

Introduced by:	Mayor
Date:	09/06/22
Hearing:	09/20/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-15**

**AN ORDINANCE ACCEPTING GRANT FUNDS FROM
THE STATE OF ALASKA DIVISION OF HOMELAND SECURITY & EMERGENCY
MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO
REIMBURSE COSTS ASSOCIATED WITH DISASTER RECOVERY EFFORTS
RELATED TO THE LOWELL POINT ROAD LANDSLIDE**

WHEREAS, on May 7, 2022 a significant landslide on Bear Mountain in Seward Alaska, blocked off Lowell Point Road for 30 days and cut off the residents of Lowell Point from essential services; and

WHEREAS, the Federal Disaster Declaration DR-4661 is expected to reimburse eligible expenses associated with response and recovery to be reimbursed; and

WHEREAS, the Kenai Peninsula Borough (“Borough”) has submitted one project application through the State of Alaska and Federal Emergency Management Agency Public Assistance program for emergency response; and

WHEREAS, costs for the emergency response in the amount of \$122,254.89 will be reimbursed to the Borough as a 75 percent federal pass-through and a 25 percent state-matching grant awarded by the State of Alaska Division of Homeland Security & Emergency Management;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the mayor is authorized to accept grant funds totaling \$122,254.89 from the State of Alaska Division of Homeland Security & Emergency Management (“AKDHSEM”) for the May 7, 2022 Landslide, Federal Disaster Declaration DR4661.

SECTION 2. That the mayor, or designee, is authorized to negotiate, administer and execute on behalf of the borough the applicant agreement package for disaster presently identified as the May 7, 2022 Landslide, Federal Disaster Declaration DR4661, and to negotiate, execute, and administer any other documents, agreements, and contracts required under or related to the grant agreements 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 agreements and any subsequent grant amendments.

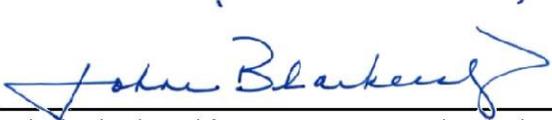
SECTION 3. That the Kenai Peninsula Borough agrees that upon award of assistance through the Alaska Division of Homeland Security & Emergency Management as described in this ordinance, it shall waive its sovereign immunity to the extent required by paragraph 27 of the AKDHSEM Form 30-57f State Assurance and Agreements and be subject to suit for actions arising out of the project activities for the May 7, 2022 Landslide disaster in the same manner, and to the same extent as any person, and will not be immune or exempt from any administrative or judicial process, sanction or judgement.

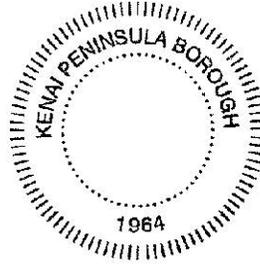
SECTION 4. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF SEPTEMBER, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: None