



KENAI PENINSULA BOROUGH

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**DAVID R. CAREY
BOROUGH MAYOR**

MEMORANDUM

TO: Milli Martin, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *William* Dave Carey, Kenai Peninsula Borough Mayor

FROM: *Colette* Colette Thompson, Borough Attorney

DATE: September 1, 2009

SUBJECT: Ordinance 2009- 47, Amending KPB 1.20.100 to Eliminate Limitations on Terms of Office for School Board Members

In 2007 an initiative was approved by the voters which among other things amended KPB 1.20.100 by placing a limitation on terms of office for school board members. It was the opinion of the Borough's Legal Department that the initiative was inconsistent with state law and the authority delegated to second class boroughs. The Borough did not recognize the validity of the initiative and a lawsuit challenging the Borough's position was brought by the group sponsoring the initiative. In 2008 the Borough prevailed in obtaining a court decision which declared the initiative as related to school board members was invalid pursuant to state law. KPB 1.20.100 should now be amended to reflect the decision of the court and retain consistency with state law by eliminating subpart (c) which imposes term limits on school board members.

Your consideration is appreciated.