

**A MUTUAL RESOLUTION OF THE
NORTHWEST ARCTIC BOROUGH
RESOLUTION 14-34**

AND THE

**NORTHWEST ARCTIC BOROUGH SCHOOL DISTRICT
RESOLUTION 14-__**

A resolution of the Northwest Arctic Borough Assembly delegating to the Northwest Arctic Borough School District specific authorities relating to Grant Agreement No. 15-DC-125 between the Borough and the State of Alaska, Department of Commerce, Community, and Economic Development, and for related purposes.

A resolution of the Northwest Arctic Borough School District accepting the delegation of specific authorities from the Northwest Arctic Borough relating to Grant Agreement No. 15-DC-125 between the Borough and the State of Alaska, Department of Commerce, Community, and Economic Development, and for related purposes.

WHEREAS, the Northwest Arctic Borough entered into Grant Agreement No. 15-DC-125 with the State of Alaska, Department of Commerce, Community, and Economic Development in the amount of \$5,500,000 (RSN 14-30), to provide funding for Kotzebue High School Residential Program and Northwest Magnet School; and

WHEREAS, NAB Code 2.40.030(C)(3) requires the Borough to provide for all major rehabilitation, construction and major repair of school buildings; and

WHEREAS, NAB Code 2.40.030(C)(3)(a) allows the Borough Assembly to delegate to the School Board specific authorities to undertake major rehabilitation, construction or major repair of school buildings by mutual resolution; and

WHEREAS, it is in the best interest of both the Borough and the School District for the Borough to delegate to the School District the authorities described below to implement the Grant Agreement.

NOW THEREFORE BE IT RESOLVED that the Northwest Arctic Borough Assembly, for and on behalf of the Northwest Arctic Borough:

1. The Borough accepted Grant Agreement No. No. 15-DC-125 in the amount of \$5,500,000 (RSN 14-30) and delegates to the Northwest Arctic Borough School District authorities for the planning, design, construction contracting, construction administration, grant administration and grant compliance, for the projects covered by the above-described Grant Agreement.
2. The District will pay invoices resulting from the above delegation of authority and on a monthly basis submit an accounting record to the Northwest Arctic Borough for reimbursement of costs incurred. The Borough shall then promptly submit requests for reimbursement to the Department of Commerce, Community, and Economic Development and promptly pay the District upon receipt and to the extent of such reimbursement.
3. The District will defend and hold the Borough harmless from any liability or damages resulting from tort, contract, or other claims arising out of the District's exercise of the authorities delegated under this mutual resolution.
4. The Borough will defend and hold the District harmless from any liability or damages resulting from tort, contract, or other claims arising out of the Borough's failure to promptly reimburse the District as provided in this mutual resolution.
5. The parties will first attempt to resolve any dispute that may arise out of this mutual resolution by non-binding mediation and good faith negotiation before pursuing any other remedies.
6. This resolution shall be effective upon adoption by both the School Board and the Assembly.

NOW THEREFORE BE IT RESOLVED that the Northwest Arctic Borough School Board, for and on behalf of the Northwest Arctic Borough School District, accepts the delegation of

authorities from the Northwest Arctic Borough Assembly together with the related obligations as set forth above.

PASSED AND ADOPTED THIS 27th DAY OF AUGUST, 2014.



Walter G. Sampson, President

PASSED AND APPROVED THIS 27th DAY OF AUGUST 2014.



Reggie Joule, Mayor

SIGNED AND ATTESTED TO THIS 27th DAY OF AUGUST 2014.



Stella Atoruk, Borough Clerk

Acting Borough Clerk



ADOPTED, _____, 2014 at a duly convened meeting of the Northwest Arctic School District Board of Education, at which a quorum was present and voting.

ATTEST:

Sandy Shroyer-Beaver, President
President
NWABSD Board of Education
of Education

Paula Mills, Vice-
NWABSD Board