

Summary -- An ordinance authorizing a Lease-Purchase Obligation for payment by Clark county, as fiscal administrator for, and with the funding of, the Southern Nevada Area Communication Council (SNACC) for the SNACC P25 network upgrade project and otherwise concerning the Lease-Purchase Obligation and the payment thereof.

BILL NO. _____
ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE AUTHORIZING A LEASE-PURCHASE OBLIGATION FOR PAYMENT BY CLARK COUNTY, AS FISCAL ADMINISTATOR FOR, AND WITH THE FUNDING OF, THE SOUTHERN NEVADA AREA COMMUNICATION COUNCIL (SNACC) FOR THE SNACC P25 NETWORK UPGRADE PROJECT IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,986,812.65; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS.

WHEREAS, the County of Clark of the State of Nevada (the "Clark County" and the "State," respectively) is a political subdivision of the State a body corporate and a county duly organized as a county under the provisions of Nevada Revised Statutes ("NRS") chapter 244; and

WHEREAS, the Southern Nevada Area Communications Council (SNACC) is a separate legal entity originally established by Cooperative Agreement entered pursuant to the provisions of NRS Chapter 277 on September 19, 1995, for administration of regional emergency responder radios, between Clark County and the Las Vegas Water District, with amendments thereafter adding additional parties as members, resulting in the current Southern Nevada Area Communication Council Cooperative Agreement, approved by Clark County on June 18, 2013 (hereafter "Cooperative Agreement"); and

WHEREAS, pursuant to the Cooperative Agreement, SNACC, as a separate legal entity, is empowered to enter into contracts, incur debts, and obtain revenue at its option from capital contributions assessments of incoming party members and by charge of an annual, per radio fee; but is not empowered to levy, nor has a right to receive any ad valorem or other tax or mandatory assessment; and

WHEREAS, on or about September 7, 2010, the Agreement By and Between Southern Nevada Area Communications Council and Clark County, Nevada For Administrative Support (hereafter "Support Agreement"), was entered, reciting that pursuant to the Cooperative Agreement, that the debts, liabilities and obligations of SNACC shall be the debts, liabilities and obligations of SNACC alone and not those of the other members, which includes Clark County; and

WHEREAS, the Support Agreement specifies with more particularity the financial administrative support to be provided by Clark County, noting that SNACC retains responsibility for its discretionary decisions related thereto; and

WHEREAS, on November 19, 2014, SNACC approved an Equipment Lease-Purchase Agreement between SNACC and Motorola Solutions, Inc. (the "2014 Lease-Purchase Agreement") dated December 1, 2014, for certain property described in the 2014 Lease-Purchase Agreement, for upgrading the SNACC P25 Network; and

WHEREAS, Motorola Solutions, Inc. has proposed a Schedule A amendment to the 2014 Lease-Purchase Agreement for the lease-purchase through installments of equipment for hardware, software, and services for upgrading the SNACC radio communications network (the "Project") in the principal amount of \$6,986,812.65 (the "Obligation"); bearing interest at a rate or rates which do not exceed by more than 3% the "Index of Revenue Bonds" most recently published in The Bond Buyer before SNACC enters into the Obligation, and maturing within 10 years of the date of issuance thereof, in order to pay the costs of the Project; and

WHEREAS, if SNACC were a "local government," as defined by NRS 350.0065 and NRS 354.474, the Obligation would be subject to the procedure in NRS 350.087 to 350.095, inclusive (the "Project Act"); and

WHEREAS, the State Department of Taxation (the "Department"), via Memorandum dated December 11, 2014, noted that an interpretation that would make SNACC a "local government" for purposes of the Project Act is not in a regulation at this time, but for purposes of transparency in government, entities receiving revenue from other local governments should be treated as local governments; and, as Clark County has included SNACC in its budget as a special revenue fund, the Department requested that Clark County proceed with the process provided in the Project Act for the Obligation; and

WHEREAS, the Obligation not to be repaid in whole or in part by the levy of any tax or mandatory assessment, but through the annual member per radio fee collected by SNACC, which any member may avoid by withdrawal from SNACC membership in accordance with the terms of the Cooperative Agreement, and which SNACC increased concurrent with approval of the Obligation, to be reviewed annually, to afford sufficient funding for the Obligation; and

WHEREAS, NRS 350.087 provides that the process requested by the State includes that a notice of intention to act upon the resolution authorizing the Obligation (the "authorization resolution") be published not less than 10 days prior to the consideration; and

WHEREAS, a notice of intention to act upon the authorization resolution was duly published in a newspaper of general circulation in Clark County not less than 10 days prior to the date of a public hearing thereon, and such public hearing was held prior to adoption of the authorization resolution; and

WHEREAS, the Board of County Commissioners of Clark County (the "Board") made certain determinations in the authorization resolution required by the Project Act; and

WHEREAS, the Board has determined that legally available funds of SNACC administered by Clark County in the Southern Nevada Area Communications Council Fund in the estimated annual repayment amount of \$875,287.63 will at least equal the amount required in each year for the payment of interest and principal on such Obligation; and

