



# City of Littleton

Littleton Center  
2255 West Berry Avenue  
Littleton, CO 80120

## Meeting Agenda

### City Council

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Tuesday, August 16, 2016

6:30 PM

Council Chamber

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#### Regular Meeting

#### **1. Roll Call**

#### **2. Pledge of Allegiance**

#### **3. Approval of Agenda**

#### **4. Presentations**

- a. COO of Centura presentation regarding partnership with First Pass EMS Software
- b. American Heart Association presentation of award to Council for LFR's Mission Lifeline Award

#### **5. Public Comment**

Public Comment on Consent Agenda and General Business items

#### **6. Consent Agenda Items**

*Consent agenda items can be adopted by simple motion. All ordinances must be read by title prior to a vote on the motion. Any consent agenda item may be removed at the request of a Council Member.*

- a) [Ordinance 13-2016](#) An ordinance on first reading amending title 10 of the city code concerning residential uses in the B-2 Zone District and repealing the moratorium

**Attachments:**

[Ordinance No. 13-2016](#)  
[Open House Comment Cards 071416](#)  
[Littleton B-2 Open House Postcard 07-14-16](#)  
[B-2 property owner letter June 2016 TEMPLATE](#)

- b) [Ordinance 14-2016](#) An ordinance on first reading amending chapter 1 and chapter 12 of title 10 of the city code regarding mailed notice for development applications that require public hearings before the planning board or city council.

**Attachments:**

[Ordinance No. 14-2016](#)

- c) [Resolution 43-2016](#) A resolution authorizing an intergovernmental agreement to participate in a multi-jurisdictional task force known as the Arapahoe County Narcotics Team

Attachments: [Resolution No. 43-2016](#)  
[Arapahoe County Narcotics Team IGA](#)

- d) [Ordinance 12-2016](#) Ordinance on first reading adding chapter 19 to title 1 of the city code adopting an emergency management policy

Attachments: [Ordinance No 12-2016](#)  
[CRS Title 24 Chapter 7 Emergency Management \(2014\)](#)

- e) [ID# 16-191](#) Certification of the August 2, 2016 regular meeting minutes

Attachments: [08-02-2016 Minutes](#)

## **7. Ordinances for Second Reading and Public Hearing**

## **8. General Business**

- a) [ID# 16-183](#) 2015 Audit Report and Comprehensive Annual Financial Report (CAFR) Presentation

Attachments: [City of Littleton - Audit Wrap Up Communications - 12.31.2015](#)  
[2015 Littleton Beyond the Numbers](#)

## **9. Public Comment**

## **10. Comments / Reports**

- a) City Manager
- b) Council Members
- c) Mayor

## **11. Adjournment**

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.



**Staff Communication**

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**File #:** Ordinance 13-2016, **Version:** 1

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Agenda Date: 8/16/2016

**Subject:**

An ordinance on first reading amending title 10 of the city code concerning residential uses in the B-2 Zone District and repealing the moratorium

Presented By: Jocelyn Mills, Community Development Director
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**POLICY QUESTION:**

Does city council support amending the B-2 Zone District to require residential occupancy in nonresidential buildings to be processed as a conditional use, and to further define residential use?

**BACKGROUND:**

On June 14, 2016 city council passed a 90-day moratorium on development applications within the B-2 Zone District. Concerns were raised that the current regulations were not in line with the city's Comprehensive Plan, and that the character of development activity in the B-2 Zone District was having a negative impact on the community.

On June 28, 2016 a joint study session was held with planning board and city council to discuss potential amendments to the B-2 Zone District. The discussion included: height, location, adjacent properties, residential uses, community character, property rights, and the development review process. Council held a subsequent study session July 12, 2016 to further discuss the B-2 Zone District, specifically focused toward residential uses and the development review process. An open house was held July 14, 2016 to receive public input. Information was also posted on [LittletonPlans.org](http://LittletonPlans.org). The written comments from the open house and [LittletonPlans.org](http://LittletonPlans.org) are attached to this staff communication.

At the July 25, 2016 planning board meeting, a motion to recommend approval of the proposed amendments to the B-2 Zone District failed on a 2-3 vote. The planning board members who voted against the motion expressed that residential uses in the B-2 District do not have the same level of impact as other conditional uses.

**STAFF ANALYSIS:**

The following outlines the proposed amendments regarding residential use:

Uses in the B-2 Zone District are predominately commercial. There is an existing provision in the B-2 Zone District that allows residential uses to be included in part of a structure or building if certain criteria are met (Section 10-4-12).

Section 10-2-16 outlines the B-2 Zone District and lot requirements. Subsection (C) of this section addresses minimum lot requirements. There are not any height or setback requirements for this district. However, all B-2

Zone District properties are subject to a 2 to 1 Floor Area Ratio (FAR). FAR determines the amount of building that can be on a lot in relationship to the size of the lot. A 2 to 1 FAR allows a building to be twice the size of the lot.

Based on staff research of B-2 Zone District properties that have structures or buildings on them, it is difficult for projects to get to a 2 to 1 FAR due to other zoning requirements, primarily the number of parking spaces and minimum open space requirements. Yet the research did show that projects which included residential uses did appear to have larger building to lot ratios. As such, residential uses that are part of a commercial building in the B-2 Zone District have the potential to alter the scale, mass and context of the adjacent neighborhood.

In Littleton's zoning code, when certain uses have the potential to have a greater impact to the surrounding properties, these uses are considered "conditional." Chapter 8 of the Littleton Zoning Code references conditional uses. Conditional uses may be allowed in a particular zone district upon further review and determination by the planning board. Determination is based upon:

- The nature of the site
- The size and shape of the lot
- The arrangement of structures
- Traffic and pedestrian patterns
- Landscaping and open space
- Lighting
- Signage

Per Section 10-4-12, residential uses may be permitted in the B-2 Zone District (and the B-1 Zone District) when certain conditions have been met. The proposal is to relocate these existing provisions for residential occupancy in B-2 from Section 10-4-12 (Supplementary Standards) into the conditional use chapter of the zoning code.

To further clarify this section of the code, it is also recommended that the following verbiage be revised from "residential dwelling units" to "residential uses" in Section 10-4-12. This will clarify that for a residential use to be considered in a project, the entirety of the residential use can be no more than 50% of the structure or building. The Land Use Table, Section 10-3-2, 3.66 includes a similar verbiage change from "dwelling units" to "residential uses."

Fully integrating the concept of residential use, the other recommendation is to add a definition of residential use to the definitions section of the zoning code (Section 10-1-2). The code has a definition of "Use", which states "the purpose for which land or structures are or are intended to be occupied, maintained, rented or leased." The proposal is to add an additional definition, "Use, Residential - Dwelling units and all other ancillary activities and structures related to its residents, including but not limited to residential parking and common areas utilized by residents within structures."

See the attached draft ordinance for the proposed code changes.

**STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance amending the B-2 Zone District requiring that projects which include residential uses be processed as a conditional use per Chapter 8 of the Littleton Zoning Code, and to further define the term residential use.

**PROPOSED MOTION:**

I move to approve on first reading the ordinance amending title 10 of the city code concerning residential uses in the B-2 Zone District and repealing the moratorium and to schedule the public hearing for September 6, 2016 at 6:30 p.m. in the council chamber.

1 **CITY OF LITTLETON, COLORADO**

2  
3 **ORDINANCE NO. 13**

4  
5 **Series, 2016**

6  
7 **INTRODUCED BY COUNCILMEMBERS:**

8  
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**  
10 **COLORADO, AMENDING TITLE 10 OF THE CITY CODE**  
11 **CONCERNING RESIDENTIAL USES IN THE B-2 ZONE**  
12 **DISTRICT AND REPEALING THE MORATORIUM**  
13

14 **WHEREAS**, the planning board, at its regular meeting on July 25, 2016, held a  
15 public hearing and did not vote to recommend approval of an ordinance amending title 10 of the  
16 city code concerning residential uses in the B-2 Zone District; and  
17

18 **WHEREAS**, the city council, however, finds that the proposed amendments to  
19 the city code are in the best interest of the city and will promote the public health, safety and  
20 welfare of its inhabitants;  
21

22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
23 **THE CITY OF LITTLETON, COLORADO, THAT:**  
24  
25

26 **Section 1:** Section 2 of Chapter 1 of Title 10 is hereby amended with the  
27 addition of the following definition:  
28

29 **USE, RESIDENTIAL:** DWELLING UNITS AND ALL OTHER ANCILLARY  
30 **ACTIVITIES AND STRUCTURES RELATED TO ITS RESIDENTS, INCLUDING BUT NOT**  
31 **LIMITED TO RESIDENTIAL PARKING AND COMMON AREAS WITHIN STRUCTURES.**  
32

33 **Section 2:** Land Use Category 3.66 of Section 2 of Chapter 3 of Title 10 is  
34 hereby amended as follows:  
35

36 ~~Dwelling units~~ **RESIDENTIAL USES** located in the same structure as a  
37 nonresidential use and which meet the requirements of section 10-4-12 of this title  
38

39 **Section 3:** Section 12 of Chapter 4 of Title 10 of the City Code is hereby  
40 amended as follows:  
41

42 10-4-12: **RESIDENTIAL OCCUPANCY IN NONRESIDENTIAL DISTRICTS**  
43

44 Residential ~~dwelling units~~ **USES** are permitted to be located in the same structure as  
45 nonresidential uses in the B-1 and B-2 districts provided the following conditions have been met:  
46

47 (A) The residential use shall not occupy more than fifty percent (50%) of the gross floor  
48 area of the structure.

49 (B) All building codes and housing code requirements for both the residential and

nonresidential uses must be met.

(C) No commercial activity, except for permitted home occupations, shall be conducted in the area of the structure designated for residential use.

(D) Minimum lot standards for the zone district shall apply. Additionally, on site parking shall be provided in sufficient number to meet the requirements for both the residential and nonresidential uses.

(E) Residential occupancy allowable under the conditions of this section shall be subject to the prior written confirmation by the city's zoning official that the requirements of this section have been met.

ADDITIONALLY, IN THE B-2 ZONE DISTRICT RESIDENTIAL USES MAY BE LOCATED IN THE SAME STATURE AS NONRESIDENTIAL USES IF APPROVED AS A CONDITIONAL USE PURSUANT TO CHAPTER 8 OF THIS TITLE.

**Section 4:** The moratorium established pursuant to emergency Ordinance No. 09-2016 is hereby repealed.

**Section 5:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 6:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 16<sup>th</sup> day of August, 2016, passed on first reading by a vote of \_\_\_\_ FOR and \_\_\_\_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the \_\_\_\_ day of \_\_\_\_\_, 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR

39 and \_\_\_\_\_ AGAINST on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published by  
40 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton  
41 Website.

42 ATTEST:

43 \_\_\_\_\_  
44 Wendy Heffner  
45 CITY CLERK

\_\_\_\_\_  
Bruce O. Beckman  
MAYOR

46  
47 APPROVED AS TO FORM:

48  
49 \_\_\_\_\_  
50 Kristin Schledorn  
51 CITY ATTORNEY

52  
53



## July 14, 2016 B-2 Zone District Open House Comment Card:

Thank you for attending tonight's open house! Please make sure to leave us your feedback.

All feedback will be compiled and presented to Planning Board and City Council during the public hearings to update the B-2 Zone District.

- Do you have any comments on the proposed change for any residential use for a B-2 Zone District property to be considered a Conditional Use, and subject to the Conditional Use Chapter of the city's Zoning Code (Chapter 8)?

I think it's a good idea & adds public process when changing a commercial use to include residential (which is almost, effectively, a rezoning). Honestly, residential use probably should have been made conditional for B-2 in the first place! Live & learn...

- Do you have any comments on the proposed change to required written public notice to adjacent property owners within 300 feet of a proposed development, prior to any scheduled public hearing before Planning Board and/or City Council?

It's a good idea but should probably be larger than 300 feet... 300 ft may not add up to many neighbors, ~~colleagues~~ and the impact of a change may likely affect properties further than 300 ft... maybe 1000 sq ft ~~or~~ would be more appropriate?

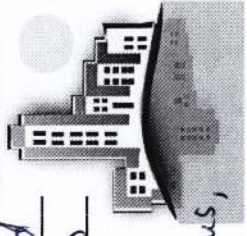
- Are there any other comments on the B-2 Zone District that you would like to share?

required &

- Tighten up parking regulation/parking USE. Parking reserved for residents use CANNOT ~~be~~ <sup>SHOULD</sup> NOT BE CONSIDERED a commercial use. ~~period~~ Ever. Period.

- Define the word "evenly" for distribution of open space. It seems obvious, but yet was not calculated correctly for the Grove.

- Define the word "use" since it's being added to 10-8-2 & 10-4-12. If ~~parking~~ parking is required for residents, that is residential USE no matter whether charged for or not!



## July 14, 2016 B-2 Zone District Open House Comment Card:

Thank you for attending tonight's open house! Please make sure to leave us your feedback.

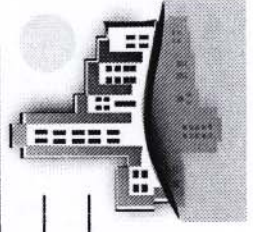
All feedback will be compiled and presented to Planning Board and City Council during the public hearings to update the B-2 Zone District.

- Do you have any comments on the proposed change for any residential use for a B-2 Zone District property to be considered a Conditional Use, and subject to the Conditional Use Chapter of the city's Zoning Code (Chapter 8)?

All permits have been suspended for 90 days because of a residential issue. Permits for commercial properties with no residential issues should be allowed. This adversely affects properties & projects that have nothing to do with residential.

- Do you have any comments on the proposed change to required written public notice to adjacent property owners within 300 feet of a proposed development, prior to any scheduled public hearing before Planning Board and/or City Council?

- Are there any other comments on the B-2 Zone District that you would like to share?





## July 14, 2016 B-2 Zone District Open House Comment Card:

Thank you for attending tonight's open house! Please make sure to leave us your feedback.

All feedback will be compiled and presented to Planning Board and City Council during the public hearings to update the B-2 Zone District.

- Do you have any comments on the proposed change for any residential use for a B-2 Zone District property to be considered a Conditional Use, and subject to the Conditional Use Chapter of the city's Zoning Code (Chapter 8)?

If I were a property owner in B-2 I would not want a public hearing of any kind. Too much uncertainty. Too much of a moving target with the criteria.

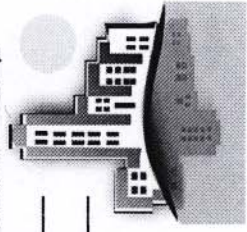
- Do you have any comments on the proposed change to required written public notice to adjacent property owners within 300 feet of a proposed development, prior to any scheduled public hearing before Planning Board and/or City Council?

Excellent!!

- Are there any other comments on the B-2 Zone District that you would like to share?

Please do more code enforcement on properties in B-2 + Transition!

Reston



## July 14, 2016 B-2 Zone District Open House Comment Card:

Thank you for attending tonight's open house! Please make sure to leave us your feedback.

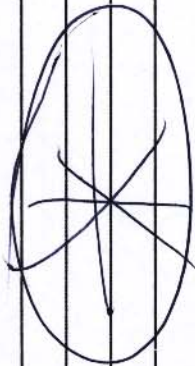
All feedback will be compiled and presented to Planning Board and City Council during the public hearings to update the B-2 Zone District.

- Do you have any comments on the proposed change for any residential use for a B-2 Zone District property to be considered a Conditional Use, and subject to the Conditional Use Chapter of the city's Zoning Code (Chapter 8)?

opposed to the whole change

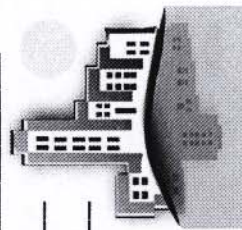
- Do you have any comments on the proposed change to required written public notice to adjacent property owners within 300 feet of a proposed development, prior to any scheduled public hearing before Planning Board and/or City Council?

Against All



- Are there any other comments on the B-2 Zone District that you would like to share?

Against All





## July 14, 2016 B-2 Zone District Open House Comment Card:

*Thank you for attending tonight's open house! Please make sure to leave us your feedback.*

*All feedback will be compiled and presented to Planning Board and City Council during the public hearings to update the B-2 Zone District.*

- Do you have any comments on the proposed change for any residential use for a B-2 Zone District property to be considered a Conditional Use, and subject to the Conditional Use Chapter of the city's Zoning Code (Chapter 8)?

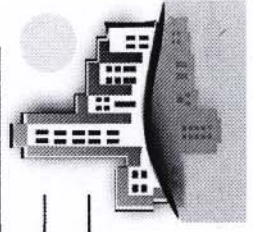
no

- Do you have any comments on the proposed change to required written public notice to adjacent property owners within 300 feet of a proposed development, prior to any scheduled public hearing before Planning Board and/or City Council?

Good 12:30

- Are there any other comments on the B-2 Zone District that you would like to share?

no



- May 31<sup>st</sup> under contract
- moratorium - June 14. → June 8<sup>th</sup> lease.  
→ June 16<sup>th</sup>
- already had lease to own in June & wanted to start in July.
- was upset did not know
- no income coming in.
- taxes are still being required
- address - was not notified in B2 zone district
- did not get notice / not on zoning map.
- doggie grooming / daycare - loss of income for property owner and businesses wanting to locate

Cindy Misener

cmisener@gmail.com

Jim 303.547.5294 (p)



## B-2 ZONE DISTRICT OPEN HOUSE

<b>What:</b>	Community Open House
<b>Date:</b>	Thursday, July 14, 2016
<b>Time:</b>	5:30 PM – 7:30 PM
<b>Location:</b>	Littleton Center, City Council Chamber
<b>Address:</b>	2255 West Berry Avenue, Littleton, CO 80120

The City of Littleton welcomes you to attend a public open house for the discussion of revised regulations for the B-2 zone district.

On June 14, 2016, the City Council passed an emergency 90-day moratorium on all new land development applications on B-2 property. During this period, staff will be holding study sessions with the Planning Board and City Council and will be conducting open houses to gather input and feedback on modifications to the B-2 zone district regulations. We look forward to hearing your thoughts and ideas at the open house. If you have questions or comments, please contact the Community Development Department at 303-795-3748 or visit [littletonplans.org](http://littletonplans.org).



**Community Development Department**  
2255 West Berry Avenue  
Littleton, Colorado 80120  
303-795-3748

June 21, 2016

«Owner»  
«Owner\_Mail»  
«Owner\_City», «OwnerState» «OwnerPostalCd»

RE: Parcel ID «PARCEL\_ID», «Situs\_Addr»

Dear B-2 Property Owner:

This notification is being provided to all owners of property within the City of Littleton in the B-2 zone district. On June 14, 2016, the city council voted (6-0) to approve a 90-day moratorium for development applications for property zoned B-2. The 90-day moratorium will allow the city to develop a work plan for a comprehensive update of the B-2 zoning regulations.

The moratorium applies to land use applications submitted under 10-1-9, including rezonings, PDOs, and conditional uses, for property within, or seeking to be included within the B-2 zone district. It is also applicable to site development plan applications under 10-7-2 and subdivision applications under 11-2-1. A copy of the ordinance is enclosed for your convenience.

Please check the City's website for a copy of the ordinance, dates and times of upcoming meetings and city council and planning board work sessions, and other outreach and communication regarding the work plan.

Please contact Jocelyn Mills, Community Development Director, at 303-795-3820 or [jmills@littletongov.org](mailto:jmills@littletongov.org) if you have any questions.

Sincerely,

Jocelyn Mills  
Director of Community Development





## Staff Communication

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**File #:** Ordinance 14-2016, **Version:** 1

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Agenda Date: 08/16/2016

**Subject:**

An ordinance on first reading amending chapter 1 and chapter 12 of title 10 of the city code regarding mailed notice for development applications that require public hearings before the planning board or city council.

Presented By: Jocelyn Mills, Community Development Director
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**POLICY QUESTION:**

Does city council support amending title 10 of the city code requiring that written public notice be provided to all properties within 500 feet of projects that have public hearings before planning board or city council?

**BACKGROUND:**

On June 28, 2016 a joint study session was held with the planning board and city council to discuss potential amendments to the B-2 Zone District. During that discussion, staff requested another code amendment be considered - to add written public notification to the development review processes when applications have public hearings before planning board or city council. Currently, the zoning code does not require written public notice to adjacent property owners and adding such a provision will ensure more transparency and awareness about pending land use applications within Littleton's neighborhoods.

