DOC # 5211188
08/03/2021 10:38:43 AM
Requested By
TRUCKEE RIVER FLOOD MANAGEMENT
Washoe County Recorder
Kalie M. Work - Recorder
Fee: $43.00 RPTT: $0.00
Page 1 of 8

APN: N/A

Mail Tax Statement to: N/A

Recording Requested by:
Truckee River Flood Management Authority

When recorded, mail to:
TRFMA
9635 Gateway Dr., Suite A
Reno, NV 89521

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

Rev. 5-6-2021

FIRST AMENDMENT TO THE INTERLOCAL COOPERATIVE AGREEMENT (Truckee River Flood Management Project)

dated as of _____

Summary: Amends and restates ¶3.05.B, Approval of Actions, 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 by a majority of all members.

¶ 1 Recitals

A. 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) on March 11, 2011, which agreement was recorded on March 14, 2011 as Document Number 3982600 in the official records of Washoe County, Nevada, and filed with the Nevada Secretary of State on March 14, 2011 (the ICA).

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

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

///////Nothing Follows on this page///////

¶ 2 Amendment

A. ¶3.05.B of the ICA is hereby replaced and amended to read as follows:

----------Revised Text----------

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

Proposed action		must be approved by See Note [1] below:
1a	Any amendment, modification, partial or complete termination of this Agreement.	• Affirmative vote of a majority of all the Directors and • the governing bodies of all Members.
1b	The withdrawal or addition of any Member. [See §3.09]	
1c	Merger or combination of the Authority with another entity	
1d	Dissolution of the Authority	
2a	Proposed amendments or regulatory measures for inclusion in Local Development Codes under §4.02.B of this Agreement.	• Affirmative vote of a majority of all the Directors and • the governing body of each affected Member.
3a	Charge and impose, revise, adjust, waive or compromise of fees, rates and charges under §6.01	Affirmative vote of a majority of all of the Directors and an affirmative vote from at least one Director from each Member.
3b	Enter into or amend financing agreements or issue Debt Instruments. See Note [2]	
3c	The adoption and all amendments to the Living River Plan; and the adoption or amendment of the Infrastructure Tax Plan under ¶6.02.C.	
3d	Adopt and amend by-laws of the Authority; and regulations, or resolutions or policy statements.	
4a	The adoption and amendment of all capital improvement plans, but 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.	
4b	Approve budgets and amendments; approve and amend establishment of accounts, funds, coverage ratios and reserves per §6.06.	Affirmative vote of a majority of all of the Directors.
4c	All other actions, including, but not limited to approval and amendment of: • Facilities Plans which are consistent with the Living River Plan; • Other regulatory matters under Article 4; • Obtaining federal funding and entering into federal agreements.	

Note [1] The provisions of NRS 241.0355 regarding the number of votes required for approval of actions and abstentions shall apply to the Board, and under no circumstances may any proposed action be approved with fewer than four affirmative votes of all of the Directors.
Note [2] However, the Board may provide in a Debt Instrument (as authorized in NRS 350.165) or a financing agreement that certain amendments and matters may be approved by the Executive Director.

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

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

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

¶ 3 Counterparts; recording

A. The 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 Nevada Secretary of State.

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

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

WASHOE COUNTY
A political subdivision of the State of Nevada

By _____ *Date* 6/22/21
Bob Lucey, Chair
Board of County Commissioners

Attest:

By _____ Date 6/22/21
Jan Galassini, County Clerk

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

This Instrument was acknowledged before me on _____
by BOB LUCEY 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 JAN GALASSINI as County Clerk of Washoe County, Nevada

_____
Notary Public

Approved as to form
CHRISTOPHER J. HICKS
District Attorney

By _____

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

CITY OF RENO
A municipal corporation

By _____ Date 7·27·2021
Hillary Schieve, Mayor

Attest:

By _____ Date 7·27·2021
~~Ashley Turney~~, City Clerk
Mikki Huntsman, Interim City Clerk

STATE OF NEVADA)
)
COUNTY OF WASHOE)

Acknowledgement in Representative Capacity
(NRS 240.1665)

This Instrument was acknowledged before me on July 27, 2021
by HILLARY SCHIEVE as Mayor and ~~ASHLEY TURNEY as City Clerk~~ MIKKI HUNTSMAN as Interim City Clerk of the City of Reno, Nevada

_____
Notary Public

MIKKI KIYOMI MAILE BOND
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 18-2553-2
MY APPT. EXPIRES MAY 21, 2022

Approved as to form
KARL HALL
City Attorney

By _____

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

CITY OF SPARKS
A municipal corporation

By_____ Date 6/16/21
Ed Lawson, Mayor

Attest:

By_____ Date 6/16/21
Lisa Hunderman, City Clerk

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

This Instrument was acknowledged before me on 6-16-21
by ED LAWSON as Mayor and LISA HUNDERMAN as City Clerk of the City of Sparks, Nevada.

_____
Notary Public

C. BOGGAN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-4185-2 - Expires Aug. 08, 2022

Approved as to form
CHESTER ADAMS
City Attorney

By_____

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

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

By _____ Date 05-18-21
Vaughn Hartung
Chairman, Board of Directors

Attest:

By _____ Date 5/18/21
Michael Wolz
General Counsel

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

This Instrument was acknowledged before me on May 18, 2021
by VAUGHN HARTUNG as Chair of the Truckee River Flood Management Authority.

ELIZABETH K. JOURDIN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 18-3304-2 - Expires July 18, 2022

_____
Notary Public

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

This Instrument was acknowledged before me on May 18, 2021
by MICHAEL WOLZ as General Counsel of the Truckee River Flood Management Authority.

ELIZABETH K. JOURDIN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 18-3304-2 - Expires July 18, 2022

_____
Notary Public