

City of Carson City
Agenda Report

Item # 13B

Date Submitted: August 12, 2008

Agenda Date Requested: August 21, 2008
Time Requested:

To: Board of Supervisors

From: Lawrence A Werner P.E., P.L.S., City Manager

Subject Title: Action to approve Resolution No. 2008-R-_____, a resolution providing for the transfer of Carson City's additional 2008 Private Activity Bond Cap, provided pursuant to the Housing and Economic Recovery Act of 2008, to the Nevada Rural Housing Authority; and other matters related thereto.

Staff Summary: Nevada Rural Housing Authority (NRHA) has requested that Carson City transfer its 2008 Additional Bond Cap to NRHA for its Single Family Mortgage Loan Program for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income. Carson City has been allocated \$1,074,474.90 for calendar year 2008.

Type of Action Requested: (check one)
☒ Resolution ☐ Ordinance
☐ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve Resolution No. 2008-R-_____, a resolution providing for the transfer of Carson City's additional 2008 Private Activity Bond Cap, provided pursuant to the Housing and Economic Recovery Act of 2008, to the Nevada Rural Housing Authority; and other matters related thereto.

Explanation for Recommended Board Action: The NRHA Single Family Mortgage Loan Program benefits Carson City residents. If no action is taken, Carson City's share of volume cap would go back into the State-wide pool on September 1st to be used elsewhere in the state.

Applicable Statue, Code, Policy, Rule or Regulation: NAC 348A

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Deny the resolution.

Supporting Material: Request from Nevada Rural Housing Authority, Resolution and Certificate of Transfer of Volume Cap.

Prepared By: Janet Busse, Office Supervisor

Reviewed By: _____

(Department Head)

Date: 8/12/08

Date: 8/12/08

(City Manager)

Date: 8-12-08

(District Attorney)

Date: 8/12/08

(Finance Director)

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

RESOLUTION NUMBER ____

RESOLUTION OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA PROVIDING FOR THE TRANSFER OF CARSON CITY'S ADDITIONAL 2008 PRIVATE ACTIVITY BOND CAP, PROVIDED PURSUANT TO THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008, TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to the provisions of Ch. 348A of the Nevada Revised Statutes ("NRS") and Ch. 348A of the Nevada Administrative Code ("NAC"), there was originally allocated to Carson City, Nevada (the "County" and the "State", respectively) the amount of \$2,782,751.96 in tax-exempt private activity bond cap for calendar year 2008 ("2008 Bond Cap"); and

WHEREAS, pursuant to the Housing and Economic Recovery Act of 2008 and the provisions of NRS and NAC Ch. 348A, there has been allocated to Carson City, the additional amount of \$1,074,474.90 in tax exempt private activity bond cap for calendar year 2008 ("2008 Additional Bond Cap"); and

WHEREAS, the Nevada Rural Housing Authority ("NRHA"), previously requested and received a transfer, pursuant to Resolution Number ____, of \$2,782,751.96 of Carson City's 2008 Bond Cap for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income ("Single Family Mortgage Loan Program"); and

WHEREAS, NRHA has requested that Carson City transfer its 2008 Additional Bond Cap to NRHA for its Single Family Mortgage Loan Program, with such modifications as permitted by the Housing and Economic Recovery Act of 2008; and

WHEREAS, Carson City is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of the NAC provides a procedure whereby Carson City may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2008 Additional Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), NRHA is an instrumentality, local government and political subdivision of the State; and

WHEREAS, NRHA is located within Carson City, pursuant to NRS 315.963, which defines NRHA's area of operation as "any area of the State which is not included within the corporate limits of a city or town having a population of 100,000 or more" ("Area of Operation") and by virtue of its operation of; and

WHEREAS, it is the intent of NRHA, to the extent tax-exempt private activity bond cap is available ("NRHA Bond Cap"), to match the 2008 Additional Bond Cap transferred to NRHA pursuant to this Resolution for origination of loans in Carson City in accordance with the terms and conditions herein contained.

NOW, THEREFORE, the Board of Supervisors of Carson City does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Cap. Pursuant to NAC 348A.180, Carson City hereby transfers, 2008 Additional Bond Cap in the amount of \$1,074,474.90 to the NRHA for its Single Family Mortgage Loan Program, with such modifications as permitted by the Housing and Economic Recovery Act of 2008.

