



## STAFF REPORT

**Report To:** Board of Supervisors      **Meeting Date:** May 6, 2021

**Staff Contact:** Nancy Paulson, Carson City Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding a proposed third amendment to the Cooperative Agreement for Airport Authority to Manage Carson City's Airport ("Agreement") between Carson City and the Carson City Airport Authority ("CCAA"), effective May 17, 1990 through May 17, 2020, and extended by prior amendment to May 17, 2021, to extend the Agreement for an additional six months to terminate on November 17, 2021. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This third amendment to the Agreement is to extend the term of the Agreement by six months, to terminate on November 17, 2021 so that the parties may have additional time to finalize a new agreement that is currently being negotiated. All other terms and conditions of the Agreement and prior amendments are unaffected by this proposed amendment.

**Agenda Action:** Formal Action / Motion      **Time Requested:** Consent

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### Proposed Motion

I move to approve the amendment as presented.

### Board's Strategic Goal

Efficient Government

### Previous Action

May 17, 1990: The Board of Supervisors approved and entered into the Agreement with the CCAA in accordance with the Airport Authority Act for Carson City.

October 6, 2016: The Board of Supervisors and the CCAA executed a First Amendment to the Agreement, effective through the term of the Agreement, to allow employees of the CCAA to participate in health, dental, vision and life insurance plans that are provided to City employees.

May 7, 2020: The Board of Supervisors approved a Second Amendment to the Agreement to extend the term of the Agreement to May 17, 2021.

### Background/Issues & Analysis

The CCAA was created by the Nevada Legislature with the passage and approval of Senate Bill No. 255 during the 1989 (65th) Legislative Session, made effective on October 1, 1989 as a special act of the Legislature and generally known as the Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989 (the "Act"). On May 17, 1990 and in accordance with the Act, the City and the CCAA entered into the Agreement. The Agreement established provisions for the transfer of property and certain rights and obligations of the parties relating to the Carson City Airport, and established a term of 30 years for the Agreement to expire on May 17, 2020. The Agreement was amended on October 6, 2016 for the purpose of allowing the CCAA employees to

participate in the City's health, dental, vision and life insurance plans ("First Amendment"). The term of the First Amendment runs concurrently with the term of the Agreement.

On May 7, 2020, the Board of Supervisors approved a Second Amendment to the Agreement for the sole purpose of extending the termination date of the Agreement by one year, to May 17, 2021, so that the parties may have additional time to review and negotiate a new agreement setting forth revised rights and obligations of the City and the CCAA as they relate to the Carson City Airport. A new agreement is currently being finalized between the parties, but to allow further time for completion before presentation and execution by the parties, this proposed Third Amendment is to extend the term of the Agreement by another six months.

**Applicable Statute, Code, Policy, Rule or Regulation**

The Airport Authority Act for Carson City, Chapter 844 of the 1989 Statutes of Nevada; NRS Chapter 277.

**Financial Information**

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

**Alternatives**

1. Do not approve the amendment.
2. Modify the proposed extension date in the amendment.

**Attachments:**

[Third Amendment to Co-Op Agreement\\_City\\_CCAA\\_clean.docx](#)

**Board Action Taken:**

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

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

Aye/Nay

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

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(Vote Recorded By)

## **THIRD AMENDMENT TO COOPERATIVE AGREEMENT FOR AIRPORT AUTHORITY TO MANAGE CARSON CITY'S AIRPORT**

This Third Amendment to Cooperative Agreement for Airport Authority to Manage Carson City's Airport ("THIRD AMENDMENT") is hereby made by and between Carson City, a consolidated municipality and political subdivision of the State of Nevada ("City") and the Carson City Airport Authority ("Authority"), a quasi-municipal corporation, each of whom may hereinafter be referred to individually as "Party" and collectively as "Parties."

### **WITNESSETH:**

WHEREAS, the Authority was created by the Nevada Legislature with the passage and approval of Senate Bill No. 255 during the 65th Legislative Session (1989), made effective on October 1, 1989 as a special act of the Legislature and generally known as the Airport Authority Act for Carson City and codified at Chapter 844 Statutes of Nevada 1989 (the "Act"); and

WHEREAS, on May 17, 1990 the City and the Authority entered into an agreement captioned as the Cooperative Agreement for Airport Authority to Manage Carson City's Airport ("AGREEMENT") in accordance with the Act and NRS Chapter 277 which authorizes two or more political subdivisions to enter into such agreements for the performance of any governmental function, including the furnishing or exchange of personnel, equipment, property or facilities of any kind, or the payment of money; and

WHEREAS, the Parties executed a First Amendment to the AGREEMENT on October 6, 2016, effective through the term of the AGREEMENT, for the purpose of allowing the Authority to participate in health, dental, vision and life insurance plans that are provided to City employees, if permitted by the City's benefits providers; and

WHEREAS, paragraph 16 of the AGREEMENT establishes a contract term of thirty years from the date of execution and the AGREEMENT was therefore set to expire on May 17, 2020, but the Parties executed a Second Amendment to the AGREEMENT to extend the AGREEMENT to May 17, 2021; and

WHEREAS, paragraph 16 of the AGREEMENT authorizes the Parties to renew the AGREEMENT upon mutual negotiation and paragraph 19 of the AGREEMENT requires that any modifications thereto be mutually agreed upon in writing; and

WHEREAS, the Parties have mutually decided that in the best interest of the City and the Authority, the AGREEMENT should be extended beyond its current date of termination so that the Parties may have the necessary time to negotiate a new cooperative agreement;

NOW THEREFORE, based on the mutual exchange of promises and good and valuable consideration, the sufficiency of which is acknowledged, the Parties do hereby covenant and agree as follows:

THIRD AMENDMENT TERMS:

1. The term of the AGREEMENT and prior amendments is extended for six months, to terminate on the close of business day on November 17, 2021.
2. No other terms of the AGREEMENT or prior amendments are affected by this THIRD AMENDMENT.
3. This THIRD AMENDMENT is effective immediately upon approval by the governing bodies of each Party and from the date on which the last required signature is affixed hereto.

For the City:

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LORI BAGWELL  
Carson City Mayor

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Date

For the Authority:

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Airport Authority Board Chair

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Date

ATTEST:

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AUBREY ROWLATT, Clerk-Recorder

CITY'S LEGAL COUNSEL  
Approved as to form:

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DISTRICT ATTORNEY

AIRPORT AUTHORITY COUNSEL  
Approved as to form:

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STEVEN E. TACKES, ESQ.