

Introduced by: Mayor  
Date: 02/17/09  
Hearing: 03/24/09  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-19-42**

**AN ORDINANCE APPROPRIATING \$60,000 TO THE LEGAL DEPARTMENT  
CONTRACT SERVICES ACCOUNT TO FUND HIRING OUTSIDE COUNSEL TO  
ASSIST THE LEGAL DEPARTMENT IN THE CASE REGARDING BEACH ACCESS  
FROM THE PAVED PORTION OF NIKISHKA BEACH ROAD**

**WHEREAS,** during the assembly meeting of August 5, 2008, the assembly authorized the administration to intervene in the case State of Alaska vs. Offshore Systems Kenai, 3KN-08-453 CI because the issue involved public access to Cook Inlet in the Nikiski area; and

**WHEREAS,** this is a significant issue for the Kenai Peninsula Borough as the public has used this area for access to Cook Inlet for many years for commercial and recreational activities, and the Kenai Peninsula Borough is a former owner of the property subject to the access historically used by the public; and

**WHEREAS,** the legal department requires additional assistance from outside counsel to assist in this case due to its current workload and the approaching trial date set in May 2009;

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

**SECTION 1.** The sum of \$60,000 is appropriated from the general fund to account No. 100.11310.00000.43011, contractual services, for the purposes of hiring outside counsel to assist it representing the borough in the case State vs. OSK.

**SECTION 2.** That the mayor is authorized to enter into any agreement necessary to effectuate the intents and purposes of this ordinance.

**SECTION 3.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 24TH DAY OF MARCH, 2009.**

*Dillie Martin*

Assembly President

ATTEST:

*John Blankenship*

Johni Blankenship, Borough Clerk



- Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin
- No: None
- Absent: None