



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: February 28, 2012

SUBJECT: Ordinance 2011-19-71, appropriating \$35,000 to pay for outside counsel to defend the KPB against a lawsuit filed by Kahtnu Ventures LLC

The legal department respectfully requests the following amendments to this ordinance to reflect actions taken since it was introduced:

- Amend the ninth whereas clause found on page ²³~~2~~, line 13 to read as follows:

WHEREAS, [SINCE FILING SUIT AGAINST THE STATE AND CPGH, INC.] Kahtnu Ventures has amended its complaint again to [MOVED THE COURT TO ALLOW IT TO AMEND THE COMPLAINT TO] sue the Kenai Peninsula Borough (“Borough”) in the pending lawsuit, and served the Borough on February 21, 2012; and

- Add a new last whereas clause as follows:

WHEREAS, at its meeting of February 13, 2012, the Central Kenai Peninsula Hospital Service Area board considered this ordinance and recommended approval;