An open house was held July 14, 2016 for public input on this topic and on updates to the B-2 Zone District, and information was posted on [LittletonPlans.org](http://LittletonPlans.org). The written comments received from the open house and [LittletonPlans.org](http://LittletonPlans.org) are attached to this staff communication.

On July 25, 2016 planning board recommended approval of this ordinance, and amended the ordinance language to enable the community development director to increase the 500 foot radius up to 1,000 square feet in those instances where the proposed development may have impacts to a larger area of the community.

**STAFF ANALYSIS:**

Section 10-1-9 of the zoning code outlines general application requirements and procedures. Subsection C and D of this section outlines procedures for bringing applications before planning board and city council, and includes rezonings, general plan development plans, planned development overlays, and conditional uses. Section 10-12-4 of the zoning code outlines procedures for amendments to the official zoning map. Subsection B, 2 and 3 includes review before planning board and city council.

Written notice would be incorporated into the process and applicants would be required to send notification (subject to city staff approval of the verbiage) via mail no less than 10 days prior to the hearing.

See the attached draft ordinance for the specific proposed code changes.

**STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance adding Section 10-1-9 and Section 10-12-4 of the zoning code, requiring written public notice to adjacent property owners within 500 feet of all development applications that require public hearings before planning board or city council. The mailed notice may be increased up to 1,000 feet of a proposed development where impacts may reach a larger area of the community.

**PROPOSED MOTION:**

I move to approve on first reading the ordinance amending chapter 1 and chapter 12 of title 10 of the city code regarding mailed notice for development applications that require public hearings before planning board or city council and to schedule the public hearing for September 6, 2016 at 6:30 p.m. in the council chamber

1 **CITY OF LITTLETON, COLORADO**

2  
3 **ORDINANCE NO. 14**

4  
5 **Series, 2016**

6  
7 **INTRODUCED BY COUNCILMEMBERS:**

8  
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**  
10 **COLORADO, AMENDING CHAPTER 1 AND CHAPTER 12**  
11 **OF TITLE 10 OF THE CITY CODE REGARDING MAILED**  
12 **NOTICE FOR DEVELOPMENT APPLICATIONS THAT**  
13 **REQUIRE PUBLIC HEARINGS BEFORE PLANNING**  
14 **BOARD OR CITY COUNCIL**  
15

16 **WHEREAS**, the planning board, at its regular meeting on July 25, 2016, held a  
17 public hearing and recommended approval, with modification, of an ordinance amending title 10  
18 of the city code regarding mailed notice for development applications that require public  
19 hearings before planning board or city council; and  
20

21 **WHEREAS**, the city council finds that the proposed amendments to the city code  
22 are in the best interest of the city and will promote the public health, safety and welfare of its  
23 inhabitants;  
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
26 **THE CITY OF LITTLETON, COLORADO, THAT:**  
27

28 **Section 1:** Subsection C of Section 9 of Chapter 1 of Title 10 of the City Code  
29 is hereby amended with the addition of a new Subsubsection 3 as follows (and the remainder of  
30 the subsubsections renumbered):  
31

32 3. MAILED NOTICE: AT LEAST FIFTEEN (15) DAYS PRIOR TO THE REQUIRED  
33 PUBLIC HEARING, THE APPLICANT SHALL MAIL WRITTEN NOTICE OF  
34 THE HEARING BY FIRST-CLASS MAIL TO THE ADDRESS OF EACH  
35 PROPERTY OWNER WITHIN 500 FEET OF THE SUBJECT PROPERTY. THE  
36 COMMUNITY DEVELOPMENT DIRECTOR MAY EXPAND THE  
37 NOTIFICATION AREA TO UP TO 1,000 FEET BASED ON THE COMPLEXITY  
38 OF THE PROJECT, THE GEOGRAPHIC REACH OF POTENTIAL ADVERSE  
39 IMPACTS, THE EXTENT OF NEIGHBORHOOD COMPATIBILITY ISSUES,  
40 AND SIMILAR FACTORS. THE PROPERTY OWNER ADDRESS SHALL BE AS  
41 SHOWN IN THE RECORDS OF THE APPLICABLE COUNTY ASSESSOR'S  
42 OFFICE. WITHIN THE NOTIFICATION AREA, NOTICES SHALL BE SENT TO  
43 THE BOARD OF DIRECTORS OF ANY HOMEOWNERS ASSOCIATION AS  
44 WELL AS THE OWNERS OF ALL UNITS WITHIN THE REQUIRED  
45 NOTIFICATION AREA.  
46

47 THE NOTICE SHALL READ SUBSTANTIALLY THE SAME AS THE NOTICE  
48 ALSO REQUIRED BY THIS SUBSECTION. AT LEAST TEN (10) DAYS PRIOR  
49 TO THE PUBLIC HEARING, THE APPLICANT SHALL SUBMIT THE

FOLLOWING TO THE COMMUNITY DEVELOPMENT DEPARTMENT:

- (a) ALPHABETICAL LIST OF THE PROPERTY OWNERS WITHIN THE REQUIRED NOTIFICATION AREA;
- (b) MAP SHOWING THE PROPERTY OWNERS WITHIN THE REQUIRED NOTIFICATION AREA
- (c) COPY OF THE NOTICE SENT TO THE LANDOWNERS; AND
- (d) NOTARIZED CERTIFICATE OF MAILING

**Section 2:** Subsubsection 3 of Subection B of Section 4 of Chapter 12 of Title 10 of the City Code is hereby amended with the addition of a new Subsubsubsection d as follows (and the remaining subsubsubsection relettered):

- (d) MAILED NOTICE: AT LEAST FIFTEEN (15) DAYS PRIOR TO THE REQUIRED PUBLIC HEARING, THE APPLICANT SHALL MAIL WRITTEN NOTICE OF THE HEARING BY FIRST-CLASS MAIL TO THE ADDRESS OF EACH PROPERTY OWNER WITHIN 500 FEET OF THE SUBJECT PROPERTY. THE COMMUNITY DEVELOPMENT DIRECTOR MAY EXPAND THE NOTIFICATION AREA TO UP TO 1,000 FEET BASED ON A CONSIDERATION OF THE COMPLEXITY OF THE PROJECT, THE GEOGRAPHIC REACH OF POTENTIAL ADVERSE IMPACTS, THE EXTENT OF NEIGHBORHOOD COMPATIBILITY ISSUES, AND SIMILAR FACTORS. THE PROPERTY OWNER ADDRESS SHALL BE AS SHOWN IN THE RECORDS OF THE APPLICABLE COUNTY ASSESSOR'S OFFICE. WITHIN THE NOTIFICATION AREA, NOTICES SHALL BE SENT TO THE BOARD OF DIRECTORS OF ANY HOMEOWNERS ASSOCIATION AS WELL AS THE OWNERS OF ALL UNITS WITHIN THE REQUIRED NOTIFICATION AREA.

THE NOTICE SHALL READ SUBSTANTIALLY THE SAME AS THE NOTICE ALSO REQUIRED BY THIS SUBSUBSECTION. AT LEAST TEN (10) DAYS PRIOR TO THE PUBLIC HEARING, THE APPLICANT SHALL SUBMIT THE FOLLOWING TO THE COMMUNITY DEVELOPMENT DEPARTMENT:

- 1. ALPHABETICAL LIST OF THE PROPERTY OWNERS WITHIN THE REQUIRED NOTIFICATION AREA;
- 2. MAP SHOWING THE PROPERTY OWNERS WITHIN THE REQUIRED NOTIFICATION AREA;
- 3. COPY OF THE NOTICE SENT TO THE LANDOWNERS; AND
- 4. NOTARIZED CERTIFICATE OF MAILING

**Section 3:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or

phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 16<sup>th</sup> day of August, 2016, passed on first reading by a vote of \_\_\_\_ FOR and \_\_\_\_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the \_\_\_\_ day of \_\_\_\_\_, 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_ FOR and \_\_\_\_\_ AGAINST on the \_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

\_\_\_\_\_  
Wendy Heffner  
CITY CLERK

\_\_\_\_\_  
Bruce O. Beckman  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
Kristin Schledorn  
CITY ATTORNEY



## Staff Communication

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**File #:** Resolution 43-2016, **Version:** 1

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Agenda Date: 08/16/2016

**Subject:**

A resolution authorizing an intergovernmental agreement to participate in a multi-jurisdictional task force known as the Arapahoe County Narcotics Team

Presented By: Doug Stephens, Chief of Police
--

**POLICY QUESTION:**

Does city council support an Intergovernmental Agreement (IGA) authorizing the Littleton Police Department (LPD) to join in the creation of a narcotics-related investigative team?

**BACKGROUND:**

The LPD currently has an Intergovernmental Agreement relating to its participation in a multi-jurisdictional investigative unit, the Arapahoe County IMPACT team. The IMPACT team is comprised mainly of members of the Arapahoe County Sheriff's Office (ACSO) however the Littleton Police Department, along with other nearby municipalities, has assigned personnel to this unit on a full-time basis. The primary purpose of IMPACT has been to concentrate investigative efforts on pattern crimes occurring throughout Arapahoe County. The benefit of participation with IMPACT has been the ability for Littleton to utilize the team to address similar crimes occurring within our jurisdiction. Over the past few years IMPACT operations have evolved to focus nearly exclusively on narcotics operations. This focus area had previously been handled primarily by the South Metro Drug Task Force but the task force disbanded in 2012. Understanding the negative impact narcotics has on our communities, contributing members to IMPACT began discussions with the 18th Judicial District Attorney's Office to form a unit focused solely on narcotics investigations. The ACSO offered to split IMPACT into two distinct units, one focusing on non-narcotic pattern crimes, and one focusing exclusively on narcotics investigations (Arapahoe County Narcotics Team).

The experience gained through the LPD's participation with IMPACT has been that narcotics-related investigations have the greatest benefit to the Littleton community since narcotics are tied to nearly all other crimes. The LPD is aware that narcotics law violations transcend jurisdictional and geographical boundaries. Therefore, the LPD desires to share and coordinate resources in the enforcement, intervention, and prevention of narcotics related activities within Arapahoe County by assigning investigations personnel to the newly formed Arapahoe County Narcotics Team. This assignment would replace the existing LPD personnel assignment to the IMPACT team. The IMPACT team will continue to operate within Arapahoe County but will be staffed solely by ACSO personnel at this time.

**STAFF ANALYSIS:**

The LPD has evaluated the staffing costs, practical expectations and intergovernmental cooperative effort created by the Arapahoe County Narcotics Team. Staff believes it provides an indispensable investigative framework to combat narcotics-related criminal activities. The LPD would like to participate in the creation of this program. This position would replace the existing position the LPD currently staffs with Arapahoe County

IMPACT team and would require no new personnel.

**FISCAL IMPACTS:**

There are no fiscal impacts as this position has been previously budgeted and approved as the existing IMPACT assignment.

**STAFF RECOMMENDATION:**

Staff recommends that the resolution approving the IGA with the City of Englewood and the Arapahoe County Board of Commissioners for the Arapahoe County Narcotics Team be approved.

**PROPOSED MOTION:**

I move to approve the resolution authorizing an intergovernmental agreement to participate in a multi-jurisdictional task force known as the Arapahoe County Narcotics Team.

1                                   **CITY OF LITTLETON, COLORADO**

2  
3                                   **Resolution No. 43**

4  
5                                   **Series, 2016**

6  
7                                   **A RESOLUTION OF THE CITY COUNCIL OF THE**  
8                                   **CITY OF LITTLETON, COLORADO, AUTHORIZING**  
9                                   **AN INTERGOVERNMENTAL AGREEMENT TO**  
10                                  **PARTICIPATE IN A MULTI-JURISDICTIONAL TASK FORCE**  
11                                  **KNOWN AS THE ARAPAHOE COUNTY NARCOTICS**  
12                                  **TEAM**

13  
14                               **WHEREAS**, the city and member jurisdictions desire to enter into an  
15 intergovernmental agreement to participate in a multi-jurisdictional criminal investigations unit;

16  
17                               **WHEREAS**, criminal activity commonly transcends the geographical boundaries  
18 of the separate governmental jurisdictions situated within Arapahoe County; and

19  
20                               **WHEREAS**, the city council deems that approval of the intergovernmental  
21 agreement will serve the public welfare of the citizens.

22  
23                               **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF**  
24 **THE CITY OF LITTLETON, COLORADO, THAT:**

25  
26                               The Intergovernmental Agreement regarding the Arapahoe County Narcotics  
27 Team is hereby approved.

28  
29                               **INTRODUCED, READ AND ADOPTED** at a regularly scheduled meeting of the  
30 City Council of the City of Littleton, Colorado, on the 16th day of August, 2016, at 6:30 p.m.  
31 at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado.

32   **ATTEST:**

33  
34   \_\_\_\_\_  
35 Wendy Heffner  
36 CITY CLERK

\_\_\_\_\_  
Bruce O. Beckman  
MAYOR

37  
38   **APPROVED AS TO FORM:**

39  
40   \_\_\_\_\_  
41 Kristin Schledorn  
42 CITY ATTORNEY



## INTERGOVERNMENTAL AGREEMENT

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF ENGLEWOOD, acting on behalf of the ENGLEWOOD POLICE DEPARTMENT, the CITY OF LITTLETON, acting on behalf of the LITTLETON POLICE DEPARTMENT, and the BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, STATE OF COLORADO, acting on behalf of the ARAPAHOE COUNTY SHERIFF'S OFFICE ("ACSO"), and provides as follows:

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes, as well Article XIV, Section 18(2), of the Colorado Constitution, encourage governmental entities to make efficient and effective use of their powers and responsibilities through cooperation and the execution of intergovernmental agreements; and

WHEREAS, intergovernmental agreements may provide for the joint exercise of functions, services, or facilities lawfully authorized to each contracting governmental entity; and

WHEREAS, the signatories to this agreement are each authorized by law to provide law enforcement and other emergency services; and

WHEREAS, narcotics related activities and related crimes commonly transcend the geographical boundaries of the separate governmental jurisdictions situated within the county of Arapahoe; and

WHEREAS, the parties hereto desire to share and coordinate resources in the enforcement, intervention, and prevention of narcotics related activities and related crimes within the county of Arapahoe; and

NOW THEREFORE, in consideration of the foregoing recitals and the mutual terms, covenants, and conditions set forth below, the signatories hereto voluntarily agree as follows:

1. The purpose of this agreement is to set forth a framework within which the parties hereto shall combine their law enforcement resources in order to better identify, investigate, and combat narcotics related activities and related crimes within Arapahoe County, Colorado, through the creation of a special multi-jurisdictional criminal investigations unit comprised of members drawn from each participating jurisdiction. This unit shall be known as the Arapahoe County Narcotics Team ("ACNT"). Those entities participating in the formation and operation of the ACNT shall be referred to herein as "member jurisdictions."

2. Each member jurisdiction shall assign not less than one sworn law enforcement officer to the ACNT who shall serve on the unit on a fulltime basis during the assignment. All officers assigned to the ACNT shall have been adequately trained by their home jurisdiction in criminal investigative techniques and operations and have a documented history of successfully working

within a special operations unit prior to their assignment. The total number of persons who shall or may be assigned to the ACNT from any one member jurisdiction shall be agreed upon by the participating entities from time to time as circumstances and needs warrant. Each member jurisdiction shall be solely responsible for the salary and other compensation paid the officer(s) it may assign to the ACNT, and shall supply its ACNT officers such equipment, including, where appropriate, vehicles, necessary to allow both the officer and the ACNT to effectively carry out their respective duties and responsibilities.

3. Officers assigned to the ACNT shall serve a tour of duty determined by the officer's home jurisdiction unless or until the assignment is withdrawn by the officer's home jurisdiction or is otherwise terminated as elsewhere provided for in this agreement. Each officer and/or other person assigned to serve on the ACNT shall remain the employee of his or her home jurisdiction and shall, likewise, remain subject to and covered under that jurisdiction's liability and other insurance or self-insurance coverage, in addition to its personnel policies and procedures, inclusive of policies and procedures governing overtime, employment compensation and benefits, worker's compensation, vacation and sick time, grievances and discipline, job performance review, duty assignments, and termination. Each member jurisdiction shall also retain responsibility for the conduct of those officers it assigns to the ACNT and will be responsible for investigating and handling any complaints made against those officers it assigns to the ACNT. In the event a claim or legal action should be brought against an officer assigned to the ACNT and/or the ACNT arising from the assigned officer's conduct, the member jurisdiction that assigned the officer to the ACNT, at its sole cost, shall be responsible to defend and indemnify the officer consistent with the terms and limitations provided under the Colorado Liability of Peace Officers Statute and Governmental Immunity Act, COLO.REV.STAT. §§ 29-5-111 and 24-10-101, *et seq.*, respectively. The provisions of this paragraph shall survive and remain in effect against any member jurisdiction that should withdraw from participation in the ACNT, as well as the termination of the agreement.

4. The Arapahoe County Sheriff shall deputize all officers assigned to the ACNT as Arapahoe County Sheriff's deputies in order to ensure that each officer has law enforcement authority throughout Arapahoe County. The term of that appointment shall remain effective during the term of the officer's assignment to the ACNT and will automatically terminate if or when the officer is withdrawn or terminated from the ACNT, or unless the appointment is otherwise terminated in the discretion of the Arapahoe County Sheriff. The officer and employing member jurisdiction shall be provided notice of any such termination. Each member jurisdiction, by signing this agreement, also acknowledges and agrees that officers assigned to the ACNT and deputized by the Arapahoe County Sheriff shall be vested by the jurisdiction with the authority to exercise their full law enforcement authority within the geographical boundaries of the member jurisdiction when performing ACNT activities. This authority shall remain effective during the term of the officer's assignment to the ACNT unless the same is withdrawn or terminated by the vesting member jurisdiction.

5. The ACNT shall operate from offices within the ACSO and the day-to-day management and tactical command of the ACNT shall rest in a lieutenant (the ACNT

Commander) with the ACSO, who shall be assigned to the unit by the Arapahoe County Sheriff. Upon reasonable notice to the member jurisdiction and Arapahoe County Sheriff, the ACNT Commander shall have the authority and discretion to terminate the assignment of any officer upon such grounds as he or she may deem necessary or appropriate for the efficient and/or effective operation of the unit.

6. The operations of the ACNT shall be informed and guided by the policies and procedures of the ACSO, and the ACSO shall serve as the custodian and repository for all reports, evidence, and records compiled or generated by the ACNT's activities.

7. The management and general operations of the ACNT shall be subject to joint review by the chief law enforcement officers from each member jurisdiction (or their authorized designee) sitting together as they may deem necessary or appropriate from time to time. It is not the intent of the member jurisdictions to create a separate legal entity or government subdivision/agency by the creation of the ACNT and any member jurisdiction may, within its discretion, withdraw from participation in the ACNT at any time upon providing written notice to the other members not less than thirty (30) days prior to such withdrawal. This agreement may also be terminated in its entirety upon the affirmative vote of a majority of the member jurisdictions.

8. No change, amendment, or waiver of any of the terms or provisions of this agreement shall be valid or binding unless the same has been approved in writing by all member jurisdictions.

9. This agreement is made solely for the benefit of the parties hereto and is not intended, nor shall it be deemed, to confer, give, or allow any rights or claim or right of action by any person or entity not signatory hereto.

10. This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this writing supersedes all previous communications, representations, or agreements, either verbal or written, between the parties.

11. This agreement may be executed in several counterparts and, as so executed, shall constitute one agreement, binding on all the parties even though all have not signed the same counterpart. Any counterpart which has attached to it separate signature pages which together contain the signature of all the parties shall be deemed a fully executed instrument for all purposes.

12. This agreement shall not be deemed a pledge of the credit of any signatory hereto, and nothing herein shall be construed to create a multiple-fiscal year direct or indirect debt or financial obligation.

13. This agreement shall not become effective or be binding against any member jurisdiction except upon the affirmative written approval or authorization of the legislative body for such jurisdiction.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date written above.

