

**NORTHWEST ARCTIC BOROUGH ASSEMBLY  
RESOLUTION 20-35**

**A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH  
ASSEMBLY REAFFIRMING APPROPRIATION AND USE OF  
ADVANCE FUNDING FOR THE CAPE BLOSSOM ROAD, AND FOR  
RELATED PURPOSES.**

**WHEREAS:** the State of Alaska, Department of Transportation and Public Facilities (“DOT&PF”) has been leading the State of Alaska’s effort to plan and construct the Cape Blossom Road from Kotzebue to Cape Blossom (the “Project”); and

**WHEREAS:** the Project would improve access and enhance safety between Kotzebue and the shoreline on the southwest side of the Baldwin Peninsula; and

**WHEREAS:** the proposed Project will include constructing upgrades to existing Air Force Road south of the Hillside Road intersection to the Kotzebue Electric Association (KEA) Wind Farm, and constructing a new two-lane, gravel road from the wind farm south, including a crossing at Sadie Creek, to a beach access ramp above the high-tide line at Cape Blossom; and

**WHEREAS:** under Resolution 19-37, the Northwest Arctic Borough Assembly authorized Mayor Lucy S. Nelson to negotiate and execute an MOA with DOT&PF to provide reimbursable advance funding for Cape Blossom Road construction in an amount up to \$5 million; and

**WHEREAS:** to provide this funding, the Borough Assembly appropriated \$5 million for the Project in the FY20 budget; and

**WHEREAS:** pursuant to this authorization, the Borough entered into a Material Sales Agreement with DOT&PF for the Borough to make available for sale up to \$5 million worth of gravel for the Project (100,000 cubic yards x \$50/yd); and

**WHEREAS:** under Resolution 19-41, the Borough Assembly authorized Mayor Lucy S. Nelson to negotiate and execute a construction service agreement with Drake Construction for the purchase and delivery of Type C material for Cape Blossom Road construction in an amount up to \$5 million for ultimate sale to DOTP&F for the Project; and

**WHEREAS:** to date, NAB has expended \$2,342,150 of the \$5 million FY20 appropriation on the Project, leaving a remaining appropriation of \$2,657,850; and

**WHEREAS:** although DOT&PF has not paid the Borough for any of the material that its contractor, Drake Construction, has stockpiled for the Project, the Borough Assembly wishes to reaffirm its authorization and support for payment of remaining funds originally appropriated for material extraction and stockpiling.

**NOW THEREFORE BE IT RESOLVED:** the Northwest Arctic Borough Assembly reaffirms authorization for Mayor Lucy S. Nelson to contract for excavation and stockpiling of material for the Cape Blossom Road for ultimate sale to DOT&PF for Cape Blossom Road construction in an amount up to \$5 million.

**BE IT FURTHER RESOLVED:** the Assembly approves use of the remaining \$2,657,850 of the \$5 million FY20 appropriation for use in FY21 to complete the Project; and

**BE IT FURTHER RESOLVED:** the full \$5 million must be reimbursed by DOTP&F pursuant to the parties' material sale agreement.

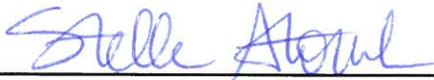
**PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF JUNE 2020.**

  
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**Nathan Hadley, Jr., Assembly President**

**PASSED AND APPROVED THIS 23<sup>rd</sup> DAY OF JUNE 2020.**

  
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**Lucy S. Nelson, Mayor**

**SIGNED AND ATTESTED TO THIS 23<sup>rd</sup> DAY OF JUNE 2020.**

  
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**Stella Atoruk, Borough Clerk**

**ATTEST:**

