

A RESOLUTION APPROVING AN
INTERGOVERNMENTAL AGREEMENT FOR WILDFIRE
MITIGATION AND SUPPRESSION PLANNING

WHEREAS, the City of Colorado Springs (the “City”) on behalf of its enterprise Colorado Springs Utilities (“Utilities”) is authorized to enter into intergovernmental agreements with other Colorado governmental entities for the provision of any function or service with the approval of the City Council of the City of Colorado Springs (“City Council”); and

WHEREAS, § 29-20-105.5(3)(a)(II), C.R.S., requires each local government owning land for utility purposes located either entirely or partially outside its own territorial boundaries and inside the territorial boundaries of a county and that contains at least fifty percent (50%) forest land or land that constitutes a wildland area to either enter into an intergovernmental agreement with such county or the Colorado State Forest Service for the purpose of mitigating forest land or wildland fires; and

WHEREAS, Utilities previously entered into that certain Services Agreement dated April 22, 2014, with the Board of Governors of The Colorado State University System, on behalf of the Colorado State Forest Service (the “CSFS Service Agreement”) for purposes of implementing the Pikes Peak Watershed Management Plan, including wildland fire mitigation such as the planning, preparation, and contracting for forest management work such as thinning, forest surveys, forest health monitoring, and administration of service and sales contracts; and

WHEREAS, the City of Colorado Springs, on behalf of Utilities, also previously entered into that certain Agreement for Wildfire Operations and Participation in the Emergency Fire Fund dated March 3, 2015, with the Colorado Division of Fire Prevention and Control (the “EFF Agreement”) for the purpose of establishing Utilities’ voluntary participation in funding the Colorado emergency fire fund (“EFF”) so that agencies responding to wildfires on or in proximity to Utilities’ properties in EFF-participating counties can seek reimbursement of costs for such incidents through the EFF; and

WHEREAS, while the Parties agree that the CSFS Service Agreement satisfies the City’s obligations with respect to § 29-20-105.5, C.R.S., the City, on behalf of Utilities, desires to enter into the attached Intergovernmental Agreement with El Paso County, on behalf of the EPSO, to further ensure the mitigation of forest land or wildland fires affecting City-owned land used for utility purposes (“Utilities’ Lands”) located in the unincorporated area of the County, to include wildland fire prevention, preparation, mitigation, suppression, and suppression planning; and

WHEREAS, the Sheriff of El Paso County, Colorado, pursuant to §§ 29-22.5-103 and 30-10-512, et seq., C.R.S., is the fire warden of El Paso County and is responsible for the coordination of fire suppression efforts in case of forest or wildland fires occurring in the unincorporated area of the County outside the boundaries of a fire protection district or that exceed the capabilities of a fire protection district to control or extinguish; and

WHEREAS, the Sheriff of El Paso County, Colorado, pursuant to § 30-10-513.5, C.R.S., has authority to order and monitor resources for purposes of responding to wildland fires within the EPSO's jurisdiction; and

WHEREAS, the City of Colorado Springs has established within Utilities the Watershed Planning Group that oversees the mitigation of forest and wildland fuels on Utilities-managed lands, and coordinates wildland fire suppression planning activities to protect priority watershed lands and infrastructure; and

WHEREAS, the City on behalf of Utilities will also seek City Council approval of that certain Wildland Fire Protection and Incident Response Agreement with El Paso County ("CWFT Fire Protection and Incident Response Agreement") in order to enable the Catamount WFT to provide fire protection and incident response services when such services will protect its utility system and assets; and

WHEREAS, City Council has determined that approval of the attached Agreement will provide for increased opportunities for wildland fire mitigation and suppression on Utilities-controlled City property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City Council hereby finds that approval of the attached Intergovernmental Agreement for Wildfire Mitigation and Suppression Planning is in the best interests of the citizens of the City of Colorado Springs and the ratepayers of Colorado Springs Utilities, and hereby approves the attached Agreement.

Section 2. The City Council hereby authorizes the Chief Executive Officer of Colorado Springs Utilities, or his designee, to execute the attached Agreement on behalf of Utilities.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2018.

ATTEST:

Council President

Sarah B. Johnson, City Clerk