**THE CITY OF ENGLEWOOD**

By: \_\_\_\_\_  
Printed  
Name: Title:

By: \_\_\_\_\_  
Printed Name:  
Title:

ATTEST:  
\_\_\_\_\_  
Title:

ATTEST:  
\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:  
\_\_\_\_\_  
Title:

**THE CITY OF LITTLETON**

By: \_\_\_\_\_  
Bruce Beckman, Mayor & Council President

ATTEST:  
\_\_\_\_\_  
Title: City Clerk

APPROVED AS TO FORM:  
\_\_\_\_\_  
Title: City Attorney

**BOARD OF COUNTY  
COMMISSIONERS  
ARAPAHOE COUNTY, COLORADO**



**Staff Communication**

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**File #:** Ordinance 12-2016, **Version:** 1

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Agenda Date: 08/16/2016

Subject:

Ordinance on first reading adding chapter 19 to title 1 of the city code adopting an emergency management policy

Presented By: Jackie Erwin, Emergency Manager
---

**POLICY QUESTION:**

Does city council support adoption of an Emergency Management Policy?

**BACKGROUND:**

For any large-scale emergency or disaster, it is the local government that has the responsibility to mitigate the risk and provide for the safety of citizens and the community. Each county establishes and maintains a disaster agency. It is imperative for municipal governments to also have plans and policies to respond effectively to emergencies within their borders. The City of Littleton does not have an Emergency Management Policy.

**STAFF ANALYSIS:**

The community expects public officials to be prepared for any emergency or disaster. The purpose of an Emergency Management Policy is to provide for maintaining the public peace, health, and safety before, during, and after an emergency or disaster. By adopting an Emergency Management Policy, with guidance on the roles and responsibilities of city government for the disaster declaration process, the city is better prepared to respond to an emergency or disaster and can seek resources and funding from the State of Colorado for response and recovery operations.

**FISCAL IMPACTS:**

There is no fiscal impact to the city for adopting this policy.

**STAFF RECOMMENDATION:**

Staff recommends approval of this ordinance.

**PROPOSED MOTION:**

I move to approve the ordinance on first reading adding chapter 19 to title 1 of the city code adopting an emergency management policy and to schedule the public hearing for September 6, 2016 at 6:30 p.m. in the council chamber.

1 **CITY OF LITTLETON, COLORADO**

2  
3 **ORDINANCE NO. 12**

4  
5 **Series, 2016**

6  
7 **INTRODUCED BY COUNCILMEMBERS:**

8  
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**  
10 **COLORADO, ADDING CHAPTER 19 TO TITLE 1 OF THE**  
11 **CITY CODE ADOPTING AN EMERGENCY**  
12 **MANAGEMENT POLICY**  
13

14 **WHEREAS**, the Colorado Disaster Emergency Act, C.R.S. 24-33.5-701, *et seq.*  
15 (the "Act") is intended to clarify and strengthen the role of local governments in the prevention,  
16 preparation, response, and recovery from disasters and emergencies;  
17

18 **WHEREAS**, the City Council finds it to be in the best interest of the health,  
19 safety and welfare of the citizens to have a clear delineation of authority for the disaster  
20 declaration process and resource allocation before, during and after a disaster; and  
21

22 **WHEREAS**, the city council deems it prudent and necessary to adopt an  
23 emergency management policy pursuant to the Act.  
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
26 **THE CITY OF LITTLETON, COLORADO, THAT:**  
27

28  
29 **Section 1:** Title 1 of the City-Code is hereby amended by the addition of a  
30 new Chapter 19 to read as follows:  
31

32 **CHAPTER 19. EMERGENCY MANAGEMENT**  
33

34 **1-19-1 PURPOSE AND DECLARATION OF POLICY**

35 THE PURPOSE OF THIS CHAPTER IS TO SET OUT AND CLARIFY THE AUTHORITY  
36 OF THE CITY OF LITTLETON AND OF ITS OFFICERS WITH REGARD TO LOCAL,  
37 REGIONAL AND NATIONAL EMERGENCY AND DISASTER SITUATIONS. IT IS  
38 INTENDED, IN CONFORMITY WITH SECTION 24-33.5-707, C.R.S., OF THE COLORADO  
39 DISASTER EMERGENCY ACT (THE "ACT") TO PROVIDE THE CITY OF LITTLETON  
40 WITH THE BROADEST POWER PERMITTED BY CONSTITUTIONAL AND  
41 STATUTORY AUTHORITY TO PRESERVE THE PUBLIC PEACE, HEALTH, SAFETY  
42 AND WELFARE.  
43

1 **1-19-2 DEFINITIONS**

2  
3 A. WHEN USED IN THIS CHAPTER, THE FOLLOWING WORDS, TERMS AND  
4 PHRASES, AND THEIR DERIVATIONS, SHALL HAVE THE MEANING  
5 ASCRIBED TO THEM IN THE ACT AND THIS SECTION, EXCEPT WHERE THE  
6 CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:  
7

8 (1) "DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF  
9 WIDESPREAD OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR  
10 PROPERTY RESULTING FROM ANY NATURAL CAUSE OR CAUSE OF  
11 HUMAN ORIGIN, INCLUDING BUT NOT LIMITED TO FIRE, FLOOD,  
12 EARTHQUAKE, WIND, STORM, WAVE ACTION, HAZARDOUS  
13 SUBSTANCE INCIDENT, OIL SPILL OR OTHER WATER CONTAMINATION  
14 REQUIRING EMERGENCY ACTION TO AVERT DANGER OR DAMAGE,  
15 VOLCANIC ACTIVITY, EPIDEMIC, AIR POLLUTION, BLIGHT, DROUGHT,  
16 INFESTATION, EXPLOSION, CIVIL DISTURBANCE, HOSTILE MILITARY  
17 OR PARAMILITARY ACTION, OR A CONDITION OF RIOT, INSURRECTION,  
18 OR INVASION EXISTING IN THE STATE OR IN ANY COUNTY, CITY,  
19 TOWN OR DISTRICT IN THE STATE.  
20

21 (2) "STATE OF LOCAL EMERGENCY" IS DECLARED WHEN IN THE OPINION  
22 OF THE CITY MANAGER AND/OR CITY COUNCIL A DISASTER OR  
23 EMERGENCY HAS OCCURRED OR IS IMMINENT TO THE CITY. UPON  
24 ISSUING A DECLARATION OF A STATE OF LOCAL EMERGENCY, THE  
25 CITY MANAGER SHALL HAVE COMPLETE AUTHORITY TO ISSUE SUCH  
26 ORDERS AS MAY BE NECESSARY TO IMPLEMENT AND CARRY OUT  
27 EMERGENCY MANAGEMENT OPERATIONS AND TO PROTECT THE  
28 HEALTH, SAFETY, AND RESOURCES OF THE RESIDENTS OF THE CITY OF  
29 LITTLETON.  
30

31 **1-19-3 DECLARATION OF STATE OF LOCAL EMERGENCY**

32  
33 A. WHENEVER A MAJOR EMERGENCY OR DISASTER EVENT, OR IMMINENT  
34 THREAT THEREOF, OCCURS IN THE CITY OF LITTLETON AND RESULTS IN,  
35 OR THREATENS TO RESULT IN, THE DEATH OR INJURY OF PERSONS OR THE  
36 DESTRUCTION OF OR DAMAGE TO PROPERTY TO SUCH EXTENT AS TO  
37 REQUIRE, IN JUDGMENT OF THE CITY MANAGER OR DESIGNEE,  
38 EXTRAORDINARY AND IMMEDIATE MEASURES TO PROTECT THE PUBLIC  
39 PEACE, SAFETY AND WELFARE, THE CITY MANAGER OR DESIGNEE SHALL  
40 FORTHWITH:  
41

42 (1) DECLARE THE EXISTENCE OR THREATENED EXISTENCE OF A STATE  
43 OF LOCAL EMERGENCY; OR

- 1 (2) REQUEST THE CITY COUNCIL TO DECLARE THE EXISTENCE OR  
2 THREATENED EXISTENCE OF A STATE OF LOCAL EMERGENCY;  
3

4 B. DECLARATIONS OF A STATE OF LOCAL EMERGENCY ISSUED BY THE CITY  
5 MANAGER OR DESIGNEE, SHALL, AS SOON AS PRACTICABLE BUT IN NO  
6 EVENT LONGER THAN SEVEN (7) DAYS, BE FILED WITH THE CITY CLERK AND  
7 PRESENTED TO THE CITY COUNCIL FOR RATIFICATION AND  
8 CONFIRMATION, MODIFICATION OR REJECTION. DECLARATIONS WHICH  
9 ARE REJECTED SHALL, AFTER VOTE, BE VOID. DECLARATIONS SHALL BE  
10 CONSIDERED IN FULL FORCE AND EFFECT UNTIL THE COUNCIL SHALL ACT.  
11

- 12 (1) WHERE PRACTICABLE AND APPROPRIATE, THE CITY MANAGER OR  
13 DESIGNEE, SHALL CONSULT PRIOR TO THE ISSUANCE OF A  
14 DECLARATION OF A STATE OF LOCAL EMERGENCY WITH LOCAL,  
15 STATE AND FEDERAL EMERGENCY MANAGEMENT AGENCIES.  
16

- 17 (2) SUCH DECLARATION OF STATE OF LOCAL EMERGENCY MAY BE IN  
18 ADDITION TO OR AS AN ALTERNATIVE TO THE PROCLAMATION OF  
19 THE STATE OF EMERGENCY BY THE GOVERNOR.  
20

- 21 (3) CITY COUNCIL SHALL TERMINATE THE DECLARATION WHEN  
22 NORMAL OPERATIONS HAVE BEEN RESTORED IN THE AFFECTED  
23 AREA OF THE CITY OF LITTLETON.  
24

25 **1-19-4 AUTHORIZED EMERGENCY ORDERS**  
26

27 A. UPON DECLARATION OF STATE OF LOCAL EMERGENCY, AND DURING THE  
28 EXISTENCE OF SUCH STATE OF LOCAL EMERGENCY, THE CITY MANAGER  
29 OR DESIGNEE MAY MAKE AND PROCLAIM ANY OR ALL OF THE  
30 FOLLOWING EMERGENCY ORDERS AND DELEGATE ENFORCEMENT  
31 AUTHORITY THEREFORE TO LAW ENFORCEMENT OFFICERS AND  
32 DESIGNATED EMERGENCY PERSONNEL:  
33

- 34 (1) AN ORDER PROVIDING FOR THE EVACUATION AND RECEPTION OF  
35 THE POPULATION OF THE CITY OF LITTLETON OR ANY PART  
36 THEREOF;  
37

- 38 (2) AN ORDER IMPOSING A GENERAL CURFEW APPLICABLE TO THE  
39 CITY OF LITTLETON AS A WHOLE, OR TO SUCH GEOGRAPHICAL  
40 AREA OR AREAS OF THE CITY OF LITTLETON AND DURING SUCH  
41 HOURS, AS THE CITY MANAGER OR DESIGNEE DEEMS NECESSARY,  
42 AND FROM TIME TO TIME TO MODIFY THE HOURS THAT SUCH  
43 CURFEW WILL BE IN EFFECT AND THE AREA OR AREAS TO WHICH IT



1 WILL APPLY;

2  
3 (3) AN ORDER REQUIRING ANY OR ALL BUSINESS ESTABLISHMENTS TO  
4 CLOSE AND REMAIN CLOSED UNTIL FURTHER ORDER;

5  
6 (4) AN ORDER TO CLOSE ANY OR ALL PUBLIC PLACES;

7  
8 (5) AN ORDER ESTABLISHING ECONOMIC CONTROLS IN AID OF AND  
9 SUPPLEMENTARY TO AND CONSISTENT WITH FEDERAL ORDERS  
10 RELATING TO PRICE STABILIZATION OR CONTROLS, INCLUDING BUT  
11 NOT LIMITED TO: THE CONVENING AND ESTABLISHING OF RATION  
12 BOARDS; AIDING RETAIL AND WHOLESALE RATION ACCOUNTS;  
13 MONITORING PRICE CONTROL OPERATIONS AND REPORTING  
14 VIOLATIONS TO APPROPRIATE AUTHORITIES; ASSISTING IN  
15 PROVIDING ESSENTIAL SUPPLIES TO DISASTER VICTIMS; ADVISING  
16 APPROPRIATE AUTHORITIES CONCERNING RATIONING, PRICE  
17 CONTROL, WAGE AND RENT CONTROLS AND ALLOCATION OF FOOD  
18 AND OTHER ESSENTIAL COMMODITIES;

19  
20 (6) AN ORDER DIRECTING THE USE OF PUBLIC AND PRIVATE HEALTH,  
21 MEDICAL, AND CONVALESCENT FACILITIES AND EQUIPMENT TO  
22 PROVIDE EMERGENCY HEALTH AND MEDICAL CARE FOR DISASTER  
23 VICTIMS; AND

24  
25 (7) SUCH OTHER ORDERS AS ARE IMMINENTLY NECESSARY FOR THE  
26 PROTECTION OF LIFE AND PROPERTY.  
27

28 B. IN THE ABSENCE OF THE CITY MANAGER OR DESIGNEE, EMERGENCY  
29 ORDERS MAY BE ISSUED BY THE MAYOR AND IN THE ABSENCE OF THE  
30 CITY MANAGER OR DESIGNEE AND MAYOR, EMERGENCY ORDERS MAY BE  
31 ISSUED BY THE MAYOR PRO TEM.  
32

33 C. EMERGENCY ORDERS SHALL BE FILED WITH THE CITY CLERK AND  
34 PRESENTED AS SOON AS PRACTICABLE BUT IN NO EVENT LONGER THAN  
35 SEVEN (7) DAYS, TO THE CITY COUNCIL FOR RATIFICATION AND  
36 CONFIRMATION, MODIFICATION OR REJECTION. ORDERS WHICH ARE  
37 REJECTED SHALL, AFTER VOTE, BE VOID. EMERGENCY ORDERS SHALL BE  
38 CONSIDERED IN FULL FORCE AND IN EFFECT UNTIL COUNCIL SHALL ACT.  
39

40 **1-19-5 NOTICE OF DECLARATIONS OF STATE OF LOCAL EMERGENCY**  
41 **AND EMERGENCY ORDERS**  
42

43 NOTICE OF ANY DECLARATION OF STATE OF LOCAL EMERGENCY OR

1 EMERGENCY ORDERS ISSUED PURSUANT TO THE AUTHORITY OF THIS  
2 ORDINANCE SHALL BE GIVEN AS SOON AS PRACTICABLE TO NEWS MEDIA  
3 WITHIN THE GENERAL AREA OF THE CITY OF LITTLETON, THE PUBLIC, AND TO  
4 ARAPAHOE, DOUGLAS, AND JEFFERSON COUNTY EMERGENCY MANAGEMENT  
5 AGENCIES.  
6

7 **1-19-6 DESIGNATION OF EXECUTIVE HEAD OF THE CITY**  
8

9 THE CITY MANAGER OR DESIGNEE SHALL SERVE AS THE EXECUTIVE HEAD OF  
10 THE CITY OF LITTLETON GOVERNMENT FOR THE PURPOSES OF EMERGENCY  
11 MANAGEMENT PURSUANT TO SECTION 24-33.5-707, C.R.S.  
12

13 **1-19-7 GENERAL DUTIES OF EXECUTIVE HEAD OF THE CITY**  
14

15 A. THE EXECUTIVE HEAD SHALL BE RESPONSIBLE FOR THE FOLLOWING:  
16

- 17 (1) TO ISSUE OR REQUEST ISSUANCE OF DECLARATION OF STATE OF  
18 LOCAL EMERGENCY PURSUANT TO SECTION 1-19-3 OF THIS  
19 CHAPTER;  
20
- 21 (2) TO ISSUE EMERGENCY ORDERS PURSUANT TO SECTION 1-19-4 OF  
22 THIS CHAPTER;  
23
- 24 (3) TO REQUEST THAT THE GOVERNOR PROCLAIM A STATE OF  
25 EMERGENCY WHEN IN THE OPINION OF THE CITY MANAGER, THE  
26 RESOURCES OF THE CITY OF LITTLETON, AREA OR REGION ARE  
27 INADEQUATE TO COPE WITH THE EMERGENCY OR DISASTER;  
28
- 29 (4) TO OVERSEE PREPARATION, IMPLEMENTATION AND PERIODIC  
30 REVIEWS AND UPDATES OF THE CITY OF LITTLETON EMERGENCY  
31 OPERATIONS PLAN AS REQUIRED BY SECTION 24-33.5-707, C.R.S.;  
32
- 33 (5) TO PROMULGATE THE CITY OF LITTLETON EMERGENCY  
34 OPERATIONS PLAN IN CONFORMITY WITH LAW; PROVIDED THAT  
35 SUCH SHALL DESIGNATE A LINE OF SUCCESSION FOR THE CITY OF  
36 LITTLETON ADMINISTRATIVE OFFICERS IN THE EVENT THAT THE  
37 CITY MANAGER OR DESIGNEE ARE UNABLE TO SERVE AS MANAGER  
38 OF EMERGENCY SERVICES AND EXECUTIVE HEAD IN TIME OF  
39 EMERGENCY AND SHALL DESCRIBE THE LINE OF SUCCESSION FOR  
40 THE MAYOR, MAYOR PRO TEM AND COUNCIL IN CONFORMITY WITH  
41 THE PROVISIONS OF THE CITY OF LITTLETON CHARTER AND STATE  
42 LAW;  
43

- 1 (6) TO DIRECT COORDINATION AND COOPERATION BETWEEN  
2 DEPARTMENTS, DIVISIONS, SERVICES AND STAFF IN CARRYING OUT  
3 THE PROVISIONS OF THE EMERGENCY OPERATIONS PLAN, AND TO  
4 RESOLVE QUESTIONS OF AUTHORITY AND RESPONSIBILITY THAT  
5 MAY ARISE AMONG THEM;  
6  
7 (7) TO ACT IN COORDINATION WITH THE STATE AND OTHER  
8 GOVERNMENTAL AGENCIES TO PLAN AND IMPLEMENT JOINT  
9 JURISDICTIONAL PLANNING AND DISASTER SERVICES PLANS AND  
10 MUTUAL AID AGREEMENTS; AND  
11  
12 (8) TO CONSULT WITH THE CITY ATTORNEY FOR THE CITY OF  
13 LITTLETON IN PLANNING AND EXERCISE OF EMERGENCY POWERS.  
14

15 **1-19-8 EMERGENCY PROCUREMENTS**  
16

17 THE PURCHASING OFFICER MAY MAKE EMERGENCY PROCUREMENTS FOR THE  
18 PRESERVATION OF LIFE, PROPERTY AND THE ENVIRONMENT IN ACCORDANCE  
19 WITH SECTION 102 OF THE LITTLETON CITY CHARTER.  
20

21 **1-19-9 EMERGENCY POWERS UNDER GOVERNOR'S DECLARATION OF**  
22 **EMERGENCY**  
23

- 24 A. IN ADDITION TO, OR AS AN ALTERNATIVE TO, THOSE EMERGENCY  
25 POWERS PRESCRIBED BY THIS CHAPTER UPON THE DECLARATION OF A  
26 STATE OF LOCAL EMERGENCY, THE CITY MANAGER OR DESIGNEE SHALL  
27 HAVE, UPON PROCLAMATION OF A STATE OF EMERGENCY BY THE  
28 GOVERNOR, PURSUANT TO THE ACT, THE AUTHORITY TO EXERCISE  
29 EMERGENCY POWERS INCLUDING WITHOUT LIMITATION:  
30  
31 (1) TO DETERMINE, SUBJECT TO THE CITY OF LITTLETON BUDGET  
32 PROCEDURES, THE CITY OF LITTLETON'S CONTRIBUTION TO THE  
33 COST OF A JOINT LOCAL EMERGENCY MANAGEMENT  
34 ORGANIZATION UPON A FAIR AND EQUITABLE BASIS;  
35  
36 (2) TO ACT DIRECTLY OR THROUGH DELEGATES OF THE DIRECTOR OF  
37 EMERGENCY MANAGEMENT FOR THE CITY OF LITTLETON OR BY  
38 JOINT ACTION WITH OTHER LOCAL POLITICAL SUBDIVISION  
39 EXECUTIVE HEADS, APPOINT THE DIRECTOR OF A JOINT  
40 ORGANIZATION FOR EMERGENCY MANAGEMENT;  
41  
42 (3) TO ACCEPT AND RECEIVE, WITH THE CONSENT OF THE GOVERNOR,  
43 ON BEHALF OF THE CITY OF LITTLETON, OFFERS FROM THE

FEDERAL GOVERNMENT OF SERVICES, EQUIPMENT, SUPPLIES, MATERIALS, OR FUNDS BY WAY OF GIFT, GRANT, OR LOAN, FOR THE PURPOSES OF EMERGENCY MANAGEMENT;

(4) TO ACCEPT AND RECEIVE ON BEHALF OF THE CITY OF LITTLETON FROM ANY PERSON, FIRM, OR CORPORATION, OFFERS OF SERVICES, EQUIPMENT, SUPPLIES, MATERIALS, OR FUNDS BY WAY OF GIFT, GRANT, OR LOAN, FOR THE PURPOSES OF EMERGENCY MANAGEMENT, SUBJECT TO THE TERMS OF THE OFFER;

(5) IN CASES WHERE THERE IS DAMAGE TO THE EQUIPMENT BORROWED FROM OTHER CITIES UNDER A MUTUAL AID AGREEMENT, TO RECEIVE THE FILING OF CLAIMS FOR SUCH DAMAGE WITHIN SIXTY (60) DAYS AFTER THE DAMAGE IS INCURRED; AND

(6) TO UTILIZE EXISTING SERVICES AND FACILITIES TO THE MAXIMUM EXTENT PRACTICABLE NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE EVENT OF A DISASTER, AFTER PROCLAMATION BY THE GOVERNOR OF THE EXISTENCE OF SUCH DISASTER, TO HAVE THE POWER TO COMMAND THE SERVICE AND EQUIPMENT OF CITIZENS AS CONSIDERED NECESSARY IN THE LIGHT OF THE DISASTER PROCLAIMED; PROVIDED THAT CITIZENS' SERVICES AND EQUIPMENT SO COMMANDEERED SHALL BE ENTITLED DURING THE PERIOD OF SUCH SERVICES TO ALL PRIVILEGES, BENEFITS AND IMMUNITIES AS ARE PROVIDED BY FEDERAL AND STATE EMERGENCY MANAGEMENT REGULATIONS FOR REGISTERED EMERGENCY WORKERS.

