



## STAFF REPORT

**Report To:** Board of Supervisors **Meeting Date:** September 1, 2022

**Staff Contact:** Sheri Russell, Chief Financial Officer

**Agenda Title:** For Possible Action: Discussion and possible action regarding the adoption of a resolution of intent to issue general obligation (limited tax) infrastructure sales tax bonds (additionally secured by pledged revenues) in the aggregate principal amount not to exceed \$5,550,000 for the purpose of financing infrastructure projects set forth in NRS 377B.160(3) for the City; authorizing the publication of such resolution; providing the manner, form and contents of the notices; authorizing the City Manager or City's Chief Financial Officer to arrange for the sale of the bonds; providing other matters properly related thereto; and providing the effective date hereof. (Sheri Russell, srussell@carson.org)

Pursuant to NRS 350.020(3), adoption of this resolution requires the affirmative vote of two-thirds of the members of the Board of Supervisors.

Staff Summary: Staff recommends that the Board of Supervisors approve a resolution of intent to issue general obligation (limited tax) infrastructure sales tax bonds (additionally secured by pledged revenues) and authorize the City Manager or the City's Chief Financial Officer to arrange for the sale of the bonds.

**Agenda Action:** Resolution **Time Requested:** 10 minutes

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### **Proposed Motion**

I move to adopt Resolution No. \_\_\_\_\_.

### **Board's Strategic Goal**

Sustainable Infrastructure

### **Previous Action**

August 4, 2022 - The Board of Supervisors adopted Resolution No. 2022-R-27, a resolution directing staff to notify the Carson City Debt Management Commission of the City's intent to issue infrastructure sales tax general obligation bonds in an amount not to exceed \$5,550,000.

August 23, 2022 - The Debt Management Commission approved the City's request to issue infrastructure sales tax general obligation bonds.

### **Background/Issues & Analysis**

This resolution of intent is the next step in the process for the City to issue general obligation bonds additionally secured by pledged revenues. Steps still to be completed include a 90-day waiting period, the holding of a public hearing and final hearing and adoption of bond ordinances. Staff anticipates these remaining steps will be completed by February 2023. The public hearing required by statute will be held at the upcoming November 3, 2022, meeting of the Board of Supervisors.

The City is requesting a general obligation bond not to exceed the amount of \$5,550,000 to fund the balance of the William Street Corridor Project that remains unfunded. The total project costs are \$22,240,787. The City received federal appropriations of approximately \$2 million and \$9.3 million from a RAISE federal grant. In addition, redevelopment, water, wastewater and stormwater funds are paying \$5,540,787 for their portion of this project, leaving a remaining project balance of \$5,400,000. The bond issuance costs of approximately \$150,000 are included in the total not to exceed amount requested. The City has been able to reduce the amount borrowed based on the federal appropriation and grants received.

The interest rate on the proposed bonds was estimated by the City's municipal advisor, JNA Consulting Group, to be 5%. Based on current market conditions, JNA considers this estimate to be conservative. Prior to the adoption of the bond ordinance mentioned above, an updated estimate will be provided to the Board of Supervisors.

Annual debt service on the bonds will be paid from the City's Infrastructure Tax Fund. The bonds are secured by one-eighth of 1 percent (0.125%) of sales taxes.

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

NRS Chapters 350 and 377B

**Financial Information**

**Is there a fiscal impact?** Yes

**If yes, account name/number:** Infrastructure Tax Fund, Bond Proceeds 3100099-483030; Transfer to Debt service 3100079-507205; and Debt Service Fund, principal, and interest payments 4107100-50XXXX.

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:** Bond proceeds and issuance costs will be posted to the Infrastructure Tax Fund. Bond issuance costs will be incorporated in the cost of the debt, and the remaining amount available for the project will be \$5,400,000. The estimated annual debt service payments for these bonds is approximately \$553,000 for 15 years. Annual amounts due will be transferred monthly from the Infrastructure Tax Fund to the Debt Service Fund to pay the biannual interest and principal payments as they become due. Final amounts of bond proceeds, issuance costs, debt service and capital project proceeds will be added to the Infrastructure Tax Fund and Debt Service budgets through a budget augmentation in Fiscal Year 2023 once bond numbers are finalized.

