# STATE OF COLORADO

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**John W. Hickenlooper**
**Governor**

## D 2013-027

## EXECUTIVE ORDER

**Amending the Declaration of Disaster Emergency Due to the Flooding in Adams, Arapahoe, Broomfield, Boulder, Denver, El Paso, Fremont, Jefferson, Larimer, Logan, Morgan, Pueblo, Washington, and Weld Counties (Front Range Flooding)**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of C.R.S. § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 2013-026 declaring a disaster emergency due to the flooding in Adams, Arapahoe, Broomfield, Boulder, Denver, El Paso, Fremont, Jefferson, Larimer, Logan, Morgan, Pueblo, Washington, and Weld Counties, Colorado.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency 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 . . . flood." C.R.S. § 24-33.5-703(3).

On September 13, 2013, I issued Executive Order D 2013-26 declaring a Disaster Emergency in 14 counties on account of flooding. Since that time, the affected areas received extensive additional rainfall. As of September 18, 2013, the National Weather Service reported that 7-day rain totals have reached as high as 18.1 inches in Boulder County, 12.4 inches in Larimer County, 15.6 inches in Adams County, and 11.6 inches in El Paso County. Initial estimates of the casualties and property damage are as follows: six persons are deceased, 17,648 structures have been damaged, which includes 4,047 structures that have been destroyed, 30 bridges have been destroyed, and 20 others have been seriously damaged. As of 1100 on September

18, 2013, a total of 754 troops, 19 helicopters, 20 ground search-and-rescue teams, and 67 traffic-control points were operational.

After the Executive Order was issued on September 13, 2013, I verbally declared a disaster emergency and activated the State Emergency Operations Plan in two additional counties, Clear Creek and Sedgwick, because of significant rainfall to that area.

In Executive Order D 2013-26, I ordered that $6,000,000 be transferred into the Disaster Emergency Fund. The estimated cost of disaster relief so far has been approximately $ 3.5 million per day, and the Acting Director of the Office of Emergency Management estimates that 75% of the funds originally ordered had been expended as of September 16, 2013. As extensive relief efforts continue, I find that the $6,000,000 that was originally ordered is insufficient to pay for the flood response and recovery.

As a result of the recent flooding, Colorado's transportation infrastructure has been significantly compromised, limiting the ability of the citizens of Colorado to access their homes, businesses and farms and negatively impacting our ability to provide necessary goods and services to the hardest hit counties. The severity of the damage to the transportation infrastructure, taken together with the brevity of time before winter weather conditions set in, requires extraordinary measures to assist in the reconstruction and repair of Colorado's transportation infrastructure.

The flooding has also damaged businesses and hindered their ability to provide their communities with essential goods and services including food and other daily necessities. Extraordinary measures are necessary to reopen food service businesses promptly in a manner that does not compromise food safety but also recognizes that the rules and regulations in normal times might be unduly burdensome under the circumstances.

## II. Declaration and Directives

In addition to the declarations and directives contained in Executive Order D 2013-26, I declare and direct that paragraph II(C) of Executive Order D 2013-026 is hereby amended as follows and paragraphs II(H), II(I), and II(J) are hereby added as follows:

C. 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 $26,000,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2013-14 to the Controlled Maintenance Trust Fund. This

amount shall include the funds transferred by written executive order dated September 13, 2013. It is further ordered that this $26,000,000 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. These funds shall remain available for this purpose for eighteen months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

H. My verbal order declaring a disaster emergency for Clear Creek County and Sedgwick County as additional counties affected by the continued flooding is hereby memorialized and shall have full force and effect as if these counties were contained in the original Executive Order.

I. As provided in C.R.S. § 24-33.5-704(7)(a), I hereby authorize the following department Executive Directors, upon approval of the Governor's Chief Recovery Officer, or his/her designee as described below, to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency: Department of Higher Education, Department of Revenue, Department of Public Health and Environment, Department of Labor and Employment, Department of Regulatory Agencies, Department of Agriculture, Department of Natural Resources, Department of Local Affairs, Department of Military and Veterans Affairs, Department of Personnel, Department of Corrections, Department of Public Safety, Department of Transportation, Department of Human Services, and Department of Health Care Policy and Financing. Prior to the suspension of any statute, order, rule or regulation, the Governor's Chief Recovery Officer must find that strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

J. I hereby authorize the Director of the Office of Emergency Management or his designee to enter into all necessary cost-sharing agreements with the federal government for the purpose of making available financial assistance pursuant to 42 U.S.C. § 5174. The Director of the Office of Emergency Management or his designee is directed to work with local government partners in the affected counties to reach an equitable method for paying the non-federal share of the costs.

III. Duration

This Executive Order shall expire thirty days from September 13, 2013, unless extended further by Executive Order, except that the funds described in paragraph II(C) above shall remain available for the described purposes for eighteen months from the date of this Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado this nineteenth day of September, 2013.

John W. Hickenlooper
Governor