

**TOWN OF LYONS, COLORADO
RESOLUTION 2017-60**

**A RESOLUTION DETERMINING THAT FLOOD RESPONSE AND RECOVERY RENTAL
EQUIPMENT AND SUPPLIES PROVIDED BY DEERE CREDIT SERVICES, INC, DBA: JOHN
DEERE FINANCIAL WERE REASONABLE AND NECESSARY**

WHEREAS, the Town of Lyons ("Town") is a statutory municipality in the State of Colorado with a population of approximately 2,000 individuals; and

WHEREAS, a result of the extensive flooding suffered by the Town in September 2013 ("Flood"), the Governor of Colorado declared a state of disaster emergency for Boulder County as set forth in Executive Order D 2013-026, dated September 13, 2013, and the President of the United States declared the Flood a federal major disaster on September 14, 2013; and

WHEREAS, due to the emergent nature of the Flood and the officially declared state of disaster in Boulder County, the Governor of Colorado authorized the use of National Guard assets for Flood-related missions; and

WHEREAS, consequently, residents of the Town were strongly encouraged to evacuate, the Colorado National Guard assisted in evacuating some residents of the Town, and residents who had evacuated remained unable to return to Town for a minimum of six weeks after the Flood; and

WHEREAS, the Town experienced an acute and immediate need for emergency flood response and recovery services, both during and after the Flood ("Services"); and

WHEREAS, the need for equipment rental, repairs and services arose during the Flood and were essential to assist with emergency protective measures and preserving key infrastructure; and

WHEREAS, the need for some of the equipment rental, repairs and services, such as for excavation, debris removal and restoration of utility services, arose in the immediate aftermath of the Flood; and

WHEREAS, pursuant to Ordinance 942, the Town operated under an official declaration of local disaster emergency through midnight on January 12, 2014; and

WHEREAS, the Flood destroyed essential infrastructure, including roads and bridges, and law enforcement closed the main road into Town, which resulted in limited or no access to Town Hall until approximately December 1, 2013; and

WHEREAS, the Flood destroyed electrical and communications infrastructure essential to telephone, cell phone and internet services, which prevented or interfered with the Town's ability to function during the Flood and until staff could occupy Town Hall in December 2013; and

WHEREAS, the Public Works Department did not have adequate personnel, equipment or materials to perform the urgent and necessary services because of the broad range and scope of such services, because of its limited capacity and resources of Public Works staff, equipment, and supplies, and because the Flood had destroyed or displaced the Town's already limited inventory of equipment and materials; and

WHEREAS, the Town determined that the volume of services that needed to be performed during and immediately after the Flood far exceeded the resources and capacity of the Town, its staff, and its equipment and materials; and

WHEREAS, the Town determined that it needed the assistance of commercial entities to perform the services and obtain the necessary equipment in a timely manner for the health, safety and welfare of its citizens, and protection of property; and

WHEREAS, the Town had temporarily suspended normal procurement processes during the emergency phase of the disaster due to the limited or non-existent access to Town Hall, telephone, cell phone and Internet services; and

WHEREAS, due to the emergent nature of the Flood and limited access to Town, the Town decided to contract with contractors familiar with and could access the Town and that possessed resources and capacity to perform the needed work; and

WHEREAS, during the Flood event, the Town engaged the assistance of John Deere Financial, which provided rental equipment and supplies needed during the response and recovery; and

WHEREAS, debris removal is a FEMA Category A assignment and must be completed in an expected limited time frame thus time was of the essence; and

WHEREAS, equipment was needed on a variety of projects throughout the Town during the Flood; and

WHEREAS, the Town entered into that certain agreement with John Deere Financial, to provide response and recovery rental equipment and supplies; and

WHEREAS, John Deere Financial satisfactorily provided the necessary rental equipment and supplies at the time of the Flood response and into recovery work; and

WHEREAS, after much of the initial Flood response and recovery work was completed, Town staff evaluated John Deere Financial's invoices for the rental equipment and supplies for charges and found that these either consistent with or less than the costs quoted by other comparable contractors; and

WHEREAS, in December 2016, the Town formally adopted procedures concerning procurement; and

WHEREAS, the Board of Trustees desires to acknowledge and find that rental equipment and supplies provided by John Deere Financial were reasonable in scope and cost, and necessary for the health, safety and welfare of the Town and its citizens and for protecting properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. The Board of Trustees hereby finds that the flood response and recovery rental equipment and supplies provided by John Deere Financial resulted in the Town and its citizens receiving essential flood response and recovery rental equipment and supplies that were necessary due to the 2013 flood event at a cost that was less than or comparable to costs charged by other commercial companies providing similar rental rates and supplies in the area, and that therefore the rental equipment and supplies provided by John Deere Financial were reasonable in scope and cost and necessary for the health, safety and welfare of the Town and its citizens, and to protect property.

Section 2. This resolution shall become effective immediately upon adoption.

ADOPTED THIS FIRST DAY OF MAY 2017.

TOWN OF LYONS

By: _____
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, MMC - Town Clerk