

INTERLOCAL AGREEMENT AMONG THE CITY OF HENDERSON, CITY OF LAS VEGAS, CLARK COUNTY, CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT, CLARK COUNTY WATER RECLAMATION DISTRICT, AND THE SOUTHERN NEVADA WATER AUTHORITY TO ESTABLISH FUNDING ALLOCATIONS AND THE BUDGET FOR LAS VEGAS WASH ACTIVITIES IN FISCAL YEAR 2009/2010

This Interlocal Agreement is entered into by the City of Henderson; the City of Las Vegas; Clark County; the Clark County Regional Flood Control District; the Clark County Water Reclamation District; and, the Southern Nevada Water Authority ("Authority") comprised of Authority "Purveyor Members" (City of Henderson, City of North Las Vegas and the Las Vegas Valley Water District), and the Authority "Wastewater Discharge Members" (City of Henderson, City of Las Vegas and the Clark County Water Reclamation District) this 6 day of October, 2009.

WHEREAS, Lake Mead and the Colorado River are the primary source of water for over 1.8 million residents of the metropolitan Las Vegas Valley and Laughlin, Nevada; and

WHEREAS, Lake Mead and the Colorado River are a significant source of water for millions of other residents in the Lower Colorado River Basin, including citizens of Arizona, California, and Mexico as well as members of several Native American Tribes; and

WHEREAS, the Las Vegas Wash is comprised of highly treated wastewater flows, urban runoff, shallow ground water, storm water flows, and other flows, all of which run through the single tributary from the urban Las Vegas Valley into Lake Mead; and

WHEREAS, concerns over erosion, water quality, the loss of wetlands, and other issues have made managing the Las Vegas Wash one of the highest environmental priorities for Southern Nevada; and

WHEREAS, the undersigned parties – along with other local, state, and federal entities – embarked on a water quality process in 1997 that included participation in the Lake Mead Water Quality Forum and the formation of a citizens advisory committee which studied various issues related to water quality in the Las Vegas Wash, Las Vegas Bay, and Lake Mead; and

WHEREAS, the citizens advisory committee developed a series of recommendations for protecting and improving water quality, one of which was to develop a comprehensive adaptive management plan for the Las Vegas Wash; and

WHEREAS, following the presentation of the citizen recommendations to the Lake Mead Water Quality Forum and their acceptance by the Authority Board of Directors in 1998, the undersigned parties participated in the Las Vegas Wash Coordination Committee ("LVWCC"), a committee comprised of 30 local, state, federal, environmental, and public representatives; and

WHEREAS, the LVWCC, over a 10-month period and with the support of over 100 staff from participating agencies, developed 44 recommended actions in nine study areas related to the Las Vegas Wash; and

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Section 1: Capital Improvements Budget

It is agreed that the budget for capital improvements and associated activities for 2009/2010 are included in the 2009-10 Project Work Plan of the Amended Las Vegas Wash Capital Improvements Plan. The 2009-10 Project Work Plan shows a total funding of \$42,577,899 for calendar years 2009 and 2010. The 2009-10 Project Work Plan includes funding for design activities at eight channel stabilization dam sites, construction activities for five channel stabilization dams, completion of construction of one bank protection facility, revegetation of six disturbed construction sites, plant nursery stock development, biological surveys, hydraulic modeling studies, emergency action planning, debris removal, construction equipment rental, and construction materials transportation.

Funding for capital projects will come from monies generated from 4% of gross revenue from the ¼ cent sales tax, federal partners, and other available sources.

The Authority will require its contractors to indemnify, defend and hold harmless the Parties to this Agreement against any and all claims, causes of action, judgments, and/or fees arising out of the contractor's acts and/or omissions related to its performance of any contract for the Authority.

The Authority will also require its contractors to name each party to this Agreement as an additional insured on the contractor's insurance policy.

Section 2: Operating Budget

It is agreed by the parties hereto that the total operating budget for the Authority's Las Vegas Wash activities for fiscal year 2009/2010 is estimated to be \$4,329,913. It is anticipated that there will be federal funding available to augment the parties' contributions. Said federal funding is estimated to be approximately \$716,781. Grants are anticipated to augment the operating budget in the amount of \$2,449,342. This will leave \$1,163,790 of the total operating budget to be provided locally (referred to herein as the "local share"). Additionally, it is anticipated that the Authority's purveyor members will contribute \$465,516 or 40% of the local share; however, the purveyor members' contribution is not governed by this Agreement. The parties hereto agree, therefore, that \$698,274 or 60% of the local share of the total operating budget must be paid by the parties hereto. Contained in Attachment A is an Operating Budget Narrative outlining the anticipated administration costs as well as programs and study costs included in the 2009/2010 operating budget.

a) Funding of Local Share:

It is hereby agreed by the parties that the following allocation ratios and funding sources are established as binding for the purpose of funding the local share or \$1,163,790 of the total operating budget for the Las Vegas Wash for fiscal year 2009/2010:

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Section 6: Governing Law

The laws of the State of Nevada will govern as to the interpretation, validity and effect of this Agreement.

