

**RESOLUTION NUMBER 09-016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THREE STATE DISASTER PROJECT AGREEMENTS BETWEEN THE CITY OF KETCHUM AND THE IDAHO BUREAU OF HOMELAND SECURITY ("BHS") INVOICED BY THE BUREAU OF LAND MANAGEMENT AND THE USDA FOREST SERVICE FOR THE CASTLE ROCK FIRE ACTIVITIES IN THE AMOUNT OF \$13,848.26, \$943,849.98, AND \$687,174.65; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Proclamation dated August 20, 2007, the Mayor declared a state of local disaster emergency as described in Idaho Code Section 46-1001 *et seq.* in all areas located within the municipal boundaries of the City of Ketchum due to the imminent threat to the health, safety and welfare of all people in the City of Ketchum, private property, public property, infrastructure, utilities and the local economy due to wildfire; and

WHEREAS, due to the size of the fire, the Ketchum Fire Department in coordination with the U.S. Forest Service and the Bureau of Land Management ordered additional fire suppression support to respond to the fire; and

WHEREAS, Ketchum entered into a cost share agreement for any extraordinary expenses, but did not believe such expenses were justly invoiced to Ketchum, see letter dated October 1, 2008, attached hereto and incorporated herein as Exhibit A.

WHEREAS, Idaho BHS has agreed to pay the Forest Service and Bureau of Land Management invoices on behalf of the City of Ketchum, see letters dated January 16, 2009 and February 25, 2009, attached hereto and incorporated by reference herein as Exhibit B.

WHEREAS, pursuant to Idaho Code §50-301, Ketchum is empowered to enter into contracts as may be deemed necessary to promote the public health, safety, and welfare of Ketchum and its residents; and

WHEREAS, both Ketchum and the Idaho Bureau of Homeland Security desire to enter into three (3) state disaster project agreements as amended by handwritten interlineations, for the State to pay on Ketchum's behalf, those extraordinary expenses incurred by the Bureau of Land Management and the USDA Forest Service associated with the Castle Rock Fire, the three (3) agreements are attached hereto and incorporated by reference herein as Exhibit C; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Ketchum City Council that the Mayor is authorized to execute three State Disaster Project Agreements between the City of Ketchum and the Idaho Department of Homeland Security, as amended by handwritten interlineations, to pay, on behalf of Ketchum those extraordinary expenses incurred by the Bureau of Land Management and the USDA Forest Service for the Castle Rock Fire Activities in the amount of \$13,848.26, \$943,849.98, and \$687,174.65.

This Resolution will be in full force and effect upon its adoption and approval this second (2<sup>nd</sup>) day of March, 2009.

CITY OF KETCHUM, IDAHO

  
\_\_\_\_\_  
Randy Hall, Mayor

ATTEST:



Sandra E. Cady, CMC  
City Treasurer/Clerk



C. L. "BUTCH" OTTER  
GOVERNOR

October 1, 2008

The Honorable Mark Rey  
Undersecretary of Agriculture  
Department of Agriculture  
1400 Independence Ave., SW, Room 217-E  
Washington, D.C. 20250-0108  
Fax (202) 720-5043

The Honorable Abigail Kimball  
Chief of the U.S. Forest Service  
Sidney R. Yates Federal Building  
201 14<sup>th</sup> Street, SW  
Washington, D.C. 20250  
Fax (202) 205-1765

**VIA U.S. MAIL AND FACSIMILE**

**RE: Castle Rock Fire**

Dear Mark and Gail,

The 2007 Castle Rock fire was one of the most destructive and devastating regional disasters in decades. Impacts on the City of Ketchum, the surrounding communities and the State of Idaho were severe. Fighting the fire, which started on Forest Service land, cost millions of dollars. It should come as no surprise that we are extremely disappointed to learn the U.S. Forest Service is charging the City of Ketchum for structure protection.

Never before has the Forest Service charged a local government in Idaho for fire suppression or structure protection, especially when the fire started on federal land. We are concerned about this precedent and its impact on cities, counties and the State.

We understand Ketchum city officials signed a cost-share agreement with the Forest Service during the Castle Rock Fire; however, the circumstances surrounding the agreement are dubious at best.

First, the State – through the Idaho Department of Lands and Idaho Bureau of Homeland Security – has an established, statewide process for addressing the costs of any disaster emergency. The State has always bridged the gap between local and federal funding in a disaster emergency. We provide services and funding for cities and counties after local funding is

Castle Rock Fire  
October 1, 2008  
Page 2 of 2

exhausted and before funding from the Federal Emergency Management Agency (FEMA) or other federal sources becomes available.

