Introduced by:	Mayor
Date:	03/05/19
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH
RESOLUTION 2019-018

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR ASSISTANCE THROUGH THE STATE OF ALASKA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DAMAGES DUE TO THE NOVEMBER 30, 2018 COOK INLET 7.0 EARTHQUAKE IDENTIFIED UNDER THE FEDERAL DISASTER DECLARATION NUMBERS EM-3410 AND DR-4413

WHEREAS, on November 30, 2018, President Donald J. Trump declared a disaster emergency for the State of Alaska immediately following the 7.0 Cook Inlet earthquake, ordering federal assistance to supplement state, tribal and local response efforts due to the emergency conditions in the areas affected by the earthquake on November 30, 2018; and

WHEREAS, the President's declaration authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts for the purpose of alleviating the hardship and suffering caused by the emergency on the effected population; and

WHEREAS, FEMA disaster declaration EM-3410 provided appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe; and

WHEREAS, on November 30, 2018 State of Alaska Governor Bill Walker signed the state declaration formally requesting disaster assistance from FEMA; and

WHEREAS, on December 04, 2018 Kenai Peninsula Borough Mayor Charlie Pierce signed a Local Emergency Disaster Declaration requesting assistance from the state for emergency protection services along with temporary and permanent repairs to public infrastructure and facilities and technical assistance; and

WHEREAS, on January 31, 2019, President Donald J. Trump approved federal disaster declaration DR-4413 authorizing FEMA Public Assistance funds and Individual Disaster Assistance funds for municipalities and citizens affected by the earthquake; and

WHEREAS, the Alaska Division of Homeland Security and Emergency Management and FEMA applicant agreement process requires as a condition of the grant that the Kenai Peninsula Borough consents to waive its sovereign immunity and be subject to suits for actions arising out of the project activities funded by the grant to the same extent and in the same manner as any person;
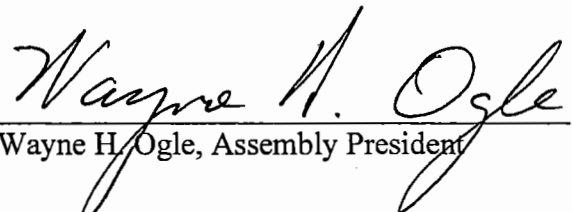
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. The mayor is hereby authorized to negotiate, administer and execute on behalf of the borough the applicant agreement package for disaster presently identified as the November 30, 2018 7.0 Cook Inlet Earthquake disaster, and to negotiate, execute, and administer any other documents, agreements, and contracts required under or related to the grant agreement including without limitation the Assurances and Agreements, the Summary of Grant Conditions for All Applicants, and the Indemnity and Hold Harmless Agreement required as a condition of the grant and any subsequent grant amendments.

SECTION 2. The Kenai Peninsula Borough agrees that if it is awarded assistance through the Alaska Division of Homeland Security and Emergency Management and FEMA as described in this resolution it shall waive its sovereign immunity to the extent required by paragraph 27 of the DHS & EM Form 30-57 Disaster Public Assistance Grant Assurances and Agreements and be subject to suit for actions arising out of the project activities for the November 30, 2018 7.0 Cook Inlet Earthquake disaster in the same manner, and to the same extent as any person and shall not be immune or exempt from any administrative or judicial process, sanction or judgment.
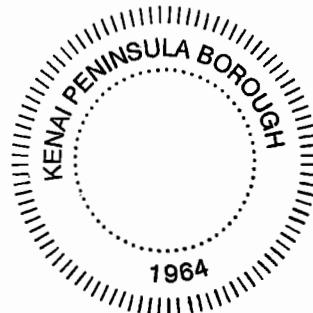
SECTION 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF MARCH, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:	Bagley, Blakeley, Carpenter, Cooper, Fischer, Hibbert, Smalley, Ogle
No:	None
Absent:	Dunne