



CITY OF UTQIAGVIK

"Farthest North Incorporated City"

Introduced by:	Asisaun Toovak
Date:	
Public Hearing:	
Action:	
Vote:	

CITY OF UTQIAGVIK, ALASKA

ORDINANCE #14-2024

AN ORDINANCE APPROVING A MEMORANDUM OF AGREEMENT WITH THE US ARMY CORP OF ENGINEERS REGARDING THE BARROW ALASKA COASTAL EROSION PROJECT

WHEREAS under Ordinance #4- 2022, the City of Utqiagvik ("City") approved the grant to the U.S. Army Corp of Engineers ("USACE") of an easement for the North Slope Borough ("NSB") to use federal and NSB funds to construct an approximately 1-mile rock revetment and revetted berm structure ("ERS"), on City-owned bluff-front property, to help protect the city against storm-caused coastal flooding and erosion;

WHEREAS USACE previously proposed a Memorandum of Agreement in the form attached hereto as Exhibit A ("Prior MOA") to fix the terms to effectuate the construction of the ERS on City-owned land, including to resolve potential adverse effects on the Utqiagvik Village Site;

WHEREAS the Prior MOA, to the extent it ever came into effect, expired according to its terms on June 7, 2024, and USACE has proposed to initiate development of a new Memorandum of Agreement ("New MOA") using the Prior MOA as a framework;

WHEREAS USACE has invited the City to participate in the development of the New MOA as an "invited signatory";

WHEREAS in connection with USACE's invitation, USACE has provided to the City a form of "Barrow Memorandum of Agreement Reinitiation Invitation," a copy of which is attached hereto as Exhibit B ("Invitation");

WHEREAS the City Council intends to provide flexibility to the Mayor to participate in consultation with USACE and other stakeholders to develop the New MOA and to make such modifications to the New MOA as the Mayor considers necessary or appropriate without the requirement to seek further approval from the City Council; and



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WHEREAS the City Council believes that the New MOA will be in the public interest because the ERS will provide the City permanent assistance in combatting coastal flooding and erosion caused by storms during the open water period, potentially saving the City millions of dollars over time in damage to permanent structures and erosion of City land due to coastal flooding.

BE IT ORDAINED by the City Council of Utqiagvik, Alaska, that:

SECTION 1. Classification. This ordinance is not permanent or general in nature and shall not be placed in the City of Utqiagvik Code of Ordinances ("Code").

SECTION 2. Council Approval. In accordance with Sections 13.04.060(G), 13.04.070, and 13.04.160(A) of the Code, the City Council hereby:

1. finds that the New MOA is in the public interest, to significantly promote the health, safety, and welfare of the residents of the city,
2. authorizes the Mayor to accept the Invitation and execute a final execution version of the Invitation substantially in the form of Exhibit B;
3. authorizes the terms and conditions of the New MOA in substantially the form set forth in the Prior MOA attached hereto, subject to the City being classified as an "invited signatory" in the New MOA and not as a "concurring party,"
3. authorizes the Mayor to approve modifications to the New MOA as may best effectuate the intent of this ordinance, and as are in the best interest of the City and its residents prior to execution,
4. authorizes the Mayor to execute the New MOA as so modified.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and shall have retroactive effect back to the first date that the City administration began to negotiate the terms and conditions of the New MOA with USACE.

ENACTED THIS ___ DAY OF _____, 2024, by a vote of ___ in favor and opposed.

Elizabeth Asisaun Toovak, Mayor

ATTEST:

Mary Patkotak, City Clerk



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Exhibit A

**Prior
Memorandum of Agreement**

[Attached]



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Exhibit B

USACE Invitation

[Attached]