The State of Idaho, rather than counties or cities, works with the federal government to address costs. The process is part of the Idaho Cooperative Fire Protection and Stafford Act Response Agreement between the State and the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service and the U.S. Fish and Wildlife Service. Moreover – and as is reflected in this process – the State has never contemplated paying the federal government or any of its agencies for doing its duty in an emergency.

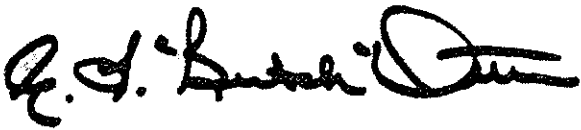
Second, officials in the City of Ketchum were in a desperate position when they signed the Forest Service's cost-share agreement. The Forest Service had jurisdiction over the Castle Rock fire and city leaders were unaware of any other options when they signed the agreement to ensure protection against the fire racing toward the town.

Further, in the Structure Protection Briefing Paper signed by Jeanne Pincha-Tulley, the Forest Service acknowledged that "[d]ue to a lack of funds and a lack of a Fire Management Assistance Grant (FMAG), the Fire District is unable to pay for these resources." Mike Johnson, of FEMA, also told the City during the fire that the City would not pay for any fire suppression costs.

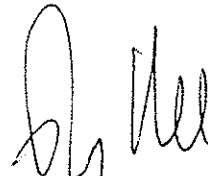
To that end, the State will proceed with billing FEMA for the federal portion of the costs; however, neither the State nor city are acquiescing or relinquishing our objections in doing so.

We appreciate recent efforts by the city and Forest Service to reevaluate the costs and reduce the total due. However, any bill only exacerbates the problems facing Ketchum and the State as we try to move forward. We respectfully ask you to retract the request for \$1.6 million from the city and use federal funding to cover any costs incurred by the Forest Service during the Castle Rock fire.

As Always – Idaho, "Esto Perpetua"



C.L. "Butch" Otter  
Governor of Idaho



Randy Hall  
Mayor of Ketchum



# CITY OF KETCHUM, IDAHO

P.O. Box 2315  
Ketchum, ID 83340  
(208) 726-3841  
FAX: (208) 726-8234

**MAYOR  
RANDY HALL**

**COUNCIL MEMBERS  
BAIRD GOURLAY  
LARRY HELZEL  
CURTIS KEMP  
CHARLES CONN**

January 16, 2009

Idaho Bureau of Homeland Security  
4040 W. Guard Street, Bldg. 600  
Boise, Idaho 83705-5004

**RE: Forest Service Bills BD IB080000436 and BD IB080000437, Castle Rock Fire**

To whom it concerns,

The City of Ketchum hereby authorizes the State of Idaho to make payment in full for the above invoice on the City of Ketchum's behalf. This authorization to allow this payment on behalf of the City of Ketchum is to expedite the transfer of funds to satisfy the balance due to the Forest Service on this incident.

Any questions regarding this authorization by the City of Ketchum should be directed to Fire Chief Mike Elle at the Ketchum Fire Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Hall".

Randy Hall  
Mayor

*Exhibit B*



# CITY OF KETCHUM, IDAHO

P.O. Box 2315  
Ketchum, ID 83340  
(208) 726-3841  
FAX: (208) 726-8234

MAYOR  
RANDY HALL

COUNCIL MEMBERS  
BAIRD GOURLAY  
LARRY HELZEL  
CURTIS KEMP  
CHARLES CONN

February 25, 2009

Idaho Bureau of Homeland Security  
4040 W. Guard Street, Bldg. 600  
Boise, Idaho 83705-5004

**RE: Bureau of Land Management Bill DW44, Castle Rock Fire**

To whom it concerns,

The City of Ketchum hereby authorizes the State of Idaho to make payment in full for the above invoice on the City of Ketchum's behalf. This authorization to allow this payment on behalf of the City of Ketchum is to expedite the transfer of funds to satisfy the balance due to the Bureau of Land Management on this incident.

Any questions regarding this authorization by the City of Ketchum should be directed to Fire Chief Mike Elle at the Ketchum Fire Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Hall".

