

Introduced by: Mayor
Date: May 3, 1983
Vote: 11 Yes; 4 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 83-118

AUTHORIZING THE MAYOR OF THE KENAI PENINSULA BOROUGH TO INITIATE AND PROSECUTE A LAWSUIT AND TO JOIN WITH OTHER PERSONS OR ENTITIES THEREFORE CONCERNING STATE FUNDING OF THE CONSTRUCTION, MAINTENANCE AND OPERATION OF BOROUGH SCHOOL SYSTEMS.

WHEREAS, Article I, Section 1 of the Constitution of Alaska dedicates that instrument to the fundamental principle that all persons are entitled to equal rights, opportunities, and protections under the law; and

WHEREAS, Article VII, Section 1 of the Constitution of Alaska mandates the Legislature to establish and maintain a system of public schools open to all children of the State by general law; and

WHEREAS, the Alaska Supreme Court in Macauley v. Hildebrand has interpreted Article VII, Section 1 of the Constitution of Alaska as giving the legislature the continuing obligation to maintain the school system; and

WHEREAS, pursuant to AS 14.12.020(c), the Legislature provides State funding necessary to maintain and operate the regional educational attendance areas while requiring the borough assemblies for a borough school district in an organized borough to provide the money which must be raised from local sources to maintain and operate its own school districts; and

WHEREAS, it appears that the Legislature will not appropriate sufficient monies to fully fund the 90 percent of bonded indebtedness of borough school districts as provided in AS 43.18.100;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Mayor of the Kenai Peninsula Borough is hereby authorized to initiate and prosecute a lawsuit, and to join with other persons or entities therefore, concerning appropriate levels and means of State funding of the construction, maintenance, and operation of borough school systems.

Section 2. That this resolution shall become effective immediately on the date of its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 3RD DAY OF MAY, 1983.


Donald L. McCloud, Assembly President


Borough Clerk