



RESOLUTION 22-18

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ROBERTSON MONAGLE AND EASTAUGH TO PROVIDE ONGOING LITIGATION SERVICES FOR THE IZEMBEK LAND EXCHANGE/KING COVE ROAD IN AN AMOUNT NOT TO EXCEED \$76,375.

WHEREAS, Robertson, Monagle and Eastaugh (RME) are requesting authority and funding to provide ongoing litigation services for the Izembek Land Exchange/King Cove Road; and

WHEREAS, RME submitted a proposal requesting authority and funding to provide ongoing litigation services by contacting the Department of Interior and Department of Justice; drafting a 9th Circuit *en banc* and District Court briefs and legal research to defend the legality of the Land Exchange; coordinating with the State of Alaska Department of Law attorneys on the State Administrative Appeal and a contingency for unanticipated work required by the Court before or after the 9th Circuit decision; 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 Borough, King Cove Corporation, Agdaagux Tribe, Native Village of Belkofski, City of King Cove and City of Cold Bay; and

WHEREAS, the cost estimate for RME's legal services is \$76,375; and

WHEREAS, funds for this expense would 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 ongoing litigation services for the Izembek Land Exchange/King Cove Road in an amount not to exceed \$76,375.

PASSED AND ADOPTED by the Aleutians East Borough on this 14th day of October, 2021.

Alvin D. Osterback, Mayor

ATTEST:

Tina Anderson, Clerk