

## **SUBJECT**

Items Relating to the Larimer County Flood of 2013.

- A. Resolution 2013-080 Extending the State of Local Emergency Declared by the City Manager.
- B. Resolution 2013-081 Authorizing the City Manager to Enter Into Mutual Aid Agreements with Other Local Governments in Response to the Larimer County Flood of 2013.

## **EXECUTIVE SUMMARY**

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On Friday, September 13, 2013, the President of the United States and the Governor's office declared a disaster area for Northern Colorado due to the extensive flash flooding and river flooding along the Front Range and Northern Colorado region.

A local emergency proclamation was then signed by City Manager Darin Atteberry on September 13, 2013, and sent to the Governor's office. The City proclamation was based on the fact that Fort Collins suffered and was threatened with serious peril to the safety of people and property within the City limits due to the "Larimer County Flood of 2013."

City Council is asked to approve the extension of the proclamation of local emergency until such time as the City Manager determines it is no longer necessary.

The "Larimer County Flood of 2013" has severely affected several neighboring communities including Larimer County, Estes Park, Longmont and Loveland. These communities need aid and assistance to respond and recover from the impacts of the flood and the City is in a position to provide some of the requested resources. To expedite the City's response, City Council is asked to authorize the City Manager to enter into mutual aid agreements for short-term aid and assistance.

## **STAFF RECOMMENDATION**

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Staff recommends that City Council approve Resolution 2013-080 which extends the proclamation of local emergency until such time as the City Manager determines it is no longer necessary.

Staff also recommends that City Council approve Resolution 2013-081 which authorizes the City Manager to enter into short-term mutual aid agreements to help with immediate impacts of the Flood.

## **BACKGROUND / DISCUSSION**

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### **Resolution 2013-080: Extending the Proclamation of Local Emergency**

The flood "Larimer County Flood of 2013" began on September 12. Evacuations in certain areas of the City such as Andersonville, Alta Vista and Buckingham neighborhoods were ordered along with numerous road and bridge closures. On September 13, 2013 the City Manager, as Director of the City's Office of Emergency Management, declared the existence of a local emergency in accordance with Section 2-671 of the City Code.

As the flood waters recede and the response phase turns to the assessment and recovery phase, the existence of the local emergency continues. The most immediate focus of this phase includes extensive assessment of the City's infrastructure and local facilities. Some examples include:

- Assessment of critical infrastructure such as our raw water pipelines, storm water infrastructure, buildings, and the City's flood warning system review (damage has already been observed at the Lincoln Avenue gauge)
- Assessment of the City's bridges (the water level remains too high to fully inspect footings)
- Assessment of our underground power facilities
- Assessment of property and roads at Meadow Spring Ranch.

Review and assessment of the entire Poudre floodplain and the River bank must be conducted to assess the impacts of the flood before any work can be performed in the River or within the floodplain.

We have damage along the Poudre Trail. The worst section is between Prospect Ponds and the Environmental Learning Center with bank erosion and the trail overhanging the bank. Fallen trees and debris are strewn over 11 miles of the Poudre Trail. There is also structural trail damage under some underpasses and erosion and scouring in areas elsewhere.

Debris management will continue to be a significant issue as the water level decreases and staff determines what remains in the Poudre River basin and the flood prone areas.

The flood occurred in the midst of the ongoing recovery efforts of last year's High Park Fire. Teams will begin to assess the mulch this week. While the High Park Fire is a separate event, it has substantially stretched our resources and compounded our challenges to recover from the extensive impacts of that disaster.

Resolution 2013-080 is being presented for City Council's consideration. Section 2-671(a)(1) of the City Code states that a local emergency shall not be continued or renewed for a period in excess of seven days, except by or with the consent of the City Council. In order to allow sufficient time for a transition from the emergency response phase to a thorough assessment and determination of the status of critical infrastructure, it is necessary that the proclamation of local emergency remain in place. Therefore, this Resolution extends the proclamation of local emergency until such time as the City Manager determines it is no longer necessary.

The City Manager will notify the Council, in writing, that the local emergency is ended.

#### **Resolution 2013-081: Authorizing Mutual Aid Actions and Agreements**

The "Larimer County Flood of 2013" has severely affected several neighboring communities including Larimer County, Estes Park, Longmont and Loveland. These communities need aid and assistance in the form of resources and services to respond and recover from the impacts of the flood. During critical phases of the emergency, it is important that neighboring communities work together to protect lives and property. It underscores the concepts of partner communities helping one another during emergencies as well as "whole community" that are emphasized by the Federal Emergency Management Agency (FEMA).

In the spirit of cooperation and mutual assistance, the City wants to respond quickly. To do that, the City Council is asked to authorize the City Manager to enter into mutual aid agreements with other governmental entities for short-term aid and assistance.

