

Kenai Peninsula Borough
Legal Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *502. For Mayor Pierce*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: September 27, 2018

RE: Ordinance 2018-19-17, Appropriating Funds to the Legal Department for the Costs Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in the Application of the Alaska Gasline Development Corporation Filed with the Federal Energy Regulatory Commission (Mayor)

Following the assembly's approval of Resolution 2018-032, authorizing the borough to intervene in the application of the Alaska Gasline Development Corporation before the Federal Energy Regulatory Commission ("FERC"), the borough retained the services of Norton Rose Fulbright US LLP ("Norton Rose") to represent it in this matter. Since then, the firm has successfully moved to intervene in the case.

To date, the Matanuska-Susitna Borough and the City of Valdez have proposed that the LNG terminal be located in their respective jurisdictions instead of Nikiski. It is anticipated that the borough's interest would best be protected by continuing to participate in the process and retaining Norton Rose to advise and represent it.

It is difficult to accurately predict the extent the borough will be involved going forward but we estimate that fees and costs will total at least \$100,000. This ordinance would appropriate that amount for costs and legal services provided to date and preliminarily estimated future services.

Approval of this ordinance would be appreciated.

**FINANCE DEPARTMENT
ACCOUNT / FUNDS VERIFIED**

Acct. No. 100.27910

Amount: \$ 100,000.⁰⁰

By: pp Date: 9/27/18