

Introduced by:	Mayor
Date:	10/09/18
Hearing:	10/23/18
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
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**

- 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;
- WHEREAS,** on behalf of the borough Norton Rose filed a motion to intervene out of time on August 10, 2018, in the FERC action;
- WHEREAS,** on September 5, 2018, the Matanuska-Susitna Borough filed an answer out of time to the borough’s motion for leave to intervene on September 5, 2018; and
- WHEREAS,** on September 11, 2018, FERC issued a notice granting the borough’s motion to intervene thereby according the borough full status as a party in the proceeding; and
- WHEREAS,** to date both the City of Valdez and the Matanuska-Susitna Borough have asked FERC to modify the Alaska Gasline Development Corporation (“AGDC”) application 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

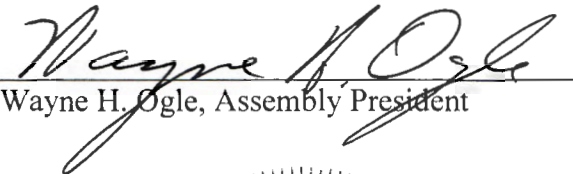
WHEREAS, it is estimated that at this time funds of at least \$100,000 will be needed to pay legal services and costs incurred by outside counsel on behalf of the borough;

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


SECTION 1. The sum of \$100,000 is hereby appropriated from the General Fund's fund balance to account number 100.11310.19FRC.49999 for expenses associated with hiring outside counsel to represent the borough in the AGDC's application to FERC.

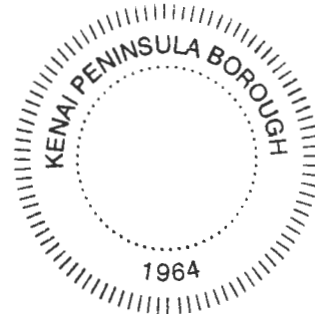
SECTION 2. That this ordinance shall become effective retroactively on August 1, 2018.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 23RD DAY OF OCTOBER, 2018.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None