

**CITY OF CORDOVA, ALASKA
RESOLUTION 04-19-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE
ALASKA MARINE HIGHWAY SYSTEM TO INDEMNIFY THE STATE FOR CONDUCT OF
CITY OF CORDOVA PERSONNEL DURING THE APRIL 2019 ALASKA SHIELD DRILL
ABOARD THE MARINE HIGHWAY FERRY**

WHEREAS, the Alaska Division of Homeland Security and Emergency Management will be conducting a contingency exercise titled Alaska Shield 2019; and

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities Alaska Marine Highway System will furnish a vessel to participate in Alaska Shield 2019; and

WHEREAS, City of Cordova Personnel will participate in Alaska Shield 2019 under the terms of an agreement between the City of Cordova (“City”) and the Alaska Marine Highway System; and

WHEREAS, the City Administration proposes entering into this agreement; and

WHEREAS, assisting in emergency preparedness exercises is in the public interest.

NOW, THEREFORE BE IT RESOLVED THAT:

Section 1.

The agreement between the City and the Alaska Marine Highway System regarding the Alaska Shield 2019 exercise (attached to this resolution as Exhibit A and hereafter the “Agreement”) is authorized and the City Manager is authorized and directed to execute and deliver the Agreement on behalf of the City.

Section 2.

The City Manager is authorized to modify any non-essential terms of the Agreement prior to execution if he finds in his sole discretion that these modifications are appropriate or necessary.

Section 3.

The City Manager may take all actions necessary to execute the essential terms contained in the Agreement.

Section 4.

This Resolution shall become effective upon passage and approval.

PASSED AND APPROVED THIS 3rd DAY OF APRIL 2019.




Melina Meyer, Vice Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk



State of Alaska

Department of Transportation & Public Facilities

Alaska Marine Highway System

AMHS-Cordova Agreement

Alaska Shield 2019

Alaska Shield 2019 is contingency exercise performed in conjunction with the Alaska Division of Homeland Security & Emergency Management and its Multiyear Training and Exercise Plan. The Alaska Marine Highway System (AMHS) has agreed to furnish a ferry vessel to participate in Alaska Shield 2019 and permit members of the Cordova community (Cordova Personnel) to board the vessel and participate as volunteers in the Alaska Shield 2019 exercise (Exercise).

In exchange for AMHS' agreement to permit Cordova Personnel to participate in the Exercise aboard the vessel, the City of Cordova (City) commits as follows:

1. The City will:
 - (a) Designate one or more City representative(s) to serve as a point of contact with whom:
 - (1) AMHS can communicate regarding planning and other matters in advance of the Exercise;
 - (2) The AMHS vessel master and crew can communicate regarding shipboard matters during the Exercise.
 - (b) Agree to diligently monitor and supervise the conduct and activities of Cordova Personnel throughout the Exercise to ensure that Cordova Personnel:
 - (1) Comply with all directives and requests of AMHS personnel concerning travel, security, health, safety, welfare, and related matters;
 - (2) Do not:
 - (i) Enter any restricted part of AMHS property that is not accessible to the public without an authorized escort;
 - (ii) Interfere with the safe and efficient operation of the vessel, disrupt travel, or jeopardize safety or security; and
 - (3) Otherwise conduct themselves in proper, responsible, and safe manner.
2. Each party agrees to accept liability for claims and causes of action arising out of their own conduct. The City will defend, indemnify, and hold harmless the State, its agents, and employees from and against all claims and causes of action arising out of the conduct or activity(ies) of the Cordova Personnel in connection with this Agreement, including administrative proceedings, judgments, penalties, fines, damages, losses, demands, liabilities, costs, fees, and expenses that might be brought, alleged, or imposed arising from or related to any property damage or loss, personal injury, death, and any other liability related to the conduct of the Cordova Personnel.
3. The City will include the State of Alaska as an additional insured on all insurance providing coverage for the City's activities in connection with this Agreement. In particular, the City

will add the State as additional insured to its Commercial General Liability Policy. The City and its insurer(s) shall waive subrogation rights, if any, against the State. Before Cordova Personnel may board AMHS' vessel in connection with this Agreement, the City shall provide the State with a Certificate of Insurance demonstrating proof of necessary insurance coverage and inclusion of the State as an additional insured.

4. AMHS makes no representation or warranty to the City or Cordova Personnel concerning the condition or suitability of its vessel or facilities. By participating in Exercise activities on State property, participants expressly assume all associated risks.
5. The laws of the State of Alaska govern this Agreement. All claims arising in connection with the License shall be filed and litigated in superior court in Juneau, Alaska, to the exclusion of courts of all other states and countries.
6. This document constitutes the entire agreement of the parties regarding its subject matter and supersedes all prior agreements, both written and oral.

Dept. of Transportation & Public Facilities
Alaska Marine Highway System

Dated: _____

By: _____
Capt. John F. Falvey, Jr., General Manager

SUBSCRIBED AND SWORN TO OR AFFIRMED before me by Captain John F. Falvey, Jr., who is the General Manager of the Alaska Marine Highway System, which is established under Alaska law, on this ____ day of _____, 2019.

Notary Public, State of Alaska
My commission expires: _____

City of Cordova

Dated: _____

By: _____
Alan Lanning, City Manager

**ACKNOWLEDGMENT OF THE
CITY OF CORDOVA COUNCIL**

BE IT REMEMBERED that on the ____ day of _____, 2019 at a regular meeting of the City Council of the City of Cordova, a City established under Alaska law, the City granted its approval of the foregoing instrument.

Dated: _____

Clerk, City of Cordova