

## **RESOLUTION**

**A RESOLUTION CONCERNING THE FINANCING OF BUILDING PROJECTS IN THE COUNTY; DIRECTING THE CLERK OF THE COUNTY TO NOTIFY THE CLARK COUNTY DEBT MANAGEMENT COMMISSION OF A PROPOSAL TO ISSUE GENERAL OBLIGATIONS OF THE COUNTY (ADDITIONALLY SECURED BY PLEDGED REVENUES); PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Board of County Commissioners (the "Board") of Clark County, Nevada (the "County") proposes to issue a maximum principal amount of \$50,000,000 general obligation (limited tax) fire station and training center bonds (additionally secured by pledged revenues) (the "Bonds"), for the purpose of financing all or a portion of the cost of acquiring, improving and equipping building projects as defined in NRS 244A.019, including but not limited to a fire station and fire training center for the County (the "Project"); and

**WHEREAS**, the Board hereby determines and makes a finding that the revenues to be received by the County from 15% of all income and revenue distributed to the County pursuant to NRS 360.680, 360.690 and 360.700 and pledged to secure the payment of the Bonds pursuant to NRS 360.698 (the "Pledged Revenues") will at least equal the amount necessary in each year for the payment of interest on and principal of the Bonds, and no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the Bonds for the term thereof (the "Finding"); and

**WHEREAS**, the Board proposes (subject to the approval of the Finding and the proposal to issue the Bonds by the Clark County Debt Management Commission), to issue pursuant to NRS 350.020(3) the Bonds described in the following proposal (the "Proposal"):

**GENERAL OBLIGATION (LIMITED TAX)  
FIRE STATION AND TRAINING CENTER BONDS  
(ADDITIONALLY SECURED BY PLEDGED REVENUES)  
BOND PROPOSAL:**

**Shall the Board of County Commissioners of Clark County, Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) fire station and training center bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed \$50,000,000, to defray wholly or in part the cost of financing building projects as defined in NRS 244A.019 in the County; such bonds to mature commencing not later than five years from the date or respective dates of the bonds and ending not later than thirty years therefrom, to be payable from general (ad valorem) taxes, except to the extent pledged consolidated tax revenues received by the County are available therefor, such bonds to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?**

**WHEREAS**, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. Before any proposal to incur a general obligation debt or levy a special elective tax may be submitted to the electors of a municipality. . . , or, before any other formal action may be taken preliminary to the incurrence of any general obligation debt, the proposed incurrence or levy must receive the favorable vote of two-thirds of the members of the commission of each county in which the municipality is situated."

and

**WHEREAS**, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to incur general obligation debt . . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission..."

**WHEREAS**, subsection 3 of NRS 361.4727 provides, in relevant part, as follows, that an increase in the rate of an ad valorem tax is exempt from abatement from taxation if the Board makes the Finding:

"3. Except as otherwise provided in this subsection, any increase in the rate of an ad valorem tax authorized pursuant to this section must be included in the calculation of the partial abatements from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724. An increase in the rate of an ad valorem tax authorized pursuant to this section is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 if the obligations for which that increase is imposed are issued:

(a) Before July 1, 2005; or  
(b) On or after July 1, 2005, and, before the issuance of the obligations:

(1) The governing body of the taxing entity issuing the obligations makes a finding that no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the obligations during the term thereof; and

(2) The debt management commission of the county in which the taxing entity is located approves that finding."

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, NEVADA:**

Section 1. Based on the revenue study presented to the Board, the Board hereby finds that no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the Bonds described in the Proposal for the term thereof, approves the Finding and requests the Clark County Debt Management Commission (the "Commission") to approve the Proposal and the Finding.

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the issuance of the Bonds set forth in the Proposal and the Project, be and the same hereby are, ratified, approved and confirmed.

