

Introduced by: Mayor  
Date: 09/21/99  
Hearing: 09/21/99  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 99-59**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT  
AND EXECUTE A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT  
AGENCY (FEMA) TO STABILIZE THE SHORELINE BELOW THE PORT GRAHAM  
SCHOOL, AND APPROPRIATING \$195,000 IN GRANT FUNDS AND \$65,000 IN  
LOCAL MATCHING FUNDS**

- WHEREAS,** the school facilities in Port Graham were originally constructed directly adjacent to a 50 foot high bluff overlooking Cook Inlet; and
- WHEREAS,** over time, winter storms have resulted in significant erosion so that the bluff is now only 18 feet from the school gymnasium; and
- WHEREAS,** the National Weather Service has indicated that the highest tides of record are expected November 1999 which could result in greater than normal bank erosion; and
- WHEREAS,** the Community of Port Graham has requested that the Kenai Peninsula Borough School District and Borough Administration review the condition of the school property and take steps to stabilize the bluff; and
- WHEREAS,** the site has been reviewed by the KPBSD, the Borough's Maintenance and PW/Major Project's Departments, as well as hydrologists from the US Army Corp of Engineers and FEMA; and
- WHEREAS,** the results of those reviews indicate that there is significant risk to the property unless action is taken before this winter's storm season; and
- WHEREAS,** the construction season available for completion of the bank stabilization work is likely to end in late October; and
- WHEREAS,** KPB 5.04.080 provides that a "threat to property" is a justification for an emergency ordinance and AS 29.25.030 provides that the emergency ordinance is effective for 60 days; and
- WHEREAS,** James Lee Witt, Director of FEMA has assured the Borough Mayor that a grant for \$195,000 is forthcoming, subject to a requirement for a 25 percent local match, providing for total project ~~funding~~ of \$260,000; and

**WHEREAS,** the Borough's 25% match is expected to consist of armor rock valued at \$37,500, and staff costs, totaling \$27,500 for field investigation, contract administration, project inspection and other related costs; and

**WHEREAS,** in order to complete the work by the end of October, it will be necessary for the mayor to waive formal bidding procedures as allowed under KPB 5.28.300; and

**WHEREAS,** the Borough administration has previously initiated actions with each of the required agencies, necessary to meet all permit requirements, as required by the FEMA grant.

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

**SECTION 1.** That the assembly finds that as provided in AS 29.25.030 and KPB 5.04.080, an emergency exists that threatens borough property. The borough's failure to take immediate action to stabilize the bank adjacent to Port Graham School may result in additional erosion causing significant loss of property.

**SECTION 2.** That the assembly accepts the grant and authorizes the Mayor to execute the required grant agreement(s) and to take the steps necessary to complete this project prior to the end of October, 1999.

**SECTION 3.** That FEMA grant funds in the amount of \$195,000 and local matching funds from the borough's general fund balance in the amount of \$65,000 are appropriated to account 262-11266-99PTG-49999, subject to execution of the grant agreement(s).

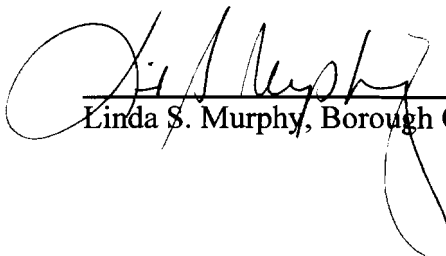
**SECTION 4.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF SEPTEMBER, 1999.**



Ronald Wm. Drathman, President

ATTEST:



Linda S. Murphy, Borough Clerk

