

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-113
Series of 2011

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A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE ROCKY FLATS STEWARDSHIP COUNCIL

WHEREAS, the Rocky Flats Stewardship Council (“Stewardship Council”) was established by intergovernmental agreement (“IGA”) effective February 13, 2006 to allow local governments to continue working 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 nine 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 Westminster, and the Town of Superior; and

WHEREAS, the City of Thornton also lies near the Rocky Flats site and has requested to become a party to the Stewardship Council; and

WHEREAS, the Stewardship Council, at a meeting held September 12, 2011, approved the request by Thornton to become a party to the IGA and a member of the Stewardship Council, subject to the terms and conditions of the IGA, and further determined to make the Cities of Northglenn and Golden “permanent” rather than “rotating” parties to the Stewardship Council; and

WHEREAS, the addition of any local government to the Stewardship Council or other modification to the IGA requires a written amendment, executed by all Parties to be valid and binding; and

WHEREAS, the execution of this First Amendment to IGA by the existing Parties to the IGA and by the City of Thornton 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The First Amendment to Intergovernmental Agreement Establishing the Rocky Flats Stewardship Council, attached hereto as Exhibit A, between the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder, Golden,

Northglenn, Thornton, and Westminster, and the Town of Superior, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this ____ day of _____, 2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

FIRST AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE
ROCKY FLATS STEWARDSHIP COUNCIL

This First Amendment to Intergovernmental Agreement establishing the Rocky Flats Stewardship Council (“First Amendment to IGA”) is made and entered into as of this ____ day of _____, 2012, 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, 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 nine 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 Westminster, and the Town of Superior; and community stakeholder representatives including the League of Women Voters, the Rocky Flats Cold War Museum, the Rocky Flats Homesteaders and Arthur Widdowfield; and

WHEREAS, the City of Thornton also lies near the Rocky Flats site and has requested to become a party to the Stewardship Council; and

WHEREAS, the Stewardship Council, at a meeting held September 12, 2011, approved the request by Thornton to become a Party to the IGA and a member of the Stewardship Council, subject to the terms and conditions of the IGA; and

WHEREAS, the Stewardship Council has further determined to make the Cities of Northglenn and Golden “permanent” rather than “rotating” parties to the Stewardship Council; and

WHEREAS, the addition of any local government to the Stewardship Council or other 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 First Amendment to IGA by the existing Parties to the IGA and by the City of Thornton 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 First Amendment to IGA hereby covenant and agree as follows:

COVENANTS AND AGREEMENTS

1. Addition of the City of Thornton. The IGA is hereby amended to add the City of Thornton as a local government member and Party to the IGA, with all the rights, privileges and duties associated therewith, and the initial paragraph, the recitals, the body and the signature pages of the IGA shall be deemed amended to reflect this action.

2. Amendments to Remove Designation of “Permanent” and “Rotating” Parties. There shall no longer be a distinction between “Permanent Party” and “Rotating Party.” Accordingly, the IGA is hereby modified as follows:

a. Definitions: The following terms as provided under the heading “Definitions” in the IGA shall be amended as follows:

i. *“Party” shall mean “a unit of local government who is a signatory to this IGA, as amended, including the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder, Golden, Northglenn, Thornton and Westminster, and the Town of Superior.*

ii. “Permanent Party” and “Rotating Party” are hereby deleted from the IGA in their entirety.

b. Board of Directors. The first sentence of Paragraph 7 of the IGA regarding the Board of Directors shall be amended to read as follows:

The legislative and administrative power of the Stewardship Council shall be vested with a Board of Directors not to exceed fourteen (14) in number, one representing each of the ten Parties, and one representing each of the Members (not to exceed four); each with one equal vote.

c. References. All other references to “Permanent” and “Rotating” Parties in the IGA shall be read to be interpreted with the Parties’ intention to remove the distinction in designations, and refer only to “Parties.”

3. Amendment to Paragraph 7 regarding Actions of the Board: Paragraph 7.j. titled “Actions of Board” is hereby amended to change the minimum voting requirement for Board action from nine to eleven, as follows:

j. Actions of Board. Actions of the Board require an affirmative vote of at least eleven (11) Directors. In the event a decision is made with less than a unanimous vote, Director(s) in the minority may include a statement in the record reflecting its or their views.

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 First 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 First Amendment to IGA effective as of the date first written above.

COUNTY OF BOULDER

Date: _____

By: _____

ATTEST:

COUNTY OF JEFFERSON

Date: _____

By: _____

ATTEST:

CITY OF ARVADA

Date: _____

By: _____

ATTEST:

CITY OF BOULDER

Date: _____

By: _____

ATTEST:

CITY AND COUNTY OF BROOMFIELD

Date: _____

By: _____

ATTEST:

CITY OF WESTMINSTER

Date: _____

By: _____

ATTEST:

TOWN OF SUPERIOR

Date: _____

By: _____

ATTEST:

CITY OF GOLDEN

Date: _____

By: _____

ATTEST:

CITY OF NORTHGLENN

Date: _____

By: _____

ATTEST:

CITY OF THORNTON

Date: _____

By: _____

ATTEST:
