

RESOLUTION TO PROVIDE A GRANT TO HEAVEN CAN WAIT ANIMAL SOCIETY

WHEREAS, Heaven Can Wait Animal Society, DBA Heaven Can Wait Spay/Neuter Clinic, located at 546 N. Eastern Ave Suite 175, Las Vegas, Nevada 89101, hereafter “Recipient,” works toward eliminating animal overpopulation in the Southern Nevada community through sterilization; and

WHEREAS, Recipient, at its own expense has developed the Spay/Neuter Clinic and set a goal to provide 10,000 cat and dog sterilizations valley-wide during each calendar year, and pursuant to this resolution, will provide unincorporated Clark County citizens and their animals 1,600 low cost to free pet sterilization services; and

WHEREAS, pursuant to NRS 244.1505, the Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County or grant money to a private organization, not-for-profit, to be expended for the selected purpose; and

WHEREAS, Recipient is a nonprofit organization created for religious, charitable, or educational purposes as defined by NRS 244.1505 and NRS 372.3261; and

WHEREAS, the Board of County Commissioners hereby determines that the purpose for which the funds are expended will provide a substantial benefit to the inhabitants of Clark County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County, Nevada, to grant Recipient up to \$200,000 following execution of this resolution subject to the following terms and conditions:

1. For the period of July 1, 2022 to June 30, 2023, Recipient shall hereby provide unincorporated Clark County citizens and their cats and dogs at least 1,600 low cost to free pet sterilization services. If the County refers an individual to the Recipient, the individual will be given a discount at the discretion of the Recipient. Additionally, if a citizen shows a Supplemental Nutrition Assistance Program card (SNAP), a Temporary Assistance for Needy Family card (TANF), Medicaid card, Social Service Medicaid card, or a Nevada Check Up card along with proof of identification, the low cost sterilization and vaccination service shall be provided for a maximum charge of \$10 for cats and \$20 for dogs. It is reserved to Recipient’s discretion to deny services to any referred individuals for a lawful reason, animal condition, or lack of proof to show that the citizen cannot afford the cost of sterilization.
2. For the period of July 1, 2022 to June 30, 2023, Recipient shall set a goal to sterilize at least 7,000 feral or community cats in order to further mitigate the number of unwanted and free-roaming kittens in the community.

3. Recipient shall reserve capacity for priority pet sterilization referrals from Clark County Animal Protection Services. These animals will be scheduled at the first possible appointment to complete the required procedure. If microchips are provided free to the Recipient, Recipient will agree to implant them at no additional cost.
4. Recipient will provide reports to the Clark County Administrative Services Department and Clark County Animal Protection Services monthly during the period beginning July 1, 2022 and ending June 30, 2023. These reports will contain, but are not limited to, the information contained in Exhibit “A”, “Monthly Progress Report to Clark County,” including any narrative report to delineate the benefit realized by the County for the Program support.
5. The County shall have no relationship whatsoever with the services provided, except as otherwise specifically provided herein. To the extent, if at all, that any relationship to such services on the part of the County may be claimed or found to exist, Recipient shall be an independent contractor only. Nothing herein shall be construed to imply a joint venture, principal and agent, or employer and employee relationship between the County and the Recipient, and no party will have any right, power, or authority to create any obligation, express or implied, on behalf of the other. Each party shall be responsible for its own acts or omissions arising out of or related to this resolution.
6. Recipient may not assign any functions required under this resolution without the express written consent of the County. In the event that Recipient is allowed to assign some or all of the functions required under this resolution, Recipient will abide by all state and federal laws governing workers compensation benefits and employee taxes, as they may be applicable.
7. Recipient will protect, defend, indemnify, and save harmless the County from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature, expecting those proximately the result of the County’s acts or omissions, in connection with, or arising out of any activities undertaken pursuant to this resolution. Recipient’s obligation as set forth in this paragraph shall include any and all reasonable attorneys’ fees incurred by the County in the defense or handling of said suits, demands, judgments, liens, and claims and all reasonable attorneys’ fees and investigation expenses incurred by the County in enforcing or obtaining compliance with the provisions of this resolution. In the event that the County incurs any expenses in this regard, it shall have a right to charge said expenses made in good faith to the Recipient. An itemized statement of expenses shall be prima facie evidence of the fact and extent of the liability of Recipient.
8. Recipient will not use any funds or resources that are supplied by the County in litigation against any person, natural or otherwise, or in its own defense in any such litigation. Recipient agrees to notify the County of any legal action that is filed by or against the Recipient.

