STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2012-048

EXECUTIVE ORDER

Amending the Declarations of Disaster Emergency Due to the Waldo Canyon Fire in El Paso County and the Springer Fire in Teller County and Extending the Availability of Funds

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, C.R.S. § 24-33.5-701, *et seq.*, and specifically C.R.S. § 24-33.5-704, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order amending executive orders declaring disaster emergencies due to the Waldo Canyon Fire in El Paso County and the Springer Fire in Teller County and making additional resources available to those affected by the Waldo Canyon Fire.

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 . . . fire." C.R.S. § 24-33.5-703(3). The Waldo Canyon Fire destroyed 347 homes and subsequent flooding has caused further damage to homes and infrastructure. Executive Order D 2012-020 provided $4,000,000 for suppression of the Waldo Canyon Fire, Executive Order D 2012-024 authorized use of the National Guard to fight the Waldo Canyon Fire and enforce the laws of Colorado, and Executive Order D 2012-031 provided a new total of $6,175,000 for the fire suppression, response, and recovery effort related to the Waldo Canyon Fire. This Executive Order provides $195,000 in additional resources being made available to El Paso County and the City of Colorado Springs to assist those affected by the Waldo Canyon Fire. It also amends the previous Executive Orders to provide duration of eighteen months for the use of the encumbered funds.

Executive Order D 2012-018 for the Springer Fire in Teller County contained an encumbrance of $1,000,000 in the Disaster Emergency Fund. The estimated costs of suppressing the fire are significantly less and thus the encumbrance can be reduced to $600,000. This Executive Order amends the encumbrance in Executive Order D 2012-018, thus providing additional funds in the Disaster Emergency Fund for the additional resources cited above and future disaster emergencies.

II. Declaration and Directives

In addition to the declarations and directives contained in Executive Orders D 2012-018, D 2012-020, D 2012-024, and D 2012-031 Governor Hickenlooper declares and directs as follows:

A. Executive Order D 2012-018 Section II (C) is amended by adding the following sentence at the end: Effective on November 2, 2012, the encumbrance in the Disaster Emergency Fund for the purposes of fire suppression, response and recovery for the Springer Fire is reduced to $600,000 and the resulting $400,000 is de-obligated from the Springer Fire and remains in the Disaster Emergency Fund for use for other disaster emergencies.

B. The last sentence of Executive Order D 2012-020 Section II (C) is amended to read: 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.

C. Executive Order D 2012-020 Section III (Duration) is amended to read: This Executive Order shall expire 30 days from June 23, 2012 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.

D. Executive Order D 2012-031 Section III (Duration) is amended to read: This Executive Order shall expire 30 days from July 9, 2012 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, and any unexpended funds shall remain in the Disaster Emergency Fund.

F. Executive Order D 2012-031 Section II is amended by adding the following sentences as subsection (F): I further order the encumbrance of an additional $195,000 from the Disaster Emergency Fund for recovery related to this disaster. As cited above, the $195,000 exists in the Disaster Emergency Fund from de-obligated funds for the Springer Fire previously encumbered in Executive Order D-2012-018. These funds may be used to pay for disaster recovery resources as requested for reimbursement by El Paso County up to $97,500 and by the City of Colorado Springs up to $97,500; as approved by the Director of the Office of Emergency Management to assist with local government costs incurred during and as a result of the current disaster emergency, including costs incurred by non-profit organizations on behalf of local government entities. The Director of the Colorado Office 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 eighteen months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

Executive Orders D 2012-018, D 2012-020, D 2012-024, and D 2012-031 remain in full force and effect as originally promulgated, except as amended by this Executive Order. This Executive Order shall remain in effect until amended or rescinded by Executive Order, except that the funds described in paragraph II (F) 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 second
day of November, 2012.

John W. Hickenlooper
Governor