



**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

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**AGENDA ITEM:** 15  
**MEETING DATE:** 9/17/2013  
**TO:** City Council  
**FROM:** Bill Cahill, City Manager's Office  
**PRESENTER:** Bill Cahill, City Manager

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**TITLE:**

A Resolution of the Loveland City Council Extending the Loveland City Manager's Declaration of Local Disaster Issued Under C.R.S. Section 24-33.5-709 for the 2013 Flood

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the resolution.

**OPTIONS:**

1. Adopt the action as recommended
  2. Deny the action
  3. Adopt a modified action (specify in the motion)
  4. Refer back to staff for further development and consideration
  5. Adopt a motion continuing the item to a future Council meeting
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**SUMMARY:**

This is an administrative action to consider a Resolution Extending the City Manager's Declaration of Local Disaster that he issued on September 12, 2013, under C.R.S. Section 24-33.5-709. His Declaration was issued in response to the recent heavy rains and flash flooding in the City and the Front Range that has caused widespread loss of life and injury and substantial damage and destruction of private and public property. Section 24-33.5-709 limits the duration of the City Manager's Declaration of Local Disaster to seven days unless it is continued and renewed by the City Council. The proposed Resolution would extend the Declaration until such time as the City Manager determines that a local disaster no longer exists within the City as a result of these recent rains and flood events.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Continuing this Declaration of Local Disaster will support the City's future applications to the Federal Emergency Management Administration ("FEMA") for reimbursement of the City's emergency response and recovery costs as a result of the 2013 Flood.

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**BACKGROUND:**

On September 12, 2013, the City Manager issued a "Declaration of Local Disaster" under C.R.S. Section 24-33.5-709, a copy of which is attached as Exhibit A to the Resolution (the "Declaration"). As stated in the Declaration, the City and much of the Colorado Front Range has experienced heavy rains and flash flooding that had been occurring since September 11, 2013, resulting in widespread loss of life and injury and substantial damage and destruction to private and public property (the "2013 Flood").

The 2013 Flood has caused roads to be closed in Loveland for days and caused significant damage to private and public property within the City and surrounding areas, which has included substantial damage to the City's infrastructure, particularly its streets and bridges and its park and recreational areas. Flooding within Loveland continues to be particularly serious in and around the Big Thompson River and significant, long-term and costly recovery efforts will be necessary in Loveland in and around the River and other parts of Loveland.

C.R.S. Section 24-33.5-709 places a seven-day limit on the City Manager's Declaration unless it is continued or renewed by the City Council. The Council has the authority under the City's broad powers as a home rule municipality and under state law to extend the Declaration on the basis that it is necessary for the protection of the public's health, safety and welfare. Extending this Declaration will also serve as a basis for the City's application to FEMA for reimbursement of its emergency response and recovery costs arising from the 2013 Flood.

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS:**

1. Resolution with Exhibit A

**RESOLUTION #R-72-2013**

**A RESOLUTION OF THE LOVELAND CITY COUNCIL EXTENDING THE LOVELAND CITY MANAGER'S DECLARATION OF LOCAL DISASTER ISSUED UNDER C.R.S. SECTION 24-33.5-709 FOR THE 2013 FLOOD**

**WHEREAS**, on September 12, 2013, the Loveland City Manager issued a "Declaration of Local Disaster" under C.R.S. § 24-33.5-709, a copy of which Declaration is attached hereto as **Exhibit A** and incorporated by reference (the "Declaration"); and

**WHEREAS**, as stated in the Declaration, the City of Loveland, and much of the Colorado Front Range, has experienced heavy rains and flash flooding that have been occurring since September 11, 2013, resulting in loss of life and injury and substantial damage and destruction to private and public property (the "2013 Flood"); and

**WHEREAS**, the 2013 Flood has caused roads to be closed in Loveland for days and has caused significant damage to private and public property within the City and surrounding areas, which has included substantial damage to the City's infrastructure, particularly its streets and bridges and its park and recreational areas; and

**WHEREAS**, flooding within Loveland continues to be particularly serious in and around the Big Thompson River and significant, long-term and costly recovery efforts will be necessary in Loveland in and around the River and other parts of Loveland; and

