

**TOWN OF LYONS, COLORADO  
RESOLUTION 2019-116**

**A RESOLUTION OF THE TOWN OF LYONS DETERMINING THAT ACCOUNTING  
SERVICES DURING THE INITIAL MONTHS OF FLOOD RECOVERY AND PROVIDED BY  
BETTY SIMPSON 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 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 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 the Town, who 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 Betty Simpson, who provided accounting services needed for a Town Audit and FEMA Documentation during the response and recovery period immediately following the flood; and

**WHEREAS**, the Town entered into that certain agreement with Betty Simpson, to provide accounting services during the response and recovery period; and

**WHEREAS**, Betty Simpson satisfactorily provided the necessary accounting services at the time of the Flood response and into recovery work; and

**WHEREAS**, after the initial Flood response and recovery work was completed, Town staff evaluated Betty Simpson's invoices for accounting services and found that these were 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 the services provided by Betty Simpson 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 above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby finds that the flood response and recovery accounting services provided by Betty Simpson resulted in the Town and its citizens receiving essential flood response and recovery services 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 rates and services in the area, and that therefore the services provided by Betty Simpson 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 3. This resolution shall become effective immediately upon adoption.

**ADOPTED THIS 21st DAY OF OCTOBER, 2019.**

TOWN OF LYONS

By: \_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

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Debra K. Anthony, MMC - Town Clerk