

**Carson City
Agenda Report**

Date Submitted: August 27, 2013

Agenda Date Requested: September 5, 2013

Time Requested: 15 minutes

To: Mayor and Supervisors

From: City Manager

Subject Title: For possible action. Action to approve a Memorandum of Understanding between the Nevada Division of State Lands/Land Use Planning Agency, the Nevada State Historic Preservation Office, the Nevada Department of Corrections, Carson City, a Consolidated Municipality, and the Nevada State Prison Preservation Society for the shared purpose of developing recommendations for the preservation, development, and use of the Nevada State Prison as contemplated by AB356 of the 2013 Nevada State Legislature; to authorize the Mayor to sign the Memorandum of Understanding; and to appoint the Mayor as the City's representative and Michael Drews as the City's alternative representative.

Staff Summary: AB356 was signed into law on May21, 2013 and states, in part:

That the Nevada Legislature hereby finds and declares:

1. That the Nevada State Prison is an integral part of the history of the State of Nevada, particularly with respect to Carson City and the early development of this State, and should be preserved as a historic place.

2. That Carson City, any nonprofit organization and any other interested stakeholder are encouraged to work cooperatively with the Department of Corrections, the Office of Historic Preservation of the State Department of Conservation and Natural Resources and the State Land Registrar to:

(a) Develop recommendations for the preservation, development and use of the Nevada State Prison as a historical, educational and scientific resource for the State of Nevada; and

(b) Present the recommendations to the Nevada Legislature along with any recommendations for legislation that may be necessary to fully implement the recommendations.

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 approve a Memorandum of Understanding between the Nevada Division of State Lands/Land Use Planning Agency, the Nevada State Historic Preservation Office, the Nevada Department of Corrections, Carson City, a Consolidated Municipality, and the Nevada State Prison Preservation Society for the shared purpose of developing recommendations for the preservation, development, and use of the Nevada State Prison as contemplated by AB356 of the 2013 Nevada State Legislature; to authorizwe the Myor

to sign the Memorandum of Understanding; and to appoint the Mayor as the City's representative and Michael Drews as the City's alternative representative.

Explanation for Recommended Board Action: See staff summary.

Applicable Statute, Code, Policy, Rule or Regulation: AB356 of the 2013 Nevada Legislature

Fiscal Impact: None

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not approve the memorandum

Supporting Material: Memorandum of Understanding, AB356

Prepared By: Lawrence A. Werner, P.E., P.L.S.

Reviewed By:	_____	Date: _____
	(Department Head)	
	_____	Date: <u>8/28/13</u>
	(City Manager)	
	_____	Date: <u>8/29/13</u>
	(District Attorney)	
	_____	Date: <u>8/28/13</u>
	(Finance Director)	

Board Action Taken:

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

(Vote Recorded By)

MEMORANDUM OF UNDERSTANDING

BETWEEN

Nevada Division of State Lands/State Land Use Planning Agency
Nevada State Historic Preservation Office
Nevada Department of Corrections
Carson City Consolidated Municipality
Nevada State Prison Preservation Society

Title: Cooperative Agreement to Develop Recommendations Consistent with AB356, (Chapter 28)

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the Nevada Division of State Lands/State Land Use Planning Agency (SLUPA), Nevada State Historic Preservation Office (SHPO), Nevada Department of Corrections (NDOC), Carson City Consolidated Municipality (the City), and the Nevada State Prison Preservation Society (NSPPS).

A. PURPOSE:

Our shared purpose is to develop recommendations for the preservation, development, and use of the Nevada State Prison (Prison). These recommendations, along with any recommendations for legislation that may be necessary to fully implement the recommendations, are required by AB356 passed by the Nevada State Legislature and approved by Governor Sandoval on May 21, 2013.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

- All Signatories will work cooperatively to ensure that the recommendations developed will address the preservation, development, and use of the Prison.
- It is in the interest of all Signatories to employ the best preservation, land management, and museum science available to develop the recommendations described above.
- All Signatories agree that the recommendations, once created, shall address a number of possible alternatives for the preservation, development and use of the Prison.

C. ALL SIGNATORIES SHALL:

- Designate a representative who will serve as that Signatory's primary point of contact for all correspondence, meeting notices, and any other documents distributed to all Signatories. If this representative changes, or an alternate is chosen, the Signatory shall notify all other Signatories and provide contact

information for the new representative. Attachment 1 to this Agreement contains the names and contact information for these representatives.

- Ensure that contact with the media concerning this Agreement, measures to meet the spirit and intent of AB356, and any other matters deemed a part of this effort by the Signatories shall only occur once reviewed and approved by each of the designated representatives for the Signatories and the Public Information Officer (PIO) for either the Department of Conservation and Natural Resources (DCNR) or NDOC.
- Ensure that all draft documents prepared under this Agreement are not released to the general public without the consent of all Signatories or their designated representatives. Meeting minutes not approved by all Signatories shall be considered draft for the purposes of this Agreement.