**WHEREAS**, Section 24-33.5-709 provides that a local disaster may be declared by the principal executive officer of the political subdivision and it also provides that such declaration shall be effective for not more than seven days from the date declared, unless continued or renewed by the governing body of the political subdivision; and

**WHEREAS**, the City Council finds that the current situation and conditions described in the Declaration and as described in this Resolution continue to constitute a local disaster and will require that for several more weeks beyond the seven-day declaration period of the Declaration that the City commit resources and expend City funds significantly above the City's normal operating levels in order to protect and restore the public's health, safety and welfare; and

**WHEREAS**, under the City's broad powers as a home rule municipality and as provided under state law, the City Council has the authority to take such lawful actions as are necessary to protect the public's health, safety and welfare; and

**WHEREAS**, the City Council has determined that continuing the effect of the City Manager's Declaration beyond the seven-day limit set forth in § 24-33.5-709 is necessary to protect the public's health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND as follows:**

**Section 1.** That pursuant to C.R.S. Section 24-33.5-709 the City Manager's Declaration shall continue in effect from the date of this Resolution until such time as the City Manager determines that the local disaster declared in the Declaration, and as further described in this Resolution, no longer exists within the City of Loveland.

**Section 2.** That this Resolution shall be filed with the City Clerk and the Clerk is directed to promptly publicize this Resolution and to file it with the Colorado Office of Emergency Management.

**Section 3.** That this Resolution shall be effective as of the date and time of its adoption.


Signed this 17<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**LOVELAND CITY MANAGER'S DECLARATION OF LOCAL DISASTER  
PURSUANT TO C.R.S. SECTION 24-33.5-709**

**WHEREAS**, the City of Loveland ("City"), and much of the Colorado Front Range, has experienced and is continuing to experience heavy rains and flash flooding that have been occurring since last night (September 11, 2013), with such rains and flooding forecast by the National Weather Service to continue within the City for the rest of today (September 12, 2013), and perhaps into tomorrow (September 13, 2013); and

**WHEREAS**, this flash flooding has resulted in closed roads and significant property damage within the City, with the continuing potential for more road closures and property damage, and even the real risk of injury or death to people; and

**WHEREAS**, flooding within Loveland is expected to be particularly serious in and around the Big Thompson River as the result of the Bureau of Reclamation's release of water into the River from the Olympus Dam in Estes Park because of the heavy rains in the region; and

**WHEREAS**, these circumstances constitute a local disaster as contemplated in C.R.S. Section 24-33.5-709; and

**WHEREAS**, Section 24-33.5-709 provides that a local disaster may be declared only by the principal executive officer of a political subdivision, which under the City's Charter and Code is the City Manager; and

**WHEREAS**, this Declaration will aid the City in its response and recovery operations related to this local disaster as authorized and planned in the City of Loveland Emergency Operations Plan adopted pursuant to City Code Section 2.72.010.

**NOW, THEREFORE, I HEREBY DECLARE, AS THE CITY MANAGER OF THE CITY OF LOVELAND, COLORADO**, that pursuant to C.R.S. Section 24-33.5-709 a local disaster now exists in the City of Loveland, Colorado, as described above, and may continue to exist for the remainder of today and perhaps the next few days.

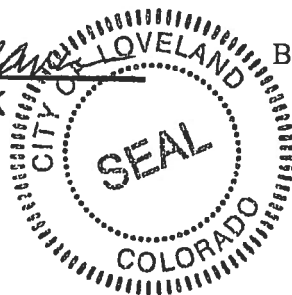
**FURTHER, IT IS HEREBY ORDERED** that this Declaration shall be given prompt and general publicity and that a copy shall be filed promptly with the Loveland City Clerk and with the Colorado Office of Emergency Management.

**FURTHER**, this Declaration of Local Disaster shall be effective for not more than seven (7) days from the date hereof unless extended with the consent of the Loveland City Council.

Signed and dated this 12<sup>th</sup> day of September, 2013, at 1:58 AM (PM).

ATTEST:

*Janna M. Weaner*  
Deputy CITY CLERK



CITY OF LOVELAND, COLORADO

By:

*William D. Cahill*  
William D. Cahill, City Manager