

**City of Carson City
Agenda Report**

Date Submitted: November 21, 2011

Agenda Date Requested: December 1, 2011

Time Requested: Consent Agenda

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: For possible action to adopt and approve a resolution for a time extension from a previous funding agreement between Carson City and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, for park improvements at Carson River Park. (Roger Moellendorf, Parks and Recreation Director)

Staff Summary: On September 21, 2006, the Board of Supervisors approved a project funding agreement with the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, for the City to receive a Question 1 Program grant for park improvements at Carson River Park. City staff is requesting the Board of Supervisors to approve a time extension for staff to complete the project.

Type of Action Requested: (check one)

☒ Resolution ☐ Ordinance
☐ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to adopt and approve a resolution for a time extension from a previous funding agreement between Carson City and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, for park improvements at Carson River Park.

Explanation for Recommended Board Action: On October 20, 2011, the Board of Supervisors approved a construction contract for Horizon Construction, Inc. to construct park improvements at Carson River Park. The project's construction is proceeding on schedule but will not be completed before the December 31, 2011 expiration date of the City's funding agreement with the Division of State Lands. Due to potential winter weather delays, the time necessary to complete and close out the project, and for the City to request funding reimbursement, the Division of State Lands has agreed to extend the project funding agreement's deadline to June 30, 2012. As a result, our department is requesting the Board of Supervisors to approve this time extension.

Applicable Statue, Code, Policy, Rule or Regulation: Nevada Revised Statutes 277.180

Fiscal Impact: N/A

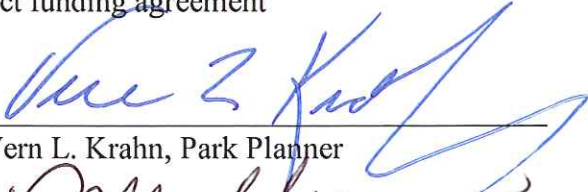
Explanation of Impact: N/A

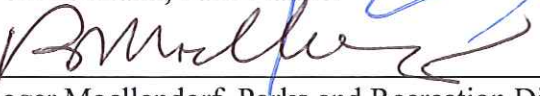
Funding Source: Residential Construction Tax and Question 1 Program Grant
The General Fund is not being used to finance this project.

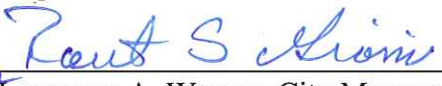
Alternatives: 1) Not approve the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, time extension in the attached project funding agreement.
2) Request City staff to ask the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, to change the project's funding agreement's time extension deadline to another day.

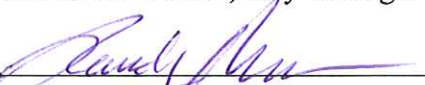
Supporting Material:

- 1) Resolution No. _____
- 2) Exhibit A - State of Nevada, Department of Conservation and Natural Resources, Division of State Lands' project funding agreement

Prepared By:  Date: 11/21/11
Vern L. Krahn, Park Planner

Reviewed By:  Date: 11/21/11
Roger Moellendorf, Parks and Recreation Director

for  Date: 11/21/11
Lawrence A. Werner, City Manager

 Date: 11/21/11
District Attorney's Office

 Date: 11/21/11
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT AND APPROVE A TIME EXTENSION FROM A
PREVIOUS FUNDING AGREEMENT BETWEEN CARSON CITY AND THE STATE
OF NEVADA, DEPARTMENT OF CONSERVATION AND NATUARL RESOURCES,
DIVISION OF STATE LANDS FOR PARK IMPROVEMENTS AT CARSON RIVER
PARK**

WHEREAS, any two public agencies may enter into a contract for the performance of any governmental function pursuant to NRS 277.180; and

WHEREAS, both parties to this agreement are public agencies; and

WHEREAS, on September 21, 2006, the Board of Supervisors approved a funding agreement between Carson City and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, for park improvements at Carson River Park before December 31, 2011; and

WHEREAS, the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, had previously agreed to provide the City with a grant for the project; and

WHEREAS, the City needs more time to complete and close out the project; and

WHEREAS, all parties to the project funding agreement agree that a time extension to June 30, 2012, for completing the park improvements at Carson River Park would be in the best interest of all parties involved; and

WHEREAS, the parties to the project funding agreement agree to a time extension to June 30, 2012, for completing park improvements at Carson River Park entered into between Carson City and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, desire to adopt and approve such contract as required by NRS 277.180. A copy of the agreement is attached to this Resolution as Exhibit "A;" and

NOW, THEREFORE, BE IT RESOLVED that the terms and conditions of the project funding agreement agree to a time extension to June 30, 2012, for completing the park improvements at Carson River Park entered into between Carson City and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, are hereby adopted and approved; and

BE IT FURTHER RESOLVED that the project funding agreement agrees to a time extension to June 30, 2012, for completing park improvements at Carson River Park between Carson City and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, shall be spread at large upon the minutes or attached in full thereto as an exhibit, and that a copy of this Resolution shall be sent to the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands.