WHEREAS, the authorization resolution and the necessary documentation were submitted to the Department, for approval as required by NRS 350.089; and

WHEREAS, the Executive Director of the Department has approved the Obligation and the written approval is attached hereto as Exhibit C and recorded in the minutes of the Board; and

WHEREAS, of the \$6,986,812.65 approved by the Department, SNACC has not previously entered into any lease-purchase agreements which are subject to such approval; and

WHEREAS, the Board elects to and hereby determines that SNACC will enter into the Obligation in accordance with the provisions of NRS Chapter 350 and all laws amendatory thereof, which includes the Local Government Securities Laws, being NRS 350.500 through 350.720, and all laws amendatory thereof and NRS 350.800; and

WHEREAS, the Board authorizes the Chair of SNACC or designee (the "SNACC Officer") to negotiate the terms of the Obligation in the principal amount of not more than \$6,986,812.65 to finance the cost of the Project, all in accordance with the Project Act; and

WHEREAS, the Board has determined and does declare that this Ordinance pertains to the sale, issuance and payment of the Obligation; and

WHEREAS, such declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of subsection 2 of NRS 350.579; and

WHEREAS, this Ordinance may accordingly be adopted as if an emergency now exists and shall take effect from and after its passage and publication twice by title in accordance with law.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA, DO ORDAIN:

Section 101. The form, terms and provisions of the Obligation in substantially the form attached hereto as Exhibit D are hereby authorized and approved.

Section 102. Pursuant to the Support Agreement, the debts, liabilities and obligations of SNACC shall be the debts, liabilities and obligations of SNACC alone, including the Obligation, and not those of the other members, which includes Clark County. SNACC shall enter into the Obligation in substantially the form attached hereto, but with such changes therein as shall be consistent with this Ordinance and as the SNACC Officer shall approve, the execution thereof being deemed conclusive of the approval of such changes. The SNACC Officer is hereby authorized and directed to execute and deliver the Obligation for and on behalf of SNACC in substantially the form of such document attached hereto.

Section 103. The officers of SNACC and the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 104. All consistent action taken previously by the Board and the officers of the County directed toward the Project, and toward the execution and delivery of the Obligation by SNACC is ratified, approved and confirmed.

Section 105. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 106. All bylaws, orders and resolutions, or parts thereof inconsistent herewith or with the documents hereby approved are repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, ordinance or resolution, or part thereof.

Section 107. The Board has expressed in the preambles to this Ordinance that it pertains to the sale, issuance and payment of the Obligation by SNACC and accordingly may be adopted as if an emergency now exists, pursuant to NRS 350.579. Consequently, final action shall be taken immediately, and this Ordinance shall be in effect from and after its publication as hereinafter provided. After this Ordinance is signed by the Chair and attested and sealed by the Clerk, it shall be published by title only, together with the names of the commissioners voting for or against its passage, and with a statement that typewritten copies are available for inspection by all interested parties at the office of the Clerk, such publication to be made in the Las Vegas Review Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS 244.100, and all laws thereunto enabling, such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE AUTHORIZING A LEASE-PURCHASE OBLIGATION FOR PAYMENT BY CLARK COUNTY, AS FISCAL ADMINISTRATOR FOR, AND WITH THE FUNDING OF, THE SOUTHERN NEVADA AREA COMMUNICATION COUNCIL (SNACC) FOR THE SNACC P25 NETWORK UPGRADE PROJECT IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,986,812.65; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk of Clark County, Nevada, at the Clerk's office 500 S. Grand Central Parkway, Las Vegas, Nevada; and that said ordinance was proposed by Commissioner _____ on May 21, 2024, and was passed and adopted at the regular meeting on May 21, 2024, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Justin Jones
Ross Miller
James B. Gibson
Marilyn Kirkpatrick
Michael Naft
Tick Segerblom
William McCurdy II

Those Voting Nay:

Those Absent and
Not Voting:

This ordinance shall be in full force and effect from and after the ____ day of _____, 2024, i.e., the date of the second publication of the ordinance by its title only.

IN WITNESS WHEREOF, the Board of County Commissioners of Clark County, Nevada, has caused this ordinance to be published by title only.

DATED May 21, 2024.

(SEAL)

Attest:

/s/ Tick Segerblom
Chair, Board of County Commissioners
Clark County, Nevada

/s/ Lynn Marie Goya
County Clerk

(End of Form of Publication)

Proposed on May 21, 2024.

Proposed by Commissioner _____.

Passed May 21, 2024.

| | |
|------|---|
| Aye: | Justin Jones Ross Miller James B. Gibson Marilyn Kirkpatrick Michael Naft Tick Segerblom William McCurdy II |
|------|---|

| | |
|-------|-------|
| Nays: | _____ |
| | _____ |

| | |
|---------|-------|
| Absent: | _____ |
| | _____ |

(SEAL)

Attest:

 Tick Segerblom, Chair
 Board of County Commissioners
 Clark County, Nevada

 Lynn Marie Goya, County Clerk

This ordinance shall be in full force and effect from and after the ____ day of the month of ____ of the year 2024, i.e., the date of the second publication of the ordinance by its title only.

