

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 22-39R

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA COMMITTING PORT FUND REVENUE COLLECTED AS A PORT HAZARD IMPACT FEE TO SERVE AS MATCHING FUNDS FOR A FEMA BUILDING RESILIENT INFRASTRUCTURE COMMUNITY (BRIC) GRANT.

WHEREAS, a series of rockslides on a portion of the eastern mountainside owned by the Municipality of Skagway above the Port of Skagway have threatened the safety of the public and the private and publicly owned critical infrastructure within the area including docks, roads, pedestrian corridors, harbors, freight yards, railroad lines, and fuel storage facilities; and

WHEREAS, the mountainside remains unstable and an engineering evaluation determined there is risk of a large scale, catastrophic slope failure that could result in significant damage and risk to the public; and

WHEREAS, to enhance the port of Skagway’s adaption and resilience to protect against extreme weather events and other climate change related conditions that are catalyzing rockslide failure activity; and

WHEREAS, in order to actively address the ground failure above the Railroad Dock that threatens the health, safety, property, and economic viability of the Skagway community, the Municipality and its partners are preparing for long-term protective/preventative actions intended to result in greatly reduced risk to public health and safety; and

WHEREAS, the projected costs of the long-term protections of life, health, safety, and critical port infrastructure from rockslides and other natural disasters are anticipated to place an unbearable cost burden on the Municipality of Skagway during a time of extensive port capital projects; and

WHEREAS, to offset the cost of the project, the Municipality of Skagway is requesting FEMA funds through the Building Resilient Infrastructure Community (BRIC) grant; and

WHEREAS, these BRIC grant funds will be used to complete a project that will effectively mitigate the current risk to public health and safety by excavating fractured and unstable rock, and stabilizing the rock slope; and

WHEREAS, the Municipality of Skagway, in partnership with other private industry stakeholders, would like to provide non-federal funds equal to 30% of this project cost as matching funds for the grant; and

WHEREAS, to establish a proportional match allocation in collaboration with industry partners based on the use of the infrastructure being protected, should the FY22 BRIC grant be awarded, the Municipality of Skagway will collect a \$5 per passenger Port Hazard Impact Fee on behalf of

the cruise lines from all docks within the Port of Skagway, which is separate from and in addition to the Vessel Impact Fee in Tariff No. 3; and

WHEREAS, the purpose of the fee is to provide partner contribution for the non-federal match requirement of the BRIC grant; and

WHEREAS, pursuant to SMC 12.01.070, revenues generated by the Port of Skagway may be used for the maintenance and repair of the Port;

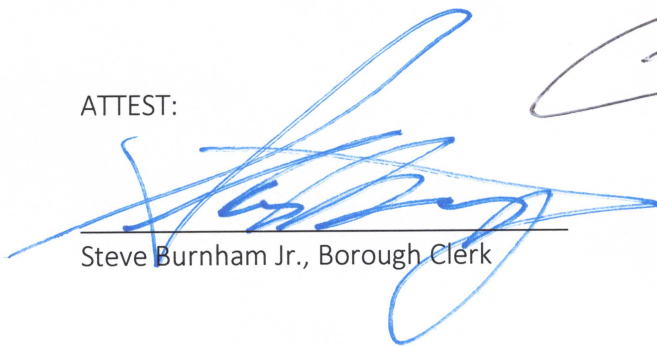
NOW THEREFORE BE IT RESOLVED, that the Municipality of Skagway commits to 30% of the rockslide mitigation project cost to serve as matching funds for a FEMA BRIC grant, to actively address the ground failure above the Port of Skagway that threatens the health, safety, property, and economic viability of the Skagway community; and

BE IT FURTHER RESOLVED, that the 30% matching funds will be funded by Port Fund revenue over the life of the grant, and which is collected from the Port Hazard Impact Fee revenue, and when applicable, through in-kind, cash, and other innovative partnership contributions; and

BE IT FURTHER RESOLVED, Should the FY22 BRIC grant be awarded, the Municipality of Skagway will implement the Port Hazard Impact Fee beginning January 1, 2024 and the collection of the Port Hazard Impact Fee will sunset once the 30% project match is met through the fee and/or from other non-federal sources.

PASSED AND APPROVED this 15th day of December, 2022, by the Assembly of the Municipality of Skagway, Alaska.

ATTEST:



Steve Burnham Jr., Borough Clerk



Andrew Cremata, Mayor

(SEAL)