Randy Hall  
Mayor

*Exhibit B*

**STATE DISASTER PROJECT AGREEMENT**

<b>STATE DECLARATION ID/TITLE:</b> ID-06-2007: Wildfires in the State of Idaho FM-2724: Castlerock Fire		<b>APPLICANT:</b> City of Ketchum	<b>COUNTY:</b> Blaine
<b>PROJECT TITLE:</b> Castlerock Fire Structural Protection		<b>PROJECT ID:</b> P-06-07-29	
<b>BUREAU OF HOMELAND SECURITY (BHS) POC:</b> Don Taylor, Disaster Recovery Manager Natalie Lahti, Emergency Management Specialist Carolyn Dutcher, Budget Assistant		<b>BHS Contact Phone/Fax/Email:</b> Phone: (208) 422-3040 Fax: (208) 422-3044 bhsrecovery@bhs.idaho.gov dtaylor@bhs.idaho.gov nlahti@bhs.idaho.gov cdutcher@bhs.idaho.gov	
<b>APPLICANT Primary Point of Contact (POC):</b> Katie Camduff, City of Ketchum Sandra Cady, Treasurer/City Clerk		<b>APPLICANT POC Contact Phone/Fax/Email:</b> 208-726-3841 Fax: 726-8234 kcamduff@ketchumidaho.org	
<b>ESTIMATED WORK DATES:</b> FROM 08/16/07 TO 09/06/07			
<b>TERMS AND CONDITIONS:</b> The applicant may only utilize funds to accomplish the scope of work as stated in this document. Funding for approved estimates will be based on actual costs incurred. In certain circumstances, a funding cap may be imposed. The applicant is certifying that their request for assistance is predicated upon the fact that their budget will be overwhelmingly impacted to the degree that essential services will be curtailed.  For audit purposes, the applicant must retain all documentation for three years from the date of the project closeout or the resolution of any audit findings. Acceptance of funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits may jeopardize funding. This project agreement will be <del>reimbursed</del> based on the eligible expenditures at a 100% state cost share. Upon completion of the work described in this agreement the applicant will submit <del>in</del> <sup>paid</sup> invoices and supporting documentation. (The disaster cost recovery summary sheets and workbook are available from the Bureau of Homeland Security Disaster Recovery Section)			
<b>DESCRIPTION OF DAMAGE/INCIDENT:</b> On August 17, 2007, Blaine County declared a local disaster for the Castlerock fire and on August 19, 2007, a state disaster for fires, ID-06-2007, was declared. On August 29, 2007, a federal declaration, FM-2724, Castlerock Fire was declared. The Castlerock Fire in Blaine County burned approximately 48,000 acres of wildland and threatened the City of Ketchum residences and public infrastructure.			
<b>ATTACHMENTS:</b> 1) Letter dated 04/30/08 from USDA Forest Service and supporting documentation 2) USDA Forest Service Bill #BD IB080000436			
<b>SCOPE OF WORK:</b>			
<b>Scope Description</b>	<b>Estimated 100% State disaster cost share</b>		
Force Account Labor			
N/A			
Force Account Equipment			
N/A			
Rented Equipment			
N/A			
Contractor Work - 100% Work Complete	\$943,849.98		
Eligible scope of work includes emergency response contract work for the Castlerock Fire. Eligible costs include structural protection support for Castlerock Fire response.			
Materials and Supplies			
N/A			
<b>TOTAL:</b>			\$943,849.98
<b>Special Conditions:</b> The applicant will be reimbursed based on the 100% state cost share of eligible costs. No additional funding will be provided.			
<b>SIGNATURE BLOCK:</b>			
THIS DOCUMENT OUTLINES THE APPROVED SCOPE OF WORK ELIGIBLE FOR STATE FUNDING UNDER THE STATE DECLARATION REFERENCED ABOVE AND IS AGREED TO BY THE PARTIES ON THE DATES NOTED BELOW			
<b>FOR THE STATE:</b>		<b>FOR THE APPLICANT CERTIFYING OFFICIAL:</b>	
FINANCE/ADMIN SECTION APPROVAL		Name: RANDY HALL	
Signature: <i>Susan Chewley</i>		(Print Name)	
Date: 2/5/09		Signature: <i>[Signature]</i>	
Signature: <i>[Signature]</i>		Position/Title: MAYOR	
Position/Title: <i>[Signature]</i>		Agency/Org: CITY OF KETCHUM	
Date: 5 FEB 2009		Date: 3/2/09	

