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|----------------|-----------------------|
| Introduced by: | Mayor                 |
| Date:          | 01/08/19              |
| Action:        | Adopted               |
| Vote:          | 9 Yes, 0 No, 0 Absent |

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-004**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE LEGAL  
DEPARTMENT TO COVER ANTICIPATED ADDITIONAL COSTS ASSOCIATED  
WITH APPEALS FROM PLANNING COMMISSION DECISIONS AND COLLECTION  
CASE LITIGATION COSTS**

**WHEREAS,** the Kenai Peninsula Borough ("borough") has experienced a greater number of appeals of planning commission decisions than anticipated, resulting in the need for additional funds to cover associated hearing officer fees and costs; and

**WHEREAS,** in the budget the assembly appropriated \$26,000 to the account that covers these hearing officers' expenses as well as attorney fees that may be incurred in other matters due to a conflict of interest; and

**WHEREAS,** to date in this fiscal year the legal department has incurred \$16,050 for three appeals from planning commission decisions for which additional fees and costs are expected; and

**WHEREAS,** approximately \$10,000 in unencumbered funds remain in this account; and

**WHEREAS,** more appeals will likely be filed before the end of this fiscal year; and

**WHEREAS,** it is estimated that additional funds of \$20,000 will be needed to pay costs and fees for future appeals this fiscal year or to hire attorneys if needed due to conflicts of interest; and

**WHEREAS,** in a separate account the legal department budget included a total amount of \$7,250 for litigation expenses for costs related to court filing fees, process service fees, costs relating to filing and serving writs of execution and costs relating to successful bank sweeps as a part of the collection effort; and

**WHEREAS,** due to an increased case load and higher collection costs it is anticipated that an additional \$6,325 will be needed to cover anticipated costs associated with litigation; and

**WHEREAS,** funds are available in the legal department budget for these costs that were previously appropriated for other purposes;

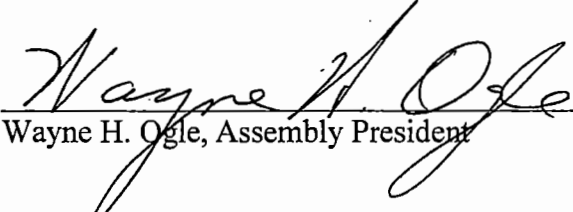
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** \$20,000 is transferred from 100.11310.18CCO.43011 to 100.11310.0000.43034 Attorney Fees Special Cases, for attorney fees and costs for hearing officers for appeals from planning commission decisions and for hiring outside counsel when a conflict exists.

**SECTION 2.** \$6,325 is transferred from 100.11310.17RCA.43011 to 100.11310.00000.43031 Litigation, to be used for court and collection-related costs of litigation.

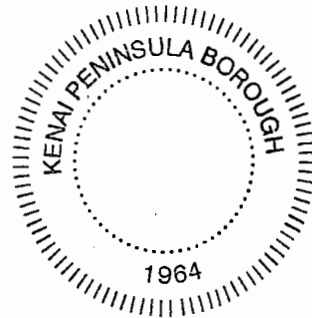
**SECTION 3.** That this resolution shall become effective upon its enactment.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JANUARY, 2019.**

  
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