

HAINES BOROUGH
RESOLUTION 09-08-168

Adopted

AN RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING THE MANAGER TO PROVIDE AN AMOUNT NOT TO EXCEED \$1.2 MILLION TO CHILKOOT INDIAN ASSOCIATION FOR PURPOSES OF FINANCING WATER AND SEWER MAINS AND RELATED CAPITAL IMPROVEMENTS AT THE CHILKOOT ESTATES SUBDIVISION, AND RELATED MATTERS.

WHEREAS, Haines Borough ("Borough") may exercise its areawide power to secure and provide financing of capital improvements in furtherance of economic development (Haines Borough Charter, Section 20.06.01); and

WHEREAS, Chilkoot Indian Association ("CIA") requests that the Borough provide grant financing in an amount not to exceed \$1,200,000 to pay for costs of water and sewer main extensions and related capital improvements, located in the Borough and within, or associated with, Chilkoot Estates Subdivision ("Project"); and

WHEREAS, CIA owns the Project and is thus responsible for payment of the related costs of water and sewer main extensions pursuant to Sections 13.04.150 and 13.08.020 of the Haines Borough Code ("HBC"); and

WHEREAS, the Assembly, by resolution, may authorize any method of payment or financing to provide for water and sewer main extensions by an owner (HBC 13.04.150 and 13.08.020); and

WHEREAS, to induce the Borough's participation, and in return for the financing provided CIA as set forth above, CIA proposes to fund the Borough for maintenance of certain Indian Reservation Roads ("IRR"), held in CIA inventory and approved by the Bureau of Indian Affairs Indian Reservation Roads Program, in an amount equal to the grant financing provided by the Borough to CIA, plus a fourteen percent (14%) rate of return on such amount; and

WHEREAS, the Borough expects that in years 2009, 2010 and beyond that it will continue to maintain certain roads included in the CIA IRR inventory and that CIA will seek further reimbursement on behalf of the Borough in return for additional Borough economic development funds in relation to the Project; and

WHEREAS, the Borough Assembly finds that it is in the best interest of the Borough to assist in the aforementioned economic development and allow for the above financing subject to the conditions set forth below,

NOW THEREFORE BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Project Funding. The Borough Manager is hereby authorized to provide Borough funds, in an amount not to exceed \$1,200,000, to CIA to be used to pay the costs of water and sewer main extensions and related capital improvements for the Project subject to the following conditions:

- A. An agreement is entered into by and between the Borough and CIA respecting the use of the funds received from the Borough, the occupancy requirements associated with the Project, and other related matters ("Agreement").
- B. The Borough, on or before the date on which Borough funds are provided CIA, shall have received an amount equal to the grant financing provided CIA by the Borough, plus a fourteen percent (14%) rate of return on such amount.
- C. A legal opinion from CIA relating to the validity of the Agreement and confirming that the Project will be made available to the general public, subject to an allowable preference for Tribal members of CIA.
- D. A legal opinion from Federal Highway Administration, or similar evidence, validating the transfer of funds to the Borough as reimbursement for IRR maintenance.

Section 2. Purpose. The Borough Assembly finds that the economic development associated with the Project is for a public use and is in the best interests of the Borough.

Section 3. Authorization. The Borough Manager is hereby authorized to negotiate and execute the Agreement with CIA for the purposes described in this Resolution subject to the conditions set forth in Section 1 above.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

Adopted by a duly constituted quorum of the Haines Borough Assembly on this 25th day of August, 2009.

Attest:


Julie Cozzi, Borough Clerk