RESOLUTION 2013-080  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED BY  
THE CITY MANAGER

WHEREAS, beginning on September 12, 2013, the City suffered, and is still threatened with, serious injury and damage constituting a disaster of extreme peril to the safety of persons and property, consisting of flash floods and river flooding, known as the “Larimer County Flood of 2013” (the “Flood”); and

WHEREAS, on September 13, 2013, in order to undertake emergency measures to protect the life, health, safety and property of the citizens of the City and persons conducting business therein, and in order to attempt to minimize the loss of human life and the preservation of property, the City Manager, as the Director of the City’s Office of Emergency Management, proclaimed a “local emergency” in accordance with Section 2-671(a)(1) of the City Code, and

WHEREAS, the results of the Flood continue to require emergency action and remediation as the City’s activities move from response to assessment of the impacts of the Flood and recovery efforts, including debris management and repairs to infrastructure; and

WHEREAS, Section 2-671 (a)(1) of the City Code states that a local emergency proclaimed by the City Manager shall not be continued or renewed for a period in excess of seven days without the consent of the City Council; and

WHEREAS, conditions continue to exist which, for the protection of the health, safety and welfare of the citizens of the City of Fort Collins, warrant the continuation of the previously proclaimed local emergency; and

WHEREAS, the City Manager is requesting that the City Council continue the proclamation of local emergency as established by the City Manager on September 13, 2013 until such time as the City Manager determines the conditions justifying this local emergency no longer exist.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby finds that conditions continue to exist which, in the best interests of the health, safety and welfare of the citizens of Fort Collins, warrant the continuation of the previously proclaimed local emergency until such time as the conditions warranting this local emergency no longer exist.

Section 2. That the City Council hereby authorizes, approves, and consents to the continuation of the state of local emergency until such time as the City Manager determines in writing that the conditions justifying this local emergency no longer exist and such written determination is filed with the Office of the City Clerk.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this  
17th day of September, A.D. 2013.

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Mayor

ATTEST:

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City Clerk

RESOLUTION 2013-081  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CITY MANAGER TO ENTER INTO MUTUAL AID  
AGREEMENTS WITH OTHER LOCAL GOVERNMENTS IN RESPONSE  
TO THE LARIMER COUNTY FLOOD OF 2013

WHEREAS, the Larimer County Flood of 2013 (“the Flood”), which began on September 12, 2013, has affected the City of Fort Collins and has even more dramatically affected neighboring communities; and

WHEREAS, such communities are in need of aid and assistance in the form of resources and services, some of which the City is in a position to provide; and

WHEREAS, it is essential that neighboring communities work together to share and provide resources to one another during critical periods in emergencies when resources become scarce, as such resources are necessary to preserve life and property; and

WHEREAS, providing such assistance supports the ideology of the “whole community” as emphasized by the Federal Emergency Management Agency (“FEMA”), and also builds a partnership with neighboring communities that may prove beneficial to Fort Collins in the event of future emergencies; and

WHEREAS, in accordance with the Colorado Revised Statutes, § 29-1-203, governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units; and

WHEREAS, under Section 1-22 of the City Code, intergovernmental agreements and other cooperative arrangements between the City and other governmental entities are to be submitted to the City Council for review, unless they fit within one of the exceptions that permit authorization by the City Manager; and

WHEREAS, if a neighboring community is in need of immediate aid and assistance, the City wants to be able to respond quickly by entering into a mutual aid agreement with such community, without the need for additional review and approval by the City Council; and

WHEREAS, in light of the current emergency situation, staff recommends that the City Council authorize the City Manager to enter into mutual aid agreements with other governmental entities to provide aid and assistance in response to the Flood; and

WHEREAS, such agreements will address short-term aid and assistance, and will only be for a reasonable period of time to help with the immediate impacts of the Flood; and

WHEREAS, if an outside local government requires more permanent, long-term assistance from the City, such assistance would be contracted for through a state or federal

Incident Management Team, in which case the City would be reimbursed for all or a portion of the value of the resources provided; and

WHEREAS, Mutual Aid Agreements will enable the City of Fort Collins to share and provide its resources to neighboring communities during this emergency, which will in turn build a partnership with neighboring communities that may prove beneficial to Fort Collins in future emergency situations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That it is in the best interests of the health, safety and welfare of the citizens of the City that the City enter into mutual aid agreements with other governmental entities as needed to provide aid and assistance in response to the Flood.

Section 2. That the City Manager is hereby authorized to enter into mutual aid agreements with other government entities on terms and conditions consistent with this Resolution, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or to effectuate the purpose of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of September, A.D. 2013.

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Mayor

ATTEST:

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City Clerk