Section 3. Conditions on Transfer. The transfer made in Section 2 is subject to the conditions contained within this Section. Prior to using the 2008 Additional Bond Cap outside of Carson City, NRHA shall, through its Single Family Mortgage Loan Program, for a period of ninety (90) days make a commercially reasonable attempt to originate loans within Carson City in an amount at least equal to the 2008 Additional Bond Cap, plus any matching NRHA Bond Cap. After ninety (90) days of NRHA's using the 2008 Additional Bond Cap for issuance of single family mortgage revenue bonds, all geographic conditions imposed by Carson City on NRHA's use of the 2008 Additional Bond Cap shall terminate, and NRHA shall be free to originate loans anywhere within its Area of Operation. NRHA will use the 2008 Additional Bond Cap for single family purposes in calendar year 2008, or carry forward any remaining amount according to the tax code for such purposes.

Section 4. Representative of the City. Pursuant to NAC 348A.180(1), the Director may contact Richard F. Jost, Esq., on behalf of Jones Vargas, Special counsel to the City regarding this resolution at (702) 862-3383 or in writing c/o Jones Vargas, 3773 Howard Hughes Parkway, Third Floor South, Las Vegas, Nevada 89169.

Section 5. Additional Action. The Mayor and Clerk of Carson City are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2008 Additional Bond Cap, and carry out the duties of the City hereunder, including the execution of all certificates pertaining to the transfer as required by NAC Ch. 348A.

Section 6. Direction to NRHA. NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2008 Additional Bond Cap.

Section 7. Representative of NRHA. Pursuant to NAC 348A.180(3), the Director may contact Richard F. Jost, Esq., on behalf of Jones Vargas, counsel to NRHA

regarding this resolution at (702) 862-3383 or in writing c/o Jones Vargas, 3773 Howard Hughes Parkway, Third Floor South, Las Vegas, Nevada 89169.

Section 8. Obligations of the City. This Resolution is not to be construed as a pledge of the faith and credit of or by the City, or of any agency, instrumentality, or subdivision of the City. Nothing in this Resolution obligates or authorizes the City to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this resolution. This resolution shall go into effect immediately upon its passage.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2008.

By: _____
Marv Teixeira, Mayor
Carson City, Nevada

ATTEST:

By: _____
Alan Glover, Clerk
Carson City, Nevada

STATE OF NEVADA)
) ss.
COUNTY OF CARSON)

I, Alan Glover, the duly appointed and qualified Clerk of the City of Carson, Carson County, Nevada (the "City") do hereby certify that:

The foregoing is a true and correct copy of Resolution No. ____ passed by the City Council at a regular meeting thereof held at _____, Nevada, the regular meeting place of the City Council, on _____, the ____ day of _____, 2008.

A true copy of the Resolution has been duly entered into the records of that meeting and signed by the Mayor and myself, as Clerk;

The foregoing pages, numbered 1 through 3, inclusive, constitute a true and correct copy of the record of proceedings of the City Council at said meeting insofar as the proceedings relate to the Resolution;

The proceedings were duly had and taken;

All members of the City Council were given due and proper notice of the meeting including, but not limited to, the notice required by NRS 241.020; and

The Resolution was passed by the following vote:

Those voting aye:

Those voting nay:

Those abstaining or absent:

IN WITNESS WHEREOF, I have hereunder set my hand this ____ day of _____, 2008.

Alan Glover, Clerk
Carson City, Nevada

CERTIFICATE OF TRANSFER OF VOLUME CAP

I, Alan Glover, am the duly chosen and qualified City Clerk of Carson City, Nevada (the "City") and in the performance of my duties as City Clerk do hereby certify to the Office of Business Finance and Planning in accordance with Section 348A.260 of the Nevada Administrative Code ("NAC"), that private activity bond volume cap allocated to City, pursuant to the Housing and Economic Recovery Act of 2008, in the amount of \$1,074,474.90 has been transferred as follows:

1. \$1,074,474.90 has been transferred pursuant to NAC 348A.180 from Carson City, a local government, located in the County of Carson to the Nevada Rural Housing Authority, a local government located within the County of Carson for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income.

This certificate is being filed within five (5) days of the transfer being made in accordance with NAC 348A.260.

Alan Glover, City Clerk
Carson City, Nevada

cc: w/encl

Richard F. Jost, Esq., Jones Vargas
Gary Longaker, Nevada Rural Housing Authority

EXHIBIT A

(Attach Copy of Notice of Meeting)