

CALL TO ORDER

Mayor Alvin D. Osterback called the Special Assembly meeting to order at the Anchorage office building and by teleconference at designated locations on March 1, 2018 at 3:00 p.m.

ROLL CALL

Mayor Alvin D. Osterback	Present
Chris Babcock	Present
Carol Foster	Present
Warren Wilson	Present
Josephine Shangin	Present
Paul Gronholdt	Present
Brenda Wilson	Present
Chris Emrich	Absent-excused

Advisory Members:

Angela Simpson, Cold Bay	Present
Justine Gundersen, Nelson Lagoon	Present

A quorum was present.

Staff Present:

- Roxann Newman, Finance Director
- Tina Anderson, Clerk
- Anne Bailey, Administrator
- Laura Tanis, Communications Director
- Mary Tesche, Administrator Assistant
- Ernie Weiss, Resource Director
- Charlotte Levy, Administrative Assistant
- Mark Hickey, AEB Lobbyist
- Joe Levesque, AEB Attorney

Adoption of the Agenda:

MOTION

Carol moved to adopt the agenda and second by Warren.

Hearing no objections MOTION CARRIED.

Community Roll Call and Public Comments on Agenda Items:

The communities of King Cove, Nelson Lagoon, and the Anchorage office were participating by teleconference. Also broadcast on KSDP radio.

There were no public comments on the agenda item.

1. King Cove Land Exchange Litigation:

Friends of Alaska National Wildlife Refuges, the Wilderness Society, National Audubon Society, Wilderness Watch, Center for Biological Diversity, Defenders of Wildlife, National Wildlife Refuge Association, Alaska Wilderness League, and Sierra Club Department of the Interior, U.S. DEPARTMENT OF THE INTERIOR, and U.S. FISH AND WILDLIFE SERVICE, Case No. 3: 18-cv-00029-TMB.

AEB Attorney, Joe Levesque, said the special meeting is focused on the King Cove Access Road Project. AEB and communities have tried to establish road access for years, with many obstacles. With the new administration in Washington D.C., everything has been aligned to move forward. Once U.S. Dept of Interior Secretary Zinke signed the agreement to allow the land exchange for the road, environmental groups filed a lawsuit against the decision. The lawsuit is requesting a declaratory and injunctive relief immediately, to not allow the road to be built. The question has arisen, should the Borough intervene. Alaska civil rules, allows upon timely application, anyone to intervene in an action when the applicant claims an interest related to the property or transaction, unless the applicants interest is adequately represented by the existing parties. He asked the Assembly if they feel comfortable that AEB will be adequately represented by other parties involved. If not, then it may be necessary to intervene.

Levesque said the complaint for declaratory and injunctive relief filed with the U.S. District Court of the District of Alaska, is against the U.S. Interior Dept. Secretary Ryan Zinke, U.S. Dept of Interior and USFWS. Plaintiffs are Friends of Alaska National Wildlife Refuges, the Wilderness Society, National Audubon Society, Wilderness Watch, Center for Biological Diversity, Defenders of Wildlife, National Wildlife Refuge Association, Alaska Wilderness League, and Sierra Club. The land exchange agreement is signed by the King Cove Corporation and the United States, which is being challenged by environmental groups.

EXECUTIVE SESSION

Brenda moved to go into Executive Session to discuss the pros and cons of intervening in the case Friends of Alaska Wildlife Refuges, et. al. v. Ryan Zinke, with the Borough Attorney. This discussion will include litigation tactics and strategies.

And to invite the following people to attend the Executive Session with the Assembly:

1. Anne Bailey, Borough Administrator
2. Mary Tesche, Assistant Borough Administrator
3. Joe Levesque, Borough Attorney
4. Gary Hennigh, City of King Cove Administrator
5. Henry Mack, City of King Cove Mayor
6. Angela Simpson, City of Cold Bay Administrator
7. Mark Hickey, Borough Lobbyist

Second by Josephine.

ROLL CALL

Josephine-yes, Brenda-yes, Carol-yes, Chris B.-yes, Warren-yes, Paul-yes. MOTION PASSED.

The Executive Session began at 4:24 p.m. and ended at 5:00 p.m.

The Assembly came out of Executive Session and moved back into the Special Assembly Meeting.

Mayor Osterback said we were in Executive Session to discuss litigation tactics and strategies in the Friends of Alaska National Wildlife Refuges vs. Zinke. No action was taken in Executive Session.

MOTION

Paul moved to hire and retain Robertson, Monagle & Eastaugh to assist the Borough in moving to intervene in the Friends of Alaska National Wildlife Refugees vs. Zinke, not to exceed the amount of \$61,875. Second by Brenda.

Paul feels it is a good strategy we need to take to proceed. In a month, we can review our strategy.

ROLL CALL

Carol-yes, Josephine-yes, Brenda-yes, Paul-yes, Warren-yes. Advisory: Angela-yes, Justine-yes. MOTION CARRIED.

NEXT MEETING

March 8, 2018.

ADJOURNMENT

Carol moved to adjourn and second by Brenda. Hearing no more the meeting adjourned at 5:10 p.m.



Mayor Alvin D. Osterback



Clerk, Tina Anderson

Date: 4/12/18