

City of Las Vegas

STAFF REPORT

HISTORIC PRESERVATION COMMISSION MEETING DATE: 05/28/14

DEPARTMENT: PLANNING

ITEM DESCRIPTION: For possible action regarding possible amendments to the First Amendment to the Amended and Restated Memorandum of Understanding Between the Commission for the Las Vegas Centennial and the City of Las Vegas, All Wards

BACKGROUND

- 12/12/05 Commission for the Las Vegas Centennial approved funding of \$75,000 from Centennial Legacy funds, "History Grant" for historic preservation projects to be administered by the HPC.
- 03/22/06 HPC approved acceptance of Legacy funds from Centennial Board.
- 05/24/06 HPC approved Legacy fund budget.
- 06/28/06 HPC approved amendment to Legacy fund budget to include "Commissioner Training and Development," to fund commissioners travel, lodging and registration expenses to historic preservation conferences.
- 10/04/06 City Council approved Memorandum of Understanding by and between the Las Vegas Centennial Commission and the city of Las Vegas on behalf of the HPC for a grant in the amount of \$75,000 to be administered by the HPC for specified historic preservation projects.
- 02/26/07 Las Vegas Centennial Board of Directors approved Centennial History Grant application.
- 03/28/07 HPC approved revisions to MOU.
- 09/05/07 Las Vegas City Council approved revisions to MOU.
- 09/26/07 HPC approved list of projects to be funded by Centennial Legacy funds.
- 01/28/08 The Las Vegas Centennial Board of Directors approved list of projects to be funded by Centennial Legacy funds and requested project cost estimates and timelines.
- 02/27/08 HPC approved Centennial Legacy fund project budget and timeline.
- 08/17/11 HPC Budget Subcommittee approved a request for the allocation of HPC Centennial Legacy funds (HPC-42781) for FY 2011-2012, All Wards.
- 09/28/11 HPC approved a request for HPC Centennial Legacy budget (HPC-43284), including fund allocations and proposed line items for operational expenses and small grants, All Wards.

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ACTION ITEM 8: HPC-54140

- 02/20/13 City Council approved the first amendment to the amended and restated Memorandum of Understanding (MOU) by and between the Commission for the Las Vegas Centennial and the City of Las Vegas on behalf of the Historic Preservation Commission.
- 03/27/13 HPC approved the revised HPC Centennial Legacy Budget (HPC-48630).
- 01/22/14 HPC approved the HPC Centennial Legacy Budget (HPC-52545).
- 03/26/14 HPC approved the HPC Centennial Legacy Grant Program for Bricks and Mortar Projects for residential properties designated on the city of Las Vegas Historic Property Register, Ward 3 (Coffin) and Ward 5 (Barlow).
- 04/23/14 HPC approved the HPC Centennial Legacy grant application from Nevada Humanities in the amount of \$2,125.00 for an event titled, "Tourism, Hospitality, and the Myth of the West: How the Harvey Houses Heralded Las Vegas," All Wards.

ANALYSIS

On September 28, 2011 the HPC voted to approve fund reallocations which included eliminating the awards fund category and including awards in operating expenses, and increasing the small grant fund amount to \$25,000.

The HPC Centennial Legacy Budget is divided between the Operating fund and the Small Grant fund. The Operating fund has \$62,856 remaining. The Small Grant fund has a zero balance.

Currently there is no language in either the Amended and Restated memorandum of Understanding between the Commission for the Las Vegas Centennial and the city of Las Vegas, dated September 5, 2007 ["Amended"], or the First Amendment to the Amended and Restated memorandum of Understanding between the Commission for the Las Vegas Centennial and the city of Las Vegas, dated February 20, 2013 ["First Amendment"] which would allow the HPC to reallocate funds from one category to another.

Staff is scheduled to submit an update on HPC Centennial Legacy projects, a current budget and an amendment to the First Amendment for consideration at the July 28, 2014 meeting of the Commission for the Las Vegas Centennial to include bricks and mortar grants as an allowable grant project. The amendment also allocates \$25,000 for small grant funds and the remainder for the operating fund. Staff recommends adding additional language to that amendment that would allow the HPC to replenish the small grant fund to \$25,000 each year during the first grant cycle. If approved, the HPO will work with the Office of the City Attorney to draft the language and submit directly to the Commission for the Las Vegas Centennial for consideration.

