

1 By: Diane Hutchison
2 Karl Kassel
3 Luke Hopkins, Mayor
4 Introduced: 02/13/2014
5 Adopted: 02/13/2014
6

7 FAIRBANKS NORTH STAR BOROUGH

8
9 RESOLUTION NO. 2014 - 08

10
11 A RESOLUTION AUTHORIZING THE PARTICIPATION OF THE FAIRBANKS NORTH
12 STAR BOROUGH AS AMICUS CURIAE IN *THE KETCHIKAN GATEWAY BOROUGH*
13 *V. STATE OF ALASKA* LITIGATION CHALLENGING THE CONSTITUTIONALITY OF
14 THE STATE OF ALASKA'S EDUCATION FUNDING STATUTORY SCHEME
15

16 WHEREAS, the Ketchikan Gateway Borough and other individual plaintiffs
17 recently filed suit against the State of Alaska in a complaint in the Superior Court in
18 Case Number 1 KE 14-16 CiV challenging the constitutionality of the State of Alaska's
19 education funding statutory scheme; and
20

21 WHEREAS, the Fairbanks North Star Borough, like the Ketchikan
22 Gateway Borough, is a second class borough, and was involuntarily established by the
23 Mandatory Borough Act; and
24

25 WHEREAS, because the Fairbanks North Star Borough was incorporated
26 through the Mandatory Borough Act, state law requires the Fairbanks North Star
27 Borough taxpayers to make a required local contribution to fund the "basic need" of our
28 local school district thereby reducing the state's legally required contribution to the
29 district's "basic need"; and
30

31 WHEREAS, the required local contribution is an unconstitutional dedicated
32 State tax imposed on the Fairbanks North Star Borough and its residents; and
33

34 WHEREAS, under this statutory scheme the State is permitted to
35 substantially underfund the Fairbanks North Star Borough school district with the
36 Fairbanks North Star Borough and its taxpayers forced to make up the difference; and
37

38 WHEREAS, this statutory scheme is an unconstitutional unfunded state
39 mandate illegally imposed on Borough taxpayers.
40

41 NOW, THEREFORE, BE IT RESOLVED that the Assembly of the
42 Fairbanks North Star Borough authorizes the participation of the Fairbanks North Star
43 Borough as an amicus curiae in any proceedings before the superior court and if
44 necessary, the Alaska Supreme Court and directs the Borough Attorney to take
45 appropriate steps to accomplish such participation.
46

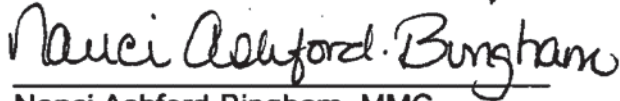
47

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2014.



Karl Kassel
Karl Kassel
Presiding Officer

ATTEST:



Nanci Ashford-Bingham
Nanci Ashford-Bingham, MMC
Borough Clerk

48

49 Ayes: Hutchison, Golub, Roberts, Lawrence, Dodge, Davies, Kassel

50 Noes: None

51 Excused: Sattley, Dukes