

Kenai Peninsula Borough
Legal Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Wayne Ogle, Assembly President (B) for W.O.

FROM: Colette Thompson, Borough Attorney *CT*

DATE: January 24, 2019

RE: Ordinance 2018-19-29, Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the *Hunt, et al. vs. Kenai Peninsula Borough* Lawsuit (Ogle)

This ordinance would appropriate funds necessary to pay the costs and attorneys' fees claimed by the plaintiffs' attorneys, the American Civil Liberties Union, for pursuing the lawsuit against the borough regarding the invocation policy adopted by the assembly in resolution 2016-056. The court recently ruled that this policy violated the state constitution.

Under Alaska law where a prevailing party claims in a civil action that a civil right was violated, the court shall order the payment of full reasonable costs and attorneys' fees. In this case the plaintiffs prevailed in their claim that the borough had violated their civil rights under the Establishment Clause of the constitution.

Your support of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$ 70,400.00</u>
By: <u><i>CT</i></u>	Date: <u>1/25/19</u>