



**TRUCKEE TAHOE AIRPORT DISTRICT
BOARD OF DIRECTORS STAFF REPORT**

AGENDA TITLE: MAP – Agency Partnership, Trout Creek Pocket Park, Shade Structure - Deadline for Completion, Extension Request

MEETING DATE: Wednesday, October 25, 2023

PREPARED BY: Marc R. Lamb, AVCOM Manager

PRESENTED BY: Robb Etnyre, General Manager

RECOMMENDED ACTION: Approve by consent, an Agency Partnership project timeline-to-completion extension request from Mountain Area Preservation (MAP) for the Trout Creek Pocket Park Phase II Shade Structure, through December 31, 2024.

HISTORY / DISCUSSION: The Truckee Tahoe Airport District Board of Directors at their February 2020 board meeting pledged \$50,000 in an Agency Partnership toward the \$100,000 Phase II Shade Structure project at the downtown Truckee Trout Creek Pocket Park. The Town of Truckee was the partnering agency and major funder for the initial Phase I design and construction of this community and youth STEAM education (riparian environments) park.

The Phase II project was to be completed per the attached funding agreement (page 1, paragraph C) by end-of-year 2021. Initially the project was delayed/postponed during the Pandemic. The TTAD Board of Directors at their November 30, 2022 meeting, honored a MAP request to extend the project funding through December 31, 2023. MAP, due to 2023 staffing shortfalls, maxed out project capacity, construction schedules and permitting requirements, was not able to complete the project. They are now requesting an extension of the TTAD pledged funding commitment through December 31, 2024. MAP Executive Director, Alexis Ollar has confirmed that obtaining Town of Truckee project permitting will be a winter 2023-2024 project priority with a dedicated staff member overseeing the project.

WHAT'S NEXT: MAP will report back to TTAD staff in the spring of 2024 confirming approved construction permitting, full construction funding, and a construction schedule. TTAD would then fund the \$50,000 Agency Partnership obligation.

FISCAL IMPACT: \$50,000 carryover place holder from TTAD's 2023 fiscal budget has not yet been paid. If the project timeline-to-completion extension request is approved, \$50,000 will be paid in 2024 once MAP provides confirmation of full project funding and approved construction permits.

SAMPLE MOTION: I motion to (approve, continue, or deny) Mountain Area Preservation's Agency Partnership project timeline-to-completion extension request of the Trout Creek Pocket Park Phase II Shade Structure to December 31, 2024.

ATTACHMENTS:

- Agency Partnership Funding Agreement (signed)

AGENCY PARTNERSHIP

FUNDING AGREEMENT

TRUCKEE TAHOE AIRPORT DISTRICT &

MOUNTAIN AREA PRESERVATION – TROUT CREEK POCKET PARK

This Agreement is made by and between the Truckee Tahoe Airport District, a California Airport District (“TTAD”), and Mountain Area Preservation Foundation (“MAP”), a California non-profit corporation in support of the Trout Creek Pocket Park “Shade Structure” and is made with reference to the following facts:

A. TTAD has an active community outreach program to support projects of mutual benefit to the citizens within TTAD boundaries with partnering public agencies and non-profits. Such outreach programs are more fully described in TTAD’s policy instructions and procedures.

B. MAP is a local Truckee Tahoe area based environmental advocacy non-profit located within the TTAD boundaries. The Town of Truckee (ToT) is in mutual Agency Partnership support of MAP’s downtown Trout Creek Pocket Park project which serves a common constituency. The ToT supported the \$600,000 Phase 1 construction portion of the Trout Creek Pocket Park and ongoing routine maintenance of which MAP is the project steward. The park is located at the intersection of Bridge and Jibboom Streets in downtown Truckee, California.

C. MAP requested TTAD Agency Partnership funding in the amount of \$50,000 for a \$100,000 Phase II Shade Structure project at the Trout Creek Pocket Park with construction to be completed by the end of the construction season 2021. The shade structure would be used by visiting public and local school STEM (Science Technology, Engineering and Math) tours studying the park’s riparian environments.

