

January 22, 2019

Dear Senator Fields and Honorable Committee Members,

On behalf of the Board of County Commissioners, I apologize we were unable to attend today's hearing due to conflicts with our Board meeting schedule. I wanted to reiterate Arapahoe County's strong support of SB19-019, which provides the County greater flexibility in balancing the needs public safety and community interests during times of high fire danger.

By statute, a county may currently prohibit or restrict by ordinance the sale, use, and possession of fireworks, including permissible fireworks, for a period that does not exceed one year in length within all or any part of the unincorporated areas of the county; except that such an ordinance shall not be in effect between May 31 and July 5 of any year unless the ordinance includes an express finding of high fire danger, based on competent evidence.

This legislative tool (an ordinance) has statutory notice and publication requirements that takes a minimum of 20 to 30 days to enact. From a practical standpoint, this means the County cannot move very quickly to adopt a ban in a situation where the fire danger is rapidly increasing in advance of the 4<sup>th</sup> of July fireworks season, despite the threat to public safety. The lack of flexibility makes it more likely that the County will take a conservative approach and ban fireworks during the early part of May 31 to July 5 period if there is any evidence of high fire danger, and makes it less likely that the County will release the ban once it is implemented.

SB19-019 would allow Arapahoe and other counties to be more flexible. SB 19-019 modifies statute to specify that a fireworks ban ordinance will be in effect during the period between May 31 and July 5 of any year only if and when the county adopts a *resolution* making an express finding of high fire danger (as opposed to having to put the finding in the ordinance itself), based on competent evidence.

The bill also adds as a source of "competent evidence," that can be used to justify a finding of high fire danger, predictions of future fire danger such as those issued by the national interagency coordination center or any successor entity. This additional change is necessary since the fire danger ratings system (which is currently the only index mentioned in the statute) only looks at the current fire danger, not future danger. Given Colorado's fast changing weather conditions, predicted future conditions are often more relevant to whether there is going to be high fire danger in the period leading up to July 4th, and therefore more relevant to the decision as to whether a ban should be implemented.

Arapahoe County strongly believes this approach aligns with recommendations from subject matter experts and the Wildfire Matters Interim Committee. We respectfully request a YES vote on SB19-019.

Sincerely,

Commissioner Jeff Baker, Chair  
Board of County Commissioners