



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: March 21, 2017

or Procurement Director Award [ ]

Contractor/Vendor Name (DBA): Rillito Park Foundation, an Arizona non-profit corporation (the "Foundation")

Project Title/Description:

Second Amendment to Operating Agreement for the Historic J. Rukin Jelks House (the "Agreement")

Purpose:

The Agreement is amended to provide that the Architect designing the improvements will be hired by the County, and the deadline for depositing the required funds into the Special Revenue Account is extended to March 6, 2017.

Procurement Method:

Exempt pursuant to Pima County Code 11.04.020

Program Goals/Predicted Outcomes:

The plans for the construction of improvements to the County owned property will be done by an architect hired by the County using funds provided by the Foundation.

Public Benefit:

Improvements will be made to a County owned facility

Metrics Available to Measure Performance:

The Architect will provide plans and specifications subject to County approval. All funding for improvements is provided by the Foundation.

Retroactive:

N/A

MAR 14 7 15 AM 154 PC CLERK

Original Information

Document Type: Department Code: Contract Number (i.e., 15-123):

Effective Date: Termination Date: Prior Contract Number (Synergen/CMS):

[ ] Expense Amount: \$ [ ] Revenue Amount: \$

Funding Source(s):

Cost to Pima County General Fund:

Contract is fully or partially funded with Federal Funds? [ ] Yes [ ] No [ ] Not Applicable to Grant Awards

Were insurance or indemnity clauses modified? [ ] Yes [ ] No [ ] Not Applicable to Grant Awards

Vendor is using a Social Security Number? [ ] Yes [ ] No [ ] Not Applicable to Grant Awards

If Yes, attach the required form per Administrative Procedure 22-73.

Amendment Information

Document Type: CTN Department Code: PW Contract Number (i.e., 15-123): 13\*300

Amendment No.: Two (2) AMS Version No.: 3

Effective Date: 4/16/2013 New Termination Date: no change

[ ] Expense [x] Revenue [ ] Increase [ ] Decrease Amount This Amendment: \$0.00

Funding Source(s):

Cost to Pima County General Fund: N/A

To: CoB 3-14-17 (1)
Pjs 3 Addendum

Procure Dept 03/13/17 11:09 AM

Contact: Neil J. Konigsberg

Department: Real Property Services

Telephone: 724-6582

Department Director Signature/Date:



3-8-17

Deputy County Administrator Signature/Date:



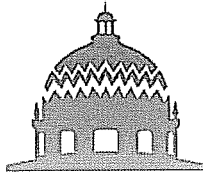
3/9/17

County Administrator Signature/Date:



3/10/17

*(Required for Board Agenda/Addendum Items)*



# PIMA COUNTY

## REAL PROPERTY

<b>PIMA COUNTY DEPARTMENT OF: NATURAL RESOURCES, PARKS AND RECREATION</b>  <b>PROJECT:</b> Historic Jelks House  <b>OPERATOR:</b> Rillito Park Foundation  <b>CONTRACT NO.:</b> CTN-PW-13-0300  <b>CONTRACT AMENDMENT NO.:</b> Two (2)	<b>CONTRACT</b>
	NO. <u>CTN-PW-13-300</u> AMENDMENT NO. <u>02</u> This number must appear on all invoices, correspondence and documents pertaining to this contract.

<b>ORIGINAL CONTRACT TERM:</b> 4/16/2013-4/15/2018	<b>ORIG. CONTRACT AMOUNT:</b> \$60,000.00
<b>TERMINATION DATE PRIOR AMENDMENT:</b> 4/15/18	<b>PRIOR AMENDMENTS:</b> \$0.00
<b>TERMINATION THIS AMENDMENT:</b> 4/15/18	<b>AMOUNT THIS AMENDMENT:</b> \$0.00
<b>REVISED OPERATING AGREEMENT AMOUNT:</b> 60,000.00	

### SECOND AMENDMENT TO OPERATING AGREEMENT

1. **DEFINED TERMS.** For purposes of this Second Amendment, the following terms have the meanings set forth below:

- 1.1. County: Pima County, a political subdivision of the State of Arizona
- 1.2. Operator: Rillito Park Foundation, an Arizona non-profit corporation
- 1.3. Property: the Historic J. Rukin Jelks House at 1090 E. River Road, Pima County, Arizona
- 1.4. Operating Agreement: The Operating Agreement for the Property naming Operator as Operator, dated April 16, 2013, and all amendments thereto, including the Amendment dated December 13, 2016 (the "First Amendment")
- 1.5. Effective Date: The date this Second Amendment is executed by all of the parties hereto

2. **MODIFICATION OF OPERATING AGREEMENT.** County and Operator hereby agree to modify the terms of the Operating Agreement as follows:

2.1. Section 9.1. Section 9.1 is deleted in its entirety, and replaced with the following new section 9.1:

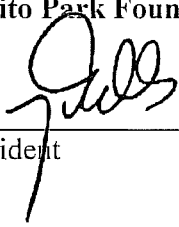
Plans and Construction. On or before March 6, 2017, Operator will irrevocably provide to County the sum of One Hundred Thirty-Eight Thousand Five Hundred Sixty Dollars (\$138,560.00) in cash or check, which County will deposit in the Special Revenue Account to be used by County for the construction of the Improvements, as defined in the First Amendment, including architectural services. County will retain the services of a licensed Arizona architect (the "Architect") who will provide construction ready, sealed plans and specifications for the construction of the Improvements. County will construct the Improvements using contractors that County has approved for work on historic properties in compliance with the requirements of A.R.S. Title 34, and County staff will supervise the construction. All disbursements from the Special Revenue Account will be made by County and will require the written approval of the Architect prior to any disbursement. If the funding in the Special Revenue Account is insufficient for the construction of all of the Improvements, County may, at County's sole discretion, reduce the scope of the Improvements to be constructed.

3. **REMAINING OPERATING AGREEMENT TERMS UNCHANGED.** Except as modified as provided in this Second Amendment, all of the terms and conditions of the Operating Agreement shall remain in full force and effect.

4. **EFFECTIVE DATE.** This Second Amendment shall be effective as of the Effective Date.

**IN WITNESS WHEREOF,** the parties hereto have executed this Second Amendment on the dates set forth below.

**OPERATOR: Rillito Park Foundation**

  
\_\_\_\_\_  
Jaye H. Wells, President

3/7/2017  
\_\_\_\_\_  
Date

**COUNTY:**

**Pima County, a political subdivision of the State of Arizona**

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Julie Castaneda, Clerk of Board

\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

*Chris Cawein*

*for* \_\_\_\_\_  
Chris Cawein, Director, Natural Resources,  
Parks and Recreation

*Neil J. Konigsberg*  
\_\_\_\_\_  
Neil J. Konigsberg, Manager, Real Property Services

**APPROVED AS TO FORM:**

*Tobin Rosen*  
\_\_\_\_\_  
Tobin Rosen, Deputy County Attorney, Civil Division