

**PUBLIC WORKS MEMORANDUM**  
**#36-2024**

**DATE:** Aug. 26, 2024

**TO:** Honorable Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager *hmg*  
Jason Loveland, Deputy City Manager *JL 2*

**FROM:** Sarah Borgers, PE – Director of Public Works  
Tamara Moon – Environmental Manager

**SUBJECT:** CR-139 – Intent to Withdraw from the Rocky Flats Stewardship Council

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**PURPOSE**

To consider CR-139, a resolution approving the intent to withdraw from the Rocky Flats Stewardship Council.

**BACKGROUND**

Formed in February 2006, the mission of the Rocky Flats Stewardship Council (RFSC) is to provide ongoing local government and community engagement of the post-closure management of Rocky Flats. Historically, the RFSC meetings were dedicated to a review of activities in the former Central Operations Unit (COU), including water quality monitoring and updates on the status of the closure remedies that are impactful to Northglenn interests. The meetings also provided Council members the opportunity to engage with regulatory staff from the Environmental Protection Agency (EPA), Department of Energy (DOE) Legacy Management, and the Colorado Department of Public Health and Environment (CDPHE). The public also has had an opportunity to ask questions and voice concerns at these meetings.

In recent years, public engagement during the meetings has started to drive the focus of the RFSC from the conditions and data related to the closure of the COU to issues related to the U.S. Fish and Wildlife Service refuge, air quality concerns, and public access worries. These conversations do not pertain to Northglenn's interest in the site activities nor the monitoring of water quality conditions leaving the site.

Early in 2024, David Abelson, Executive Director of the RFSC, announced his retirement. He has led the Stewardship Council for almost two decades. The Council has engaged in discussions on forming a reimagined RFSC. This process has proven unsuccessful.

Northglenn's interests are related to water quality issues on the Rocky Flats site. To that end, staff has engaged with DOE Legacy Management, CDPHE, and EPA for decades on water quality issues. These entities have committed to continued engagement with Northglenn and all interested parties. Dissolution of the RFSC will have no impact on notification of water quality issues or protection of Standley Lake.

**BUDGET/TIME IMPLICATIONS**

There are no budget or time implications associated with the withdrawal from the Rocky Flats Stewardship Council.

**STAFF RECOMMENDATION**

Staff recommends approval of CR-139.

**STAFF REFERENCE**

If Council Members have any questions, please contact Sarah Borgers, Director of Public Works, at [sborgers@northglenn.org](mailto:sborgers@northglenn.org) or 303.450.4005.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-139  
Series of 2024

\_\_\_\_\_  
Series of 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO APPROVING INTENT TO WITHDRAW FROM THE ROCKY FLATS STEWARDSHIP COUNCIL

WHEREAS, the City of Northglenn, Colorado (the “City” or “Northglenn”), is authorized by Article XIV, § 18 of the Colorado Constitution and C.R.S. § 29-1-201, et seq., to cooperate and contract with other government entities via intergovernmental agreements;

WHEREAS, 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 (collectively, the “Parties”), entered into an intergovernmental agreement dated February 13, 2006, as amended on February 6, 2012 and February 8, 2018 (the “IGA”) establishing the Rocky Flats Stewardship Council, a separate legal public 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. (the “Stewardship Council”);

WHEREAS, the Stewardship Council was established to allow local governments to continue working together on issues related to the long-term protection of Rocky Flats and other issues related to the stewardship and management of the Rocky Flats site, as described in the IGA;

WHEREAS, pursuant to Section 10 of the IGA, “Any Party may withdraw from participation in this IGA upon thirty days’ written notice to the Board of its intent to withdraw, and contingent upon adequate provision for satisfaction of its outstanding debt or other obligations of the withdrawing Party which such Party had previously agreed to pay.”;

WHEREAS, the Stewardship Council does not have any outstanding debt, nor are there any payment obligations owed to the Stewardship Council by the City of Northglenn;

WHEREAS, pursuant to the terms of the IGA, the Stewardship Council shall terminate upon the earliest of the following events: termination or rescission by the unanimous written agreement of all the Parties; decrease of the number of Parties to fewer than six; or lack of a unanimous triennial determination by all Parties that the Stewardship Council should continue for another three years; and

WHEREAS, the City Council of the City of Northglenn now desires to withdraw the City’s participation in this IGA and the Stewardship Council.

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

Section 1. Notice is hereby given that the City of Northglenn intends to withdraw from the Rocky Flats Stewardship Council and the IGA, and the foregoing recitals are incorporated herein by reference as findings and determinations of City Council. Such withdrawal shall take place no earlier than 30 days from the date of this notice and shall be effective as set forth herein.

Section 2. Northglenn's notice of intent to withdraw may be invoked upon receipt for purposes of calculating the number of Parties to the IGA and permitting steps to dissolve the Stewardship Council should the number of Parties to the IGA decrease to fewer than six, as applicable pursuant to paragraph 10.b. of the IGA.

Section 3. The City of Northglenn authorizes and directs the Stewardship Council's consultants, including its executive director and legal counsel, to take all actions reasonably necessary to initiate and facilitate the dissolution of the Stewardship Council as soon as practicable following a finding that there are fewer than six Parties to the IGA, in accordance with paragraph 10 of the IGA.

Section 4. Northglenn's withdrawal from participation in the IGA shall be completed and effective upon the dissolution of the Stewardship Council.

Section 5. This Resolution shall be effective on the date of approval by the City Council.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2024.

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MEREDITH LEIGHTY  
Mayor

ATTEST:

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JOHANNA SMALL, MMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney