

Churchill County  
Agenda Report

Date Submitted: August 29, 2007

Agenda Date Requested: Sept 6, 2007  
Time Requested:

To: Board of Churchill County Commissioners  
From: Alan Kalt, County Comptroller

Subject Title: Consideration and Possible Action re: Amendment No. 2 to the Project Cooperation Agreement with US Army Engineer and Churchill County for Design and Construction of Waste Water Collection System

Type of Action Requested: (check one)

- Resolution
- Formal Action/Motion
- Ordinance
- Other (Specify)

Does this action require a Business Impact Statement? ( ) Yes (X) No

Recommended Board Action:

A motion to approve the amendment number 2 to the project cooperation agreement between the Department of the Army and Churchill County for the Design and construction of a Wastewater Collection System in Churchill County that increases the project funding. Furthermore, authorize the Chair to sign the necessary documents upon concurrence of the District Attorney's Office.

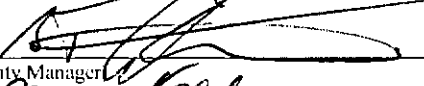
Discussion:

Amendment number 2 to the Project Cooperation Agreement (PCA) between the Department of the Army and Churchill County for the Design and construction of a Wastewater Collection System in Churchill County seeks to increase the project funding levels. The changes to Article I provide an updated project description. Changes to Article VII increase the level of Federal funds available to the project from \$2.0 million to \$3.5 million. This agreement is necessary for the project to move forward as required by the Department of Army.

Financial Impacts:

Increased project funding to cover the cost of the project. Cost not covered by the federal grant will be paid by the developers and users of the system through connection fees and monthly charges for services.

Prepared By: Alan Kalt  Date: August 29, 2007

Concurrences:  Date: August 29, 2007  
(County Manager)

 Date: 8-29-07  
(Comptroller)

\_\_\_\_\_  
(Civil Deputy District Attorney) Date: \_\_\_\_\_

Board Action Taken:

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

AMENDMENT NO. 2  
TO THE  
PROJECT COOPERATION AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
CHURCHILL COUNTY, NEVADA  
FOR  
DESIGN AND CONSTRUCTION  
OF  
WASTEWATER COLLECTION SYSTEM  
VICINITY OF FALLON, CHURCHILL COUNTY, NEVADA

THIS AMENDMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Sacramento District (hereinafter the "District Engineer"), and Churchill County, Nevada (hereinafter the "Non-Federal Sponsor"), represented by its Chairman of the Board of County Commissioners.

(The Project Cooperation Agreement, signed September 23, 2005, as amended by Amendment Number 1, signed July 24, 2006, (the "Agreement") remains unchanged except as noted below.)

**ARTICLE I – DEFINITIONS AND GENERAL PROVISIONS**

Delete Article I, Paragraph A, and substitute the following: "The term "Project" shall mean the design and construction of the following major components: Wastewater Treatment Plant, the construction of approximately 8,070 feet of 10-, 18-, and 21-inch pipeline along Moody Lane, the construction of approximately 3,265 feet 18-inch pipeline along Rice Road, and associated lift stations and incidentals in the Western area of the City of Fallon, Churchill County, Nevada, as generally described in the attached Revised Supplemental Scope of Work, dated April 2, 2007, titled Wastewater Collection Facilities, Vicinity of Fallon, Churchill County, Nevada, Section 595."

**ARTICLE VII – LIMITATIONS ON TOTAL PROJECT COSTS AND REIMBURSEMENTS**

Delete Article VII, Paragraph E, first sentence, and substitute the following: "As of the effective date of this Agreement, \$63,493,000 of Federal funds have been provided by the Congress of the United States (hereinafter the "Congress") for the Section 595 Program in rural Nevada, of which \$3,500,000 is currently projected to be available for the Project."

IN WITNESS WHEREOF, the parties hereto have executed this Amendment, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

BY: \_\_\_\_\_

Thomas C. Chapman  
Colonel, U.S. Army  
District Engineer

BY: *Gwen Washburn*

Gwen Washburn  
Chairman, Board of County  
Commissioners

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFICATE OF AUTHORITY

I, \_\_\_\_\_, do hereby certify that I am the principal legal officer of Churchill County, Nevada, that Churchill County, Nevada is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and Churchill County, Nevada in connection with the Wastewater Collection System, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, and that the persons who have executed this Agreement on behalf of Churchill County, Nevada have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**District Attorney**

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Gwen Washburn  
Chairman, Board of County Commissioners

DATE: \_\_\_\_\_