Upon motion by Supervisor _____, seconded by
Supervisor _____, the foregoing Resolution was passed and
adopted this _____ day of _____, 2011, by the following vote:

AYES: Supervisors

NAYES: Supervisors

ABSENT: Supervisors

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

LEO DROZDOFF
Director

Department of Conservation
and Natural Resources

JAMES R. LAWRENCE
Administrator

BRIAN SANDOVAL
Governor



State Land Office
State Land Use Planning Agency
Nevada Tahoe Resource Team
Conservation Bond Program -Q1

Address Reply to

Division of State Lands
901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
Fax (775) 684-2721
Web www.lands.nv.gov

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Division of State Lands

November 7, 2011

Mr. Vern Krahn
Parks Planner
Carson City Parks & Recreation Department
3303 Butti Way, Building #9
Carson City, NV 89701

Dear Mr. Krahn:

**FUNDING AGREEMENT, QUESTION 1 PROGRAM, CARSON RIVER PARK PHASE II,
QUESTION 1 PROJECT NO. CA-CR-04003.**

Please find enclosed a signed Funding Agreement for the Carson River Park Phase II project. Please arrange to have the document signed, prepare copies for your records, and return the original signed document to State Lands.

Please contact us when you are ready to request a reimbursement of project expenditures incurred, and we will provide the proper forms for you to use at that time.

We look forward to working with you towards completion of this project. Should you have any questions regarding administration of the Funding Agreement, please contact me at (775) 684-2745.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica Sanders".

Jessica Sanders
Administrative Assistant II
Question 1 Program
Nevada Division of State Lands

Enclosures: Carson River Park Phase II Funding Agreement Amendment

Exhibit A

**A Third Funding Agreement Amendment #3 Between the State of Nevada
Acting By and Through Its Division of State Lands and the
Conservation and Resource Protection Grant Program**

(Grantor)

901 S. Stewart St., Suite 5003, Carson City, NV 89701

phone: (775) 684-2720

fax: (775) 684-2721

And

Carson City

(Grantee)

3303 Butti Way, Building #9, Carson City, NV 89701

phone: (775) 887-2262 ext 30343

fax: (775) 887-2145

FOR THE PURPOSES OF developing the outdoor recreational facility known as Carson River Park, Phase 2;

WHEREAS, at the general election on November 5, 2002 Nevada's voters approved a conservation initiative generated by Assembly Bill 9, Statutes of Nevada, 17th Special Session of the 2001 Nevada State Legislature, Chapter 104, referred to as Question 1, and authorized the issuance of general obligation bonds in the face amount of \$200,000,000 to carry out this program; and

WHEREAS, the Nevada legislature authorized the State Land Registrar to establish a conservation and resource protection grant program and administer the issuance of general obligation bonds in the face amount of \$65,500,000; and

WHEREAS, \$10,000,000 of the above \$65,500,000 is allocated for grants to enhance and restore the Carson River corridor;

WHEREAS, the State Land Registrar has determined this project is both necessary and in the best interests of the State of Nevada;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

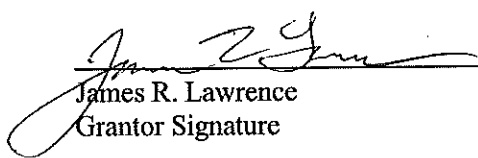
FUNDING AGREEMENT AND MODIFICATION. The Nevada Division of State Lands (NDSL) Question 1 Funding Agreement, Carson River Park, Phase II, CA-CR-04003, is hereby amended to include the following revisions to the Funding Agreement Term:

FUNDING AGREEMENT TERM. The Funding Agreement Term Ending Date shall be extended from December 31, 2011 to June 30, 2012.

This Funding Agreement Modification constitutes the entire modification and is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the modification hereof. This third modification to the original Funding Agreement shall not be binding upon the parties unless signed by the respective parties hereto.

No amendments or modifications to the Funding Agreement other than those expressed above are intended. All other provisions of the Funding Agreement shall remain binding as originally executed and previously amended. The total grant award in the amount of \$145,548.00 remains unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this Funding Agreement to be signed and intend to be legally bound thereby.


James R. Lawrence
Grantor Signature

11/3/11
Date

Administrator/State Lands Registrar
Grantor's Title

Grantee Signature

Date

Grantee's Title