#### **1-19-10 CONTINUANCE OF EXISTING AGREEMENTS**

NOTHING IN THIS CHAPTER SHALL BE DEEMED TO AFFECT ANY EXISTING INTERGOVERNMENTAL AGREEMENTS ENTERED INTO BY THE CITY OF LITTLETON REGARDING EMERGENCY PLANNING OR WITH ANY UNIT OF STATE OR LOCAL GOVERNMENT REGARDING THE GIVING OF MUTUAL AID; PROVIDED THAT FOR THE PURPOSES OF SUCH AGREEMENTS, THE CITY MANAGER OR DESIGNEE SHALL EXERCISE ALL POWERS AS EXECUTIVE HEAD OF THE CITY OF LITTLETON.

#### **1-19-11 GENERAL PUBLIC DUTY CREATED**

A. IT IS EXPRESSLY THE PURPOSE OF THIS CHAPTER TO PROVIDE FOR AND PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC

1 AND NOT TO CREATE OR OTHERWISE ESTABLISH OR DESIGNATE ANY  
2 PARTICULAR CLASS OR GROUP OF PERSONS OR INDIVIDUAL WHO WILL OR  
3 SHOULD BE ESPECIALLY PROTECTED OR BENEFITED BY THE TERMS OF  
4 THIS CHAPTER.  
5

- 6 B. NOTHING CONTAINED IN THIS CHAPTER IS INTENDED, NOR SHALL IT BE  
7 CONSTRUED, TO CREATE OR FORM THE BASIS OF ANY LIABILITY ON THE  
8 PART OF THE CITY OF LITTLETON, OR ITS OFFICERS, EMPLOYEES OR  
9 AGENTS, FOR ANY INJURY OR DAMAGE RESULTING FROM ANY ACTION OR  
10 INACTION ON THE PART OF THE CITY OF LITTLETON RELATED IN ANY  
11 MANNER TO THE ENFORCEMENT OF THIS CHAPTER BY ITS OFFICERS,  
12 EMPLOYEES OR AGENTS.  
13

14 **Section 2:** Severability. If any part, section, subsection sentence, clause or  
15 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not  
16 affect the validity of the remaining sections of this ordinance. The City Council hereby  
17 declares that it would have passed this ordinance, including each part, section, subsection,  
18 sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections,  
19 subsections, sentences, clauses or phrases may be declared invalid.  
20

21 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in  
22 conflict with this ordinance are hereby repealed, provided that this repealer shall not  
23 repeal the repealer clauses of such ordinance nor revive any ordinance thereby.  
24  
25

26 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
27 of the City of Littleton on the 16<sup>th</sup> day of August, 2016, passed on first reading by a vote of \_\_\_\_  
28 FOR and \_\_\_\_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,  
29 the Municipal Courthouse and on the City of Littleton Website.

30 PUBLIC HEARING on the Ordinance to take place on the \_\_\_\_ day of  
31 \_\_\_\_\_, 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue,  
32 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.  
33

34 PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR

35 and \_\_\_\_\_ AGAINST on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published by  
36 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton

37 ATTEST:

38 \_\_\_\_\_  
39 Wendy Heffner  
40 CITY CLERK

\_\_\_\_\_  
Bruce O. Beckman  
MAYOR

41  
42 APPROVED AS TO FORM:

43  
44 \_\_\_\_\_  
45 Kristin Schledorn  
46 CITY ATTORNEY

law enforcement agency and the community, including, but not limited to, community centers, gymnasiums, and libraries or other reading areas;

(c) The support of and participation in local youth educational and recreational programs by the local law enforcement agency;

(d) Regularly scheduled neighborhood meetings between local law enforcement professionals and the residents of the community or at-risk neighborhood;

(e) The enhanced and regularized presence of the local law enforcement agency in a community or at-risk neighborhood through the use of foot patrols, bicycles, motorcycles, and participation in activities and events; and

(f) The process or measurement for evaluating whether the Colorado community policing program is reducing or preventing the incidence of crime in a community or at-risk neighborhood.

(3) Subject to available appropriations, the division of criminal justice shall select those local law enforcement agencies that will receive grants through the Colorado community policing program. The division shall determine the amount of each grant awarded to a local law enforcement agency.

**24-33.5-605. Community policing program cash fund - creation.** (1) There is hereby created in the state treasury the community policing program cash fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to award grants to local law enforcement agencies and for the direct and indirect costs associated with the implementation of this part 6. The division of criminal justice is authorized to accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this part 6 pursuant to section 24-33.5-503 (1) (e). All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the fund. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(2) Notwithstanding the provisions of subsection (1) of this section, the division of criminal justice shall not implement the Colorado community policing program until sufficient grants, gifts, or donations are obtained to cover the costs of implementing the program.

## PART 7

### EMERGENCY MANAGEMENT

**24-33.5-701. Short title.** This part 7 shall be known and may be cited as the "Colorado Disaster Emergency Act".

**24-33.5-702. Purposes and limitations.** (1) The purposes of this part 7 are to:



- (a) Reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural catastrophes or catastrophes of human origin, civil disturbance, or hostile military or paramilitary action;
  - (b) Prepare for prompt and efficient search, rescue, recovery, care, and treatment of persons lost, entrapped, victimized, or threatened by disasters or emergencies;
  - (c) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;
  - (d) Clarify and strengthen the roles of the governor, state agencies, and local governments in prevention of, preparation for, response to, and recovery from disasters;
  - (e) Authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;
  - (f) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;
  - (g) Provide a disaster and emergency management system embodying all aspects of predisaster and pre-emergency preparedness and postdisaster and postemergency response; and
  - (h) Assist in prevention of disasters caused or aggravated by inadequate planning for regulation of public and private facilities and land use.
- (2) Nothing in this part 7 shall be construed to:
- (a) Interfere with the course or conduct of a labor dispute; except that actions otherwise authorized by this part 7 or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
  - (b) Interfere with dissemination of news or comment on public affairs; except that any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency;
  - (c) Affect the jurisdiction or responsibilities of police forces, fire-fighting forces, or units of the armed forces of the United States, or of any personnel thereof, when on active duty; except that state, local, and interjurisdictional disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies; or
  - (d) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of, or in conjunction with, any provision of this part 7.

**24-33.5-703. Definitions.** As used in this part 7, unless the context otherwise requires:

- (1) "Bioterrorism" means the intentional use of microorganisms or toxins of biological origin to cause death or disease among humans or animals.
- (2) "Committee" means the governor's expert emergency epidemic response committee created in section 24-33.5-704.
- (3) "Disaster" means the occurrence or imminent threat of widespread or severe damage,

injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state.

(4) "Emergency epidemic" means cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins.

(5) "Pandemic influenza" means a widespread epidemic of influenza caused by a highly virulent strain of the influenza virus.

(6) "Political subdivision" means any county, city and county, city, or town and may include any other agency designated by law as a political subdivision of the state.

(7) (a) "Publicly funded safety net program" means a program that is administered by a state department and that:

(I) Is funded wholly or in part with state, federal, or a combination of state and federal funds; and

(II) Provides or facilitates the provision of medical services to vulnerable populations, including children, disabled individuals, and the elderly.

(b) The term includes a program of medical assistance, as defined in section 25.5-1-103 (5), C.R.S.

(8) "Search and rescue" means the employment, coordination, and utilization of available resources and personnel in locating, relieving distress and preserving life of, and removing survivors from the site of a disaster, emergency, or hazard to a place of safety in case of lost, stranded, entrapped, or injured persons.

**24-33.5-704. The governor and disaster emergencies - expert emergency epidemic response committee - creation.** (1) The governor is responsible for meeting the dangers to the state and people presented by disasters.

(2) Under this part 7, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

(3) Repealed.

(4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or

proclamations issued under this subsection (4) shall indicate the nature of the disaster, the area threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the office of emergency management, the secretary of state, and the county clerk and recorder and disaster agencies in the area to which it applies.

(5) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this part 7 or any other provision of law relating to disaster emergencies.

(6) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

(7) In addition to any other powers conferred upon the governor by law, the governor may:

(a) 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, if 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;

(b) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 24-33.5-711, commandeer or utilize any private property if the governor finds this necessary to cope with the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles;

(i) Make provision for the availability and use of temporary emergency housing; and

(j) Determine the percentage at which the state and a local government will contribute moneys to cover the nonfederal cost share required by the federal "Robert T. Stafford Disaster Relief and Emergency Assistance Act", as amended, 42 U.S.C. sec. 5121 et seq., required by the federal highway administration pursuant to 23 U.S.C. sec. 125, or required by any other federal law in order to receive federal disaster relief funds. After making such a determination, the governor may amend the percentage at which the state and local government will contribute moneys to the nonfederal cost share based on the needs of the individual local governments. As soon as practicable after making or amending such a determination, the governor shall notify the joint budget committee of the source and amount of state moneys that will be contributed to cover a nonfederal cost share pursuant to this paragraph (j).

(8) (a) There is hereby created a governor's expert emergency epidemic response committee. The committee shall:

(I) Meet at least annually to review and amend, as necessary, the supplement to the state disaster plan that is concerned with the public health response to acts of bioterrorism, pandemic influenza, and epidemics caused by novel and highly fatal infectious agents; and

(II) Provide expert public health advice to the governor in the event of an emergency epidemic.

(III) Repealed.

(b) (I) State members of the committee include:

(A) The executive director of the department of public health and environment;

(B) The chief medical officer of the department of public health and environment;

(C) The chief public information officer of the department of public health and environment;

(D) The emergency response coordinator for the department of public health and environment;

(E) The state epidemiologist for the department of public health and environment;

(F) The attorney general or the designee of the attorney general;

(G) The president of the board of health or the president's designee;

(H) The president of the state medical society or the president's designee;

(I) The president of the Colorado health and hospital association or the president's designee;

(J) The state veterinarian of the department of agriculture; and

(K) The director of the division of homeland security and emergency management.

(II) In addition to the state members of the committee, the governor shall appoint to the committee an individual from each of the following categories:

(A) A licensed physician who specializes in infectious diseases;

(B) A licensed physician who specializes in emergency medicine;

(C) A medical examiner;

(D) A specialist in posttraumatic stress management;

(E) A director of a county, district, or municipal public health agency;

(F) A hospital infection control practitioner;

(G) A wildlife disease specialist with the division of wildlife; and

(H) A pharmacist member of the state board of pharmacy.

(III) The executive director of the department of public health and environment shall serve as the chair of the committee. A majority of the membership of the committee, not including vacant positions, shall constitute a quorum.

(IV) The executive director of the department of public safety or the executive director's designee shall serve as an ex officio member of the committee and is not able to vote on decisions of the committee. He or she shall serve as a liaison between the committee and the Colorado emergency planning commission in the event of an emergency epidemic.

(c) The committee shall include in the supplement to the state disaster plan a proposal for the prioritization, allocation, storage, protection, and distribution of antibiotic medicines, antiviral medicines, antidotes, and vaccines that may be needed and in short supply in the event of an emergency epidemic.

(d) The committee shall convene at the call of the governor or the executive director of the department of public health and environment to consider evidence presented by the department's chief medical officer or state epidemiologist that there is an occurrence or imminent threat of an emergency epidemic. If the committee finds that there is an occurrence or imminent threat of an emergency epidemic, the executive director of the department of public health and environment shall advise the governor to declare a disaster emergency.

(e) In the event of an emergency epidemic that has been declared a disaster emergency, the committee shall convene as rapidly and as often as necessary to advise the governor, who shall act by executive order, regarding reasonable and appropriate measures to reduce or prevent spread of the disease, agent, or toxin and to protect the public health. Such measures may include:

(I) Procuring or taking supplies of medicines and vaccines;

(II) Ordering physicians and hospitals to transfer or cease admission of patients or perform medical examinations of persons;

(III) Isolating or quarantining persons or property;

(IV) Determining whether to seize, destroy, or decontaminate property or objects that may threaten the public health;

(V) Determining how to safely dispose of corpses and infectious waste;

(VI) Assessing the adequacy and potential contamination of food and water supplies;

(VII) Providing mental health support to affected persons; and

(VIII) Informing the citizens of the state how to protect themselves, what actions are being taken to control the epidemic, and when the epidemic is over.

(9) Each department that administers a publicly funded safety net program shall develop a continuity of operations plan no later than July 1, 2008. The plan shall establish procedures for the response by, and continuation of operations of, the department and the program in the event of an epidemic emergency. Each department shall file its plan with the executive director of the department of public health and environment and shall update the plan at least annually. In addition, notwithstanding section 24-1-136 (11), each department shall submit a report by March 1 of each year to the health and human services committees of the senate and house of



representatives, or any successor committees, regarding the status of the department's plan, as well as the status of any other plans or procedures of the department regarding emergency disaster preparedness.

**24-33.5-705. Office of emergency management - creation.** (1) (a) There is hereby created in the division of homeland security and emergency management the office of emergency management. Pursuant to section 13 of article XII of the state constitution, the director of the division of homeland security and emergency management shall appoint a director as head of the office of emergency management.

(b) The office of emergency management and the office of the director thereof shall exercise their powers and perform their duties and functions under the department and the executive director as if the same were transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(2) The office of emergency management shall prepare, maintain, and keep current a state disaster plan that complies with all applicable federal and state regulations.

(3) The office of emergency management shall take part in the development and revision of local and interjurisdictional disaster plans prepared under section 24-33.5-707. To this end the office of emergency management shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and interjurisdictional planning and disaster agencies. Such personnel shall consult with political subdivisions and disaster agencies and shall make field examinations.

(4) In preparing and revising the state disaster plan, the office of emergency management may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(5) The state disaster plan or any part thereof may be incorporated in regulations of the office of emergency management or executive orders that have the force and effect of law.

(6) The office of emergency management may do all things necessary for the implementation of this section, including:

- (a) Hiring personnel;
- (b) Contracting with federal, state, local, and private entities;
- (c) Accepting and expending federal funds.

(7) Whenever the office of emergency management or the division of emergency management in the department of local affairs is referred to or designated by any contract or other document, such reference or designation shall be deemed to apply to the office of emergency management in the division of homeland security and emergency management in the department of public safety.

(8) (a) Effective July 1, 2012, the office of emergency management in the division of homeland security and emergency management in the department of public safety shall execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested previously in the division of emergency management in the department of local affairs.

(b) (I) On July 1, 2012, all positions of employment in the division of emergency management in the department of local affairs shall be transferred to the office of emergency

management in the division of homeland security and emergency management in the department of public safety and shall become employment positions therein.

(II) On July 1, 2012, all employees of the division of emergency management in the department of local affairs shall be considered employees of the office of emergency management in the division of homeland security and emergency management in the department of public safety. Such employees shall retain all rights under the state personnel system and to retirement benefits pursuant to the laws of this state, and their services shall be deemed to have been continuous.

(III) On July 1, 2012, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the division of emergency management in the department of local affairs are transferred to the office of emergency management in the division of homeland security and emergency management in the department of public safety and shall become the property thereof.

(c) Unless otherwise specified, whenever any provision of law refers to the division of emergency management, that law shall be construed as referring to the office of emergency management in the division of homeland security and emergency management in the department of public safety.

(d) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the division of emergency management in the department of local affairs, or any officer thereof in such officer's official capacity or in relation to the discharge of the official's duties, is abated by reason of the transfer of duties and functions in this section.

**24-33.5-705.3. Statewide all-hazards resource database - creation - definitions.** (1) For purposes of this section:

(a) "Private sector agencies and organizations" means any private sector or nonprofit agency or organization that has resources useful in a disaster or emergency that it desires to list in the private sector portion of the database.

(b) "Tribal, state, and local all-hazards response agency" means any all-hazards response agency of a tribe, the state and any of its subdivisions, and any town, city, and city and county, regardless of whether the personnel serving such department, district, or agency are volunteers or are compensated for their services.

(2) (a) Not later than June 30, 2013, the office of emergency management, using existing computer resources, shall develop and maintain a centralized computer database that includes a listing of all all-hazards response resources located within Colorado.

(b) The database created pursuant to paragraph (a) of this subsection (2) shall contain resource inventories, personnel counts, resource status, such other information relevant to the efficient tracking and allocation of all-hazards response resources, and a listing of all supplemental funding sources available to tribal, state, and local all-hazards response agencies. The information in this database shall be included with the information required to be collected and maintained pursuant to section 25-1.5-101 (1) (p), C.R.S. No data gathered for or stored in this database shall contain personally identifying information without prior notice to the involved



individual. The database is not intended to be used in place of the existing interagency wildland fire dispatch system.

(3) (a) The office of emergency management shall encourage tribal, state, and local response agencies to enter the information described in paragraph (b) of subsection (2) of this section into the database via the internet and provide a means for such data entry. All data entered into the database shall be verifiable by the office of emergency management. The office of emergency management shall encourage participating tribal, state, regional, and local response agencies to update the data as necessary.

(b) The database shall be accessible via the internet to all tribal, state, regional, and local response agencies for the purpose of efficiently tracking and allocating response resources in the event of a disaster or local incident that requires more resources than those available under any existing interjurisdictional or mutual aid arrangement.

(4) The office of emergency management shall establish guidelines for the development and maintenance of the database created pursuant to subsection (2) of this section so that tribal, state, regional, and local response agencies can easily access the database. The guidelines shall be developed with input from tribal, state, regional, and local response agencies and private sector agencies and organizations.

**24-33.5-705.4. All-hazards resource mobilization system - creation - plan - duties - reimbursement for expenses incurred by mobilized entities - eligibility - resource mobilization fund - creation - definitions - legislative declaration.** (1) (a) The general assembly hereby finds, determines, and declares that the statewide all-hazards resource mobilization system, which provides for efficient mobilizing, tracking, allocating, and demobilizing emergency resources and ensures that a requesting unit of government receives proper equipment and qualified personnel, is necessary to provide resources to any emergency incident beyond local capabilities and thus necessary to protect life, property, the environment, and cultural and economic resources. The general assembly further finds and declares that the need to ensure that the state is adequately prepared and able to address large-scale emergencies and disasters requires a mechanism to reimburse state agencies, tribal governments, and local jurisdictions that respond to requests for help from other jurisdictions in times of need. It is therefore necessary to:

(I) Formulate the policy and organizational structure for large-scale mobilization of emergency resources in the state through creation of a statewide all-hazards resource mobilization system;

(II) Establish the means by which state agencies and tribal and local jurisdictions may be reimbursed for expenses they incur when mobilized by the executive director pursuant to the mobilization plan; and

(III) Provide a procedure to reimburse a host jurisdiction when it has exhausted or will exhaust all of its own resources and the resources of its local mutual aid network available under a mutual aid or interjurisdictional agreement.

