



D 2019 001

EXECUTIVE ORDER

Amending Executive Orders D 2013 026 and D 2018 007 to Provide Funding for Ongoing Emergency Response, Recovery, and Mitigation Efforts Connected with the 2013 Flooding and the Spring Creek Fire

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2013 026, as amended, and D 2018 007 enabling state agencies to coordinate ongoing response, recovery, and mitigation efforts and making resources available for response, recovery, and mitigation activities connected with the 2013 Flooding and the Spring Creek Fire.

I. Background and Purpose

- A. The Governor is responsible for meeting the dangers to the state and people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act defines a disaster as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin.” C.R.S § 24-33.5-703(3).
- B. Due to historic flooding in Colorado in 2013 (2013 Flooding), Governor John Hickenlooper issued Executive Order D 2013 026, as amended by Executive Orders D 2013 027, D 2013 028, D 2013 030, D 2013 031, D 2013 033, D 2014 001, D 2014 002, D 2014 006, D 2014 012, and D 2016 005 (collectively, Executive Order D 2013 026), declaring a disaster emergency in multiple counties. Executive Order D 2013-026 also provided for funding for ongoing response, recovery, and mitigation efforts in connection with the 2013 Flooding.
- C. The Spring Creek Fire started on June 27, 2018, in Costilla County, and spread into Huerfano County in June and July 2018. Accordingly, Governor John Hickenlooper issued Executive Order D 2018 007 declaring a disaster emergency and providing for funding for ongoing response, recovery, and mitigation efforts.
- D. The impacts of the 2013 Flooding and the Spring Creek Fire require additional resources for ongoing response, recovery, and mitigation efforts.



- E. This Executive Order amends Executive Order D 2013 026 and Executive Order D 2018 007 in order to provide for additional resources for ongoing response, recovery, and mitigation efforts connected with the 2013 Flooding and the Spring Creek Fire. Specifically, this Executive Order orders the following:
- i. Twelve million five hundred thousand dollars (\$12,500,000) shall be transferred, as authorized by H.B. 18-1322, from the General Fund to the Disaster Emergency Fund to pay for response, recovery, and mitigation efforts connected with the 2013 Flooding;
 - ii. Seven million dollars (\$7,000,000) of unencumbered funds within the Disaster Emergency Fund shall be encumbered to pay for response, recovery, and mitigation efforts connected with the 2013 Flooding;
 - iii. Seven million one hundred thousand dollars (\$7,100,000) shall be transferred from the Controlled Maintenance Trust Fund to the Disaster Emergency Fund to pay for fire suppression and recovery efforts related to the Spring Creek Fire; and
 - iv. Seven million nine hundred thousand dollars (\$7,900,000) of unencumbered funds within the Disaster Emergency Fund shall be encumbered to pay for fire suppression and recovery efforts related to the Spring Creek Fire.

II. Amendments

- A. Paragraph II(C) of Executive Orders D 2013 026 and D 2013 027 and Paragraph II(B) of Executive Orders D 2013 028, D 2013 031, D 2013 033, and D 2014 001 are amended to read as follows:

Pursuant to C.R.S. § 24-33.5-706(4), the funds in the Disaster Emergency Fund are found to be insufficient to pay for the flood response and recovery. Therefore, it is ordered that thirty eight million nine hundred fifty thousand dollars (\$38,950,000) be transferred into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund established in C.R.S. § 24-75-302.5. Furthermore, an additional twelve million five hundred thousand dollars (\$12,500,000) is ordered to be transferred from the General Fund to the Disaster Emergency Fund, as authorized by H.B. 18-1322.

It is further ordered that one hundred thirty one million dollars (\$131,000,000) from the Disaster Emergency Fund is encumbered to pay for the flood response and recovery. The Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government agencies and non-profit organizations and execute awards, purchase orders, or other mechanisms to effect the allocation of the funds. The Director of the Office

of Emergency Management is also authorized to allocate up to twenty million dollars (\$20,000,000) to be used as short-term, no interest advances in order to provide any political subdivision of the state with short-term capital needed for flood response and recovery. These funds shall remain available for this purpose for sixty (60) months from December 9, 2019, and any unexpended funds shall remain in the Disaster Emergency Fund.

B. Paragraph II(C) of Executive Order D 2018 007 is amended as follows:

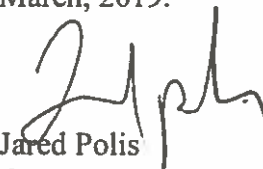
Due to the insufficiency of funds in both the Emergency Fire Fund and the Disaster Emergency Fund established in C.R.S. § 24-33.5-706(2)(a) to pay for the state's share of fire suppression and recovery efforts related to the Spring Creek Fire, I order the transfer of twenty five million one hundred thousand dollars (\$25,100,000) from the Controlled Maintenance Trust Fund into the Disaster Emergency Fund pursuant to C.R.S. § 24-33.5-706(4)(b). I further encumber thirty three million dollars (\$33,000,000) in the Disaster Emergency Fund to pay for the fire suppression, recovery, and mitigation efforts related to the Spring Creek Fire since June 27, 2018. These funds shall remain available for this purpose until sixty (60) months from the date of this Executive Order.

III. Duration

This Executive Order shall expire thirty (30) days from March 18, 2019, unless extended by further Executive Order, except that the funds described in Section II above shall remain available for the described purposes and the described time period stated in Section II.



GIVEN under my hand and
Executive Seal of the State of
Colorado this eighteenth day of
March, 2019.


Jared Polis
Governor