STAFF RECOMMENDATION

APPROVAL

BACKUP DOCUMENTS

- HPC Centennial Legacy Budget
- Amended and Restated memorandum of Understanding between the Commission for the Las Vegas Centennial and the city of Las Vegas, dated September 5, 2007
- First Amendment to the Amended and Restated memorandum of Understanding between the Commission for the Las Vegas Centennial and the city of Las Vegas, dated February 20, 2013

Fund 201,200 Historic Preservation Commission
 Org 20,411 Department of Planning
 Acct 247200 Centennial Legacy Funding
 Project EE3280 FY 2009-FY2013

Category	Amount	Project Commitment	Budgeted Amount	Total Funds Encumbered and/or Expensed	Remaining Available Funding
Operating	\$125,000			\$62,144.37	\$62,855.63

Approved Project List

Historic Resource nominations to the city of Las Vegas Historic Property Register or National Register of Historic Places
 Historic Resource Surveys and Inventories
 Historical Research and Documentation
 Public Outreach to include costs associated with printing brochures and Historic Connection, historical tours, honorariums and lectures
 Historical Interpretation to include historical markers, exhibits and National Register plaques for designated properties
 Commissioner training (CAMP, lectures, seminars, conferences)
 Historic Preservation and Archaeology month events to include costs associated with the Heildorado Parade, historical tours, honorariums, lectures, brochures and awards
 Awards and Scholarships
 HPC annual membership on Preservation Action!
 HPC annual subscription to NAPC
 HPC annual NTHP Forum membership fees

2,000.00
 1,000.00
 100.00
 130.00
 250.00

Small Grants	\$25,000			\$23,344.94	\$1,655.06
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Approved Grant Projects

Ward 5 Chamber of Commerce - Harrison House project \$5,000
 Sarann Knight Preddy - Autobiography project \$5,000

Total Available Funding	\$64,510.69
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**AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING
BETWEEN THE COMMISSION FOR THE LAS VEGAS CENTENNIAL
AND THE CITY OF LAS VEGAS**

THIS AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this 5th day of September, 2007, by and between the COMMISSION FOR THE LAS VEGAS CENTENNIAL, a Nevada non-profit corporation ("Commission") and the CITY OF LAS VEGAS ("City") on behalf of the HISTORIC PRESERVATION COMMISSION ("HPC").

RECITALS

WHEREAS, the Commission is the administrator of certain funds received from the issuance of special license plates commemorating the 100th anniversary of the founding of the City of Las Vegas (the "Centennial"); and

WHEREAS, NRS 482.37903 requires that fees collected from the issuance of the Centennial license plates be used for projects relating to the commemoration of the history of the City of Las Vegas, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings or structures; and

WHEREAS, the City has created the HPC whose role is to advise the City Council and Planning Commission on matters relating to historic preservation; and

WHEREAS, the HPC desires certain Centennial grant funds for the purpose of providing grants and awards for historic preservation uses and for utilizing the funds for historic documentation, research and reports; and

WHEREAS, the Commission is able to provide the Centennial Grant funds to the City to be utilized by HPC for historic commemoration and preservation purposes; and

WHEREAS, the parties entered into the original MOU in March 2007 and now desire to amend and restate the MOU to update the allocation of Centennial Grant funds.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Grant of Funds. Subject to the terms of this MOU, the Commission hereby agrees to provide to City a grant in the total amount of Seventy Five Thousand and 00/100 Dollars (\$75,000.00) to be used by HPC for certain projects (collectively the "Projects") described as follows:

1.1 \$55,000 shall be allocated for the following purposes:

