



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** 11/17/16

**Staff Contact:** Nancy Paulson, Chief Financial Officer

**Agenda Title:** For Possible Action: To adopt a Resolution evidencing and describing the Carson City , Nevada, Green Community Program. (Nancy Paulson, npaulson@carson.org)

**Staff Summary:** Section 54D of the Internal Revenue Code of 1986, as amended, authorizes states and political subdivisions to issue qualified energy conservation bonds ("QECBs") (including installment-purchase agreements qualifying as QECBs) for one or more "qualified conservation purposes". Among such "qualified conservation purposes" are "capital expenditures incurred for purposes of ... implementing green community programs.

**Agenda Action:** Resolution

**Time Requested:** 15 minutes

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## **Proposed Motion**

I move to adopt Resolution # \_\_\_\_\_, a Resolution evidencing and describing the Carson City , Nevada, Green Community Program.

## **Board's Strategic Goal**

Sustainable Infrastructure

## **Previous Action**

## **Background/Issues & Analysis**

The Carson City, Nevada, Green Community Program seeks to promote energy conservation, energy efficiency or environmental conservation initiatives relating to energy consumption.

The program will consist of the following projects as identified in the financial grade energy audit performed by Ameresco, Inc.:

- Capital expenditures relating to interior and exterior lighting retrofits,
- Boiler replacements,
- Energy management system upgrades and retro-commissioning,
- City Hall HVAC retrofit,
- and Building envelope improvements.

Implementing a "Green Community Program" allows the City to be eligible to issue a QECB installment-purchase agreement to fund a portion of the projects listed above.

## **Applicable Statute, Code, Policy, Rule or Regulation**

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number: N/A

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: N/A

**Alternatives**

Elect to not adopt the Carson City, Green Community Program

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Summary - a resolution evidencing and describing the Carson City, Nevada, Green Community Program.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF CARSON CITY, NEVADA EVIDENCING AND DESCRIBING THE CARSON CITY, NEVADA, GREEN COMMUNITY PROGRAM; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, Carson City, Nevada (the “City” and “State,” respectively) is a political subdivision of the State duly organized and consolidated as a city/county under the provisions of Section 37A of Article 4 of the Nevada Constitution and authorized to transact business and exercise powers pursuant to Nevada Revised Statutes (“NRS”) Chapters 244, 244A and 268 and the general laws of the State, when not inconsistent with Statutes of Nevada 1969, Chapter; and

**WHEREAS**, Section 54D of the Internal Revenue Code of 1986, as amended (the “Tax Code”) authorizes states and political subdivisions to issue qualified energy conservation bonds (“QECBs”) (including installment-purchase agreements qualifying as QECBs) for one or more “qualified conservation purposes” as defined in Section 54D(f) of the Tax Code; and

**WHEREAS**, among such “qualified conservation purposes” are “capital expenditures incurred for purposes of ... implementing green community programs (including the use of loans, grants, or other repayment mechanisms to implement such programs)”; and

**WHEREAS**, the Board desires to evidence and describe the City’s green community program (the “Carson City, Nevada, Green Community Program”), to be financed in part with proceeds of the Agreement (as defined below) to be executed and delivered by the City; and

**WHEREAS**, the aim of the Carson City, Nevada, Green Community Program is to finance acquiring, improving, and equipping certain energy efficiency improvements in certain City buildings (each a “building project” (as defined in NRS 244A.019)) that will reduce energy consumption, result in substantial energy savings and improve services to residents in the City (the “Project”); and

**WHEREAS**, the United States Secretary of the Treasury allocated to the State of Nevada QECB volume cap in the amount of \$26,975,000, of which \$3,101,538 has been re-allocated by the

State to the City, and the City intends to allocate \$3,101,538 (the “QECCB Volume Cap”) to the Project under Section 54D(a)(1) of the Tax Code and IRS Notice 2009-29, and a copy of the allocation notification is on file with the City; and

**WHEREAS**, the Board of Supervisors of the City (the “Board”) proposes to enter into an installment-purchase agreement (the “Agreement”) in a maximum aggregate principal amount of \$3,101,538 pursuant to NRS 350.087 to 350.095, inclusive, in order to finance all or a portion of the costs of the Project and intends to designate the Agreement as QECCBs under Section 54D of the Tax Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA:**

Section 1. This resolution is hereby designated by the short title the “2016 Green Community Program Resolution.”

Section 2. The Carson City, Nevada, Green Community Program is hereby established and consists of the following projects and programs making up all or a portion of the Project (and shall be deemed to include other projects directly related thereto or done in furtherance of, or in connection with the implantation of, such projects or programs): (i) capital expenditures relating to interior and exterior lighting retrofits; (ii) capital expenditures relating to boiler replacements; (iii) capital expenditures relating to energy management system upgrades and retro-commissioning; (iv) capital expenditures relating to a City Hall HVAC retrofit; and (v) capital expenditures relating to building envelope improvements. The Carson City, Nevada, Green Community Program seeks to promote energy conservation, energy efficiency or environmental conservation initiatives relating to energy consumption. All improvements financed by the capital expenditures described in this Section must be available to the general public, to the extent required by the federal tax rules and Internal Revenue Service guidance relating to Section 54D of the Tax Code.

Section 3. The projects and programs listed in Section 2 hereof are not intended to represent an exhaustive description of all potential projects and programs to be included in the Carson City, Nevada, Green Community Program. The Board intends and expects that additional

projects and programs may be added to the Carson City, Nevada, Green Community Program by future resolutions of the Board as such projects and programs are developed.

Section 4. 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 constructed to revive any resolution, or part thereof, heretofore repealed.

Section 5. 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 6. This resolution shall become effective and be in force immediately upon its adoption.

**PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE CITY OF CARSON CITY, NEVADA, THIS NOVEMBER 17, 2016.**

(SEAL)

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ROBERT L. CROWELL, Mayor  
Carson City, Nevada

Attest:

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SUSAN MERRIWETHER, Clerk - Recorder

STATE OF NEVADA        )  
  ) ss.  
CITY OF CARSON CITY )

I am the duly chosen, qualified and acting Clerk - Recorder of Carson City (the “City”), in the State of Nevada, and do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution of the Board of Supervisors (the “Board”) adopted at a meeting of the Board held on November 17, 2016.

2. The members of the Board voted on the resolution as follows:

Those Voting Aye:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Voting Nay:

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as Clerk - Recorder and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Board were given due and proper notice of such 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 excerpts from the agenda for the meeting relating to the resolution, as posted no later than 9:00 a.m. on the third working day prior to the meeting on the City’s website, the State of Nevada’s official website, and at:

- (i) Community Center  
851 East William Street  
Carson City, Nevada

- (ii) Public Safety Complex  
885 East Musser Street  
Carson City, Nevada
- (iii) City Hall  
201 North Carson Street  
Carson City, Nevada
- (iv) Carson City Library  
900 North Roop Street  
Carson City, Nevada
- (v) Business Resource & Innovation Center (BRIC)  
108 East Proctor Street  
Carson City, Nevada

is attached as Exhibit "A."

5. At least 3 working days before such meeting, such notice was delivered to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in accordance with the provisions of Chapter 241 of NRS.

**IN WITNESS WHEREOF**, I have hereunto set my hand this November 17, 2016.

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SUSAN MERRIWETHER, Clerk - Recorder

**EXHIBIT A**  
**(Attach Notice of Meeting)**