

Introduced by:	Mayor
Date:	01/07/20
Hearing:	01/21/20
Action:	Introduced and Set for Public Hearing
Vote:	9 Yes, 0 No, 0 Absent
Date:	01/21/20
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-26**

**APPROPRIATING ADDITIONAL FUNDS TO THE LEGAL DEPARTMENT FOR
COSTS AND FEES FOR OUTSIDE COUNSEL TO CONTINUE REPRESENTING THE
KENAI PENINSULA BOROUGH IN THE APPLICATION OF THE ALASKA GASLINE
DEVELOPMENT CORPORATION FILED WITH THE FEDERAL ENERGY
REGULATORY COMMISSION**

WHEREAS, in Resolution 2018-032 the assembly authorized the Kenai Peninsula Borough (“borough”) to intervene in the matter of the Application of the Alaska Gasline Development Corporation (“AGDC”), Docket No. CP17-178-000, before the Federal Energy Regulatory Commission (“FERC”) regarding the Alaska Liquefied Natural Gas Project; and

WHEREAS, the borough contracted with the law firm of Norton Rose Fulbright US LLP (“Norton Rose”) to represent it in this FERC matter; and

WHEREAS, since then Norton Rose successfully moved to intervene out of time on August 10, 2018, in the FERC action and filed numerous comments on behalf of the borough, and tracked the proceedings for the borough; and

WHEREAS, FERC issued a Draft Environmental Impact Statement (“DEIS”) on June 28, 2019, supporting locating the LNG plant and marine terminal in Nikiski; and

WHEREAS, both the City of Valdez and the Matanuska-Susitna Borough have urged FERC to modify the DEIS to designate the site for the LNG terminal in their respective jurisdictions instead of Nikiski; and

WHEREAS, it is anticipated that the borough will need to continue to participate and file additional documents with FERC to support its position that the facilities should be located in Nikiski; and

WHEREAS, this is a specialized area of law and the continuing services and expertise of Norton Rose will be needed to adequately represent the borough’s interest in this matter; and

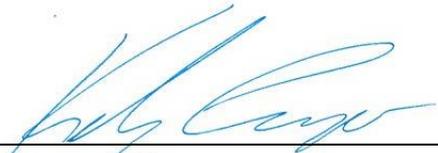
WHEREAS, it is estimated that at this time additional funds of at least \$150,000.00 will be needed to pay legal services and costs incurred by outside counsel on behalf of the borough in this matter;

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

SECTION 1. The sum of \$150,000 is hereby appropriated from the General Fund’s fund balance to account number 100.11310.19FRC.49999 for expenses associated with using outside counsel to represent the borough in the AGDC’s application to FERC.

SECTION 2. That this ordinance shall become retroactively effective on the 1st day of October, 2019.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF JANUARY, 2020.

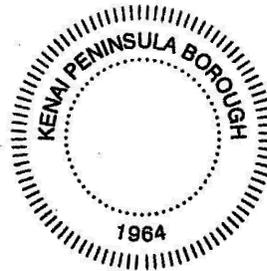


Kelly Cooper, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Cooper
No: None
Absent: Smalley