



D 2020 143

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Elephant Butte Fire in Jefferson County

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due the Elephant Butte Fire in Jefferson County.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). 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 Elephant Butte Fire started on July 13, 2020, in Jefferson County. As of noon on July 14, 2020, the fire spread was estimated at forty-two acres, with zero percent containment, on both state and private land. At approximately 6:05 P.M. on July 13, 2020, the Division of Fire Prevention and Control determined that the Elephant Butte Fire had exceeded County capacity per the Emergency Fire Fund criteria.

At approximately 6:40 P.M. on July 13, 2020, I verbally declared a disaster emergency for the Elephant Butte Fire in Jefferson County and activated the State of Colorado Emergency Operations Plan.

Approximately seven hundred primary residences were evacuated because of the fire, and it had potential to spread further and impact additional values. The Elephant Butte Fire burned fifty-two acres and was declared 100% contained on July 18, 2020, at 9:00pm.

II. Declarations and Directives

- A. The Elephant Butte Fire and associated impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* My verbal order of July 13, 2020, declaring a disaster emergency 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.

- B. The State Emergency Operations Plan is hereby activated. All State departments and agencies shall take whatever actions may be required and requested by the Director or Acting Director of the Office of Emergency Management pursuant to the Emergency Support Function 5 Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. Due to the insufficiency of funds in the Emergency Fire Fund to pay for the State's share of fire suppression and recovery efforts related to the Elephant Butte Fire, I authorize encumbering eight hundred fifty thousand dollars (\$850,000) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with the State fire suppression and response efforts related to the Elephant Butte Fire since July 13, 2020. This amount is currently available in the Disaster Emergency Fund.
- D. Pursuant to C.R.S. § 24-33.5-705.4(5), 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. The funds described in section II(C) above shall remain available for this purpose until thirty-six (36) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- E. The Division of Fire Prevention and Control, via its fire billing practices, is authorized to coordinate application for any funds available related to this disaster emergency. Specifically, the Colorado Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance on this incident.

III. Duration

This Executive Order shall expire thirty (30) days from July 13, 2020, unless extended further by Executive Order, except that the funds described in Section II(C) above shall remain available for the described purposes for thirty-six (36) months from the date of this Executive Order.



GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-second day of July, 2020.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor