

CLARK COUNTY
REGIONAL FLOOD CONTROL DISTRICT

AGENDA ITEM

SUBJECT:

FOURTH AMENDMENT TO THE AGREEMENT TO PROVIDE LEGAL CONSULTING SERVICES REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND OTHER ENVIRONMENTAL AND WATER QUALITY ISSUES

PETITIONER:

STEVEN C. PARRISH, P.E., GENERAL MANAGER/CHIEF ENGINEER

RECOMMENDATION OF PETITIONER:

APPROVE AND AUTHORIZE THE CHAIRMAN TO SIGN THE FOURTH AMENDMENT TO THE AGREEMENT WITH BRISCOE IVESTER & BAZEL LLP TO PROVIDE LEGAL CONSULTING SERVICES REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (FOR POSSIBLE ACTION)

FISCAL IMPACT: \$100,000

BACKGROUND:

The District and the entities within the Las Vegas Valley who operate storm sewer systems that drain to the Las Vegas Wash have been covered under a National Pollutant Discharge Elimination System (NPDES) permit originally issued in December 1990 by the Nevada Division of Environmental Protection (NDEP). The permits are issued for a 5-year period after which another permit must be negotiated and issued. The current permit expired in February 2015 and has been administratively extended by NDEP until a new permit can be written. There are many legal and regulatory issues associated with the development of a new permit. The legal firm of Briscoe Ivester & Bazel LLP (Briscoe) employs the services of Mr. Lawrence S. Bazel. Mr. Bazel (under the employ of two different legal firms) has been successfully involved with water quality regulatory issues in the Las Vegas Valley for many years. The District contracted the services of Mr. Bazel for the 2003 permit negotiations, the 2005 program audit, the 2010 permit negotiations and the recent 2014 program audit.

TAC AGENDA ITEM #09 Date: 02/27/2020	RFCD AGENDA ITEM # Date: 03/12/2020
CAC AGENDA ITEM #09 Date: 03/02/2020	

Mr. Bazel has been providing services to the District under the terms of a 2015 agreement. At this time the District desires to increase funding to continue assisting the District with NPDES permit compliance issues and other water quality and environmental issues. The agreement is attached. The District Attorney has reviewed the agreement.

Respectfully Submitted,



Steven C. Parrish, P.E.
General Manager/Chief Engineer

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Regional Flood Control District
AGENDA ITEM DEVELOPMENT

Staff Discussion:

Date: 02/18/2020

**BRISCOE IVESTER & BAZEL LLP
FOURTH AMENDMENT TO THE AGREEMENT TO PROVIDE LEGAL CONSULTING SERVICES
REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

The District and the entities within the Las Vegas Valley who operate storm sewer systems that drain to the Las Vegas Wash have been covered under a National Pollutant Discharge Elimination System (NPDES) permit originally issued in December 1990 by the Nevada Division of Environmental Protection (NDEP). The permits are issued for a 5-year period after which another permit must be negotiated and issued. The current permit expired in February 2015 and has been administratively extended by NDEP until a new permit can be written. There are many legal and regulatory issues associated with the development of a new permit. The legal firm of Briscoe Ivester & Bazel LLP (Briscoe) employs the services of Mr. Lawrence S. Bazel. Mr. Bazel (under the employ of two different legal firms) has been successfully involved with water quality regulatory issues in the Las Vegas Valley for many years. The District contracted the services of Mr. Bazel for the 2003 permit negotiations, the 2005 program audit, the 2010 permit negotiations and the recent 2014 program audit.

Mr. Bazel has been providing services to the District under the terms of a 2015 agreement. At this time the District desires to increase funding to continue assisting the District with NPDES permit compliance issues and other water quality and environmental issues. The agreement is attached. The District Attorney has reviewed the agreement.

Staff Recommendation:

Approve.

Discussion by Technical Advisory Committee:

AGENDA
#09 Date: 02/27/2020

Recommendation:

Discussion by Citizens Advisory Committee:

AGENDA
#09 Date: 03/02/2020

Recommendation:

FOURTH AMENDMENT TO THE AGREEMENT TO PROVIDE PROFESSIONAL SERVICES

This Fourth Amendment to the Agreement to Provide Professional Services (this “Agreement”) is made and entered into effective as of March 12, 2020, by and between Clark County Regional Flood Control District (“District”) and Briscoe Ivester & Bazel LLP (“Law Firm”).

WITNESSETH:

WHEREAS, the District desires to obtain the services of the Law Firm to provide required professional services, all as more specifically described below; and

WHEREAS, the Law Firm has the necessary experience and qualifications to perform the required services;

WHEREAS, the District entered into an agreement with Law Firm on November 12, 2015, November 10, 2016, June 14, 2018 and December 12, 2019;

WHEREAS, it is necessary to increase funding to continue assisting the District with NPDES permit compliance issues, negotiations for permit renewal, and other environmental and water quality issues.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, the parties hereto agree as follows:

Paragraph 3, Compensation, item “d” shall be revised to read as follows:

3. Compensation. The District will pay the Law Firm for services performed under this Agreement as follows:

d. The total amount of this Agreement shall not exceed Two Hundred Sixty-Thousand Dollars (\$260,000.00), unless a supplement to this Agreement is executed by the parties.

The remainder of the original professional services agreement dated November 12, 2015, first amendment to the agreement dated November 10, 2016, second amendment to the agreement dated June 14, 2018 and third amendment to the agreement dated December 12, 2019 shall remain unchanged.

IN WITNESS WHEREOF, the parties have caused this Fourth Amendment to the Agreement to be executed the day and year first above written.

CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT BRISCOE IVESTER & BAZEL LLP

By: _____
LAWRENCE L. BROWN, III Chair

By: _____
Lawrence S. Bazel

ATTEST:

By: _____
Deanna M. Hughes
Secretary to the Board

APPROVED AS TO LEGALITY AND FORM:

By: _____
Christopher D. Figgins
Chief Deputy District Attorney