*PK*  
any unpaid

will be paid by BHS on behalf of the City of Ketchum, Idaho  
*PK*

**Exhibit C**

### STATE DISASTER PROJECT AGREEMENT

<b>STATE DECLARATION ID/TITLE:</b> ID-06-2007: Wildfires in the State of Idaho FM-2724: Castlerock Fire	<b>APPLICANT:</b> City of Ketchum	<b>COUNTY:</b> Blaine
<b>PROJECT TITLE:</b> Castlerock Fire Aviation (BLM)	<b>PROJECT ID:</b> P-06-07-30	
<b>BUREAU OF HOMELAND SECURITY (BHS) POC:</b> Don Taylor, Disaster Recovery Manager Natalie Lahti, Emergency Management Specialist Carolyn Dutcher, Budget Assistant	<b>BHS Contact Phone/Fax/Email:</b> Phone: (208) 422-3040 Fax: (208) 422-3044 bhsrecovery@bhs.idaho.gov dtaylor@bhs.idaho.gov nlahti@bhs.idaho.gov cdutcher@bhs.idaho.gov	
<b>APPLICANT Primary Point of Contact (POC):</b> Katie Camduff, City of Ketchum Sandra Cady, Treasurer/City Clerk	<b>APPLICANT POC Contact Phone/Fax/Email:</b> 208-726-3841 Fax: 726-8234 kcamduff@ketchumidaho.org	
<b>ESTIMATED WORK DATES:</b> FROM 08/16/07 TO 09/06/07		
<b>TERMS AND CONDITIONS:</b>		
The applicant may only utilize funds to accomplish the scope of work as stated in this document. Funding for approved estimates will be based on actual costs incurred. In certain circumstances, a funding cap may be imposed. The applicant is certifying that their request for assistance is predicated upon the fact that their budget will be overwhelmingly impacted to the degree that essential services will be curtailed.		
For audit purposes, the applicant must retain all documentation for three years from the date of the project closeout or the resolution of any audit findings. Acceptance of funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits may jeopardize funding. This project agreement will be <del>reimbursed</del> based on the eligible expenditures at a 100% state cost share. Upon completion of the work described in this agreement the applicant will submit <del>all</del> <sup>any</sup> unpaid invoices and supporting documentation. (The disaster cost recovery summary sheets and workbook are available from the Bureau of Homeland Security Disaster Recovery Section)		
<b>DESCRIPTION OF DAMAGE/INCIDENT:</b>		
On August 17, 2007, Blaine County declared a local disaster for the Castlerock fire and on August 19, 2007, a state disaster for fires, ID-06-2007, was declared. On August 29, 2007, a federal declaration, FM-2724, Castlerock Fire was declared. The Castlerock Fire in Blaine County burned approximately 48,000 acres of wildland and threatened the City of Ketchum residences and public infrastructure.		
<b>ATTACHMENTS:</b>		
1) Letter dated 08/22/08 City of Ketchum and supporting documentation for Bureau of Land Management bill		
<b>SCOPE OF WORK:</b>		
Scope Description	Estimated 100% state disaster cost share	
Force Account Labor		
N/A		
Force Account Equipment		
N/A		
Rented Equipment		
N/A		
Contractor Work - 100% Work Complete	\$13,848.26	
Eligible scope of work includes emergency response contract work for the Castlerock Fire. Eligible costs include aviation support for Castlerock Fire response.		
Materials and Supplies		
N/A		
<b>TOTAL:</b>		<b>\$13,848.26</b>
<b>Special Conditions:</b> The applicant will be reimbursed based on the 100% state cost share of eligible costs as described in the above scope of work. No additional funding will be provided.		
will be paid by BHS on behalf of the City of Ketchum, Idaho.		
<b>SIGNATURE BLOCK:</b>		
THIS DOCUMENT OUTLINES THE APPROVED SCOPE OF WORK ELIGIBLE FOR STATE FUNDING UNDER THE STATE DECLARATION REFERENCED ABOVE AND IS AGREED TO BY THE PARTIES ON THE DATES NOTED BELOW		
<b>FOR THE STATE:</b> FINANCE/ADMIN. SECTION APPROVAL Signature: <u>[Signature]</u> Date: <u>8/15/08</u> Signature: <u>[Signature]</u> Position/Title: <u>POC</u> Date: <u>5/22/2009</u>	<b>FOR THE APPLICANT CERTIFYING OFFICIAL:</b> Name: _____ (Print Name) Signature: _____ Position/Title: _____ Agency/Org: _____ Date: _____	

