

Presented by: The Manager  
Introduced: 10/03/2024  
Drafted by: E. Wright

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2024-34**

**An Emergency Ordinance Authorizing the Manager to Execute a Cooperative Agreement with the Army Corps of Engineers for Advance Measure Assistance.**

WHEREAS, CBJ Charter 5.4(a) provides the Assembly may adopt an emergency ordinance to meet a public emergency by an affirmative vote of at least six assemblymembers; and

WHEREAS, a side basin (Suicide Basin or K'óox Kaadí Basin) of the Mendenhall Glacier above Juneau, Alaska, has released outburst floods (also known as jökulhlaups) since 2011, with record flood events in August 2023 and now August 2024; and

WHEREAS, in August 2024, the Mendenhall Vally was flooded to levels exceeding previous flooding events, damaging over 300 residences in the area; and

WHEREAS, the total damage from the August 2024 glacier outburst flood is still being calculated and is expected to be in the millions of dollars; and

WHEREAS, the basin is refilling and has reached levels seen in June of 2024; and

WHEREAS, the City and Borough is currently responding to the outburst flood under Emergency Declarations at the local and state level; and

WHEREAS, the City and Borough is currently working with the Army Corps of Engineers to obtain HESCO barriers for advance placement along the Mendenhall River; and

WHEREAS, the Cooperative Agreement requires following language:

2b. Hold and save the Government free from damages arising from construction, operation, maintenance, repair, replacement, and rehabilitation of the work, except damages to the fault or negligence of the Government or its contractors;

and

1  
2 WHEREAS, pursuant to CBJ Charter 9.13(a) and its prohibition against payment being  
3 made or an obligation being incurred without an appropriation, the City and Borough is  
4 generally prohibited from agreeing to a indemnify or waive liability; and

5 WHEREAS, CBJ Charter 9.13(c) carves out an exception to that general prohibition:  
6 Notwithstanding Section 9.13(a) of this Charter, the assembly by ordinance may  
7 require payment of funds from appropriations of a later fiscal year or of more than  
8 one year for any contract, lease or note or bond obligation, or federal or state grant,  
or any other federal or state program that the municipality may not otherwise  
participate in.

9 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,  
10 ALASKA:

11 **Section 1. Classification.** This ordinance is a noncode ordinance.

12 **Section 2.** The City and Borough are currently operating under both local and state  
13 Emergency Declarations.

14 **Section 3.** Pursuant to CBJ Charter 9.13(c), the manager is authorized to execute the  
15 Cooperative Agreement required by the federal government and agree, on behalf of the City and  
Borough, to waive liability and indemnify the federal government to the extent required by law.

16 **Section 4. Effective Date.** This ordinance shall be effective immediately and expire  
17 ninety days after adoption.

18  
19 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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21 \_\_\_\_\_  
Beth Weldon, Mayor

22 Attest:

23  
24 \_\_\_\_\_  
Beth McEwen, Municipal Clerk