Section 3. The Clerk is authorized and directed to notify immediately the Secretary of the Commission of the Proposal and the Finding, and to submit to the Commission Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The Chief Financial Officer of the County or designee (the "Chief Financial Officer") is authorized to file the information required by NRS 350.013 to the extent required to comply with NRS 350.013 and consistent with the provisions of this resolution.

Section 4. The Chief Financial Officer is hereby authorized to arrange for the issuance and sale of the Bonds in the principal amount of not more than \$50,000,000 to carry out the Project in accordance with NRS 350.500 to 350.720, and all laws amendatory thereof (the "Bond Act"). The Chief Financial Officer is hereby authorized to specify the terms of the Bonds, the method of their sale, the final principal amount of the Bonds (not in excess of \$50,000,000), the terms of their repayment and security therefor, and other details of the Bonds, and to advertise the Bonds for sale, subject to the Bond Act and ratification by the Board by the adoption of a bond ordinance or ordinances specifying the terms and details of the Bonds and approving their sale (the "Bond Ordinance").

Section 5. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limitation assembling of financial and other information concerning the County, the Project and the Bonds as specified by the Chief Financial Officer.

Section 6. The Chief Financial Officer shall, after arranging for the sale of the Bonds, present the proposed terms of the sale to the Board for its approval by adoption of the Bond Ordinance. The authority to issue the Bonds shall be deemed and considered a continuing authority to issue and deliver the Bonds at one time or from time to time, in one series or in more than one

series, all as ordered by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 7. The Board hereby declares its intent to reimburse the costs of the Project from proceeds of the Bonds. This is a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986, as amended (the "Code") to reimburse under the Code.

Section 8. In order to permit the County to reimburse itself for prior expenditures relating to the Project from the proceeds of the Bonds, the Board hereby determines and declares that:

- (a) The maximum aggregate principal amount of the Bonds expected to be issued for the Project is \$50,000,000.00;
- (b) The Board reasonably expects to incur expenditures with respect to the Project prior to the issuance of the Bonds in the amount of \$50,000,000.00 and to reimburse those expenditures from the proceeds of the Bonds; and
- (c) The payment of costs related to the Project and the reimbursement of such costs from the proceeds of the Bonds is consistent with the Board's budgetary and financial circumstances as of the date of this Resolution. The Board does not currently have moneys which are, nor does the Board reasonably expect moneys to be, allocated on a long-term basis, reserved or otherwise available pursuant to the Board's budget to pay the expenditures which the Board intends to reimburse.

Section 9. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 10. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 11. This resolution shall become effective and be in force immediately upon its adoption.

**PASSED AND ADOPTED** on October 18, 2022.

(SEAL)

Attest:

\_\_\_\_\_  
James B. Gibson, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Lynn Marie Goya, County Clerk

APPROVED AS TO LEGALITY ONLY:



\_\_\_\_\_  
Lisa Logsdon, Deputy District Attorney

[Signature page for Fire Station and Training Center Bonds DMC Notice Resolution  
page 6 of 6, excluding Clerk's certificate]

**STATE OF NEVADA**       )  
  ) **ss.**  
**COUNTY OF CLARK**       )

I am the duly chosen and qualified County Clerk of Clark County (herein "County"), Nevada do hereby certify:

1.       The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the Board of County Commissioners of the County (the "Board") at a meeting held on October 18, 2022.

2.       The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of Board as follows:

Those Voting Aye:	_____
Those Voting Nay:	_____
	_____
Those Absent:	_____
	_____

3.       All members of the Board were given due and proper notice of the meeting. pursuant to NRS 241.020. A copy of such notice is attached hereto as Exhibit A.

4.       The revenue study presented to the Board which is referenced in the resolution is attached hereto as Exhibit B.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the County on October 18, 2022.

\_\_\_\_\_  
Lynn Marie Goya, County Clerk

## **EXHIBIT A**

(Attach Copy of Notice of Meeting)

## **EXHIBIT B**

(Attach Copy of Revenue Study)