

APN: N/A

Mail Tax Statements to
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Recording Requested by
Washoe County District Attorney

When recorded, mail to
Truckee River Flood Management Authority
9390 Gateway Drive, Suite 230
Reno, Nevada 89521

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Revised First Amendment to
INTERLOCAL COOPERATIVE AGREEMENT
(Truckee River Flood Management Project)

dated as of _____

Summary: Amends and restates §3.05 of the ICA to change the required number of votes for the Board of Directors of the Truckee River Flood Management Authority to approve matters from a unanimous affirmative vote by all members present at a meeting to an affirmative vote of at least 75% of all Directors for certain matters and a majority of all of the Directors for other matters, and reserving approval of some matters to the governing bodies of the Members.

¶ 1 Recitals

A. WHEREAS Washoe County, the City of Reno, the City of Sparks, and the Truckee River Flood Management Authority entered into an Interlocal Cooperative Agreement (Truckee River Flood Management Project) as of March 11, 2011, which agreement was recorded on March 14, 2011 as Document Number 3982600 in Official Records of the Washoe County, and filed with the Nevada Secretary of State on March 14, 2011 (the “ICA”);

B. WHEREAS the parties desire to amend the ICA with respect to voting requirements for the Board of Directors of the Truckee River Flood Management Authority;

NOW THEREFORE, in exchange for mutual benefits that each party derives from amending the Agreement, the Parties agree as follows:

¶2 **Amendment.**

A. §3.05 of the ICA is hereby replaced and amended to read in its entirety as follows:

-----*Revised Text*-----

§3.05 Quorum and Voting Requirements for Board Actions.

¶3.05.A Quorum. A majority of all Directors must be present in order to conduct business at a meeting. A vacancy in the Board does not reduce the number of Directors required for a Quorum or with respect to approval of actions.

¶3.05.B The following actions must be approved as follows.

Proposed action		must be approved by [1]:
1a	Any amendment, modification, partial or complete termination of this Agreement.	<ul style="list-style-type: none">the governing bodies of all Members.
1b	The withdrawal or addition of any Member [§3.09]	
1c	Merger or combination of the Authority with another entity	
1d	Dissolution of the Authority	
2a	Master Plans and regulatory measures for inclusion in Member Development Codes under ¶4.02.B	<ul style="list-style-type: none">Affirmative vote of more than 75% of all Directors. and <ul style="list-style-type: none">the governing body of each Affected Member
3a	Charge and impose, revise, adjust, waive or compromise of fees, rates and charges under §6.01	
3b	Enter into or amend financing agreements or Debt Instruments. See Note [2]	

3c	<p>The adoption and all amendments to the Living River Plan, all Capital Improvement Plans, and the Infrastructure Tax Plan under ¶6.02.C of this Agreement.</p> <p>However, before the Board may take final action on any capital improvement plan, it must first make a presentation to the governing bodies of all Members.</p>	Affirmative vote of more than 75% of all Directors.
3d	<p>Adopt and amend by-laws of the Authority; and regulations, or resolutions or policy statements involving internal operating procedures of the Authority, or the management of facilities or floodplains owned by the Authority [See ¶3.02.D]</p>	
4a	<p>The adoption, augmentation and amendment of all budgets (as provided in NRS 354.598 and 354.598005).</p> <p>.</p>	Affirmative vote of a majority of all Directors.
4b	<p>All other actions, including, but not limited to approval and amendment of:</p> <p>Facilities Plans which are consistent with the Living River Plan;</p> <ul style="list-style-type: none">• Other regulatory matters under Article 4;• Obtaining federal funding and entering into federal agreements;	Affirmative vote of a majority of all Directors.

Note [1] The provisions of NRS 241.0355 regarding abstentions shall apply to the Board. An abstention for any other reason does not change the number of affirmative votes required to approve a matter.

Note [2] However, the Board may provide in a Debt Instrument or financing agreement that certain amendments and matters may be approved by the Executive Director.

¶3.05.C Respecting the legislative discretion and responsibilities of the governing bodies of the Members and organizations, it is understood that a vote by a Director on a matter before the Board neither creates or implies any obligation for the Director or any Member or any other person to advocate or vote in a similar fashion when the matter or a similar matter is considered by other public bodies.

-----**End of Revised Text**-----

B. The ICA is hereby amended and modified in all relevant places as necessary to be consistent with the voting requirements in §3.05 as amended herein.

C. All other provisions in the ICA remain in full force and effect as of the original effective date. This amendment does not express or imply any ratification of any actions, or waiver of any obligations, defaults or remedies based on conduct which occurred before the effective date of this amendment.

¶3 Counterparts; recording.

A. This Agreement may be executed in counterparts and is binding only when all counterpart signatures have been assembled and attached to this Amendment.

B. As required by NRS 277.140, this Amendment shall be recorded in the Official Records of Washoe County, and a copy shall be filed with the Secretary of State.

/////////////////////////////////Nothing follows on this page////////////////////////////////

First Amendment to Interlocal Cooperative Agreement
(Truckee River Flood Management Project)
Counterpart Signature Page

WASHOE COUNTY

A political subdivision of the State of Nevada

By _____ Date _____
Robert M. Larkin, Chairman
Board of County Commissioners

Attest:

By _____ Date _____
Amy Harvey, County Clerk

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____
by ROBERT M. LARKIN as Chairman of the Board of County Commissioners of Washoe
County, Nevada

Notary Public

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____
by AMY HARVEY as County Clerk of Washoe County, Nevada

Notary Public

Approved as to form
RICHARD A. GAMMICK
District Attorney

By _____

First Amendment to Interlocal Cooperative Agreement
(Truckee River Flood Management Project)
Counterpart Signature Page

CITY OF RENO

A municipal corporation

By _____
Robert Cashell, Mayor

Date _____

Attest:

By _____
Lynette Jones, City Clerk

Date _____

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____
by ROBERT CASHELL as Mayor and LYNETTE JONES as City Clerk of the City of Reno,
Nevada

Notary Public

Approved as to form
JOHN KADLIC
City Attorney

By _____

First Amendment to Interlocal Cooperative Agreement
(Truckee River Flood Management Project)
Counterpart Signature Page

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

By _____ Date _____
Ron Smith, Chairman, Board of Directors

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____
by RON SMITH as Chairman of the Board of Directors of the Truckee River Flood Management
Authority.

Notary Public

Approved as to form

MICHAEL WOLZ, General Counsel