9. Recipient shall keep and maintain in effect at all times any and all licenses, permits, notices, and certifications which may be required by any County ordinance or State or Federal statute.
10. To the extent permitted by law, Recipient shall not institute any action or suit at law or in equity against County, nor institute, prosecute, or any way aid in the institution or prosecution of any claim, demand, action, or cause of action for equitable relief, damage, loss, or injury either to person or property, or both, whether developed or undeveloped, resulting or to result, known or unknown, past, present, or future, arising out of, in any way, the terms of this resolution.
11. Funds shall be made available to Heaven Can Wait Animal Society, quarterly or otherwise, in increments of \$50,000 or portions thereof as mutually agreed upon, as funds become available to the County.
12. Notices shall be directed as follows:
 - TO COUNTY:
Jeanine D'Errico, Director
Clark County Department of Administrative Services
500 S. Grand Central Parkway
P. O. Box 551712
Las Vegas, NV 89155-1712
(702) 455-3530 (Phone)
(702) 455-3558 (Fax)
 - TO RECIPIENT:
Francesca Fulciniti, Executive Director
Heaven Can Wait Animal Society
DBA Heaven Can Wait Spay/Neuter Clinic
P.O. Box 30158
Las Vegas, NV 89173
(702) 227-5555 (Phone)
(702) 898-1643 (Fax)

PASSED, ADOPTED and APPROVED this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
JAMES B. GIBSON, CHAIR

ATTEST:

LYNN MARIE GOYA, COUNTY CLERK

APPROVED AS TO FORM ONLY:
STEVEN B. WOLFSON

By  _____
TIMOTHY JAY ALLEN, DEPUTY DISTRICT ATTORNEY

EXHIBIT "A"

MONTHLY PROGRESS REPORT TO CLARK COUNTY

Reflecting Month:

Year:

Agency: HEAVEN CAN WAIT ANIMAL SOCIETY

Program: Sterilization of Dogs and Cats in Unincorporated Clark County

PROGRESS TOWARDS ACHIEVING OUTCOMES			
<u>OBJECTIVE</u>		<u>THIS MONTH</u>	<u>YEAR TO DATE</u>
Dog Sterilizations	Total Number of Female Dogs Served		
	Total Number of Male Dogs Served		
	Total Dogs Served		
Voluntary Cat Sterilizations	Total Number of Female Voluntary Cats Served		
	Total Number of Male Voluntary Cats Served		
	Total Voluntary Cats Served		
Feral Cats	Total Number of Female Feral Cats Served		
	Total Number of Male Feral Cats Served		
	Total Number of Feral Cats Served		
Animal Protection Services Citations	Total Number of Citizens with Citations Served		
	Total Number of Dogs Served as a Result of a Citation		
	Total Number of Cats Served as a Result of a Citation		
SNAP Cards	Total Number of Citizens with SNAP Cards Served		
TANF Cards	Total Number of Citizens with TANF Cards Served		
Medicaid Cards	Total Number of Citizens with Medicaid Cards Served		

PROGRESS TOWARDS ACHIEVING OUTCOMES			
<u>OBJECTIVE</u>		<u>THIS MONTH</u>	<u>YEAR TO DATE</u>
Social Service Medicaid Cards	Total Number of Citizens with Social Service Medicaid Cards Served		
Nevada Check Up	Total Number of Citizens with Nevada Check Up Cards Served		

NARRATIVE REPORT: (Please attach additional pages as necessary)

1. Describe any problems and/or challenges identified during this reporting month.
2. Describe any progress made to build collaborations or to facilitate cooperation among and between agencies and persons serving this population.
3. Provide information related to the areas of unincorporated Clark County where the most feral or community cats were located for sterilization and release. This information can be provided through a list of zip codes.
4. Please provide detail related to the most common types of dog breeds that were sterilized.
5. Provide an overview of the outreach that was done in the community over the last month to educate citizens about the low cost sterilizations available to them.

ACCEPTANCE OF GRANT AND
AGREEMENT TO COMPLY WITH GRANT CONDITIONS

I, _____, as _____ of HEAVEN CAN WAIT ANIMAL SOCIETY, a Nevada non-profit corporation, on behalf of that corporation, do hereby accept the grant made and the conditions imposed upon that grant contained in the Resolution to Provide a Grant to Heaven Can Wait Animal Society, adopted by the Board of County Commissioners of Clark County, Nevada, on the ____ day of _____, 2022, a copy of which is attached hereto and incorporated herein.

EXECUTED this ____ day of _____, 2022

HEAVEN CAN WAIT ANIMAL SOCIETY

By _____
SIGNATURE OF RESPONSIBLE PARTY

STATE OF NEVADA
COUNTY OF CLARK

This instrument was acknowledged before me on _____, 2022 by
_____ as _____ of Agency.

(Name of Person)

(Title)

NOTARY PUBLIC

(SEAL)

My Commission expires: _____