(b) In accordance with section 24-33.5-713, it is the intent of the legislature to encourage political subdivisions to enter into mutual aid and other interjurisdictional agreements. Such

agreements produce enhanced emergency response and are thus essential to protecting the public peace, safety, health, and welfare, including the lives and property, of the people of the state of Colorado.

(2) As used in this section, unless the context otherwise requires:

(a) "Director" means the director of the office of emergency management created in section 24-33.5-705.

(b) "Emergency manager" means the director or coordinator of the local or interjurisdictional disaster agency, as described in section 24-33.5-707 (4), or other person, identified pursuant to section 24-33.5-707 (6), responsible for local or interjurisdictional disaster preparedness and response.

(c) "Executive director" means the executive director of the department or the executive director's designee.

(d) "Host jurisdiction" means the jurisdiction having authority over the disaster or emergency.

(e) "Incident command system" has the meaning set forth in section 29-22.5-102 (3), C.R.S.

(f) "Jurisdiction" means state and tribal authorities and county, city, city and county, town, special district, or other political subdivisions of the state.

(g) "Mobilization" means the process of providing, upon request and subject to availability, emergency resources beyond those available through existing interjurisdictional or mutual aid agreements in response to a request from a jurisdiction in which an emergency or disaster situation or local emergency incident that has exceeded or will exceed the capabilities of available local resources. The term includes the nonhost jurisdiction's authorization and approval for redistribution of resources either to direct emergency incident assignments or to assignment in communities where resources are needed to provide coverage when those communities' resources have been mobilized to assist other jurisdictions.

(h) "Mobilization plan" means the statewide all-hazards resource mobilization plan developed and utilized pursuant to this section.

(i) "Mobilization system" means the statewide all-hazards resource mobilization system created under this section, which system includes the mobilization plan and the technology and personnel necessary to mobilize resources according to the plan.

(j) "Mutual aid" means emergency interagency assistance rendered pursuant to an agreement between the jurisdictions rendering and receiving assistance.

(k) "Nonhost jurisdiction" means a jurisdiction providing disaster or emergency response resources to a host jurisdiction.

(l) "Unified command" has the meaning set forth in section 29-22.5-102 (8), C.R.S.

(3) **Powers and duties.** (a) The director shall develop and maintain a statewide all-hazards resource mobilization plan that sets forth procedures for mobilization, allocation, deployment, coordination, tracking, cost accounting, and demobilization of resources during disasters and other large-scale emergencies and local incidents that require more resources than those available under any existing interjurisdictional or mutual aid agreement. In developing the mobilization plan, the director shall consult with and solicit recommendations from the homeland security and all-hazards senior advisory committee created in section 24-33.5-1614

and other appropriate representatives of state, tribal, and local governmental and private sector emergency management organizations. The director shall ensure that the mobilization plan is consistent with, and incorporated into, the Colorado state emergency operations plan.

(b) (I) The executive director is responsible for implementing the mobilization plan, coordinating the mobilization of resources, and making a determination as to post-mobilization reimbursement to state and nonhost jurisdictions, in accordance with this section, other applicable laws, and the mobilization plan, when the executive director determines it is necessary to do so to protect life, property, the environment, and cultural and economic resources.

(II) The executive director shall serve as state resource mobilization liaison when the mobilization plan is implemented.

(4) **Mobilization.** (a) (I) The executive director may order the implementation of the state resource mobilization plan pursuant to this section only if he or she receives a request to do so from the governor, sheriff, emergency manager, or other authorized person identified in the state resource mobilization plan.

(II) The executive director shall grant a mobilization request made pursuant to subparagraph (I) of this paragraph (a) if the executive director determines that the request is in response to a large-scale emergency, disaster, or other local incident that exceeds or will exceed the capabilities of available local resources and those resources available through existing mutual aid agreements.

(III) Upon receiving a request for mobilization and finding that the request complies with the approval requirements established in the mobilization plan and that either the local jurisdiction has exhausted or will exhaust all available resources, or that the complexity or severity of the incident requires resources not otherwise available to the local jurisdiction, the executive director shall determine whether to implement mobilization in accordance with the mobilization plan. If so, the executive director shall mobilize state and nonhost jurisdictions in accordance with the mobilization plan.

(IV) The executive director may consider resources that have already been deployed to address an incident to be mobilized for the purpose of reimbursement or cost-sharing under the mobilization plan.

(b) Upon and for the duration of mobilization:

(I) The executive director shall serve as a resource mobilization liaison to the local unified coordination group, incident commander, or the host jurisdiction's disaster agency under unified command to support the mobilization effort consistent with the incident command system and mobilization plan and procedures;

(II) The resources, including those of the host jurisdiction and those of nonhost jurisdictions that responded earlier under an existing interjurisdictional or mutual aid or other agreement, may remain mobilized, based on capability to do so and pursuant to agreement between the executive director, the incident commander, and the host jurisdiction or nonhost jurisdiction that provided the resources;

(III) The reassignment or reallocation of resources due to multiple concurrent incidents or other situations of resource scarcity shall be prioritized pursuant to the policies and procedures specified in the mobilization plan.

(IV) Any limits on or exemption from liability to which the jurisdictions providing

resources in response to a mobilization effected under this section are entitled under law apply as though the jurisdictions were operating under their normal statutory authorities within their jurisdictional boundaries.

(c) The executive director, in consultation with the local incident commander, shall determine when mobilization is no longer required and, at that time, shall declare the end to the mobilization.

(5) **Reimbursement.** (a) The director, in consultation with the office of state planning and budgeting created in section 24-37-102, shall develop procedures to facilitate reimbursement to state agencies and jurisdictions from appropriate federal and state funds when state agencies and jurisdictions are mobilized by the executive director pursuant to the mobilization plan. The director shall ensure that these procedures provide reimbursement in as timely a manner as possible.

(b) (I) In order to be eligible for support under the mobilization plan, a jurisdiction must be mobilized pursuant to subparagraph (III) of paragraph (a) of subsection (4) of this section and must be participating in an interjurisdictional or mutual aid agreement entered into pursuant to this part 7.

(II) All mobilized nonhost jurisdictions are eligible for expense reimbursement from the time of the mobilization declaration through demobilization.

(6) **Resource mobilization fund.** (a) There is hereby created in the state treasury the resource mobilization fund, which fund shall be administered by the executive director, in accordance with paragraph (b) of this subsection (6), to provide reimbursement to state agencies and jurisdictions mobilized by the executive director pursuant to this section. The executive director is authorized to seek and accept gifts, grants, reimbursements, or donations from private or public sources for the purposes of this section. The fund consists of all moneys that may be appropriated thereto by the general assembly, moneys that may be transferred pursuant to section 24-33.5-706 (4.5), and all private and public funds received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(b) The executive director shall use the moneys in the resource mobilization fund to provide reimbursement to state agencies and jurisdictions for incidents in accordance with the terms of the mobilization plan.

(c) Repealed.

(7) (a) Nothing in this section limits the powers of the governor during a disaster under 24-33.5-704.

(b) Except as expressly provided in this section, nothing in this section limits the eligibility of any nonhost jurisdiction for reimbursement of expenses incurred in providing resources for mobilization.

(c) Nothing in this section precludes a state or local governmental entity from seeking public assistance funding pursuant to the federal "Robert T. Stafford Disaster Relief and Emergency Assistance Act", as amended, 42 U.S.C. sec. 5121 et seq.

**24-33.5-706. Disaster emergency fund - established - financing - legislative intent.** (1) It is the intent of the general assembly and declared to be the policy of the state that funds to meet disaster emergencies shall always be available.

(2) (a) A disaster emergency fund is hereby established, which consists of any moneys appropriated by the general assembly, moneys transferred pursuant to paragraph (b) of subsection (4) of this section, and moneys to reimburse expenditures from the fund that are transmitted to the state treasurer and credited to the fund. Moneys in the disaster emergency fund shall remain in the fund until expended or until transferred pursuant to subsection (4.3) or (4.5) of this section.

(b) Repealed.

(3) The council shall review in detail each expenditure of disaster emergency moneys.

(4) (a) It is the legislative intent that first recourse be to funds regularly appropriated to state and local agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may, with the concurrence of the council, make funds available from the disaster emergency fund.

(b) If moneys available from the disaster emergency fund are insufficient, the governor, with the concurrence of the council, may transfer to the fund and expend moneys appropriated for other purposes.

(4.3) If the disaster emergency fund is credited with reimbursements of moneys previously expended to cope with a particular disaster, to the extent that all or a portion of those moneys were transferred and expended by the governor pursuant to paragraph (b) of subsection (4) of this section, the governor may transfer moneys to the funds as repayment for the amounts the governor originally transferred from said funds to the disaster emergency fund.

(4.5) (a) The governor may, from time to time as the governor deems necessary based on his or her determination that a disaster emergency is imminent, direct the state treasurer to transfer, and the state treasurer shall transfer, moneys from the disaster emergency fund to the resource mobilization fund created in section 24-33.5-705.4 (6).

(b) The governor may, from time to time as the governor deems necessary based on his or her determination that a wildfire-related disaster emergency is imminent, direct the state treasurer to transfer, and the state treasurer shall transfer, moneys from the disaster emergency fund to the wildfire emergency response fund created in section 24-33.5-1226 (1).

(5) The director of the division of homeland security and emergency management is authorized to establish, pursuant to article 4 of this title, the rules and regulations which will govern the reimbursement of funds to state agencies and political subdivisions and to promulgate such regulations.

(6) Nothing in this section limits the governor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recovery.

**24-33.5-707. Local and interjurisdictional disaster agencies and services.** (1) Each political subdivision is within the jurisdiction of and served by the office of emergency



management and by a local or interjurisdictional agency responsible for disaster preparedness and coordination of response.

(2) Each county shall maintain a disaster agency or participate in a local or interjurisdictional disaster agency which, except as otherwise provided under this part 7, has jurisdiction over and serves the entire county.

(3) The governor shall determine which municipal corporations need disaster agencies of their own and require that they be established and maintained. The governor shall make such determination on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The disaster agency of a county shall cooperate with the disaster agencies of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own disaster agency. The office of emergency management shall publish and keep current a list of municipalities required to have disaster agencies under this subsection (3).

(4) The minimum composition of a disaster agency is a director or coordinator appointed and governed by the chief executive officer or governing body of the appointing jurisdiction. The director or coordinator is responsible for the planning and coordination of the local disaster services.

(5) Any provision of this part 7 or other law to the contrary notwithstanding, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one or more contiguous political subdivisions if the governor finds that the establishment and maintenance of an agency or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services under other provisions of this part 7.

(6) Each political subdivision that does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an elected official designated as liaison officer to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response, and recovery.

(7) The mayor, chairman of the board of county commissioners, or other principal executive officer of each political subdivision in the state shall notify the office of emergency management of the manner in which the political subdivision is providing or securing disaster planning and emergency services, identify the person who heads the agency from which the services are obtained, and furnish additional information relating thereto as the office of emergency management requires.

(8) Each local and interjurisdictional disaster agency shall prepare and keep current a local or interjurisdictional disaster emergency plan for its area.

(9) The local or interjurisdictional disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.

(10) The sheriff of each county shall:

(a) Be the official responsible for coordination of all search and rescue operations within the sheriff's jurisdiction;

(b) Make use of the search and rescue capability and resources available within the

county and request assistance from the office of emergency management only when and if the sheriff determines such additional assistance is required.

(11) When authorized by the governor and executive director and approved by the director of the office of emergency management, expenses incurred in meeting contingencies and emergencies arising from search and rescue operations may be reimbursed from the disaster emergency fund.

(12) Any person providing information to a local or interjurisdictional disaster agency may request, in writing, that such information be disseminated only to persons connected with or involved in the preparation, update, or implementation of any disaster emergency plan, and said information shall thereafter not be released to any person without the expressed written consent of the person providing the information.

**24-33.5-708. Establishment of interjurisdictional disaster planning and service area.** (1) If the governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services, the governor may delineate by executive order an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint disaster emergency plan, mutual aid, or an area organization for emergency planning and services.

(2) A finding of the governor pursuant to subsection (1) of this section shall be based on one or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a separate basis, such as:

- (a) Small or sparse population;
- (b) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome;
- (c) Unusual vulnerability to disaster as evidenced by a past history of disasters, topographical features, drainage characteristics, disaster potential, and presence of disaster-prone facilities or operations;
- (d) The interrelated character of the counties in a multicounty area; and
- (e) Other relevant conditions or circumstances.

(3) If the governor finds that a vulnerable area lies only partly within this state and includes territory in another state or territory in a foreign jurisdiction and that it would be desirable to establish an interstate or international relationship or mutual aid or an area organization for disaster, the governor shall take steps to that end as desirable. If this action is taken with jurisdictions that have enacted the interstate civil defense and disaster compact, any resulting agreements may be considered supplemental agreements pursuant to article VI of such compact.

(4) If the other jurisdictions with which the governor proposes to cooperate pursuant to subsection (3) of this section have not enacted the interstate civil defense and disaster compact, the governor may negotiate special agreements with such jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the general assembly and if neither house of the general



assembly has disapproved it before adjournment sine die of the next ensuing session competent to consider it or within thirty days of its submission, whichever is longer.

**24-33.5-709. Local disaster emergencies.** (1) A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, city clerk, or other authorized record-keeping agency and with the office of emergency management.

(2) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

(3) No interjurisdictional disaster agency or official thereof may declare a local disaster emergency unless expressly authorized by the agreement pursuant to which the agency functions. An interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

**24-33.5-710. Disaster prevention.** (1) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster emergency plans, the governor shall consider steps that could be taken on a continuing basis to prevent or reduce the harmful consequences of disasters. At the governor's direction, and pursuant to any other authority and competence they have, state agencies, including those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of matters related to disaster prevention. The governor and the executive director, from time to time, shall make recommendations to the general assembly, local governments, and such other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(2) All state departments, in conjunction with the office of emergency management, shall conduct studies and adopt measures to reduce the impact of, and actions contributory to, a disaster. The studies shall concentrate on means of reducing or avoiding the dangers caused by such occurrences or the consequences thereof.

(3) If the office of emergency management believes, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the executive director and to the governor. If the governor, upon review of the recommendations, finds after public hearing that the changes are essential, the governor shall so recommend to the agencies or local

governments with jurisdictions over the area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the general assembly and request legislative action appropriate to mitigate the impact of disaster.

(4) The governor, at the same time that the governor makes recommendations pursuant to subsection (3) of this section, may suspend the standard or control which the governor finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control shall remain in effect until rejected by joint resolution of both houses of the general assembly or amended by the governor. During the time it is in effect, the standard or control contained in the governor's regulation shall be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The governor's action is subject to judicial review but shall not be subject to temporary stay pending litigation.

**24-33.5-711. Compensation - liability when combating grasshopper infestation.** (1) Each person within this state shall conduct himself or herself and keep and manage such person's affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public successfully to meet disasters or emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. This part 7 neither increases nor decreases these obligations but recognizes their existence under the constitution and statutes of this state and the common law. Compensation for services or for the taking or use of property shall be only to the extent that the obligations recognized in this subsection (1) are exceeded in a particular case and then only to the extent that the claimant has not volunteered such claimant's services or property without compensation.

(2) No personal services may be compensated by the state or any subdivision or agency thereof, except pursuant to statute or local law or ordinance.

(3) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or a member of the disaster emergency forces of this state.

(4) The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to eminent domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

(5) Nothing in this section applies to or authorizes compensation for the destruction or damaging of standing timber or other property in order to provide a firebreak or applies to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

(6) The state and its agencies and political subdivisions and the officers and employees of the state and its agencies and political subdivisions shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform an act relating to the combating of grasshopper infestation of this state except for negligence or willful disregard of the

rights of others, and then only to the extent of one hundred thousand dollars for any injury to or damage suffered by one person and the sum of three hundred thousand dollars for an injury to or damage suffered by two or more persons in any single occurrence; except that, in such latter instance, no person may recover in excess of one hundred thousand dollars. This subsection (6) is the total extent of liability of the state and its agencies and political subdivisions and the officers and employees of the state and its agencies and political subdivisions with regard to the combating of grasshopper infestation of the state and abrogates any common-law cause of action thereto. Except to the extent of insurance coverage, no person acting as a contractor with the state or any of its political subdivisions, or any officer or employee of such contractor, shall be liable on any claim alleging strict liability on contract or tort for actions taken relating to combating grasshopper infestation of the state under this part 7 or under House Bill No. 1001, enacted at the second extraordinary session of the fifty-first general assembly in 1978.

**24-33.5-711.5. Governor's expert emergency epidemic response committee - compensation - liability.** (1) Neither the state nor the members of the expert emergency epidemic response committee designated or appointed pursuant to section 24-33.5-704 (8) are liable for any claim based upon the committee's advice to the governor or the alleged negligent exercise or performance of, or failure to exercise or perform an act relating to an emergency epidemic. Liability against a member of the committee may be found only for wanton or willful misconduct or willful disregard of the best interests of protecting and maintaining the public health. Damages awarded on the basis of such liability shall not exceed one hundred thousand dollars for any injury to or damage suffered by one person or three hundred thousand dollars for an injury to or damage suffered by three or more persons in the course of an emergency epidemic.

(2) The conduct and management of the affairs and property of each hospital, physician, health insurer or managed health care organization, health care provider, public health worker, or emergency medical service provider shall be such that they will reasonably assist and not unreasonably detract from the ability of the state and the public to successfully control emergency epidemics that are declared a disaster emergency. Such persons and entities that in good faith comply completely with board of health rules regarding the emergency epidemic and with executive orders regarding the disaster emergency shall be immune from civil or criminal liability for any action taken to comply with the executive order or rule.

(3) No personal services may be compensated by the state or any subdivision or agency of the state, except pursuant to statute or local law or ordinance.

(4) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with an emergency epidemic that is declared by the governor or a member of the disaster emergency forces of this state.

(5) The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to eminent domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

**24-33.5-712. Telecommunications - intent.** The state telecommunications director, working in coordination with the division of homeland security and emergency management, shall ascertain what means exist for rapid and efficient telecommunications in times of disaster emergencies. Operational characteristics of the available systems of telecommunications shall be evaluated by the office, and recommendations for modifications shall be made to the state telecommunications director. It is the intent of this section that adequate means of telecommunications be available for use during disaster emergencies.

**24-33.5-713. Mutual aid.** (1) Political subdivisions not participating in interjurisdictional arrangements pursuant to this part 7 nevertheless shall be encouraged and assisted by the office of emergency management to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ.

(2) In passing upon local disaster plans, the governor shall consider whether such plans contain adequate provisions for the rendering and receipt of mutual aid.

(3) It is a sufficient reason for the governor to require an interjurisdictional agreement or arrangement pursuant to section 24-33.5-708 that the area involved and political subdivisions therein have available equipment, supplies, and forces necessary to provide mutual aid on a regional basis and that the political subdivisions have not already made adequate provision for mutual aid; except that, in requiring the making of an interjurisdictional arrangement to accomplish the purpose of this section, the governor need not require establishment and maintenance of an interjurisdictional agency or arrangement for any other disaster purposes.

**24-33.5-714. Weather modification.** The office of emergency management shall keep continuously apprised of weather conditions that present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the office of emergency management determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall recommend to the executive director of the department of natural resources, empowered to issue permits for weather modification operations under article 20 of title 36, C.R.S., to warn those organizations or agencies engaged in weather modification to suspend their operations until the danger has passed or recommend that said executive director modify the terms of any permit as may be necessary.

**24-33.5-715. Merit system.** In accordance with section 13 (4) of article XII of the state constitution, the state personnel board may provide personnel services pursuant to contract to civil defense employees of the political subdivisions of the state, except where such employees are covered by another federally approved merit system.

**24-33.5-716. Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - needs assessment - definitions - repeal.** (1) As used in this section, unless the context otherwise requires:

(a) "Interoperable communications" means the ability of public safety agencies in various disciplines and jurisdictions to communicate on demand and in real time by voice or data using compatible radio communication systems or other technology.

(b) "Public safety agency" means an agency providing law enforcement, fire protection, emergency medical, or emergency response services.

(c) "Region" means an all-hazards emergency management region established by executive order of the governor.

(2) The executive director of the department of local affairs shall transfer to the executive director the tactical and long-term interoperable communications plan developed pursuant to former section 24-32-1116, as said section existed on June 30, 2012, to improve the ability of the public safety agencies of state government to communicate with public safety agencies of the federal government, regions, local governments, and other states. The executive director shall update and revise the plan no less than once every three years. The plan shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, and deadlines for implementation.

