

MEMORANDUM OF UNDERSTANDING

between

CITY OF SPARKS, NEVADA

and

NEVADA STATE HISTORIC PRESERVATION OFFICE

WHEREAS, this Memorandum of Understanding (MOU) is entered into between the City of Sparks, Nevada (City) and the Nevada State Historic Preservation Office (SHPO) to set forth procedures for administration of grants from the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) program, the HOME program and the Housing and Economic Recovery Act of 2008; and

WHEREAS, the Department of Housing and Urban Development (HUD) require grantees to consult with State Historic Preservation Offices in accordance with 24 CFR Part 58 where environmental review responsibilities have been delegated to the City of Sparks; and

WHEREAS, the City has determined that the administration of these programs may have an effect on historic properties and the City has consulted with the SHPO pursuant to 36 CFR 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. §306108); and

NOW THEREFORE, the City and the SHPO agree that the Program shall be administered in accordance with the following stipulations to satisfy the City's Section 106 responsibilities for all individual undertakings of the Program within the jurisdiction of the City.

STIPULATIONS

The City will ensure that the following measures are carried out.

I. Identifying Historic Properties

A. The Community Development Department, within the City, will determine the age of all properties eligible for rehabilitation (and adjacent properties in instances where the rehabilitation work affects the exterior of the property) by consulting appropriate public documents; such as documents indicating purchases and sales of property on file with the Washoe County Assessor's Office, Washoe County, Nevada.

B. If public records indicate that a property is less than fifty (50) years of age and if the

property does not appear to be of extraordinary historic or architectural importance and the proposed changes do not affect the exterior of the house or its surrounding landscape, no further consultation with SHPO is required and the project may proceed, as determined by the City.

- C. If public records indicate that a property is fifty (50) years of age or older, it must be evaluated for potential historic or architectural importance unless the property is exempt from further consultation with SHPO as specified in Stipulation II, Exempt Activities.
- D. If the project affecting a property fifty (50) years old or older is not exempt from further consultation with SHPO, the following documentation shall be submitted to SHPO for review.
 - 1. Age of the property, as indicated on Washoe County Assessor records.
 - 2. Color or digital photograph(s) of the property, showing all four elevations or as many sides as possible.
 - 3. Map indicating property location.
 - 4. Brief description of the property, to include address and APN.
 - 5. Description of rehabilitation work to be completed on the property.
- E. The SHPO shall have thirty (30) days upon receipt of documentation by the City to offer comments. Failure of the SHPO to respond within this time period shall not preclude the City from proceeding with a project.
- F. If the SHPO and the City agree that the property is not historic and that the proposed work has no potential to affect adjacent properties 50 or more years of age, no further consultation is required.
- G. If the SHPO and the City disagree regarding the potential eligibility of the property, the City will employ a professional architectural historian to inventory the property and recommend National Register of Historic Places (NRHP) eligibility to the City and the SHPO.
- H. Following the inventory, should the SHPO and the City fail to agree on the eligibility of the property to the NRHP, the City shall send appropriate documentation to the Keeper of the National Register (Keeper) for an official determination. Failure of the Keeper to respond to the City within forty-five (45) days of submission of documentation to the Keeper shall not preclude the City from

proceeding with a project.

- I. If a property is determined eligible for inclusion in the NRHP, the City will consult with the SHPO as per 36 CFR Part 800.5-6.

II. Exempt Activities

The following rehabilitation activities, whether undertaken separately or cumulatively, do not require further consultation with the SHPO:

- A. Electrical work.
- B. Plumbing work.
- C. Installing of mechanical equipment that does not affect the exterior of the building.
- D. Drywall repair.
- E. Caulking and weather-stripping.
- F. Interior work to accommodate handicap accessibility. Exterior work to accommodate handicap accessibility is subject to consultation with the SHPO.
- G. Installation of fire, carbon monoxide, and smoke detectors.
- H. Floor refinishing, repair, and replacement.
- I. Replaced or added insulation.
- J. Repair or replacement of bathroom and kitchen fixtures.
- K. Replacement of windowpanes in kind or with double or triple glazing as long as glazing is clear and not colored, and replacement does not alter existing window material and form; however, work involving windows with original leaded or stained glass will be submitted for review.
- L. Re-roofing flat, not readily visible roof and re-roofing that does not alter existing roof material and form.
- M. Interior lead-based paint abatement and/or hazardous material reduction. However, prior to the undertaking of any exterior lead-based paint abatement and/or hazardous material reduction activity (i.e., exterior siding, windows, roof work, etc.) that may potentially impact the integrity of an historic property, the City shall consult with the

SHPO.

- N. Homebuyer assistance.
- O. Lease to own.
- P. Affordable rental housing.
- Q. Professional services and administrative costs of any of these programs.
- R. Emergency repairs in accordance with HUD's course of action to preserve the health and safety of its occupants; to include but not be limited to the following measures:
 - 1. Repair and/or replacement of inadequate heating and cooling;
 - 2. Repair and/or replacement of inadequate plumbing;
 - 3. Retrofitting of interior spaces to accommodate the disabled;
 - 4. Repair or replacement of roofing (if materials are replaced in kind);
 - 5. Replacement and/or installation of insulation materials;
 - 6. Repair of electrical hazards; and,
 - 7. Any necessary repairs to preserve the health and safety of occupants (provided materials are replaced in kind).

If the City determines an emergency repair exists under HUD's definition of "actions taken to preserve the health and safety of its occupants," that is not covered by Stipulation II.R, the City shall expediently provide information to the SHPO (i.e., via fax, e-mail or other expedient method). The SHPO shall provide comments within two (2) working days of receipt of the City's information. The City will take into account the SHPO's comments in allocating funds to remediate the condition.

III. Resolution of Disagreement

- A. Should any party disagree about the implementation of this agreement for a specific project the parties will meet to resolve the dispute. If the parties cannot resolve the dispute, the City will forward all documentation to the Advisory Council for Historic Preservation (ACHP) for comment.
- B. Members of the public, an organization, or tribe that disagree with the City's efforts

to identify historic properties will bring their concerns to the SHPO who will meet with the City to resolve the dispute. If the parties cannot resolve the dispute, the City will forward all documentation to the ACHP for comment.

IV. Duration, Amendment, and Termination of this Memorandum

- A. Duration: This MOU will become effective upon signature by the City and the SHPO and automatically terminate in three years after the date of the last signature unless it is extended by written agreement of the parties.
- B. Amendment: Amendments to this MOU may be requested of either party for consideration of inclusion in this MOU. No amendment or addendum to this MOU will go into effect without the signed concurrence of the City and the SHPO.
- C. Termination: This MOU may be terminated at any time by the City or the SHPO upon thirty (30) days written notice. If the MOU is terminated, the City will consult as per 36 CFR 800.3-7 for all projects described in this MOU.

APPROVED:

CITY OF SPARKS

Stephen W. Driscoll, ICMA-CM
City Manager

Date

APPROVED AS TO FORM:

City Attorney

NEVADA STATE HISTORIC PRESERVATION OFFICE

Rebecca L. Palmer, State Historic Preservation Officer

Date