

## **D 011 08**

### **EXECUTIVE ORDER**

#### **Declaring a Disaster Emergency Due to Severe Tornadoes in Northern Colorado**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100, *et seq.*, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to severe tornadoes in northern Colorado.

#### **I. Background and Purpose**

Shortly after noon on Thursday, May 22, 2008, more than a half dozen tornadoes touched down across northern Colorado, causing widespread damage. The largest and most devastating of those tornadoes struck the Town of Windsor and surrounding areas, killing one person and causing significant property damage. Although initial assessments have not yet been completed, it appears that scores of homes were damaged by the tornadoes, wind, and hail and numerous homes were destroyed or severely damaged such that they are uninhabitable. In addition, there was significant damage to private business, livestock and agricultural equipment, and publicly owned facilities and infrastructure.

As Governor, I am responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act of 1992 (hereinafter the “Act”), defines a disaster as “the occurrence or imminent threat of widespread or severe damages, injury or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . wind [or] storm.” C.R.S. § 24-32-2103(1.5). As I observed first-hand the day the tornadoes struck, these tornadoes posed an imminent danger to human life and property and, therefore, constituted a disaster for the purposes of the Act. In response to this disaster, on May 22, 2008, I declared a disaster emergency.

#### **II. Declarations and Directives**

- A. I hereby declare that these tornadoes constitute a disaster for purposes of C.R.S. §24-32-2103, and acknowledge my verbal order of May 22, 2008,

declaring a state disaster emergency due to severe tornadoes in northern Colorado.

- B. Pursuant to C.R.S. § 24-32-2104(5), the State Emergency Operations Plan (“Plan”) is hereby activated. All State departments and agencies shall take whatever actions may be required and requested by the Colorado Division of Emergency Management, within the Plan, to respond to the disaster emergency, including provision of appropriate staff and equipment as necessary.
- C. Pursuant to C.R.S. § 24-32-2106, I find that the funds in the Disaster Emergency Fund are insufficient; therefore, pursuant to headnote 22 of the 2007 Long Bill (S.B. 07-239), I order that \$500,000 be transferred from the Major Medical Insurance Fund to the Disaster Emergency Fund. I further order the encumbrance of up to \$500,000 from the Disaster Emergency Fund to pay for the response and recovery effort related to this disaster. The Director of the Colorado Division of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate agencies. These funds shall remain available for this purpose for one year from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- D. The Director of the Colorado Division of Emergency Management is hereby authorized and directed to coordinate application for any federal assistance or low-interest loans that may be available to assist the affected communities and residents with responding to and recovering from the disaster, including but not limited to Stafford Act grants, Small Business Administration loans, Community Development Block Grants, and Community Service Block Grants.
- E. Pursuant to C.R.S. § 24-32-2104(6) and § 28-3-104, as commander-in-chief of military forces, I hereby employ and call to active duty certain elements of the Colorado National Guard as may be necessary to respond to this disaster, and delegate command authority to the Adjutant General of the Colorado Department of Military. I order the Adjutant General of the Colorado Department of Military and Veterans Affairs and the Director of the Colorado Division of Emergency Management to coordinate activities between their respective department and division as necessary to respond to this disaster emergency and execute the directives contained in this Executive Order.
- F. I authorize the Department of Local Affairs to make excess temporary housing units owned by the State of Colorado available to those who have been displaced by the tornadoes. Pursuant to C.R.S. § 24-32-2104(7), I

authorize the Department of Local Affairs and the Department of Personnel and Administration, at their discretion, to suspend in whole or in-part state purchasing and contracting laws and regulations in order to facilitate making temporary housing available on an expedited basis to those displaced by the tornadoes.

- G. Pursuant to C.R.S. § 24-32-2104(7), I hereby authorize the Colorado Department of Transportation, at its discretion, to issue overweight and oversize permits without charging the statutory fee to carriers providing disaster assistance. This will include issuing permits to those carriers removing debris, delivering supplies and other materials associated with the disaster recovery and rebuilding effort.
- H. Pursuant to C.R.S. § 24-32-2104(7), I hereby authorize the Department of Human Services, at its discretion, to expend Temporary Assistance to Needy Families (TANF) funds in excess of the funds allocated to Weld and Larimer Counties in order to assist those impacted by the disaster, and I authorize the Department of Human Services appropriated funds to help provide emergency housing to those displaced by the disaster.
- I. In order to expedite the reopening of child care facilities damaged or destroyed in the tornadoes, pursuant to C.R.S. § 24-32-2104(7), I hereby authorize the Colorado Department of Human Services, at its discretion and without compromising the health or safety of children or employees of such facilities, to suspend or waive certain child care facility licensing requirements set forth in C.R.S. § 26-6-101, et seq., and/or issue provisional licenses.
- J. The Department of Local Affairs is hereby authorized and directed to use appropriated funds and grant money that may be available from other sources to assist in the repair and reconstruction of publicly owned facilities and infrastructure.
- K. My verbal disaster emergency declaration on May 22, 2008, is hereby memorialized by this Executive Order and shall have the full force and effect of law as if it were contained within this Executive Order.

III. Duration

This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order, except that the funds described in paragraph 2(C) above shall remain available for the described purposes for one year from the date of this Executive Order.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this twenty-third day of  
May, 2008.

Bill Ritter, Jr.  
Governor