

## SECOND SUPPLEMENTAL INTERLOCAL CONTRACT

### OAKEY – MEADOWS STORM DRAIN

**THIS SECOND SUPPLEMENTAL INTERLOCAL CONTRACT** made and entered into as of the 9<sup>th</sup> day of November, 2006 by and between the Clark County Regional Flood Control District, hereinafter referred to as “DISTRICT” and the CITY OF LAS VEGAS, hereinafter referred to as “CITY”.

### WITNESSETH

**WHEREAS**, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

**WHEREAS**, the flood control improvements proposed herein are the same as those identified in the Master Plan No. October 2002, Structures No. MEOK 0000, 0063, 0159, 0170 and 0233 hereinafter referred to as “PROJECT”; and

**WHEREAS**, the PROJECT is identified and shown on the attached Exhibit “A”; and

**WHEREAS**, the PROJECT has been approved by the DISTRICT on its annual Ten Year Construction Program; and

**WHEREAS**, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

**WHEREAS**, the CITY wishes to increase funding and add a line item for right-of-way costs.

**NOW, THEREFORE**, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

#### **SECTION II - PROJECT COSTS shall be revised to read as follows:**

The DISTRICT agrees to fund project costs within the limits specified below:

1. The engineering and design shall not exceed \$2,010,354.
2. Preparation of right-of-way drawings, descriptions, title reports of the right-of-way required and appraisals at a cost not to exceed \$50,000.

3. The total cost of the contract shall not exceed \$2,060,354 which includes all of the items described in the paragraphs above.
4. A written request must be made to the DISTRICT and approved by the Board to reallocate funds between phases of the project. No other approval by the Lead Entity is required.
5. A written request must be made to the DISTRICT and a Supplemental Interlocal Contract approved by the Board to increase the total cost of the contract noted above prior to payment of any additional funds.

**SECTION III – GENERAL, paragraph 10 shall be revised to read as follows:**

10. The DISTRICT will pay the CITY, or make payment directly to its contractor or its consultant, each month for project costs as outlined in SECTION II – PROJECT COSTS. Invoices must identify and allocate all costs to the categories noted below:
  - a. Right-of-Way acquisition including appraisals, title and escrow, negotiations, legal fees, recording fees, etc.
  - b. Predesign Engineering (all work prior to design, excluding right-of-way)
  - c. Design Engineering
  - d. Construction Engineering
  - e. Construction (all work after award of construction contract)
  - f. Environmental: costs incurred by the Lead Entity for the preparation of environmental documentation applicable to the project and costs incurred for the implementation of mitigation measures provided in an environmental document (e.g., EIS or EA)
  - g. Other including landscaping, flood insurance rate map amendments or revisions, etc.

The remainder of the original Interlocal Contract dated August 14, 2003, and the First Supplemental Interlocal Contract dated July 13, 2006 shall remain unchanged.

IN WITNESS WHEREOF, this Second Supplemental Interlocal Contract is hereby executed as of the date first set forth above.

Date of District Action:

REGIONAL FLOOD CONTROL DISTRICT

November 9, 2006

ATTEST:

BY: Lawrence L. Brown III  
LAWRENCE L. BROWN, III, Chairman

Carolyn Frazier  
CAROLYN FRAZIER  
Secretary to the Board

Approved as to Form:

BY: Chris Figgins  
CHRISTOPHER FIGGINS  
Chief Deputy District Attorney

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Date of Council Action: CITY OF LAS VEGAS

December 6, 2006  
ATTEST:

BY: Oscar B. Goodman  
OSCAR B. GOODMAN, Mayor

Barbara Jo Ronemus  
BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM  
Thomas R. Green 11/15/06  
Thomas R. Green Date  
Deputy City Attorney