(3) (a) The executive director of the department of local affairs shall transfer to the executive director the tactical and long-term interoperable communications plan, adopted by each region pursuant to former section 24-32-1116, as said section existed on June 30, 2012, to improve communications among public safety agencies in the region and with public safety agencies of other regions, the state and federal governments, and other states. The plans shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, a strategy for integrating with the state digital trunked radio system, deadlines for implementation, and other elements required by the executive director. Each region shall submit to the executive director revised plans as such are updated.

(b) Each local government agency or private entity that operates a public safety radio system shall collaborate in the development and, as necessary, periodic revision of the tactical and long-term interoperable communications plan of the region in which it is located. Such tactical plans, and revisions thereto, shall be submitted to the executive director.

(c) A region that timely fails to submit a tactical and long-term interoperable communications plan or revisions thereto, or a local government agency that fails to collaborate in the development of or timely submit the plan, or a region or local government agency that fails to maintain current plans, shall be ineligible to receive homeland security or public safety grant moneys administered by the department of local affairs, department of public safety, or department of public health and environment until the region submits a plan to the executive director.

(4) A public safety agency shall not expend moneys received through the department on a mobile data communication system unless the system is capable of interoperable communications.

(5) The executive director shall not require a public safety agency to acquire the



communications equipment of a particular manufacturer or provider as a condition of awarding grant moneys administered by the department.

(6) A public safety agency or an employee of a public safety agency acting in collaboration with another agency or person to create and operate an interoperable communications system shall have the same degree of immunity under the "Colorado Governmental Immunity Act", article 10 of this title, as the public safety agency or employee would have if not acting in collaboration with another agency or person.

(7) (a) The executive director, in consultation with the public safety communications subcommittee created in section 24-33.5-1614 (3.3), shall perform a needs assessment and create a business plan regarding statewide radio communications. The executive director shall submit a report regarding the findings and conclusions of the needs assessment and business plan to the joint budget committee on or before December 31, 2014.

(b) The needs assessment and business plan submitted under paragraph (a) of this subsection (7) must take into account current and future public safety needs; areas of coverage, including those areas of the state in which significant gaps in digital trunked radio systems coverage exist; necessary or recommended hardware and software upgrades; interoperability; governance; financial needs; funding recommendations; and any other matters relevant to expanding, improving, and modernizing radio communications in the state. The assessment, plan, and any recommendations submitted with the assessment and plan must be made in a manner that helps ensure interoperability among, and sustainment of, public safety communication systems other than the state's digital trunked radio system.

(c) This subsection (7) is repealed, effective July 1, 2016.

## PART 8

### COMPENSATION BENEFITS TO VOLUNTEER CIVIL DEFENSE WORKERS

**24-33.5-801. Legislative declaration.** It is the policy and purpose of this part 8 to provide a means of compensating volunteer civil defense workers who may suffer any injury as defined in section 24-33.5-802 (6) as a result of participation in civil defense service.

**24-33.5-802. Definitions.** As used in this part 8, unless the context otherwise requires:

(1) "Accredited local organization for civil defense" means a local organization for civil defense that is certified by the office of emergency management as conforming with the "Plan and Program for the Civil Defense of this State" prepared by the governor of Colorado or under the governor's direction. A local organization for civil defense remains accredited only while the certificate of the Colorado state civil defense agency is in effect and is not revoked.

(1.5) "Adjusting agent" means the third-party workers' compensation insurer with which the office of emergency management contracts, in accordance with section 24-33.5-809, for the



**Staff Communication**

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**File #:** ID# 16-191, **Version:** 1

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Agenda Date: 08/16/2016

Subject:  
Certification of the August 2, 2016 regular meeting minutes

Presented By: Wendy Heffner, City Clerk
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**RECORDING SECRETARY'S CERTIFICATION:**

I hereby certify that I have reviewed the video recording for the August 2, 2016 regular meeting of the Littleton City Council and that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording

**PROPOSED MOTION:**

I move to approve, based on the recording secretary's certification, the August 2, 2016 video as the minutes for the August 2, 2016 regular meeting of the City Council.





# City of Littleton

Littleton Center  
2255 West Berry Avenue  
Littleton, CO 80120

## Meeting Minutes

### City Council

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Tuesday, August 2, 2016

8:00 PM

Council Chamber

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#### Regular Meeting

#### 1. Roll Call

**Present:** 6 - Mayor Pro-Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes

**Absent:** 1 - Council Member Clark

#### 2. Pledge of Allegiance

#### 3. Approval of Agenda

#### 4. Public Comment

Public Comment on Consent Agenda and General Business items

*Pam Chadbourne - Agenda item 5b: Transfer of Capital Fund Appropriations*  
*Carol Brzeczek - National Night Out / Minutes*

#### 5. Consent Agenda Items

- a) [Resolution 37-2016](#) A resolution approving a Police Recruit Training Agreement with the City of Lakewood to use the Jefferson County Sheriff's Office and Lakewood Police Department's Combined Regional Academy for recruit police officer training.

**Approved**

- b) [Resolution 42-2016](#) Resolution approving a \$380,000 transfer of appropriations within the Capital Projects Fund from the Wayfinding projects to the East Dry Creek and South Broadway transportation improvement project and the County Line and Broadway traffic signal project.

**Approved**

- c) [ID# 16-175](#) Certification of the July 19, 2016 regular meeting minutes

**Approved**

## Approval of the Consent Agenda

**Council Member Cernanec moved and Council Member Hopping seconded to approve consent agenda items a through c. The vote is 6-0. The motion carries.**

**Aye:** 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes

**Absent:** 1 - Council Member Clark

## 6. Ordinances for Second Reading and Public Hearing

- a) [Ordinance 10-2016](#) An ordinance on second reading authorizing five farm lease agreements for the Littleton/Englewood Wastewater Treatment Plant

**Council Member Cernanec moved and Mayor Pro Tem Brinkman seconded to approve on second reading the ordinance authorizing five farm lease agreements for the Littleton/Englewood Wastewater Treatment Plant. The vote is 6-0. The motion carries.**

**Aye:** 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes

**Absent:** 1 - Council Member Clark

## 7. General Business

- a) [Resolution 31-2016](#) A resolution approving the Amended and Restated Intergovernmental Agreement Establishing the Chatfield Watershed Authority

**Mayor Pro Tem Brinkman moved and Council Member Hopping seconded to approve the resolution approving the Amended and Restated Intergovernmental Agreement Establishing the Chatfield Watershed Authority. Vote is 6-0. The motion carries.**

**Aye:** 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes

**Absent:** 1 - Council Member Clark

## 8. Public Comment

## 9. Comments / Reports

- a) City Manager
- b) Council Members
- c) Mayor

## **10. Adjournment**

*Mayor Beckman adjourned the August 2, 2016 city council meeting at 9:18 p.m.*



**Staff Communication**

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**File #:** ID# 16-183, **Version:** 1

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Agenda Date: 08/16/2016

Subject:  
2015 Audit Report and Comprehensive Annual Financial Report (CAFR) Presentation

Presented By: Doug Farmen, Finance Director
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The city's audit firm, Anton Collins Mitchell LLP, has completed the annual audit for the fiscal year ending December 31, 2015. The "Beyond the Numbers" and audit reports are attached. Randy Watkins and Tyra Litzau from the firm will make a presentation and answer questions from the city council. Staff will also be available to answer questions from the council.

# City of Littleton, Colorado

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**Audit Wrap Up  
August 16, 2016**



This presentation was prepared as part of our audit, has consequential limitations, is restricted to those charged with governance and, if appropriate, management, and is not intended and should not be used by anyone other than those specified parties.



August 16, 2016

To the Honorable Mayor and City Council  
City of Littleton, Colorado  
2255 West Berry Avenue  
Littleton, Colorado 80120

Professional standards require us to communicate with you regarding matters related to the audit, that are, in our professional judgment, significant and relevant to your responsibilities in overseeing the financial reporting process. We presented an overview of our plan for the audit of the financial statements of the City of Littleton, Colorado (the "City") as of and for the year ended December 31, 2015, including a summary of our overall objectives for the audit, and the nature, scope, and timing of the planned audit work.

This communication is intended to elaborate on the significant findings from our audit, including our views on the qualitative aspects of the City's accounting practices and policies, management's judgments and estimates, financial statement disclosures, and other required matters.

We are pleased to be of service to the City and look forward to meeting with you to discuss our audit findings, as well as other matters that may be of interest to you, and to answer any questions you might have.

Respectfully,

A handwritten signature in black ink that reads "Anton Collins Mitchell LLP". The signature is written in a cursive, flowing style.

Anton Collins Mitchell LLP

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# Discussion Outline

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# Status of Our Audit

We have completed our audit of the financial statements as of and for the year ended December 31, 2015. Our audit was conducted in accordance with auditing standards generally accepted in the United States of America. This audit of the financial statements does not relieve management or those charged with governance of their responsibilities.

- The objective of our audit was to obtain reasonable - not absolute - assurance about whether the financial statements are free from material misstatements.
- The scope of the work performed was substantially the same as that described to you in our earlier Audit Planning communications.
- We issued an unmodified opinion on the financial statements of the City.
- Our responsibility for other information in documents containing the City's audited financial statements (e.g., budgetary comparison schedules) does not extend beyond the financial information identified in the audit report, and we are not required to perform procedures to corroborate such other information. However, in accordance with professional standards, we have read the information included by the City and considered whether such information, or the manner of its presentation, was materially inconsistent with its presentation in the financial statements. Our responsibility also includes calling to management's attention any information that we believe is a material misstatement of fact. We have not identified any material inconsistencies or concluded there are any material misstatements of facts in the other information that management has chosen not to correct.
- All records and information requested by Anton Collins Mitchell ("ACM") were freely available for our inspection.
- Management's cooperation was excellent. We received full access to all information that we requested while performing our audit, and we acknowledge the full cooperation extended to us by all levels of City personnel throughout the course of our work.

---

# Results of Our Audit

## ACCOUNTING PRACTICES, POLICIES, AND ESTIMATES

The following summarizes the more significant required communications related to our audit concerning the City's accounting practices, policies, and estimates:

The City's significant accounting practices and policies are those included in Note 1 to the financial statements. These accounting practices and policies are appropriate, comply with generally accepted accounting principles and industry practice, were consistently applied, and are adequately described within Note 1 to the financial statements.

- During fiscal year 2015, the City implemented GASB Statement No. 68, *Accounting and Financial Reporting for Pensions—an amendment of GASB Statement No. 27*. The primary objective of this Statement is to improve accounting and financial reporting by state and local governments for pensions. It also improves information provided by state and local governmental employers about financial support for pensions that is provided by other entities. As a result of the implementation of these standards, the City reported a \$3,019,909 increase in beginning net position in governmental activities and \$571,354 in the business-type activities and the Emergency Medical Transport Fund for the restatement for the change in accounting principle for fiscal year 2015. In addition, the City reported a decrease of \$790,133 in beginning net position of the business-type activities and the Sewer Utility Fund as the joint venture implemented these standards for fiscal year 2015.

Significant estimates are those that require management's most difficult, subjective, or complex judgments, often as a result of the need to make estimates about the effects of matters that are inherently uncertain. The Company's significant accounting estimates, including a description of management's processes and significant assumptions used in development of the estimates, are disclosed in Note 1 of the financial statements.

- Management did not make any significant changes to the processes or significant assumptions used to develop the significant accounting estimates in 2015.

### Significant accounting estimates include:

#### Revenue Recognition

The City's major source of revenues consists of property taxes, sales and building use tax, intergovernmental grants and contribution, and charges for services. The City records revenues when earned. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as soon as all eligibility requirements imposed by the provider have been met.

#### Accounts Receivable and Allowances

Accounts receivable represent amounts due from citizens and business for property and sales taxes, customers for utilities and emergency medical transportation services, and other governmental entities. The City determined approximately \$694,702 of receivables for the emergency medical transportation services was uncollectible and recorded an allowance for this amount.

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# Results of Our Audit

## Capital Assets

Capital assets of the City continue to be a significant area of the City's financial statements. Therefore, as part of the audit, we paid particular attention to the costs of newly acquired assets and depreciation expense of these assets.

## Capital Lease Obligations

The City currently has two capital lease obligations in its governmental activities, including a premium, totaling approximately \$7.1 million. In addition, the City has an assignment certificate and revenue loan payable, including premium, in its business-type activities, totaling approximately \$30.8 million. Accordingly, we have applied certain procedures over balances, future maturities, and accrued interest associated with the applicable leases, along with compliance with the lease agreements. It appears that the City is properly accounting for these obligations.

## Pension Reporting

The City has a defined benefit plans administered by the Fire and Police Pension Association of Colorado ("FPPA"). The FPPA plan is a cost-sharing, multiple-employer defined benefit plan. The City implemented the new pension standards, referred to above, during the fiscal year ended December 31, 2015. As such, the City has reported a net pension asset for the plan in their financial statements. In addition, changes in net pension asset were recognized as pension expense or reported as deferred outflows/inflows of resources depending on the nature of change.

## Evaluation of Going Concern

No going concern issues noted during our audit.

## Evaluation of Estimates

Estimates were determined to be reasonable, and free of bias.

## CORRECTED AND UNCORRECTED MISSTATEMENTS

There were no corrected misstatements related to accounts and/or disclosures that we brought to the attention of management.

Please refer to the schedule of passed corrected misstatements or Adjusting Journal Entries ("PAJEs").

## QUALITY OF THE COMPANY'S FINANCIAL REPORTING

A discussion was held regarding the quality of the City's financial reporting, which included the following:

- Qualitative aspects of significant accounting policies and practices
- Our conclusions regarding significant accounting estimates
- Significant unusual transactions
- Financial statement presentation
- New accounting pronouncements
- Alternative accounting treatments

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# Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described above and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses.

We are required to communicate, in writing, to those charged with governance all material weaknesses and significant deficiencies that have been identified in the City's internal controls over financial reporting. The definitions of control deficiency, significant deficiency and material weakness follow:

Category	Definition
Deficiency in Internal Control	A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis.
Significant Deficiency	A deficiency or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.
Material Weakness	A deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Company's financial statements will not be prevented, or detected and corrected on a timely basis.

In conjunction with our audit of the financial statements, we did not identify any deficiencies in the City's internal controls over financial reporting that were considered to be material weaknesses.

## Other Required Communications

Following is a summary of those required items, along with specific discussion points as they pertain to the City:

Requirement	Discussion Points
Significant changes to planned audit strategy or significant risks initially identified	There were no significant changes to the planned audit strategy or significant risks initially identified and previously communicated to those charged with governance as part of our Audit Planning communications.
Obtain information from those charged with governance relevant to the audit	There were no matters noted relevant to the audit, including, but not limited to: violations or possible violations of laws or regulations; risk of material misstatements, including fraud risks; or tips or complaints regarding the City's financial reporting that we were made aware of as a result of our inquiry of those charged with governance.
Consultations with other accountants	We are not aware of any consultations about accounting or auditing matters between management and other independent public accountants. Nor are we aware of opinions obtained by management from other independent public accountants on the application of generally accepted accounting principles.
Disagreements with management	There were no disagreements with management about matters, whether or not satisfactorily resolved, that individually or in aggregate could be significant to the City's financial statements or to our auditor's report.
Significant difficulties encountered during the audit	There were no significant difficulties encountered during the audit.
Representations requested from management	Please refer to the management representation letter.

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# Independence Communication

Our engagement letter to you dated December 9, 2015 describes our responsibilities in accordance with professional standards and certain regulatory authorities with regard to independence and the performance of our services. This letter also stipulates the responsibilities of the City with respect to independence as agreed to by the City. Please refer to that letter for further information.



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# Significant Accounting and Reporting Matters

The following are the most significant standards that have been released by the Governmental Accounting Standards Board ("GASB") that will impact the City in upcoming years:

## **Statement No. 72**

### *Fair Value Measurement and Application*

**Effective Date:** The requirements of this Statement are effective for financial statements for reporting periods beginning after June 15, 2015. Earlier application is encouraged.

This Statement addresses accounting and financial reporting issues related to fair value measurements. The definition of *fair value* is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. This Statement provides guidance for determining a fair value measurement for financial reporting purposes. This Statement also provides guidance for applying fair value to certain investments and disclosures related to all fair value measurements.

## **Statement No. 75**

### *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*

**Effective Date:** The provisions in Statement 75 are effective for fiscal years beginning after June 15, 2017. Earlier application is encouraged.

The primary objective of this Statement is to improve accounting and financial reporting by state and local governments for postemployment benefits other than pensions (other postemployment benefits or OPEB). It also improves information provided by state and local governmental employers about financial support for OPEB that is provided by other entities. This Statement results from a comprehensive review of the effectiveness of existing standards of accounting and financial reporting for all postemployment benefits (pensions and OPEB) with regard to providing decision-useful information, supporting assessments of accountability and interperiod equity, and creating additional transparency.

## **GASB Statement No. 77**

### *Tax Abatement Disclosures*

**Effective Date:** The requirements of this Statement are effective for reporting periods beginning after December 15, 2015. Earlier application is encouraged.

Financial statements prepared by state and local governments in conformity with generally accepted accounting principles provide citizens and taxpayers, legislative and oversight bodies, municipal bond analysts, and others with information they need to evaluate the financial health of governments, make decisions, and assess accountability. This information is intended, among other things, to assist these users of financial statements in assessing (1) whether a government's current-year revenues were sufficient to pay for current-year services (known as interperiod equity), (2) whether a government complied with finance-related legal and contractual obligations, (3) where a government's financial resources come from and how it uses them, and (4) a government's financial position and economic condition and how they have changed over time.



Preparer	Detail Review	Director	Partner
KRS 6/1/2016			

**PAJE**

Number	Date	Name	Account No	Reference	Annotation	Debit	Credit	Recurrence	Misstatement
PAJE 1	12/31/2015	Net Pension Asset	43-171-1809 EMT-43	PENS-GOV,1*			15,878.00		
PAJE 1	12/31/2015	Deferred Pension Expense	43-171-1810 EMT-43	PENS-GOV,1*			5,495.00		
PAJE 1	12/31/2015	Net Assels	43-171-4340 EMT-43	PENS-GOV,1*		17,106.00			
PAJE 1	12/31/2015	Fire Retirement	43-225-6190 EMT-43	PENS-GOV,1*		4,267.00			
To adjust the GASB 68 allocation to the EMT fund based on 2015 contributions related to the EMT fund.									
PAJE 2	12/31/2015	Claims & Judgements	68-171-3025 PLI-68				93,694.00		
PAJE 2	12/31/2015	Insurance Claims Paid	68-171-5855 PLI-68			93,694.00			
To increase the accrual related to the claim for actual amounts paid out in 2016.									
						115,067.00	115,067.00		
Net Income (Loss)			4,308,783.00						

# *City of* Littleton

## **“Beyond the Numbers”**

A Closer Look into the Financial and Non-financial Data for the City of Littleton

Prepared by: Randy L. Watkins

Date: August 16, 2016

This presentation was prepared as part of our audit, has consequential limitations, is restricted to those charged with governance and, if appropriate, management and should not be used by anyone other than those specified parties



August 16, 2016

Mr. Doug Farmen  
Finance Director  
City of Littleton  
2255 W Berry Avenue  
Littleton, CO 80120

Dear Mr. Farmen, Honorable Mayor and Members of City Council:

Every year we come before you to present your financial statements, along with our audit wrap up document. During this presentation we attempt to convey in concise terms what these financial statements and footnotes mean; what story they tell. However, the information is very detailed, and organized in a way that makes it difficult to extract meaning without further review and analysis.

In the pages that follow this cover letter, we have summarized information extracted from the City of Littleton, Colorado's (the "City") annual report, in a manner that will present how the City's financial ratios and statistics have changed over the past five years, and also how these same ratios and statistics compare to other municipal organizations similar to yours.

We have compiled data from five (5) municipal organizations in the State of Colorado, primarily from the front-range, with populations between approximately 30,000 and 60,000, with an average of approximately 46,000. These 5 municipal organizations are the Town of Castle Rock, the Town of Parker, City of Commerce City, City of Englewood, and City of Northglenn.

We have also included in this presentation, discussion that should help you understand what these ratios mean, and interpret the trends observed, as well as the City's information in relation to comparative market data.

If at any point, you'd desire to discuss this information further, we are always available.

