Summary - 

a resolution awarding the construction contract for Improvement District No. 144C - Durango Drive - Southern Beltway to Hacienda Avenue and Sunset Road
- Southern Beltway to Cimarron Road.

RESOLUTION NO. ________

(of Clark County, Nevada)

A RESOLUTION CONCERNING CLARK COUNTY, NEVADA, IMPROVEMENT DISTRICT NO. 144C - DURANGO DRIVE – SOUTHERN BELTWAY TO HACIENDA AVENUE AND SUNSET ROAD – SOUTHERN BELTWAY TO CIMARRON ROAD) AND AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS IN THE DISTRICT.

WHEREAS, the Board of County Commissioners (the “Board”) of the County of Clark “County”), and State of Nevada, pursuant to the Improvement District No. 144C Creation Ordinance created Clark County, Nevada, Improvement District No. 144C - Durango Drive - Southern Beltway to Hacienda Avenue and Sunset Road - Southern Beltway to Cimarron Road (the “District”) and ordered the acquisition of certain public improvements within such District in the County; and

WHEREAS, the County Engineer on behalf of the County, caused notice of the time and place of acceptance of bids for the improvements in the District (the “Improvements”) to be given in the manner specified by law; and

WHEREAS, upon the receipt of such bids, the County Engineer and the County Engineering Department recommended to the Board in writing the name of the successful bidder; and

WHEREAS, upon having received such written recommendation, the Board now desires to authorize the award of the construction contract by this resolution to the responsible bidder submitting the lowest and best bid upon proper terms.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA:

Section 1. The Board determines and hereby declares that the bid for the construction of the Improvements submitted by Western States Contracting, Inc., of Las Vegas, Nevada (the
"Contractor"), is the lowest and best bid, determined in the manner required by law, submitted by a responsible bidder and the same is hereby accepted.

Section 2. The Chairman of the Board of County Commissioners and the County Clerk, on behalf of the County, are authorized in accordance with NRS 271.335 to execute a contract by the County with the Contractor for a construction project which includes, in part, the construction of the project in the District.

Section 3. All action, proceedings, matters and things heretofore taken, had and done by the County, and the officers thereof (not inconsistent with the provisions of this resolution), concerning the District including, but not limited to, the publication by the County Engineer on behalf of the County of the notice to bidders, the acquisition of the Improvements, and the levy of assessments for that purpose, be, and the same hereby are, ratified, approved and confirmed.

Section 4. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary contract documents, legal proceedings, and other items necessary or desirable for the construction and completion of the Improvements.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provision of this resolution shall any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 7. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.
PASSED AND APPROVED April 7, 2009.

(SEAL)

Attest:

______________________________
Chairman
Board of County Commissioners
Clark County, Nevada

______________________________
County Clerk

The above Resolution has been reviewed by the Deputy District Attorney:

______________________________
Deputy District Attorney
STATE OF NEVADA )
COUNTY OF CLARK )

I, Shirley B. Parraguirre, the duly elected, qualified and acting County Clerk of Clark County (the “County”), Nevada, and ex officio Clerk of its Board of County Commissioners (the “Board”), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the Board at a meeting of the Board held on April 7, 2009.

2. The adoption of the Resolution was duly moved and seconded and the Resolution was adopted by an affirmative vote of a majority of the members of the Board as follows:

Those Voting Aye:  
Susan Brager
Lawrence L. Brown III
Tom Collins
Chris Giunchigliani
Rory Reid
Steve Sisolak
Lawrence Weekly

Those Voting Nay: __________________________

__________________________

__________________________

Those Absent: __________________________

__________________________

__________________________

Those Abstaining: __________________________

__________________________

__________________________

3. The members of the Board were present at such meeting and voted on the passage of such resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Chairman of the Board, sealed with the County seal, attested by the Clerk and recorded in the minutes of the Board.
5. All members of the Board were given due and proper notice of the meeting. Public notice of the meeting was given and the meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting was posted not later than 9:00 a.m. at least 3 working days in advance of the meeting at:

i. Principal Office
   Clark County Government Center
   500 South Grand Central Parkway
   Las Vegas, Nevada

ii. Winchester Park and Center
    3140 South McLeod
    Las Vegas, Nevada

iii. Paradise Park, Pool and Center
     4770 Harrison Avenue
     Las Vegas, Nevada

iv. Desert Breeze Park & Community Center
    8275 Spring Mountain Road
    Las Vegas, Nevada

6. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notices of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

7. A copy of the notice was posted on the County's website no later than 9:00 a.m. on the third working day prior to the meeting.

8. Upon request, the Board provides at no charge, at least one copy of the agenda for its public meetings, any proposed resolution which will be discussed at the public meeting, and any other supporting materials provided to the Board for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

9. A copy of the notice so given of the meeting of the Board held on April 7, 2009 is attached to this certificate as Exhibit A.
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this April __, 2009.

(SEAL)

______________________________
County Clerk
Exhibit A

(Attach Notice of Meeting)