

Kenai Peninsula Borough  
Assembly

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**MEMORANDUM**

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

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

**DATE:** November 8, 2018

**RE:** Authorizing the Administration to Appeal the Judgment in *Hunt et al v. Kenai Peninsula Borough*, Case No. 3AN-16-10652 CI

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On October 9, 2018, Alaska Superior Court Judge Andrew Peterson issued a Decision and Order finding that the invocation policy adopted by the assembly in Resolution 2016-056 violates the Establishment Clause of the Alaska Constitution. Plaintiffs have submitted a proposed Final Judgment. As of the date of this memo a final judgment has not yet been entered. Once it is entered, the deadline to file an appeal is 30 days from the date the Final Judgment is distributed.

Assembly approval is needed for the administration to file an appeal of this judgment. The following motion will place this question before the assembly for its consideration:

I move that the borough administration be authorized to appeal the judgment entered in *Hunt et al v. Kenai Peninsula Borough*, Case No. 3AN-16-10652 CI to the Alaska Supreme Court.

If this motion is approved the administration may appeal the decision. If it is not approved then the administration will not file an appeal.