

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

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-017**

**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR ASSISTANCE  
THROUGH THE STATE OF ALASKA DIVISION OF HOMELAND SECURITY  
AND EMERGENCY MANAGEMENT FOR DAMAGES DUE TO THE  
OCTOBER 2018 FLOOD/STORM EVENT IDENTIFIED UNDER STATE  
DISASTER DECLARATION NUMBER AK-18-264**

**WHEREAS,** on October 16, 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 October 16, 2018, Governor Bill Walker declared a disaster emergency in response to Mayor Pierce's declaration; and

**WHEREAS,** the October 2018 Kenai Peninsula Flood/Storm Event was approved to receive disaster assistance and funding under the State of Alaska Public Assistance program; and

**WHEREAS,** the Division of Homeland Security and Emergency Management 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;

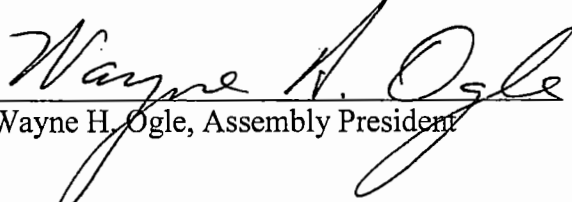
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**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 2018 Kenai Peninsula Flood/Storm Event, 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 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 2018 Kenai Peninsula Flood/Storm Event 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.

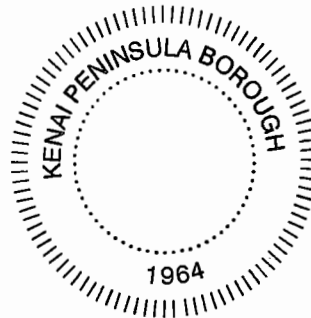
**SECTION 3.** That this resolution takes effect immediately upon its adoption.

**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