Sincerely,

A handwritten signature in black ink that reads "Anton Collins Mitchell LLP".

Randy L. Watkins  
Partner - Governmental and Nonprofit Practice

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## Organization

The ratios, percentages, and per capita data presented herein are organized into three different sections, starting at the most macro level; the government-wide statements, drilling down next to the governmental funds financial statement level, followed by a more micro level, the General fund financial statements.

There is a fourth section which presents future debt service obligations for the business-type and governmental activities, and analyzes the current aging of capital assets for the business-type and governmental activities.

The formula used to calculate the ratio, percentage or per capita data is first described, then the data is presented, and finally additional interpretation is discussed. The interpretation of the data is largely derived from our understanding of the organization, heavily supplemented by discussions with senior-level management with the City of Littleton (the “City”).

### Profile

Municipality:	City of Littleton, Colorado
Population:	43,710 <sup>1</sup>
Peer Group Size:	30,000 - 60,000
# of Municipalities included in peer group:	Five
Average Population of Peer Group:	45,880
Largest Population in Peer Group:	59,189
Smallest Population in Peer Group:	31,516

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<sup>1</sup> The 2015 census data was extracted from the City’s Comprehensive Annual Financial Report (“CAFR”).

## Government-Wide Information

### Change in Net Position as a Percentage of Net Position

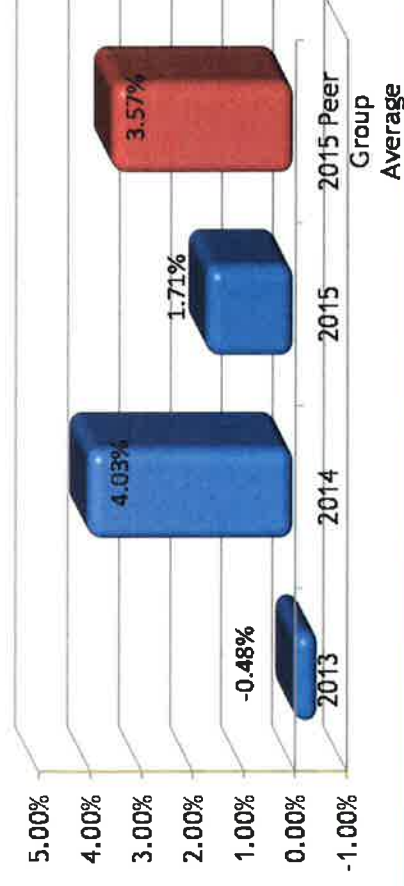
Current Year Change in Net Position

Net Position at the Beginning of the year

The change in net position as a percentage of beginning net position provides an indication of whether the financial condition of the municipal organization is improving or deteriorating.

This analysis focuses on the change in net position for the governmental activities of the City. During 2013 through 2015, the City's change in net position was less than the peer group, with the exception of 2014. In 2013, the City experienced a decrease in revenues of approximately 1% and an increase in expenditures of approximately 4%, resulting in a decrease in net position.

### Change in Net Position as a Percentage of Net Position



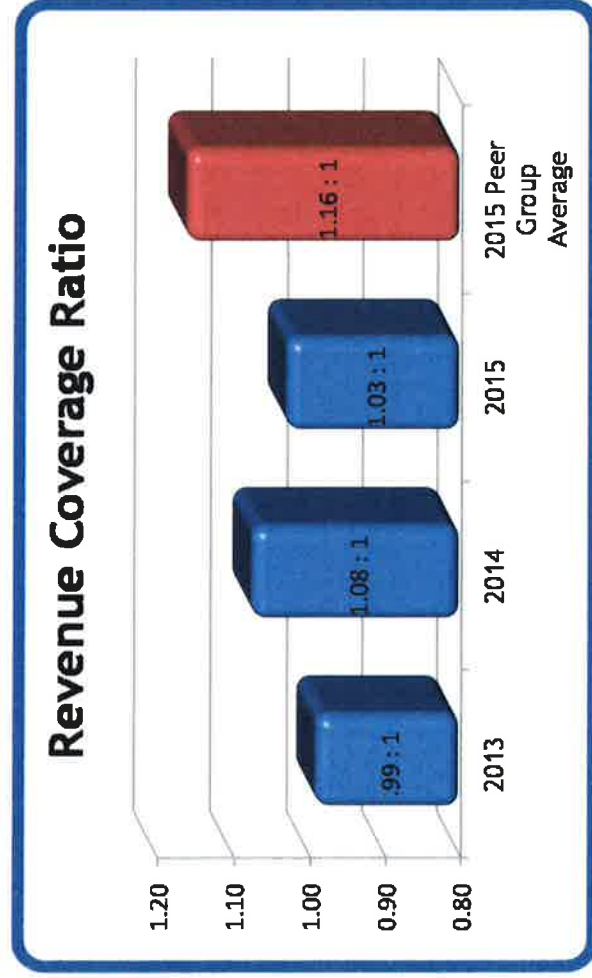
## Revenue Coverage Ratio

Governmental Activities Current Year Revenue

Governmental Activities Current Year Expenses

This ratio indicates whether the City's current revenues are sufficient to provide for annual expenditures. When the ratio exceeds 1.00 : 1, revenues generated from citizens are sufficient to provide for the costs of services received. When the ratio falls below 1.00 : 1, the City is using net position to fund operations.

In 2013 through 2015, the City's revenue coverage has been less than the peer group. However, the ratio has been close to or exceeded 1.00 : 1, which indicates that revenues have been sufficient to cover costs.





## Unrestricted Net Position as a Percentage of Current Year Revenues

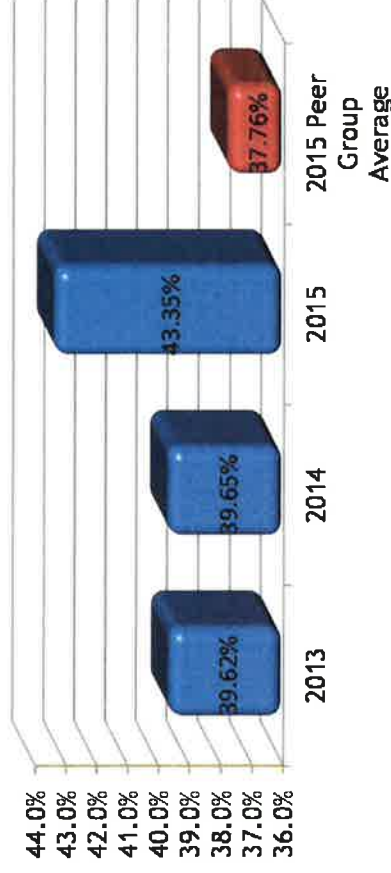
### Governmental Activities Unrestricted Net Position

#### Governmental Activities Current Year Revenues

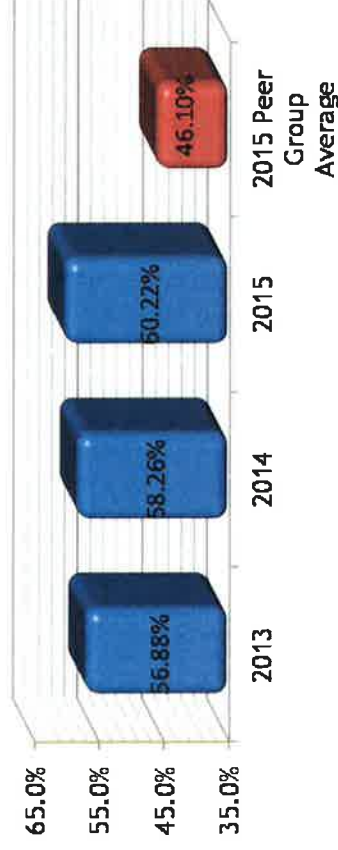
This measures the municipal organization's ability to sustain an interruption in revenues. For example, a percentage of 25% would indicate that the municipal organization would be able to continue to function at full capacity for a period of approximately three months.

The City has consistently had at least four and half months in unrestricted net position over the last three years. The average for the peer group was over four and half months.

## Unrestricted Net Position as a Percent of Current Year Revenue



## Accumulated Depreciation as a Percent of Depreciable Capital Assets



## Accumulated Depreciation as a Percent of Depreciable Capital Assets

Governmental Activities Accumulated Depreciation

Governmental Activities Depreciable Capital Assets

This measures the approximate age of depreciable capital assets. A lower percentage indicates a longer remaining average life of capital assets, and presumably a reduced level of repairs and maintenance. A higher percentage indicates that capital asset replacements or repairs are more likely in the near term.

The City of Littleton has a relatively higher percentage than the peer group indicating that capital assets are aging at a faster rate than replacement is occurring. The capital assets have less than half of the original estimated useful life remaining.

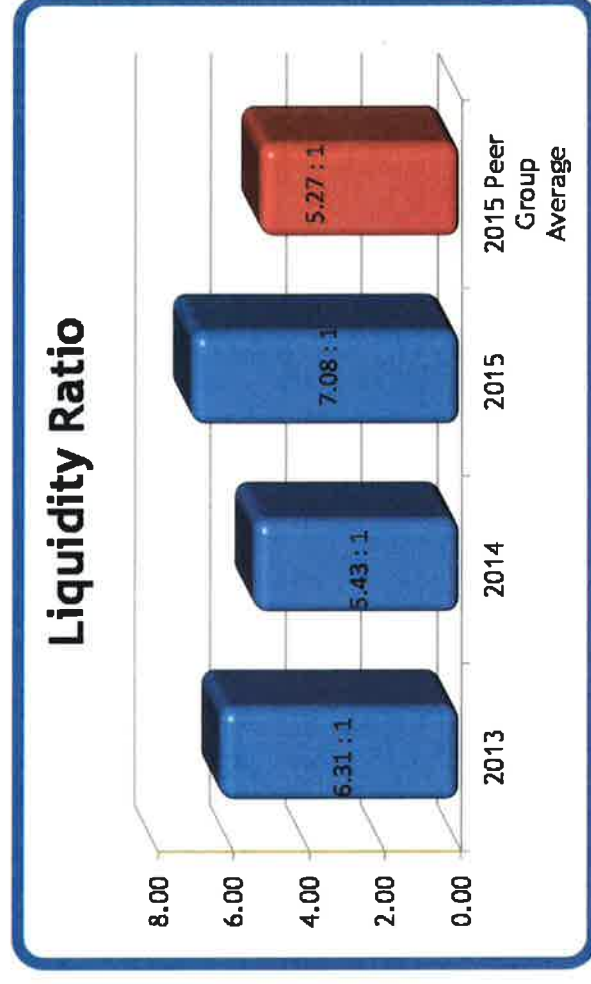
## Liquidity Ratio

Governmental Activities Liquid Assets

-----  
Governmental Activities Current Liabilities

This ratio measures your ability to meet the demands of current obligations from existing cash and liquid investments. A higher ratio indicates that the municipal organization is better positioned to meet current obligations, and anything above 1.0 : 1.0 is considered acceptable, as it means the city is not illiquid.

Maintaining a 1.0 : 1.0 position should be considered a baseline threshold in cash management considerations.

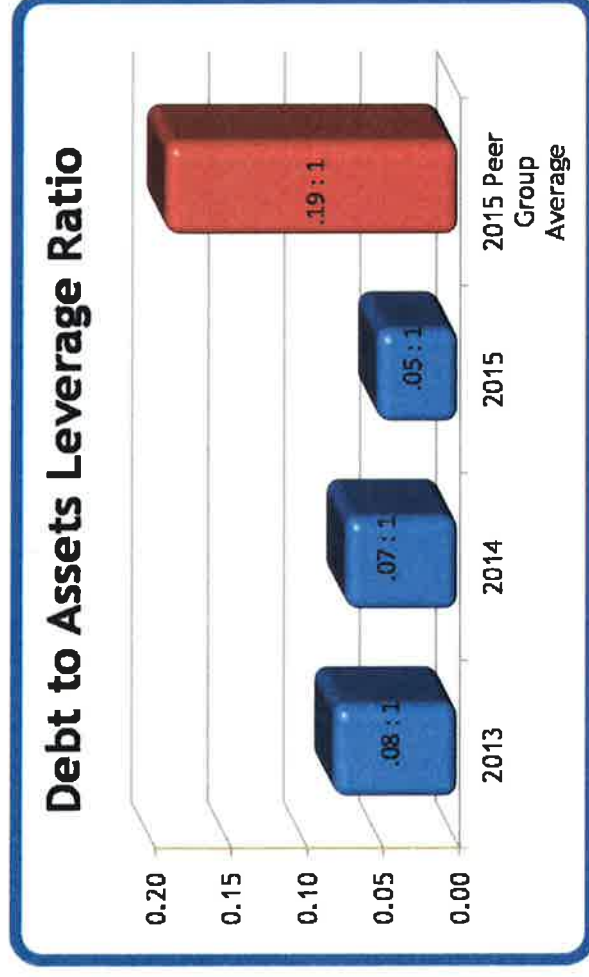


## Debt to Assets Leverage Ratio

Governmental Activities Total Debt  
-----  
Governmental Activities Total Assets

This ratio measures how much of your assets have been financed using debt versus accumulated earnings (Net Position). It is generally considered favorable to have a lower ratio, and anything less than 0.25 : 1.0 would be considered acceptable.

This ratio is considerably less than the peer group and has decreased due to scheduled debt payments on the fire engine and medic unit and certificates of participation. Capital asset balances comprise the majority of the balance in total assets, which are reduced by depreciation expense. Major capital improvements commonly require debt financing, so monitoring the remaining useful lives and the relative age of infrastructure and major capital assets serves to predict future borrowing requirements. See additional discussions above under "Accumulated Depreciation as a Percentage of Depreciable Capital Assets," and in later sections of this report.



## Total Debt Per Capita

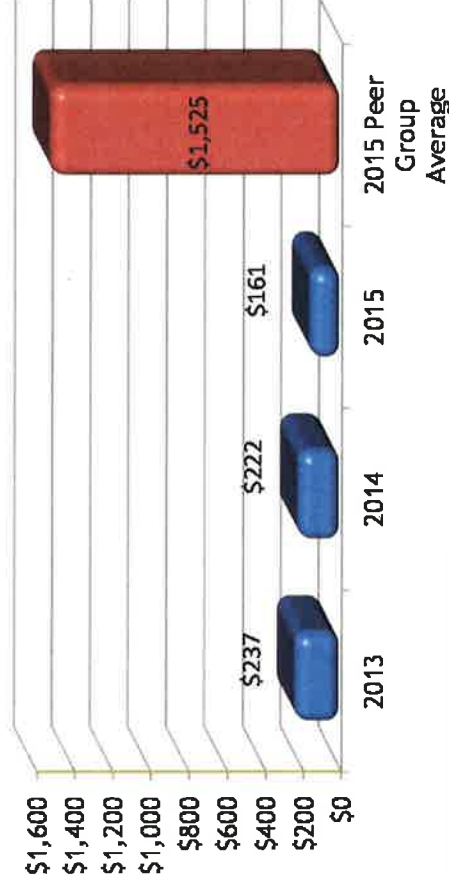
Governmental Activities Total Debt

Population

This measures the level of debt burden for which your citizens are responsible. A lower amount improves your ability to borrow future funds at a lower overall cost.

The City of Littleton debt burden is considerably lower than the peer group. See additional discussion above under, "Debt to Assets Leverage Ratio."

## Total Debt Per Capita





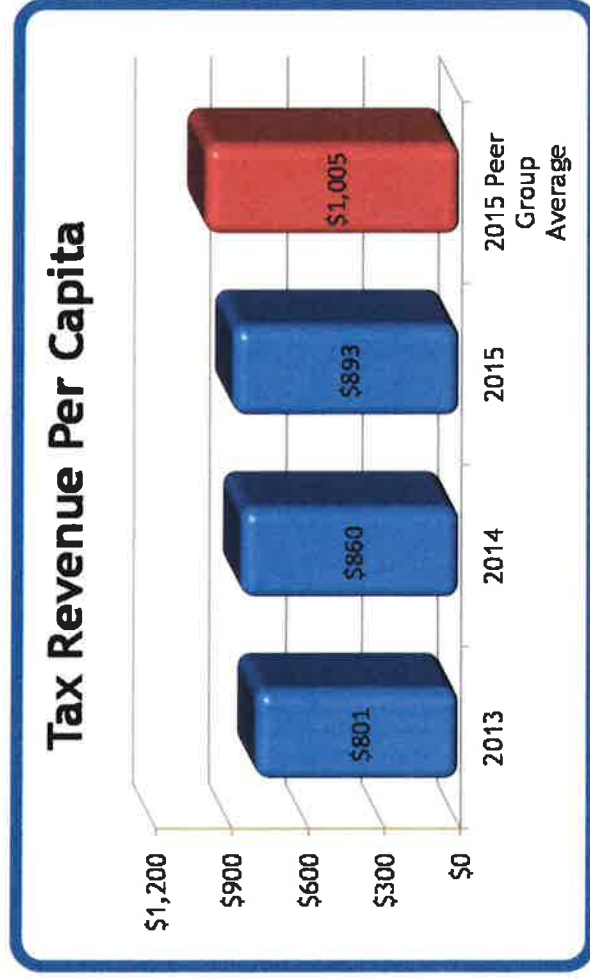
## Tax Revenue Per Capita

Governmental Activities Tax Revenue

Population

This measures how much tax each of your citizens is responsible for paying annually. A lower rate is considered favorable, as it indicates that the municipality is better positioned to raise taxes to meet future financial needs.

The City of Littleton has seen increased taxes paid from 2013 through 2015; these increases are primarily a result of increased sales taxes. Tax revenue also includes franchise fees collected by the City. Both sales tax and franchise fees disproportionately benefit the citizens of the City, as they can be significantly sourced from outside of the City's boundaries (i.e. citizens of other communities' spending money within the City of Littleton). Compared to the City's peer group, taxes per citizen are lower by over 10%.



## Total Grants, Contributions and Other Intergovernmental Revenue as a Percent of Total Revenues

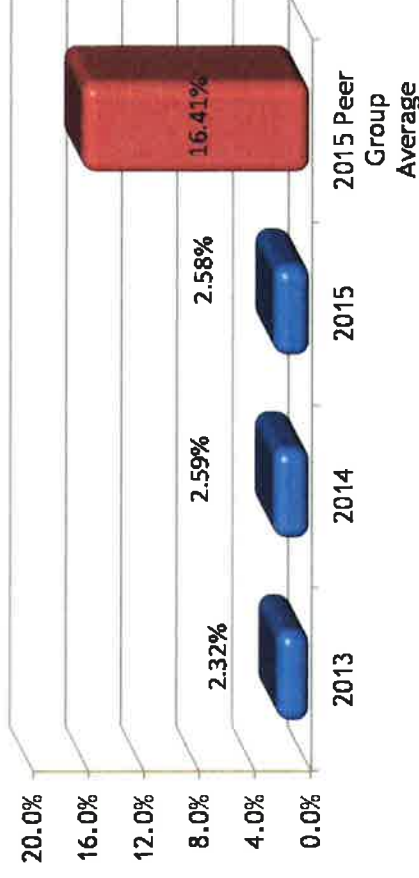
Governmental Activities Operating and Capital Grants/Contributions + Other Intergovernmental Revenue

-----  
Governmental Activities Current Year Revenues

This measures your reliance on grants, contributions and other outside sources of financing. Generally, a lower ratio is considered encouraging, as it indicates that the municipality is less dependent on sources that are considered unreliable and unpredictable.

This ratio can vary depending on the availability of grants and contributions and the City's needs. This ratio does not include the amounts received for fire protection reimbursements for service contracts as these are considered program revenues for the public safety function. Over the past three years, the City of Littleton has received significantly less of these sources of revenues than the peer group.

