

RESOLUTION 2020-11-2

A RESOLUTION AUTHORIZING THE DISTRICT MANAGER OR HER DESIGNEE TO TAKE EMERGENCY RESPONSE ACTIONS, INCLUDING PROCUREMENT AND EXPENDITURE OF FUNDS

WHEREAS, Three Lakes Water and Sanitation District (“District”) is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, § 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the Board of Directors of the District (the “Board”) has powers including, without limitation, the authority to enter into contracts and agreements, to acquire and dispose of property, to manage, control and supervise the business and affairs of the District, and to appoint, hire and retain agents and employees to carry out the functions of the District related to the District’s provision of sanitary sewer services, pursuant to § 32-1-1001, C.R.S.; and

WHEREAS, on October 17, 2020, the Federal Emergency Management Agency declared the East Troublesome Creek Fire to be a disaster (FM-5378-CO); and

WHEREAS, the Board of County Commissioners of Grand County adopted Resolution 2020-10-22 on October 20, 2020, declaring a local disaster emergency in Grand County, Colorado, for the 2020 East Troublesome Creek Fire; and

WHEREAS, on November 2, 2020, the Board adopted Resolution 2020-11-1 declaring local disaster emergency within the boundaries of the District for the 2020 East Troublesome Creek Fire (the “Disaster”); and

WHEREAS, significant infrastructure, utilities, and water related impacts are possible as a result of the Disaster, as well as associated soil erosion, sedimentation, water quality, debris, and flow impacts; and

WHEREAS, the Disaster has the potential to cause service disruptions or delays and to severely impact District property and residents; and

WHEREAS, time is of the essence in making repairs and replacements to the District’s lines, mains, lift stations, manholes, treatment plants, and other public infrastructure in order to provide sanitary sewer services to residents and customers served by the District and protect public health and welfare, as well as public and private property; and

WHEREAS, the District manages Columbine Water District and North Shore Water District (collectively the “Water Districts”), per intergovernmental agreement, which Water Districts were or have the potential to be severely impacted by the Disaster; and

WHEREAS, the Board has previously determined that it is necessary and appropriate for the Board to delegate certain authority to the District Manager, including general supervision over the administration of the affairs, employees, and business of the District, hiring and discharging

of employees and the management of District property, and supervising the custody of all funds of the District and the accounts of all District transactions, as set forth in the District's Bylaws; and

WHEREAS, the Board wishes to expressly delegate certain powers to the Manager and authorize the Manager to make certain purchases and decisions, as set forth herein, to allow for a quick response to the fire and to suspend certain purchasing requirement in order to protect public health, safety and welfare, as well as public and private property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE THREE LAKES WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO, that:

1. Emergency Purchases. The Board finds and declares that the District is in an emergency situation caused by the Disaster. The emergency has created an immediate and serious need for goods and services to prevent injury or damage to public or private property, to protect public health and welfare, to restore and provide sanitation services, and to manage the Water Districts. The Board hereby authorizes the Manager or her designee to make emergency purchases up to the amount of \$10,000 per purchase without needing prior Board approval, for purchases necessary in response to the Disaster. All emergency purchases shall be reported to and ratified by the Board at the next Board meeting.
2. Signing of Contracts and Checks. The Board hereby authorizes the Manager to enter into and sign agreements on behalf of the District, up to the amount of \$10,000 per agreement, for services determined in the Manager's reasonable discretion to be necessary to prevent or repair injury or damage to public or private property or persons and/or to restore and maintain sanitation services. The Board hereby temporarily suspends its practice to require two signature signatures on every District check over \$500 and authorizes the Manager to sign District checks in the amount of up to \$10,000, for expenses needed to respond to the Disaster. Checks over \$10,000 must be signed by a Director in addition to the Manager.
3. Application for reimbursement or financial support. The Board hereby authorizes the District Manager, or her designee, to submit insurance claims and applications for funds related to the Disaster from local, county, state, or federal governmental agencies or other parties.
4. Emergency Actions. In the event that the District Manager needs immediate action or direction from the Board to respond to the Disaster, the District Manager may proceed per Sec. 6.5 of the Bylaws of the District, to receive direction from as many Directors as are available. Sec. 6.5 provides "When special or emergency circumstances affecting the affairs of the District and the health and safety of District residents or visitors so dictate, then those Directors available at the time may undertake whatever action is considered necessary and may so instruct the District's employees, such actions which shall later be ratified by the Board and entered on the minutes at the next meeting of the Board."

5. This resolution is effective as of October 14, 2020 and shall remain in effect until June 30, 2021, unless expressly rescinded or extended by the Board of Directors of the District.

ADOPTED AND APPROVED THIS 2ND DAY OF NOVEMBER, 2020 BY THE BOARD OF DIRECTORS OF THE THREE LAKES WATER AND SANITATION DISTRICT.

THREE LAKES WATER AND SANITATION DISTRICT

Patricia Turner
By: *Chairperson*

ATTEST:

Scott A. A.
By: *SECRETARY (LENSEN)*