

**INTERLOCAL AGREEMENT:
TORNADO DEBRIS REMOVAL**

WHEREAS, the tornado of December 10, 2021, caused substantial destruction and damage to the commercial and residential property of the citizens of Marshall County, Kentucky, including property located in the City of Benton, KY;

WHEREAS, the tornado damage has caused massive amounts of debris scattered throughout Marshall County, including in the City of Benton;

WHEREAS, Within the FEMA Public Assistance (PA) Program, there is a federal, state, and local share,

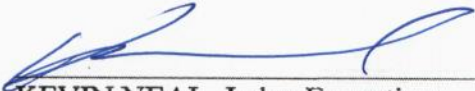
WHEREAS, Marshall County and the City of Benton desire to enter into an agreement pursuant to KRS 65.210 through KRS 65.300 to cooperate together to clean up the debris resulting from the 2021 tornado in the most efficient manner;

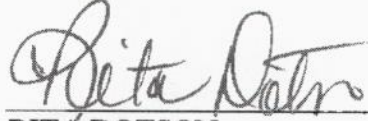
NOW THEREFORE, it is hereby understood, resolved, and agreed to as follows:

1. Marshall County will collect all FEMA eligible debris throughout Marshall County including the tornado debris located within the city limits of the City of Benton.
2. Marshall County will be the applicant within FEMA Public Assistance (PA) Program as it relates to debris pickup and removal resulting from the December 2021 tornado.
3. The Marshall County debris monitor contractor will provide the City of Benton with a reporting software which will show the location of collected debris. For any debris collected by Marshall County within the city limits of the City of Benton, either directly or through third party contractors, the City of Benton will pay Marshall County for that portion of the debris removed from the city limits within thirty (30) days of receiving an invoice
4. The invoice to the City of Benton from Marshall County will be only for the non-federal and non-state (aka local share) of the debris costs. The portion of the share of the debris removal shall be at the same rate as Marshall County's share.
5. Both Marshall County and the City of Benton will make all reasonable efforts to reduce the local share through all available methods to include, but not limited to, FEMA PA resource grants and FEMA timeliness incentives (aka limited 100% timeframe).
6. The term of this agreement shall be ninety (90) days and may be extended if an extension is needed to complete the debris clean up.

7. No additional legal entity is created under this agreement. No real or personal property will be acquired by any of the parties under the scope and intended purpose of this agreement. No sharing or intermingling of employee labor is contemplated under this agreement.
8. Marshall County and the City of Benton shall each be solely responsible for making any necessary changes to their respective budgets.
9. This agreement shall not be assigned in whole or in part without the written consent of all parties.

RESOLVED by the parties as evidenced by the signatures below:

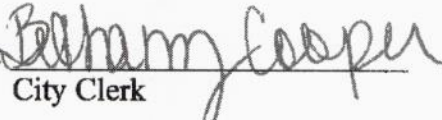

 KEVIN NEAL, Judge Executive
 Marshall County Fiscal Court


 RITA DOTSON,
 Mayor of City of Benton

Date: 12/27/2021

Date: 12/30/2021

Attest: 
 Fiscal Court Clerk

Attest: 
 City Clerk

This Interlocal Agreement between the Marshall County Fiscal Court and the City of Benton is in the proper form, is compatible with the laws of the Commonwealth of Kentucky, and meets the conditions set forth in KRS 65.210 through 65.300. Therefore, this Agreement is approved pursuant to KRS 65.260(2).

COMMONWEALTH OF KENTUCKY
 DEPARTMENT OF LOCAL GOVERNMENT

BY: _____

NAME: _____

TITLE: _____

DATE: _____

ORDINANCE NO. 21 - 12-04

**AN ORDINANCE DECLARING AN EMERGENCY
TO EXISTS AND AUTHORIZING
THE MAYOR TO EXECUTE AN INTERLOCAL
AGREEMENT FOR DEBRIS REMOVAL**

BE IT ORDAINED by the Council of the City of Benton, Kentucky as follows:

WHEREAS, the tornado of December 10, 2021, caused substantial destruction and damage to the commercial and residential property of the citizens of Marshall County, KY. including property located in the City of Benton, KY;

WHEREAS, the tornado damage has caused massive amounts of debris scattered throughout Marshall County, including in the City of Benton;

WHEREAS, Within the FEMA Public Assistance (PA) Program, there is a federal, state, and local share,

WHEREAS, Marshall County and the City of Benton desire to enter into an agreement pursuant to KRS 65.210 through KRS 65.300 to cooperate together to clean up the debris resulting from the 2021 tornado in the most efficient manner;

WHEREAS, an emergency exists with regard to entering into the Interlocal Agreement for the removal of the tornado debris as soon as possible;

WHEREAS, two-thirds (2/3) of the members of the City Council have declared an emergency to exist and authorized the Mayor for the City of Benton to execute on behalf of the city the attached Interlocal Agreement for tornado debris removal.

IT IS HEREBY ORDAINED, as follows:

- A. Upon motion duly made and seconded upon a vote of two-thirds (2/3) of the members of the City Council of Benton, Kentucky, all voting aye, an emergency is declared with regard to the necessity of removing tornado debris from the city limits as soon as possible.
- B. The mayor is authorized to execute on behalf of the City of Benton the attached copy of the Interlocal Agreement with Marshall County, Ky, for the removal of tornado debris.

C. Pursuant to KRS 83A.060(9). A summary of the ordinance may be published and the full text of the ordinance may be viewed at Benton City Hall during regular office hours.

Passed this the 30th day of December, 2021.


RITA DOTSON, MAYOR

COUNCIL MEMBERS VOTING

	<u>AYE</u>	<u>NAY</u>
CHARLES EDMONDS	<u>✓</u>	_____
ANN RILEY	<u>✓</u>	_____
KEVIN FARLEY	<u>✓</u>	_____
RITA MURRAY	<u>✓</u>	_____
SHERRA RILEY	_____	<u>absent</u>
BUTCH HOLLAND	<u>✓</u>	_____