



BROOMFIELD CITY COUNCIL

To: Mayor and City Council
From: T. Shaun Sullivan, City and County Attorney
Patricia W. Gilbert, Deputy City and County Attorney

<i>Meeting Date</i>	<i>Agenda Category</i>	<i>Agenda Item #</i>
February 25, 2020	Council Business	11(e)
Proposed Resolution No. 2020-82 Giving Notice of Withdrawal from the Jefferson Parkway Public Highway Authority		
<i>Summary</i>		
<ul style="list-style-type: none"> • The Jefferson Parkway Public Highway Authority (JPPHA) was formed by the City and County of Broomfield, Jefferson County and the City of Arvada on May 15, 2008 with the approval of an Establishing Contract that was amended by the Amended and Restated Establishing Contract dated October 4, 2010, which may be found here. • The Parkway is proposed to be constructed on what was the easterly most 300 feet of the Rocky Flats National Wildlife Refuge, which was purchased by the JPPHA from the Federal Government for right-of-way (ROW) as provided for in Federal Legislative action. A map of the proposed route may be found here. • The City Council discussed the Jefferson Parkway and the JPPHA requested 2019 budget contribution from Broomfield throughout 2019. • City Council members have received a summary from the City and County Attorney, dated October 2, 2019, which was re-distributed in January, 2020, regarding previously approved agreements regarding the Jefferson Parkway. • The City Council has received community comment through most of 2019, from opponents and proponents for the roadway. • In early 2019, the City Council requested that the JPPHA conduct soil sampling along the ROW adjacent to Rocky Flats. The JPPHA had its consultants perform the soil testing in mid-2019. • The soil testing detected a soil sample with 264 picocuries per gram (pCi/g) of Plutonium (Pu) 239/240. This is more than five times the remedial action level for Pu 239/240 from the Rocky Flats Closure Plan. In addition, this is one of the highest soil sample results for Pu 239/240 outside of the former industrial area. • The location of this level of contamination in the Jefferson Parkway ROW has caused the Broomfield City Council to reconsider its continuing participation in the JPPHA. • Proposed Resolution No. 2020-82, provides for notice to the JPPHA, that the City and County of Broomfield intends to withdraw from the JPPHA. • If Resolution No. 2020-82 is approved, a copy of the approved resolution will be transmitted by letter to the JPPHA. 		
<i>Prior Council Action</i>		
<ul style="list-style-type: none"> • The City Council discussed the Jefferson Parkway on November 7, 2019, October 8, 2019, September 24, 2019, June 25, 2019, April 23, 2019, and December 11, 2018. Most recently, the City Council discussed the Jefferson Parkway in an Executive Session on January 28, 2020. 		
<i>Financial Considerations</i>		
<ul style="list-style-type: none"> • Subject to negotiation. 		
<i>Alternatives</i>		
<ul style="list-style-type: none"> • Approve or deny motion 		
<i>Proposed Actions/Recommendations</i>		
<p>Based on the above, it is recommended...</p> <p>That Resolution 2020-82 be adopted.</p>		

RESOLUTION NO. 2020-82

A RESOLUTION GIVING NOTICE OF INTENT TO WITHDRAW FROM THE
JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY

Whereas, the City and County of Broomfield entered into an Establishing Contract with the City of Arvada and Jefferson County on May 13, 2008, to create the Jefferson Parkway Public Highway Authority (JPPHA); and

Whereas, the Parkway is proposed to be constructed on what was the easterly most 300 feet of the Rocky Flats National Wildlife Refuge, which was purchased by the JPPHA from the Federal Government for right-of-way (ROW) as provided for in Federal Legislation; and

Whereas, in early 2019, the City Council requested that the JPPHA conduct soil sampling along the ROW adjacent to Rocky Flats; and

Whereas, the JPPHA's consultants performed the soil testing in mid-2019; and

Whereas, the soil testing detected a soil sample with 264 picocuries per gram (pCi/g) of Plutonium (Pu) 239/240, which is more than five times the remedial actionable level for Pu 239/240 from the Rocky Flats Closure Plan and is one of the highest soil sample results for Pu 239/240 outside of the former industrial area; and

Whereas, the location of this level of contamination in the Jefferson Parkway Right of Way has caused the Broomfield City Council to reconsider its continuing participation in the JPPHA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. The City Council of Broomfield hereby directs that written Notice of Intent to Withdraw from the Jefferson Parkway Public Highway Authority be sent to the Board of Directors of the Jefferson Parkway Public Highway Authority (JPPHA).

Section 2. This resolution is effective upon its approval by the City Council.

APPROVED on February 25, 2020.

THE CITY AND COUNTY OF BROOMFIELD,
COLORADO

Mayor

ATTEST:

City and County Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, reading "T. Brian Sullivan". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

City and County Attorney