[Signature page for 2024 SNACC Lease-Purchase Obligation Ordinance page 8 of 8, excluding Clerk's certificate]

STATE OF NEVADA)
) SS.
CLARK COUNTY)

I, Lynn Marie Goya, the duly elected, qualified and/or acting County Clerk of Clark County (the "County"), Nevada, and ex officio Clerk of its Board of County Commissioners (the "Board"), do hereby certify:

1. The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") introduced, passed and adopted by the Board as if an emergency existed at a regular meeting of the Board held on May 21, 2024. A quorum of the Board was in attendance at the meeting.

2. The adoption of the Ordinance was duly moved and seconded and the Ordinance was adopted by an affirmative vote of at least two-thirds of the members of the Board at the regular meeting of the Board on May 21, 2024 as follows:

| | |
|-------------------|---|
| Those Voting Aye: | Justin Jones Ross Miller James B. Gibson Marilyn Kirkpatrick Michael Naft Tick Segerblom William McCurdy II |
|-------------------|---|

| | |
|-------------------|----------------|
| Those Voting Nay: | _____ _____ |
|-------------------|----------------|

| | |
|---------------|----------------|
| Those Absent: | _____ _____ |
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| | |
|-------------------|----------------|
| Those Abstaining: | _____ _____ |
|-------------------|----------------|

3. The members of the Board were present at such meeting and voted on the passage of the Ordinance as set forth above.

4. The Ordinance was approved and authenticated by the signature of the Chair of the Board, sealed with the County seal, attested by the Clerk and recorded in the minutes of the Board.

5. All members of the Board were given due and proper notice of the meeting. Public notice of such meeting was given and such meeting was held and conducted in

full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpt from the agenda for the meeting relating to the resolution, as posted at least 3 working days in advance of the meeting on the County's website, the State of Nevada's official website and at the Board's office is attached as Exhibit A.

6. A copy of the notice was transmitted by mail or electronic mail to each person, if any, who has requested notice of the meetings of the Board. Such notice, if mailed, was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

7. Upon request, the Board provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or resolution which will be discussed at the public meeting, and any other supporting materials provided to the Board for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

8. The ordinance was published twice by title only in the Las Vegas Review-Journal, a newspaper published and of general circulation in the County, an affidavit of publication of the ordinance being attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand on May 21, 2024.

Lynn Marie Goya, County Clerk

EXHIBIT A

(Attach Copy of Notice of May 21, 2024 Meeting)

EXHIBIT B

(Attach Affidavit of Publication of Ordinance)

EXHIBIT C

(Attach Approval of the State of Nevada Department of Taxation)



STATE OF NEVADA
DEPARTMENT OF TAXATION
Web Site: <https://tax.nv.gov>
Call Center: (866) 962-3707

LAS VEGAS OFFICE
700 E. Warm Springs Rd, Suite 200
Las Vegas, Nevada 89119
Phone (702) 486-2300
Fax (702) 486-2373

JOE LOMBARDO
Governor
GEORGE KELESIS
Chair, Nevada Tax Commission
SHELLIE HUGHES
Executive Director

CARSON CITY OFFICE
3850 Arrowhead Drive
Carson City, Nevada 89706
Phone: (775) 684-2000
Fax: (775) 684-2020

RENO OFFICE
4600 Kietzke Lane, Suite L235
Reno, NV 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

May 2, 2024

Anna Danchik, Comptroller
Clark County
P.O. Box 51211
Las Vegas, NV 89155-1211

Re: Clark County MTO/Lease Purchase
Equipment for hardware, software, and services for upgrading the Southern Nevada Area
Communications Council (SNACC)

Dear Ms. Danchik:

The Department of Taxation has received the request from Clark County for approval of the MTO/ lease purchase obligation in the amount not to exceed \$6,986,812.65 to fund the purchase of equipment for hardware, software, and services for upgrading the Southern Nevada Area Communications Council (SNACC) with an annual payment of \$875,287.63.

This Lease/Purchase is proposed to be repaid solely from funds it receives from SNACC from member radio fees, the principal amount not to exceed \$6,986,812.65, at an annual interest rate not to exceed 4.741% to be repaid over 10 years. This rate will not exceed by more than 3% the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before bids are received or negotiated offer is accepted in accordance with NRS 350.091.

The request has been reviewed to ensure compliance with NRS 350.087 and is approved. Pursuant to NRS 350.089, the approval must be recorded in the minutes of the governing body, and the financing must be secured within eighteen months of the receipt of this approval.

If you have any questions regarding this matter, please do not hesitate to call Kellie Grahmann in the Local Government Finance Section at (775) 684-2065.

Sincerely,

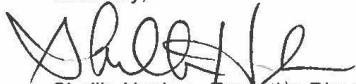

Shellie Hughes, Executive Director
Department of Taxation

EXHIBIT D

(Attach Form of the Lease-Purchase Agreement)