



RESOLUTION 20-17

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ROBERTSON MONAGLE AND EASTAUGH TO PROVIDE LEGAL SERVICES TO PARTICIPATE IN THE LITIGATION FILED ON AUGUST 7, 2019 BY THE TRUSTEES FOR ALASKA AGAINST THE DEPARTMENT OF INTERIOR IN AN AMOUNT NOT TO EXCEED \$92,750.

WHEREAS, on July 12, 2019 the King Cove Corporation (KCC) and Department of Interior (DOI) signed an Agreement for the Exchange of Lands (Agreement); and

WHEREAS, on August 7, 2019, the Trustees of Alaska (Plaintiffs) filed a Complaint against the DOI/Secretary Bernhardt to “invalidate, vacate, and set aside” the Agreement; and

WHEREAS, the Plaintiffs also sent a 60-day notice letter under the Endangered Species Act (ESA) to set up a claim under ESA later in the lawsuit; and

WHEREAS, following 60 days, on/about October 6, 2019, Plaintiffs are expected to file an additional ESA count to add to the Complaint; and

WHEREAS, Robertson Monagle and Eastaugh (RME) have submitted a proposal requesting authority and funding to respond to the current Complaint and related litigation documents filed by the Trustees of Alaska to set aside the Agreement between the DOI and KCC; and

WHEREAS, the contractual compliance and funding relationship for the work will be between the Borough and RME and legal and technical tasks will represent the King Cove – Cold Bay Group; and

WHEREAS, the cost estimate for RME’s legal services is \$79,625 plus \$13,125 in contingency funds totaling \$92,750; and

WHEREAS, funds for this expense would be come from the Borough’s King Cove Access Project State of Alaska Department of Commerce, Community and Economic Development Designated Legislative Grant, Borough account number E 20-867-168-850 Capital Construction.

NOW THEREFORE, BE IT RESOLVED, the Aleutians East Borough Assembly authorizes the Mayor to negotiate and execute an Agreement with Robertson Monagle and Eastaugh to provide Legal Services to participate in the litigation filed on August 7, 2019 by the Trustees for Alaska against the Department of Interior in an amount not to exceed \$92,750.

PASSED AND ADOPTED by the Aleutians East Borough on this 12th day of September, 2019.



Alvin D. Osterback, Mayor

ATTEST:



Tina Anderson, Clerk