## Total Grants, Contributions and Other Intergovernmental Revenue as a Percent of Total Revenue





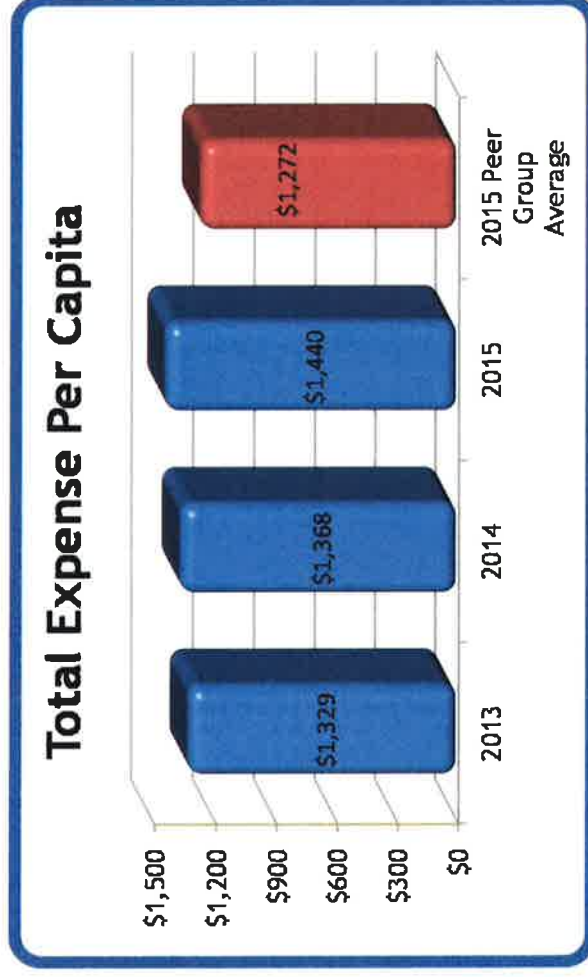
## Total Expense Per Capita

Governmental Activities Total Expense

Population

This measures the average level of cost necessary to provide services to each citizen. Generally, a lower cost per citizen is considered favorable. However, great care should be taken when considering this measure compared to other municipalities or even on a year over year basis. Major factors contributing to this amount include the quality of services provided, and the types of services available to the municipalities' citizens (i.e. fire protection, parks and recreation, and other services).

The City of Littleton has increased the level of costs per citizen over the last three years. The City of Littleton is a full service government that provides police, fire, public works, museum, and library services to its citizens. The costs are approximately 13 percent greater than the peer group, but not all municipalities in this peer group provide the same level of services.



### Total General Government (Administration) Expense Per Capita

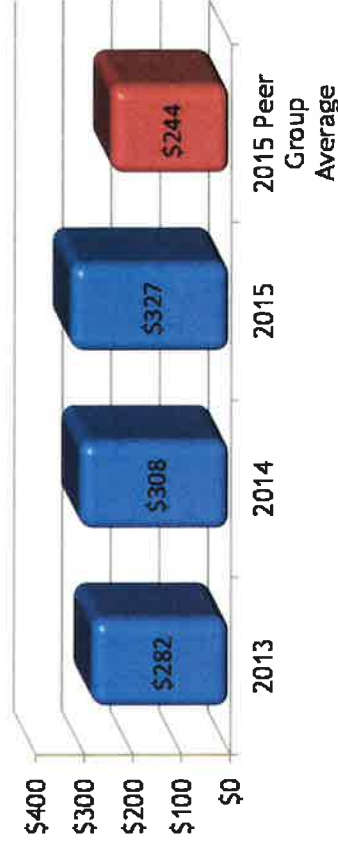
Governmental Activities Total General Government  
(Administration) Expense

Population

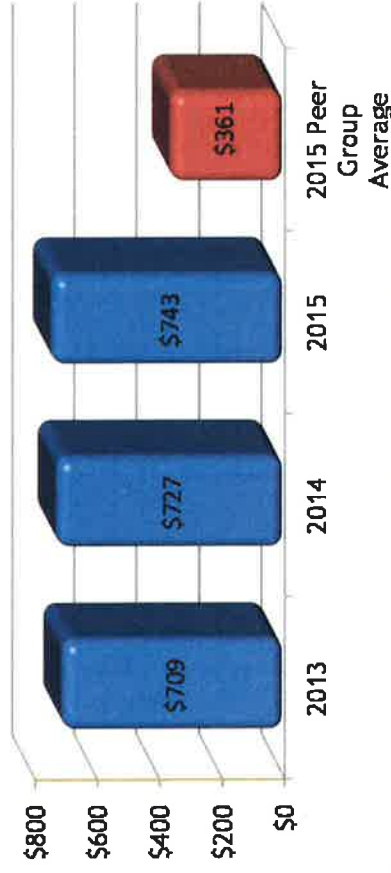
This measures the average cost per citizen for the delivery of general administrative services. As noted above, a lower amount is generally considered positive; however, the level and quality of services provided significantly affects this number.

The trend for these costs is similar to total expenses. General administrative services for the City include the city attorney, city manager, courts, finance, human resources, community development, information services, and building maintenance. Compared to the peer group, the City of Littleton's costs are higher; however, not all municipalities in this peer group provide the same level of services

### Total General Government (Administration) Expense Per Capita



## Total Public Safety Expense Per Capita



## Total Public Safety Expense Per Capita

Governmental Activities Total Public Safety Expense

Population

This measures the average cost per citizen for the delivery of public safety services. As noted above, a lower amount is generally considered positive; however, the level and quality of services provided significantly affects this number.

These costs have increased from 2013 to 2015. Compared to the peer group, the City of Littleton's costs are significantly higher (approximately 106%). This is likely due to the fact that many of the other communities included in the peer group receive fire protection services from fire protection districts in the region while the City provides these services to its citizens. In addition, the City provides services to two other districts, whose population is about 180,000 citizens.

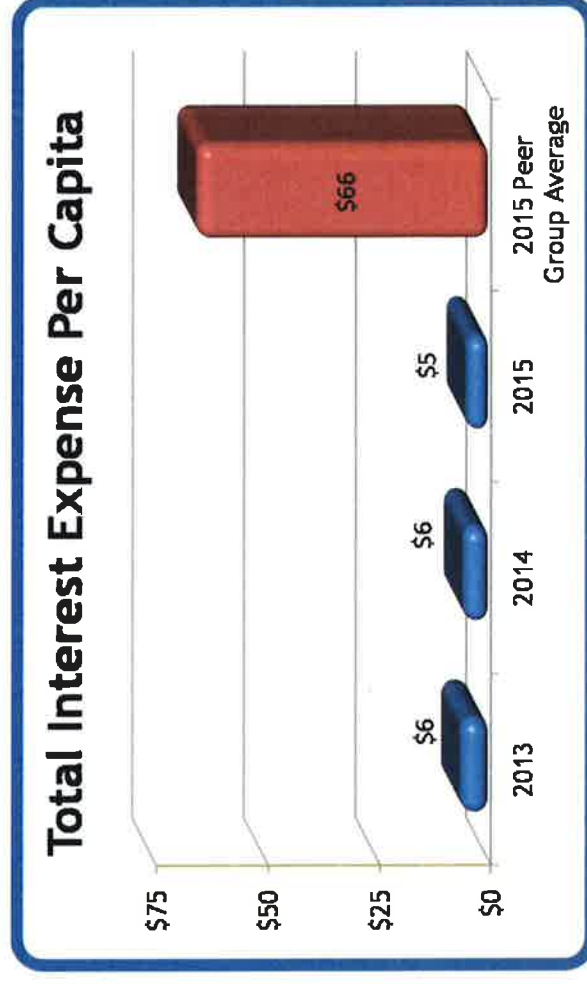
## Total Interest Expense Per Capita

Governmental Activities Total Interest Expense

Population

Like the debt ratio, this measures the debt service burden on average per citizen. A lower amount is considered favorable and generally indicates lower debt service costs (i.e. lower effective interest rate, or less debt).

The City's interest cost per citizen is considerably lower than the peer group, primarily due to the significantly higher debt load per citizen in the peer group (see analysis above).



## Governmental Fund Information

### Total Debt Service Expenditures as a Percent of Total Revenue

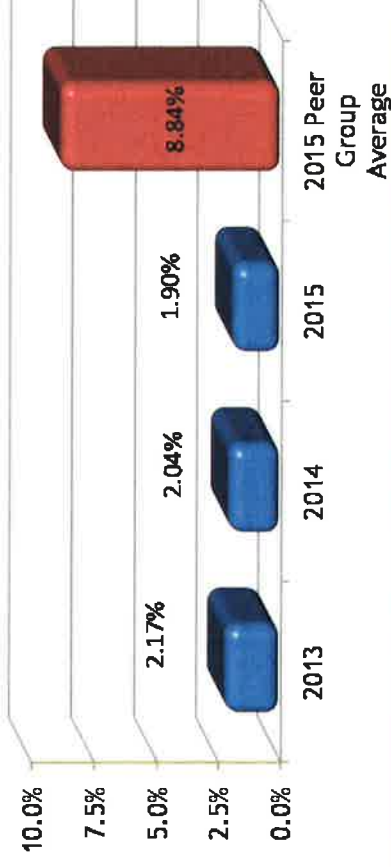
Governmental Funds Total Debt Service Expenditures

Governmental Funds Total Revenue

This measures the level of current year revenues that are dedicated to meeting the debt service requirements, thereby reducing the amount of revenues available for other services/needs.

The City of Littleton's debt service is lower than the peer group.

### Total Debt Service Expenditures as a Percent of Total Revenues





### Capital Outlay Expenditures as a Percent of Total Expenditures

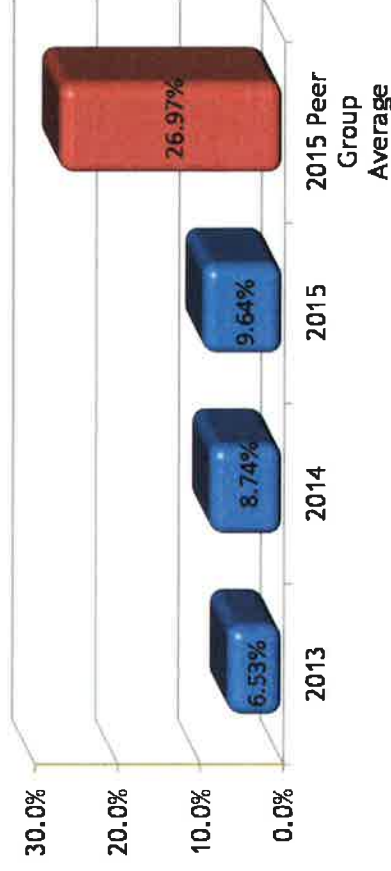
Governmental Funds Total Capital Outlay Expenditures

Governmental Funds Total Expenditures

This measures the amount of capital asset expenditures, relative to overall expenditures. Generally, this number fluctuates based on the capital improvement needs of the municipality. The relative age of capital assets may serve as a leading indicator for predicting fluctuations in this number.

The City of Littleton has seen fluctuations over the past three years, and has remained below the average of the peer group. This may be an indicator that there will be increased capital asset expenditures in future years.

### Capital Outlay Expenditures as a Percent of Total Expenditures



## General Fund Information

### Unassigned Fund Balance as a Percent of Total Revenues

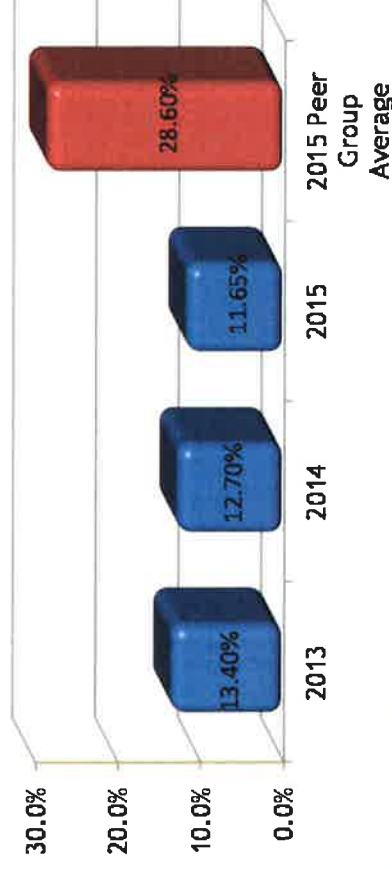
#### General Fund Unassigned Fund Balance

#### General Fund Total Revenues

This serves as an indicator of the how much of the annual expenditures of the municipality would be covered if the collection of revenues ceased for an indeterminable period of time. Higher percentages are generally viewed positively. However, excessive fund balances may be viewed by citizens as an unnecessary accumulation of resources, barring any planned major improvements.

Over the past three years, the City of Littleton has maintained a consistent percentage of unassigned fund balance. Expressed in terms of days, the City had approximately 49 days, 46 days, and 43 days of annual expenditures in unassigned fund balance as of December 31, 2013, 2014, and 2015, respectively. This is compared to 104 days for the Peer Group Average as of December 31, 2015. The City's is less than the peer group due to transfers from the General Fund to the Capital Projects Fund.

**Unassigned Fund Balance as a Percent of Total Revenues**





### Intergovernmental Revenue as a Percent of Total Revenue

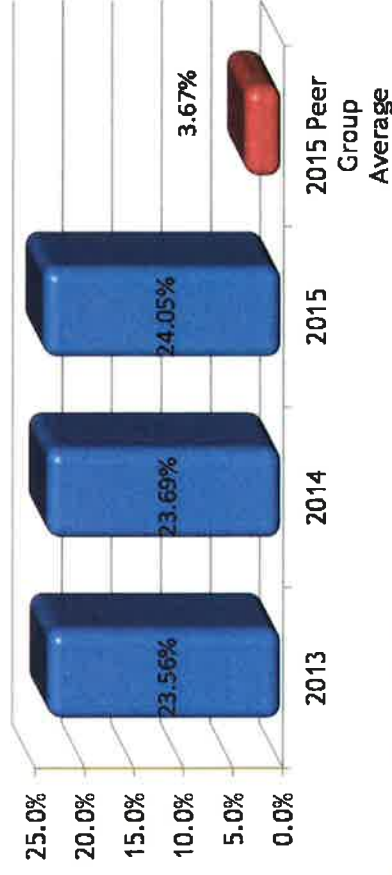
General Fund Intergovernmental Revenue

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General Fund Total Revenue

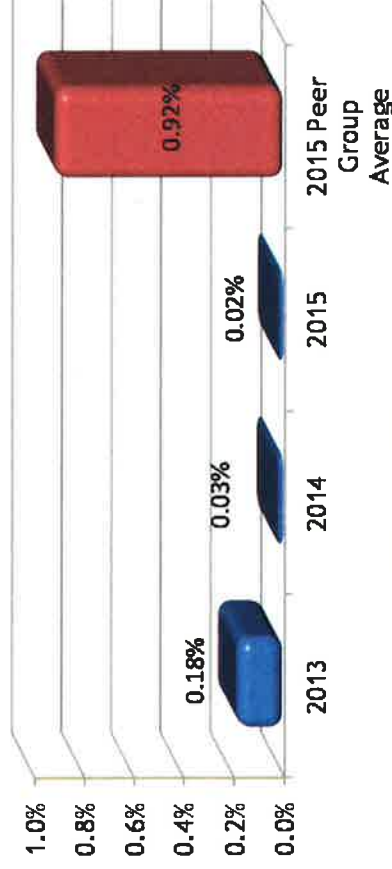
This ratio reveals the portion of the general funds finances that are covered by external sources. A lower percentage is considered favorable as it indicates a reduced reliance on external sources.

Over the three year period ending December 31, 2015, the City of Littleton's dependence on intergovernmental revenues has been consistent. The City has continually been higher than the average of the peer group due to fire protection reimbursements for service contracts.

### Intergovernmental Revenue as a Percent of Total Revenue



## Transfers In as a Percent of Total Revenues and Transfers In



## Transfers In as a Percent of Total Revenues and Transfers In

### General Fund Transfers In

### General Fund Total Revenues and Transfers In

This ratio measures the General Funds reliance on other funds to finance current operations. Higher numbers generally indicate an unfavorable reliance on funding from other funds.

The City of Littleton has maintained a relatively consistent level of General Fund finances coming from other funds. The City's percentage is less than the peer group, thus the City's General Fund relies less on funding from other funds.

## Capital Asset Analysis

The following analysis presents capital asset balances; cost and accumulated depreciation, and estimates the remaining useful lives by dividing depreciation expense into total net book value by category. This information can be compared to the range of estimated useful lives by category to get a general perspective for how soon assets may require replacement. This is a leading indicator of imminent major capital expenditures.

### Governmental Activities

2015						
Depreciable Lives		Cost	Accumulated Depreciation	Net Book Value	Depreciation Expense	Average Remaining Life
Governmental Activities						
Capital Assets Being Depreciated						
Machinery and equipment	3 - 10 Years	20,504,294	(14,729,261)	5,775,033	1,488,133	3.88 Years
Buildings and improvements	10 - 50 Years	32,318,110	(12,994,980)	19,323,130	998,113	19.36 Years
Infrastructure	10 - 50 Years	90,556,321	(58,617,388)	31,938,933	3,301,459	9.67 Years
Totals		\$ 143,378,725	\$ (86,341,629)	\$ 57,037,096	\$ 5,787,705	

## Business-type Activities

		2015			
Depreciable Lives	Cost	Accumulated Depreciation	Net Book Value	Depreciation Expense	Average Remaining Life
<b>Business-type Activities</b>					
<b>Capital Assets Being Depreciated</b>					
Machinery and equipment	976,823	(747,272)	229,551	94,006	2.44 Years
Buildings and improvements	34,443,716	(22,240,664)	12,203,052	783,324	15.58 Years
Totals	\$ 35,420,539	\$ (22,987,936)	\$ 12,432,603	\$ 877,330	

## Debt Service Analysis

### Debt Profile

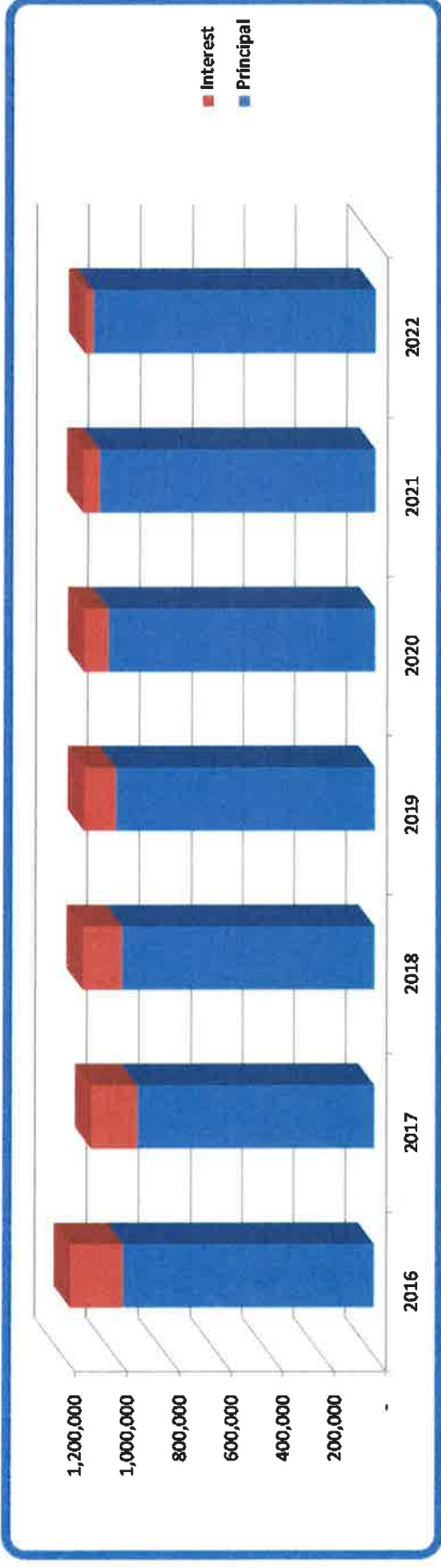
Description	Balance	Interest Rate	Maturity	S&P Credit Rating <sup>2</sup>
<b>Governmental Activities:</b>				
Capital Lease Obligations	\$ 7,053,625	3.49% to 4.10%	2022	AA
<b>Business-type Activities:</b>				
Assignment Certificate - 2011	1,675,000	3.34%	2024	Unrated
Revenue Loan Payable - 2004 (including premium)	29,029,583	3.70% to 3.82%	2025	Unrated
	\$ 41,394,555			

<sup>2</sup> Based on a rating per the Standard & Poor's rating website [www.standardandpoors.com](http://www.standardandpoors.com). The definition for "AA" is, "Very strong capacity to meet financial commitments." The Definition for "Stable" is, "rating is not likely to change."

## Future Maturities

The following charts are a graphical depiction of future debt maturities, principal and interest, and serve to demonstrate the future funding requirements resulting from debt obligations.

### Governmental Activities



### Business-type Activities

