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TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, General Manager

DATE: March 10, 2021

RE: **Request for Executive Session - Alaska Department of Environmental Conservation Notice of Requirement to Install Filtration Due to Failure to Meet Filtration Avoidance Criteria and the Status of KPU's Request for a Limited Alternative to Filtration (LAF)**

By report dated November 21, 2019, my office advised the City Council that as a result of the utility's failure to meet criteria for avoiding filtration, KPU is now required to install filtration. In lieu of meeting the statutory requirement of installing filtration within eighteen months, ADEC has advised KPU that it is willing to consider a Compliance Order by Consent to allow time for KPU to achieve compliance.

My office is requesting an executive session with the City Council following the regular course of business at its meeting of March 18, 2021. The purpose of this executive session is to review the status of the City's request for a Limited Alternative to Filtration (LAF) and the potential terms and conditions of a Compliance Order by Consent, which include the need to discuss subjects the knowledge of which would clearly have an adverse effect upon the finances of the City and to receive legal advice within the Attorney-Client privilege.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended the City Council adopt the motion declaring that consistent with the General Manager's memorandum dated March 10, 2021, that it is in the best interest of the City Council to discuss the Alaska Department of Environmental Conservation's proposed Compliance Order by Consent and give direction in handling that matter in executive session in accordance with KMC 2.04.025(a)(1) and (3) which includes the need to discuss subjects the knowledge of which would clearly have an adverse effect upon the finances of the City and to receive legal advice within the Attorney-Client privilege.

Recommended Motion: I move the City Council declare that consistent with the General Manager's memorandum dated March 10, 2021, that it is in the best interest of the City Council to discuss the Alaska Department of Environmental Conservation's proposed Compliance Order by Consent and give direction in handling that matter in executive session in accordance with KMC 2.04.025(a)(1) and (3) which includes the need to discuss subjects the knowledge of which would clearly have an adverse effect upon the finances of the City and to receive legal advice within the Attorney-Client privilege.