SUPPLEMENTAL NO. 1 TO THE INTERLOCAL CONTRACT FOR
DUCK CREEK, MOUNTAIN VISTA STREET TO GREEN VALLEY PARKWAY

THIS SUPPLEMENTAL INTERLOCAL CONTRACT, made and entered into this 3rd day of March, 2009, by and between the Clark County Regional Flood Control District, hereinafter referred to as “DISTRICT”, and the County of Clark, hereinafter referred to as “COUNTY”.

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 generally described in the 2002 Master Plan Update, Structures No. DCWA 0520 through 0580 and the 2008 Master Plan Update, Structure No.’s. DCWA 0521 through 0580, 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 DISTRICT approved an interlocal contract to provide funds for design, right-of-way acquisition, and environmental mitigation of the Project; and

WHEREAS, it is necessary to decrease design and right-of-way acquisition, increase environmental mitigation funding and extend the term of the contract for the Project; and

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

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the COUNTY agree to supplement the Interlocal Contract approved November 10, 2004; as follows:

SECTION II - PROJECT COSTS, shall be changed to read as follows:

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

1. Design in an amount not to exceed $111,000.00.

2. Right-of-way acquisition including appraisals, title and escrow, negotiations, legal fees,
recording fees, etc. in an amount not to exceed $4,500.00.

3. Environmental mitigation in an amount not to exceed $293,500.00.

4. The total cost of this Interlocal Contract shall not exceed $409,000.00, which includes all the items described in the paragraphs above.

5. 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.

6. 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, paragraphs 9 and 14 shall be changed to read as follows:

9. The DISTRICT will pay the COUNTY, 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. Pre-design 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.

14. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the District prior to June 30, 2014. The District may, at any time thereafter, grant extensions or terminate this Interlocal Contract after thirty (30) days notice.
The remainder of the original Interlocal Contract remains unchanged.

IN WITNESS WHEREOF, this Supplemental No. 1 to the Interlocal Contract is hereby executed as of the date first set forth above.

**Date of Commission Action:**

CLARK COUNTY BOARD OF COMMISSIONERS

By: 

RORY REID
Chairman

Attest:

SHIRLEY B. PARRAGUIRRE
County Clerk

**Date of District Action:**

REGITIONAL FLOOD CONTROL DISTRICT

By: 

LAWRENCE L. BROWN, III, Chairman

Attest:

CAROLYN FRAZIER
Secretary to the Board

Approved as to Form:

CHRISTOPHER FIGGINS
Chief Deputy District Attorney
Exhibit A
Duck Creek, Mountain Vista Street to Green Valley Parkway

Project Number: CLA14R04