



## Agenda Statement

**File #:** RES 17-0051 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**File created:** 11/30/2017 **In control:** City Council  
**On agenda:** 12/5/2017 **Final action:** 12/5/2017  
**Title:** #17-51 - Authorizing the Submission of a Request for Adjudicatory Hearing Before the Commissioner of the Alaska Department of Environmental Conservation Regarding Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan Protections for the Valdez Duck Flats and Solomon Gulch Hatchery

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 17-51 Authorizing Submission of Request for Adjudicatory Hearing Before the Commissioner of ADEC, 2. Joint Request for Adjudicatory Hearing.pdf, 3. Exhibits A-F with Cover Pages.pdf

Date	Ver.	Action By	Action	Result
12/5/2017	1	City Council		

**ITEM TITLE:**

#17-51 - Authorizing the Submission of a Request for Adjudicatory Hearing Before the Commissioner of the Alaska Department of Environmental Conservation Regarding Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan Protections for the Valdez Duck Flats and Solomon Gulch Hatchery

**SUBMITTED BY:** Sheri Pierce, MMC, City Clerk

**FISCAL NOTES:**

Expenditure Required: N/A  
Unencumbered Balance: N/A  
Funding Source: N/A

**RECOMMENDATION:**

Approve Resolution # 17-51, authorizing the submission of a request for adjudicatory hearing before the Commissioner of the Alaska Department of Environmental Conservation regarding Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan protections for the Valdez Duck Flats and Solomon Gulch Hatchery

**SUMMARY STATEMENT:**

On November 21, 2017, a joint request for adjudicatory hearing and joint request for alternative

dispute resolution was executed by Prince William Sound Regional Citizens' Advisory Council, Prince William Sound Aquaculture Corporation, and the City of Valdez. Mayor Knight was contacted by RCAC to sign this document on behalf of the City prior to the filing deadline. Mayor Knight was under the impression that this was an administrative action by the city and within her authority or the city manager's authority to request the hearing.

After reviewing the request for adjudication filing, which is a quasi-judicial hearing procedure, and after consultation with the city attorney, the decision was made to submit a resolution to the city council at the December 5<sup>th</sup> council meeting, asking for approval by the governing body to enter into this filing for adjudicatory hearing and joint request for alternative dispute resolution with the State of Alaska, Commissioner of the Alaska Department of Environmental Conservation.

Without the approval of city council our participation in this process could be determined to be invalid. Should the Commissioner uphold the decision of ADEC to accept the amendments to the C-Plan and deny the appeal, the parties have an option to appeal the decision through the court system. Prior to making any commitment to move forward and incur legal expenses regarding this matter it would be brought back to council for approval.

Approval of this resolution would ratify the action by the Mayor to request the adjudicatory hearing. Should the city council vote against this resolution a formal letter of withdrawal would be sent to the Commissioner removing the City as a party to the request for hearing.

The request for hearing and exhibits filed with the request are attached. Representatives from RCAC and VFDA will be present to answer questions regarding this matter.