

Kenai Peninsula Borough
Assembly

MEMORANDUM

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

FROM: Dale Bagley, Assembly Vice-President *DLB*

DATE: November 8, 2018

RE: Amendment to Resolution 2018-~~053~~, Amending the Assembly Policy Regarding Invocations Before the Borough Assembly Meetings (Ogle, Bagley, Cooper)

I plan to propose the following amendments to this resolution if the assembly decides to appeal the recent superior court decision holding that the invocation policy in resolution 2016-056 violates the Establishment Clause of the Alaska Constitution. These amendments are intended to clarify that the new policy is adopted to comply with the judge's order on an interim basis while the appeal is pending. (Please note the bold underlined language is new and the bold strikeout language in brackets is to be deleted.)

- Insert a new fourth whereas clause, as follows:

WHEREAS, on October 9, 2016 Superior Court Judge Andrew Peterson ruled that the invocation policy adopted in Resolution 2016-056 violated the Alaska Establishment clause; and

- Amend the new fifth whereas clause as follows:

WHEREAS, the assembly desires to amend the policy on an interim basis to comply with that order [TO] by broadening the scope of eligible invocation providers to better reflect the diversity of beliefs in the borough by allowing all individual borough residents to offer invocations for the borough assembly in accordance with the adopted established procedures; and

- Insert a new sixth whereas clause, as follows:

WHEREAS, it is the intent of the assembly to reinstate resolution 2016-056 if the Alaska Supreme Court rules that the policy in that resolution does not violate the Alaska Constitution; and