areas to the Kenai Peninsula Borough’s selective routers in Soldotna and Kenai. The borough recently filed answers and motions to dismiss in both cases.
6. **Dunne v. Kenai Peninsula Borough and Mike Navarre, Mayor** – Case No. 3KN-17-00198CI. Plaintiff assembly member William Dunne has filed suit against the borough seeking declaratory and injunctive relief, alleging the borough has placed unconstitutional restrictions on his free speech rights. The court denied his request for an expedited preliminary injunction. The borough’s answer is due March 29, 2017.