D. MAP has properly and fully completed TTAD’s “Agency Partnership Request Form” and complied with all requirements for a funding request, including but not limited to obtaining Resolution 2020-03 from the ToT as the partnering agency.

E. The TTAD Board read and considered MAP’s Application and TTAD’s Staff Report, and obtained public input and fully discussed and considered MAP’s application at their September 23, 2020 Board Meeting and approved funding of \$50,000 to be used towards the construction of the Trout Creek Pocket Park Shade Structure - subject to the terms, conditions and provisions set forth below.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. All of the above recitals are true and correct.
2. TTAD shall pay to MAP the sum of \$50,000; to be paid in the ordinary course of TTAD’s procedures for processing payments, after this Agreement has been signed by both parties

and MAP confirms that all required construction permitting, and the balance of construction funding has been obtained.

3. MAP shall utilize the TTAD funds only towards construction costs of the Trout Creek Pocket Park Shade Structure. Any funds not utilized by MAP for the above-identified project within 12 months of the date of execution of this Agreement shall be returned to TTAD.

4. MAP shall comply with all requirements and representations of their "Agency Partnership Request Form", including but not limited to:

- a) The recognition via permanent signage (i.e., a plaque) of TTAD as a contributing partner located at the Trout Creek Pocket Park as described in the "Agency Partnership Request Form".
- b) MAP will recognize TTAD throughout its marketing and promotional collateral as a community partner.
- c) The Trout Creek Pocket Park will be available for public use, free of charge by all constituents of TTAD.

5. MAP and the ToT shall be the stewards of the Trout Creek Pocket Park and at their own expense and staffing continue the upkeep and ongoing maintenance of the facility.

6. MAP shall indemnify and hold TTAD, its officers, directors, employees and agents harmless (including attorney's fees) from any and all claims asserted against TTAD involving the public's usage of the Trout Creek Pocket Park, the construction of the Shade Structure and/or this Agreement, including challenge to TTAD's ability to provide funds under this Agreement.

7. MAP shall provide annual progress reports to the TTAD Board at their regular board meetings between the months of April through June for 2 years, Said report shall include, but not be limited to, an accounting of the funds utilized to date, the general use of the Trout Creek Pocket Park, including scholastic STEM events. MAP shall further recognize TTAD in all marketing and promotional materials as a community partner. This recognition shall be substantially similar to the recognition provided to other program donors of similar size; the term of this recognition shall be the term of the reporting requirement set forth in this Section.

8. This Agreement for the construction of the Trout Creek Pocket Park Shade Structure above is the full and complete agreement of the parties and no prior discussion, agreement or representation, whether written or oral, may be used to define or interpret this Agreement. It may be modified, amended, or cancelled only by written agreement signed by both parties.

9. In the event of any litigation between the parties hereto, the prevailing party shall be entitled to an award of reasonable attorney's fees and court costs. Any such litigation shall be heard in the Truckee Branch of the Nevada County Superior Court

10. This Agreement is the result of the mutual negotiations between the parties and this Agreement shall be interpreted neutrally and fairly and not construed in favor of or against either party, regardless of the drafting party.

TRUCKEE TAHOE AIRPORT DISTRICT, BY:

Dated: 12/31/2020

DocuSigned by:
Teresa O'Dette
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Teresa O'Dette, Board President

Dated: 12/29/2020

[Signature]
Kevin Smith, General Manager

APPROVED AS TO FORM

Dated: 12/31/2020

DocuSigned by:
Josh Nelson
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Joshua Nelson, District Counsel (BBK Law)

MOUNTAIN AREA PRESERVATION, BY:

Dated: 12/28/2020

[Signature]
Alexis Ollar, Executive Director
Mountain Area Preservation

ALEXIS OLLAR
EXECUTIVE DIRECTOR
Print Name and Title:

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