

RESOLUTION NO. 19-02

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY AUTHORIZING THE MAYOR TO PARTICIPATE IN A CLASS ACTION LAWSUIT REGARDING THE BOROUGH'S RIGHT TO RECOVER ADDITIONAL SUMS UNDER THE PAYMENTS IN LIEU OF TAXES ACT FOR FISCAL YEARS 2015, 2016 AND 2017

WHEREAS, in 2008, Congress significantly amended the Payment In Lieu of Taxes (PILT) statute by mandating full funding through 2014 and removing language that limited the federal government's payment obligation to the amounts appropriated by Congress; and,

WHEREAS, Congress has never reinserted that language; and,

WHEREAS, for 2015-17, because of insufficient appropriations, PILT recipients did not receive the full amount to which they were entitled under the PILT statute based on the U.S. Department of Interior's full payment calculation; and

WHEREAS, Kane County, Utah filed a lawsuit in the U.S. Court of Federal Claims, seeking to recover its own underpayments and the underpayments of a class made up of all other PILT recipients in those years; and

WHEREAS, the Court ruled in Kane County's favor and has certified a class action lawsuit regarding the recovery of additional sums under the Payments In Lieu of Taxes Act (PILT Act) for fiscal years 2015, 2016, and 2017; and

WHEREAS, notices were sent to a Class, which includes the Borough, made up of: "All 'unit[s] of general local government,' as defined in 31 U.S.C § 6901(2) that received payment under 31 U.S. C. § 6902(a) of the PILT Act in fiscal years 2015, 2016 and/or 2017;" and

WHEREAS, the Lawsuit seeks to recover monies that the Court has determined that the federal government owes each Class Member for the underpayment of its respective PILT Act entitlement in fiscal years 2015, 2016, and/or 2017; and

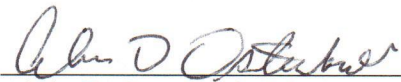
WHEREAS, to obtain the money that the federal government owes the Borough, without the Borough filing its own lawsuit, the Borough must submit a Class Action Opt-In Notice Form; and

WHEREAS, the Borough attorney and Federal lobbyist have reviewed the official notice and do not see a downside to opting in.

NOW, THEREFORE, BE IT RESOLVED by the Aleutians East Borough authorizes the Mayor to participate in a class action lawsuit regarding the Borough's right to recover additional sums under the Payments In Lieu of Taxes Act for Fiscal Years 2015, 2016 and 2017.


PASSED AND APPROVED BY THE ALEUTIANS EAST BOROUGH ASSEMBLY on this 12th day of July, 2018.

ALEUTIANS EAST BOROUGH, ALASKA



Alvin D. Osterback, Mayor

ATTEST:



Tina Anderson, Clerk