

TOWN OF SUPERIOR
RESOLUTION NO. R-4
SERIES 2018

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING THE TRIENNIAL CONTINUATION OF THE ROCKY FLATS STEWARDSHIP COUNCIL AND APPROVING THE SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE ROCKY FLATS STEWARDSHIP COUNCIL

WHEREAS, effective February 13, 2006, the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder, Golden, Northglenn and Westminster, and the Town of Superior entered into an intergovernmental agreement ("IGA") establishing the Rocky Flats Stewardship Council, a legal entity created by such IGA as permitted by Colorado Constitution Article XIV and section 18(2), Part 2 of Article 1, Title 29, C.R.S. ("Stewardship Council");

WHEREAS, the City of Thornton became a permanent member of the Stewardship Council at a later date;

WHEREAS, the Stewardship Council was established to allow local governments to work together on issues related to the long term protection of Rocky Flats;

WHEREAS, pursuant to the IGA, the Stewardship Council will terminate absent, *inter alia*, the unanimous triennial determination by all parties that the Stewardship Council should continue for another three years;

WHEREAS, effective February 13, 2015, the parties approved the continuation of the Stewardship Council for three years;

WHEREAS, the Board of Trustees now desires to consider and make a determination concerning the continuation of the Stewardship Council for another three years;

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local governmental entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, the Second Amendment to the IGA implements Colorado Constitution Article XIV, Section 18(2), and Part 2 of Article 1, Title 29, C.R.S., and is in the best interest of the Parties, the region and the people of the State of Colorado.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Pursuant to Paragraph 10 of the IGA, the Board of Trustees hereby finds and determines that the Stewardship Council should continue for an additional three years, or until February 13, 2021.


Section 2. The Second Amendment to the Intergovernmental Agreement Establishing the Rocky Flats Stewardship Council is hereby approved in substantially the same form as attached hereto, subject to final approval by the Town Attorney.


ADOPTED this 8th day of January, 2018.



Clint Folsom, Mayor

ATTEST

The seal is circular with a rope-like border. The text "THE TOWN OF SUPERIOR" is written along the top inner edge, and "COLORADO" is written along the bottom inner edge. In the center, the word "SEAL" is printed in a bold, serif font.



Phyllis L. Hardin, Town Clerk-Treasurer

**SECOND AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE
ROCKY FLATS STEWARDSHIP COUNCIL**

This Second Amendment to Intergovernmental Agreement establishing the Rocky Flats Stewardship Council (“Second Amendment to IGA”) is made and entered into as of this 8th day of January, 2018, pursuant to Colo. Const. Art. XIV, Section 18(2), part 2 of article 1, title 29, C.R.S., by and among the following parties who have executed this IGA: BOULDER COUNTY, a body politic and corporate and political subdivision of the State of Colorado, JEFFERSON COUNTY, a body politic and corporate and political subdivision of the State of Colorado, the CITY OF ARVADA, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY OF BOULDER, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY AND COUNTY OF BROOMFIELD, a Colorado municipality and county, the CITY OF WESTMINSTER, a home-rule municipal corporation and political subdivision of the State of Colorado, the TOWN OF SUPERIOR, a municipal corporation, the CITY OF GOLDEN, a home rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF NORTHGLENN, a home-rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF THORNTON, a home-rule municipal corporation and political subdivision of the State of Colorado (singularly and/or collectively, “Party/Parties”).

RECITALS

WHEREAS, the Rocky Flats Stewardship Council (“Stewardship Council”) was established by intergovernmental agreement (“IGA”) effective February 13, 2006, as modified by First Amendment dated February 6, 2012 (collectively, the “IGA”), by and among Boulder County, Jefferson County, the City of Arvada, the City of Boulder, the City and County of Broomfield, the City of Westminster, the Town of Superior, the City of Golden, the City of Northglenn, and the City of Thornton, and was created to allow local governments to work together on issues related to the long-term protection of Rocky Flats; and

