

# Kenai Peninsula Borough

## Office of Emergency Management

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### MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor *CP*  
Brandi Harbaugh, Finance Director *BH*  
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

**FROM:** Dan Nelson, OEM Senior Manager *DN*

**DATE:** February 21, 2019

**SUBJECT:** Resolution 2019 - 018, 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 (Mayor)

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On November 30, 2018 at 8:29 a.m., a 7.0 earthquake in Cook Inlet generated damages affecting the population and public infrastructure in the Municipality of Anchorage, and the Kenai Peninsula and Matanuska-Susitna boroughs. A request for assistance starts at the local level under normal circumstances; however, President Donald J. Trump declared the event a federal disaster, which immediately approved federal assistance and resources to the state and affected jurisdictions. The state and the borough followed through with the formal process to declare disasters and request federal assistance as required under the Stafford Act.

The two disaster declarations reflect different authorizations: (1) EM-3410 authorized emergency response and emergency protective measures; and (2) DR-4413 authorizes continued assistance and resources for repairs and recovery under the FEMA Public Assistance (PA) program and the Individual Assistance (IA) program. The PA program reimburses municipalities for public infrastructure damages and mitigation. Whereas the IA program provides financial assistance to individuals or families whose primary residence, primary mode of transportation or essential personal property are damaged or destroyed or who incur medical, funeral and/or dental expenses as a direct result of a declared disaster.

As a condition of any assistance award in the form of a grant, the Kenai Peninsula Borough Assembly must formally authorize the applications to be filed including all assurances contained in it. One such assurance is that the borough consent by resolution to waive its immunity from lawsuits against itself as to all causes of action arising out of the project funded by the disaster assistance grant agreement.

This resolution would authorize the mayor to negotiate, administer and execute on behalf of the borough the disaster assistance application and grant agreement designated as the November 30, 2018 7.0 Cook Inlet Earthquake Event by the state and an agreement with FEMA. It also authorizes the mayor to negotiate, execute, and administer any other documents, agreements, and contracts required under or related to the grant agreement, including the Assurances and Agreements, the Summary of Grant Conditions for All Applicants, and the Indemnity and Hold Harmless Agreement which are required as a condition of the disaster assistance application package and any subsequent grant awards or amendments.

The assembly is respectfully asked to consider this resolution at its meeting of March 5, 2019. Assembly approval is required to apply for Public Assistance grants. Your favorable consideration of this resolution would be appreciated.