Exhibit C



**STATE DISASTER PROJECT AGREEMENT**

<b>STATE DECLARATION ID/TITLE:</b> ID-06-2007: Wildfires in the State of Idaho FM-2724: Castlerock Fire	<b>APPLICANT:</b> City of Ketchum	<b>COUNTY:</b> Blaine
<b>PROJECT TITLE:</b> Castlerock Fire Aviation & Support	<b>PROJECT ID:</b> P-06-07-28	
<b>BUREAU OF HOMELAND SECURITY (BHS) POC:</b> Don Taylor, Disaster Recovery Manager Natalie Lahti, Emergency Management Specialist Carolyn Dutcher, Budget Assistant	<b>BHS Contact Phone/Fax/Email:</b> Phone: (208) 422-3040 Fax: (208) 422-3044 bhsrecovery@bhs.idaho.gov dtaylor@bhs.idaho.gov nlahti@bhs.idaho.gov cdutcher@bhs.idaho.gov	
<b>APPLICANT Primary Point of Contact (POC):</b> Katie Camduff, City of Ketchum Sandra Cady, Treasurer/City Clerk	<b>APPLICANT POC Contact Phone/Fax/Email:</b> 208-726-3841 Fax: 726-8234 kcamduff@ketchumidaho.org	

**ESTIMATED WORK DATES:**  
FROM 08/16/07 TO 09/06/07

**TERMS AND CONDITIONS:**

The applicant may only utilize funds to accomplish the scope of work as stated in this document. Funding for approved estimates will be based on actual costs incurred. In certain circumstances, a funding cap may be imposed. The applicant is certifying that their request for assistance is predicated upon the fact that their budget will be overwhelmingly impacted to the degree that essential services will be curtailed.

For audit purposes, the applicant must retain all documentation for three years from the date of the project closeout or the resolution of any audit findings. Acceptance of funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits may jeopardize funding. This project agreement will be ~~reimbursed~~ based on the eligible expenditures at a 100% state cost share. Upon completion of the work described in this agreement the applicant will submit ~~all paid~~ *any unpaid* invoices and supporting documentation. (The disaster cost recovery summary sheets and workbook are available from the Bureau of Homeland Security and Security Disaster Recovery Section)

**DESCRIPTION OF DAMAGE/INCIDENT:**

On August 17, 2007, Blaine County declared a local disaster for the Castlerock fire and on August 19, 2007, a state disaster for fires, ID-06-2007, was declared. On August 29, 2007, a federal declaration, FM-2724, Castlerock Fire was declared.  
The Castlerock Fire in Blaine County burned approximately 48,000 acres of wildland and threatened the City of Ketchum residences and public infrastructure.

**ATTACHMENTS:**

1) Letter dated 04/30/08 from USDA Forest Service and supporting documentation 2) USDA Forest Service Bill #BD 1800000437

SCOPE OF WORK:		Estimated 100% State disaster cost share
Scope Description		
Force Account Labor	N/A	
Force Account Equipment	N/A	
Rented Equipment	N/A	
Contractor Work - 100% Work Complete	Eligible scope of work includes emergency response contract work for the Castlerock Fire. Eligible costs include aviation and support for Castlerock Fire response.	\$687,174.65
Materials and Supplies	N/A	
<b>TOTAL</b>		<b>\$687,174.65</b>

**Special Conditions:**  
~~The applicant will be reimbursed based on the 100% state cost share of eligible costs as described in the above scope of work. No additional funding will be provided.~~

**SIGNATURE BLOCK:**

**THIS DOCUMENT OUTLINES THE APPROVED SCOPE OF WORK ELIGIBLE FOR STATE FUNDING UNDER THE STATE DECLARATION REFERENCED ABOVE AND IS AGREED TO BY THE PARTIES ON THE DATES NOTED BELOW**

<b>FOR THE STATE:</b>	<b>FOR THE APPLICANT CERTIFYING OFFICIAL:</b>
FINANCE/ADMIN SECTION APPROVAL	Name: _____ (Print Name)
Signature: <i>Susan Cleavelly</i>	Signature: _____
Date: 2/5/09	Position/Title: _____
Signature: <i>[Signature]</i>	Agency/Org: _____
Position/Title: <i>DD Ops Mgr</i>	Date: _____
Date: 5 Feb 2009	

*any unpaid* →

*will be paid by BHS on behalf of the City of Ketchum, Idaho.* →

**Exhibit C**