- A. **Historic Resource Survey and Inventory:** Consultants will be hired to complete historic surveys of individual historic properties and historic neighborhoods within the City of Las Vegas.
 - B. **Research and Documentation:** Consultants will be hired to photograph, do physical documentation and use library archives to complete reports, back-up information for lectures and other presentations for neighborhood meetings and professional conferences.
 - C. **Nomination Reports:** Consultants will be hired to conduct research and documentation to prepare reports nominating historic resources to the City of Las Vegas Historic Property Register, and/or State and National Registers of Historic Places.
 - D. **Commissioner Training and Development:** Historic Preservation Commissioners will be sent to professional training conferences in the field of historic preservation.
 - E. **Historic Markers and Plaques:** The Historic Preservation Commission may provide for the purchase and installation of historic markers and plaques within the Public Right of Way for historic buildings, structures, sites and/or objects.
- 1.2 **\$15,000 – Small Grants (\$1,000 to \$5,000).** The City, through the HPC, will provide small grant awards to organizations and individuals for the purpose of commemorating the history of the city of Las Vegas including, but not limited to, historic markers, tours of historic sites, cultural heritage and tourism, oral history, historic survey, documentation, museums and archives, and education.
 - 1.3 **\$5,000 – Awards Program:** Awards will be given throughout the year and during the Historic Preservation Month held in May to those individuals and groups that have given significant and exemplary time, money, labor, etc. toward historic preservation projects.

2. Administration of the Centennial Grant Funds. The City's Historic Preservation Officer in conjunction with HPC will administer and monitor the Projects described above in Section 1 and the disbursement of the Centennial Grant funds provided herein.

3. Request for Funds. Subject to the City and HPC's compliance with this MOU, the City shall furnish to the Executive Director of the Commission with a requisition for the payment of the Centennial Grant funds. The requisition shall include the amount requested, applicable invoices, description of the project and other related documentation evidencing the expenses incurred. The Executive Director will review the

disbursement request within ten (10) business days to see if it complies with this Agreement.

4. Local, State and Federal Laws. The City shall carry out the Projects or cause such Projects to be carried out in conformity with all applicable laws, including, without limitation, all applicable federal, state and local laws.

5. Cost Overruns. If the cost of the Projects, or any portion thereof, exceeds the amounts set forth in this MOU, the City shall pay the amount of the excess from the City's own funds or any other funds obtained by the City or pledged to the City to pay any such excess, as long as such excess amounts are not paid from the Centennial Grant funds.

6. Acknowledgment. The City agrees that it will acknowledge the support of the Commission in all publicity related to the Projects, including, press/media releases and opportunities for the promotion of the Projects.

7. Indemnification. Subject to the rights and limitations set forth in NRS Chapter 41, the City shall protect, indemnify and hold the Commission for the Las Vegas Centennial, its officers, directors, committees, employees and agents, harmless from and against any and all third party claims arising out of the Projects or this MOU.

8. Termination. The Commission shall have the right to terminate this MOU if the Commission determines, in its sole reasonable judgment, that the City, through its HPC, fails to diligently pursue the Projects to completion. Termination shall be effective by the Commission providing thirty (30) calendar days written notice to terminate to the City.

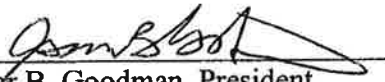
9. Notices. All notices, demands, instruction and other communications required or permitted to be given to or made upon any party hereto shall be in writing and shall be personally delivered or sent by regular mail, addressed as follows:

If to the City:	City of Las Vegas Historic Preservation Commission 731 S. Fourth St. Las Vegas, NV 89101
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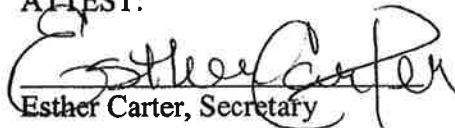
If to the Commission:	Commission for the Las Vegas Centennial c/o Executive Director 400 Stewart Ave., 8 th fl. Las Vegas, NV 89101
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IN WITNESS WHEREOF, the Commission and the City have caused this Agreement to be executed as of the day and year first above written.