D. SLUPA SHALL:

- Facilitate the development of the recommendations with SLUPA, SHPO, NDOC, the City, and NSPPS.
- Facilitate dialogue between SLUPA, NDOC, the City, and NSPPS so that the final recommendations address the concerns and opinions of all Signatories.

E. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE SIGNATORIES THAT:

- The goal of this effort is to develop a series of recommendations that all Signatories agree will accomplish the spirit and intent of AB356.
- If any Signatory to this Agreement fails to reply to the written request for comment provided by another Signatory within 60 calendar days of receipt of a submission, the remaining Signatories shall presume concurrence with the document as written and proceed accordingly.
- This Agreement will terminate upon the Signatories' presentation of the recommendations for the preservation, development, and use of the Prison to the Nevada Legislature or ten (10) years whichever comes first. If the final recommendations prior to such time, the Signatories shall consult to reconsider the terms of this Agreement and amend it with the stipulation below.
- Any Signatory to this Agreement may request that it be amended, whereupon the Signatories will consult to consider such amendment. The amendment will be effective on the date a copy signed by all of the Signatories is filed with

SLUPA and NDOC. Changes to Attachment 1 will not be considered an amendment to this Agreement.

- Any Signatory to this Agreement may terminate the Agreement by providing thirty (30) days advance written notice with cause to the other Signatories, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.
- Should any Signatory object, in writing, at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the Signatories shall consult with the objecting party to resolve the concern.

F. REPRESENTATIVES

See Attachment 1.

G. THE SIGNATORIES HERETO HAVE EXECUTED THIS DOCUMENT:

by: _____ dated: _____
 Name/Signature
 for: Nevada Division of State Lands/State Land Use Planning Agency

by: _____ dated: _____
 Name/Signature
 for: Nevada State Historic Preservation Officer

by: _____ dated: _____
 Name/Signature
 for: Nevada Department of Corrections

by: _____ dated: _____
 Name/Signature
 for: Carson City Consolidated Municipality

by: _____ dated: _____
 Name/Signature
 for: Nevada State Prison Preservation Society

Attachment 1
To the
Memorandum of Understanding
For the Cooperative Agreement to Develop Recommendations with AB356

Carson City's Representative

Mayor Robert L. Crowell
201 N. Carson Street, Suite 2
Carson City, NV 89701

Email: bcrowell@carson.org
Office Phone: 775-887-2100
Cell Phone: 775-230-1311

Carson City's Alternative Representative

Michael Drews
200 Winter Drive
Carson City, NV 89703

Email: mdrews@gnomon.com
Office Phone: 775-885-2305
Home Phone: 775-883-8253

Assembly Bill No. 356—Assemblymen Livermore, Hickey; Ellison,
Grady, Hansen, Hardy, Healey, Oscarson, Swank and
Woodbury

CHAPTER.....

AN ACT relating to the Nevada State Prison; encouraging the development of recommendations to preserve the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill encourages the development of recommendations for the preservation of the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

WHEREAS, The Nevada State Prison located on East Fifth Street in Carson City was originally built in 1860 by pioneer Abraham Curry as the Warm Springs Hotel; and

WHEREAS, The landmark prison was established in 1862 by the Nevada Territorial Legislature and administered by Abraham Curry at the site of the Warm Springs Hotel, and thus represents the first executive agency created in the State of Nevada; and

WHEREAS, The sandstone quarry on the site contributed to the construction of state, city and private buildings during the early history of the State of Nevada and Carson City, including the Capitol Building, the United States Mint, the Virginia and Truckee Railroad engine house and many other public and private buildings; and

WHEREAS, The lands and grounds of the prison are known to contain unique specimens of extinct species and the legend of *Homo Nevadensis*; and

WHEREAS, The first lethal gas execution chamber in the world was designed and used at the prison and is currently active; and

WHEREAS, The prison has a well-established and colorful history as a maximum security prison, replete with riots, escapes, gangs, executions, musicians, gambling and Hollywood filming, all of which provide intriguing historical value; and

WHEREAS, The history of the manufacture of Nevada's license plates is integral to the prison; and

WHEREAS, The Nevada State Prison was decommissioned in May of 2012 and is likely to fall into a state of disrepair without continued maintenance and upkeep; and



WHEREAS, Efforts are underway to establish the historic sections of the prison as a site listed on the National Register of Historic Places; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Nevada Legislature hereby finds and declares:

1. That the Nevada State Prison is an integral part of the history of the State of Nevada, particularly with respect to Carson City and the early development of this State, and should be preserved as a historic place.

2. That Carson City, any nonprofit organization and any other interested stakeholder are encouraged to work cooperatively with the Department of Corrections, the Office of Historic Preservation of the State Department of Conservation and Natural Resources and the State Land Registrar to:

(a) Develop recommendations for the preservation, development and use of the Nevada State Prison as a historical, educational and scientific resource for the State of Nevada; and

(b) Present the recommendations to the Nevada Legislature along with any recommendations for legislation that may be necessary to fully implement the recommendations.

Sec. 2. This act becomes effective on July 1, 2013.

