

Introduced by: Mayor  
Date: 12/03/19  
Hearing: 01/07/19  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-38**

**AN ORDINANCE APPROVING AND ACCEPTING \$13,738.95 FROM THE STATE OF ALASKA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO REIMBURSE REPAIRS AT THE TEBUGHNA SCHOOL RESULTING FROM THE NOVEMBER 30, 2018 COOK INLET 7.0 EARTHQUAKE**

**WHEREAS,** on November 30, 2018 at 8:29 am a 7.0 earthquake shook from an epicenter five miles north of Anchorage which was felt across Southcentral Alaska; and

**WHEREAS,** as a result of the earthquake, the Tebughna School suffered a substantial loss of ceiling tiles in the gym; and

**WHEREAS,** the borough appropriated \$450,000 from the general fund for disaster response and recovery by way of ordinance 2018-19-26; and

**WHEREAS,** the Federal Disaster Declaration DR-4413 approved eligible expenses associated with response, recovery and mitigation to be reimbursed by the Federal Emergency Management Agency and the State of Alaska through the Public Assistance Program (FEMA PA); and

**WHEREAS,** the borough has submitted eight project applications through the FEMA PA program for damages sustained to borough facilities; and

**WHEREAS,** the incurred and estimated costs to complete response, recovery or mitigation for the Tebughna School debris removal totaling \$13,738.95 will be reimbursed to the borough as a 75% federal pass-thru and a 25% state-matching grant awarded by the State of Alaska Division of Homeland Security & Emergency Management; and

**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 \$13,738.95 from the State of Alaska Division of Homeland Security & Emergency Management for the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413.

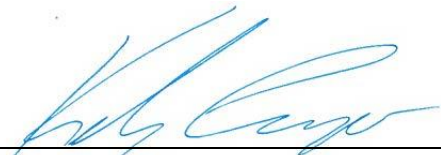
**SECTION 2.** That the mayor is authorized to negotiate, administer and execute on behalf of the borough the applicant agreement package for disaster presently identified as the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413, and to negotiate, execute, and administer 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 \$450,000 appropriation from the general fund for disaster response and recovery by way of ordinance 2018-19-26 are project length nature and as such do not lapse at the end of any particular fiscal year.


**SECTION 4.** The Kenai Peninsula Borough agrees that upon award 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 DHS&EM Form 30-57f State Assurance and Agreements and be subject to suit for actions arising out of the project activities for the November 30, 2018 Cook Inlet 7.0 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 judgement.

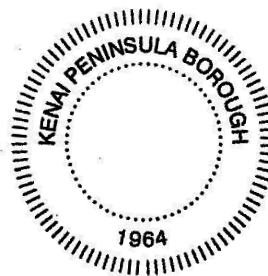
**SECTION 5.** That this ordinance shall be effective upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JANUARY, 2020.**

  
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Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper  
No: None  
Absent: None