COMMISSION FOR THE LAS VEGAS
CENTENNIAL

By: 
Oscar B. Goodman, President

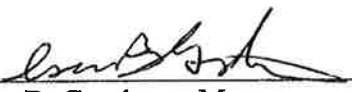
ATTEST:


Esther Carter, Secretary

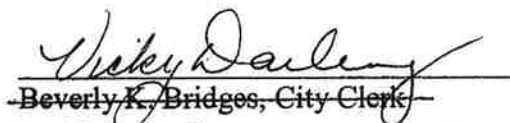
APPROVED AS TO FORM:

 8/14/07
Date

CITY OF LAS VEGAS

By: 
Oscar B. Goodman, Mayor

ATTEST:


~~Beverly K. Bridges, City Clerk~~

By: Vicky Darling
Acting Chief Deputy City Clerk

APPROVED AS TO FORM:

 8/14/07
Date

**FIRST AMENDMENT TO THE AMENDED AND RESTATED MEMORANDUM OF
UNDERSTANDING BETWEEN THE COMMISSION FOR THE LAS VEGAS
CENTENNIAL AND THE CITY OF LAS VEGAS**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING ("First Amendment") is made and entered into this 20th day of February, 2013, by and between the COMMISSION FOR THE LAS VEGAS CENTENNIAL, a Nevada non-profit corporation ("Commission") and the CITY OF LAS VEGAS ("City") on behalf of the HISTORIC PRESERVATION COMMISSION ("HPC").

RECITALS

WHEREAS, the Commission and the City entered into the Amended and Restated Memorandum of Understanding ("MOU") which provided Centennial Grant Funds for the purpose of providing grants for historic commemoration and preservation purposes; and

WHEREAS, the Commission and City desire to amend the MOU to update the disbursement and reporting process for the Centennial Grant Funds.

NOW, THEREFORE, the Commission and City agree to amend the MOU as follows:

1. Section 2 of the MOU shall be amended to read as follows:

Administration of the Centennial Grant Funds. The City's Historic Preservation Officer in conjunction with HPC and the City's Department of Planning will administer and monitor the Projects described above in Section 1 and the disbursement of the Centennial Grant Funds herein.

2. Section 3 shall be deleted and the following shall be inserted in its place:

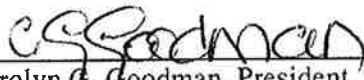
A. City Council Approval. A budget for the Projects will be submitted in conjunction with the annual budget for the Department of Planning. The budget will be accompanied by detailed project descriptions, currently funded project status and a copy of the signed MOU between the Commission and the HPC. If approved by the City Council, the Centennial Grant Funds will be transferred to the Department of Planning for project administration and monitoring.

B. Request for Funds. Upon approval of the budget by the City Council, and subject to the City and HPC's compliance with this MOU, the Department of Planning shall furnish to the Executive Director of the Commission with a requisition for the payment of the Centennial Grant Funds. The requisition shall include the total amount awarded, and will include documentation a detailed budget, project descriptions and other related evidence as presented with the Centennial Grant application.

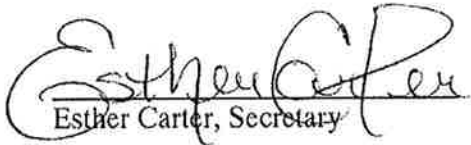
C. **Annual Reporting Requirements.** The City's Historic Preservation Officer will provide a budget on an annual basis to the Commission for consideration at the Commission's budget meeting generally held in July of each fiscal year. The budget will be accompanied by detailed project descriptions and the currently funded project status report.

3. Except as hereinabove set forth, the MOU shall remain valid and in full force and effect.

COMMISSION FOR THE LAS VEGAS
CENTENNIAL

By: 
Carolyn G. Goodman, President

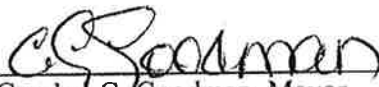
ATTEST:


Esther Carter, Secretary

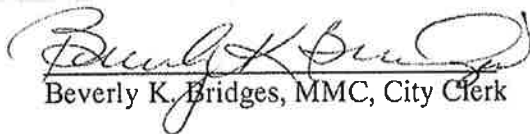
APPROVED AS TO FORM:

 1/28/13
Date

CITY OF LAS VEGAS

By: 
Carolyn G. Goodman, Mayor

ATTEST:


Beverly K. Bridges, MMC, City Clerk

APPROVED AS TO FORM:

 1/28/13
Date