Section 7: Third Party Beneficiaries

This Agreement is intended only to benefit the parties hereto and does not create any rights, benefits or causes of action for any other person, entity or member of the general public.

Section 8: One Time Agreement

It is specifically recognized and agreed by all parties hereto, that this Agreement is not to be interpreted or constructed as establishing a precedent for any further agreement, covenant or commitment on the part of any party hereto and should be considered a stand alone document without establishing any future obligations, other than as described herein, on the part of any party hereto.

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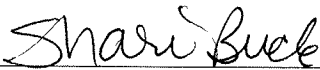
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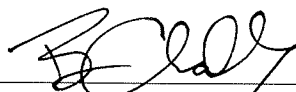
SOUTHERN NEVADA WATER AUTHORITY



Shari Buck, Chair

Approved as to form:

Approved on May 21, 2009, by the Board of Directors
for the Southern Nevada Water Authority.



Brian Chally, Deputy Counsel

Attest:

CITY OF LAS VEGAS

Beverly K. Bridges, CMC, City Clerk

Oscar B. Goodman, Mayor

Approved As To Form:

Approved on _____, by the City Council for the
City of Las Vegas.

John S. Ridilla, Deputy City Attorney

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Attest:

CITY OF HENDERSON

Monica Martinez Simmons, MMC
City Clerk

James B. Gibson, Mayor

Approved As To Form:

Approved on _____, by the City Council
for the City of Henderson.

Shauna M. Hughes, City Attorney

Attest:

**CLARK COUNTY WATER RECLAMATION
DISTRICT**

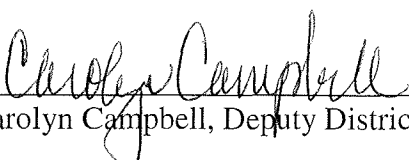
N/A



Richard Mendes, General Manager

Approved As To Form:

Approved on 6/2/09, by the Board of Trustees for the
Clark County Water Reclamation District.

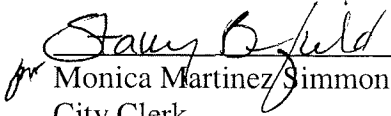


Carolyn Campbell, Deputy District Attorney

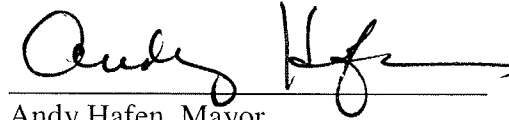
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Attest:

CITY OF HENDERSON



Monica Martinez Simmons, MMC
City Clerk



Andy Hafen, Mayor

Approved As To Form:

Approved on July 7, 2009 NB-055, by the City Council
for the City of Henderson.



Elizabeth Macias Quillin, City Attorney

Attest:

**CLARK COUNTY WATER RECLAMATION
DISTRICT**

N/A

Richard Mendes, General Manager

Approved As To Form:

Approved on _____, by the Board of Trustees for the
Clark County Water Reclamation District.

Carolyn Campbell, Deputy District Attorney

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Attest:

CLARK COUNTY

Shirley B. Parraguirre, County Clerk

Rory Reid, Chairman

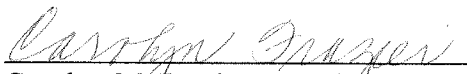
Approved As To Form:

Approved on _____, by the Board of County Commissioners
for Clark County (Parks & Recreation)

Mary Ann Peterson, Deputy District Attorney

Attest:

**CLARK COUNTY REGIONAL FLOOD
CONTROL DISTRICT**



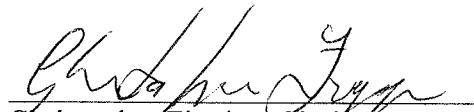
Carolyn M. Frazier, Board Secretary



Lawrence L. Brown, III, Chairman

Approved As To Form:

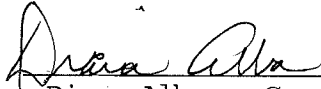
Approved on June 11, 2009, by the Board of Directors
for the Clark County Regional Flood Control District.



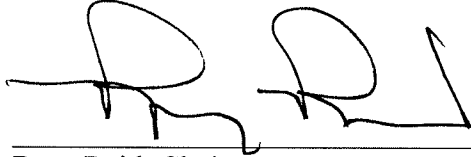
Christopher Figgins, Clark County
Chief Deputy District Attorney

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Attest:

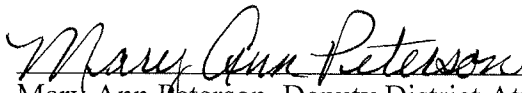

Diana Alba, County Clerk

CLARK COUNTY


Rory Reid, Chairman

Approved As To Form:

Approved on 10/6/09, by the Board of County Commissioners
for Clark County (Parks & Recreation)


Mary Ann Peterson, Deputy District Attorney

Attest:

**CLARK COUNTY REGIONAL FLOOD
CONTROL DISTRICT**

Carolyn M. Frazier, Board Secretary

Lawrence L. Brown, III, Chairman

Approved As To Form:

Approved on _____, by the Board of Directors
for the Clark County Regional Flood Control District.

Chris Figgins, Clark County
Deputy District Attorney