WHEREAS, the Stewardship Council is currently governed by a Board of Directors made up of public official representatives of ten Colorado local governments with borders which lie adjacent to or near the Rocky Flats site, including Boulder County, Jefferson County, the City of Arvada, the City of Boulder, the City and County of Broomfield, the City of Golden, the City of Northglenn, the City of Thornton, the City of Westminster, and the Town of Superior; and community stakeholder representatives including the League of Women Voters, the Rocky Flats Cold War Museum, and the Rocky Flats Homesteaders; and

WHEREAS, after more than ten years of operations, the Stewardship Council now desires to update and clarify its mission and purposes, to more accurately describe its role and replace technical references to current regulatory standards;

WHEREAS, the Stewardship Council, at a meeting held September 11, 2017, approved the proposed revisions to the IGA; and

WHEREAS, any modification to the IGA requires a written amendment, executed by all Parties to be valid and binding; and

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local governmental entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, the execution of this Second Amendment to IGA by the existing Parties to the IGA implements Colo. Const. Art. XIV, Sec. 18(2), and part 2 of article 1, title 29, C.R.S., and is in the best interest of the Parties, the region and the people of the State of Colorado;

THEREFORE, the Parties to this Second Amendment to IGA hereby covenant and agree as follows:

COVENANTS AND AGREEMENTS

1. Definitions. The following term as provided under the heading "Definitions" in the IGA shall be amended as follows:

"*Rocky Flats*" means the entire former Rocky Flats nuclear weapons site, a federal facility currently under the jurisdiction of both the United States Department of Energy (DOE) and United States Department of the Interior (DOI), located primarily in Jefferson County, Colorado, inclusive of the entire Rocky Flats National Wildlife Refuge. (*See* map, shown as "Attachment 1.")

2. Mission Statement. Paragraph 2 of the IGA, regarding the Stewardship Council's Mission Statement, is hereby amended in its entirety to read as follows:

Mission Statement. The mission of the Stewardship Council is --

- a. To provide continuing local engagement on activities occurring at the Rocky Flats site regarding long-term stewardship of residual contamination and refuge management;
- b. To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;
- c. To provide an ongoing mechanism to help maintain public knowledge of Rocky Flats and the ongoing needs and responsibilities regarding contaminant management and refuge management; and

- d. To provide an ongoing forum to engage on all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

3. Purposes. Paragraph 3 of the IGA, regarding the Stewardship Council's Purposes, is hereby amended in its entirety to read as follows:

Purposes. Specifically, the purposes of the Stewardship Council are:

- a. To provide a forum for elected officials and community members to discuss with federal, state, and local elected officials and agencies issues related to the long-term stewardship and management of the Rocky Flats site.
- b. To provide a forum for elected officials and community members to be briefed on the results of the operational and performance monitoring data of site operations.
- c. To provide a mechanism for keeping elected officials and community members informed of the results of the monitoring data.
- d. To provide a mechanism for educating elected officials and community members about the residual hazards and the continued need for a comprehensive site-wide stewardship program.
- e. To provide a forum for USFWS staff to work with elected officials and community members on issues related to the management of resources under that agency's jurisdiction.
- f. To serve as the designated LSO, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.
- g. To serve as a participating agency under the National Environmental Policy Act (NEPA) for preparation of environmental impact assessments, to serve as a participating agency under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 120(f), and to assist the Parties as provided in the Rocky Flats Legacy Management Agreement.
- h. To provide a forum for all other issues pertinent to Rocky Flats.

4. Prior Provisions Effective. Except as specifically amended hereby, all the terms and provisions of the IGA shall remain in full force and effect.

5. Counterpart Execution. This Second Amendment to IGA may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.


IN WITNESS WHEREOF, the Parties have executed this Second Amendment to IGA effective as of the date first written above.

TOWN OF SUPERIOR

Date: January 8, 2018

Clint Folsom
By: Clint Folsom
Mayor

ATTEST:

Phyllis L. Hardin
Phyllis L. Hardin
Town Clerk
The seal is circular with a double-line border. The outer ring contains the text "TOWN OF SUPERIOR" at the top and "COLORADO" at the bottom, separated by two stars. The center of the seal features the word "SEAL" in large, bold, capital letters.