**Alternatives**

Elect to not pursue the financing and accumulate funds for projects on a pay-as-you-go basis.

**Attachments:**

[Intent Resolution \(55192503v3\) \(002\).doc](#)

**Board Action Taken:**

Motion: _____	1) _____	Aye/Nay
	2) _____	_____
		_____
		_____
		_____

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



Summary - a resolution of intent to issue general obligation (limited tax) infrastructure sales tax bonds (additionally secured by pledged revenues).

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

**A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) INFRASTRUCTURE SALES TAX BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,550,000 FOR THE PURPOSE OF FINANCING CERTAIN INFRASTRUCTURE PROJECTS SET FORTH IN NRS 377B.160(3); PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES; AUTHORIZING THE CITY MANAGER OR THE CITY'S CHIEF FINANCIAL OFFICER TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

*WHEREAS*, the Board of Supervisors of Carson City (the "Board" and the "City," respectively) proposes to issue up to \$5,550,000 of general obligation infrastructure sales tax bonds additionally secured by a pledge of the revenues received by the City from the one-eighth of 1 percent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the City pursuant to Nevada Revised Statutes ("NRS") Chapter 377B and as set forth in Chapter 21.08 of the Carson City Municipal Code (the "Pledged Revenues"); and

*WHEREAS*, the Board proposes to incur these general obligation infrastructure sales tax bonds (the "Bonds") without an election unless a petition signed by the requisite number of registered voters of the City is presented to the Board requiring the Board to submit to the qualified electors of the City for their approval or disapproval the following proposal:

**GENERAL OBLIGATION INFRASTRUCTURE SALES TAX BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) PROPOSAL:**

**Shall the Board of Supervisors of Carson City, Nevada, be authorized to incur a general obligation indebtedness (additionally secured by pledged revenues) on behalf of the City by the issuance at one time, or from time to time, of the City's general obligation infrastructure sales tax bonds, in one series or more, in the aggregate principal amount of not exceeding \$5,550,000 for the purpose of acquiring, establishing, constructing, expanding, improving and equipping certain infrastructure projects set forth in NRS 377B.160(3), such bonds to mature not later than fifteen (15) years from the date or respective dates of the bonds, payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor), and 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 other 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?**

(the "Proposal"); and

*WHEREAS*, pursuant to Nevada Revised Statutes ("NRS") 350.011 to 350.0165, inclusive, the Board has submitted the Proposal to the Debt Management Commission of Carson City (the "Commission"); and

*WHEREAS*, the Commission has heretofore approved the Proposal; and

*WHEREAS*, the Board has determined and hereby determines that the Pledged Revenues will at least equal the amount required in each year for the payment of interest and principal on the Bonds and an ad valorem tax is not expected to be necessary to pay the principal of and interest on such Bonds during the term thereof; and

*WHEREAS*, subsection 3 of NRS 350.020 in effect provides that if the payment of a general obligation of the City is additionally secured by a pledge of the revenues of a project to be financed by its issue, and the governing body (i.e., the Board) determines that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal, the City may incur the general obligations without an election, unless a petition requesting an election signed

by 5% of the registered voters of the City is presented to the Board within 90 days after the publication of a notice of the adoption of this resolution of intent; and

*WHEREAS*, subsection 3 of NRS 350.020 also requires that a public hearing be held before the Bonds are issued.

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

Section 1. This resolution shall be known as and may be cited by the short title “2022 Resolution of Intent to Issue Infrastructure Sales Tax Bonds” (this “Resolution”).

Section 2. The officers of the City be, and they hereby are, authorized and directed to publish a notice of the adoption of the resolution of intent relating to the Board’s Proposal to issue the Bonds in a newspaper of general circulation in the City, at least once, such notice to be published in substantially the following form:

(Form of Notice of Intent for Publication)

**NOTICE OF THE INTENT OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, TO ISSUE GENERAL OBLIGATION (LIMITED TAX) INFRASTRUCTURE SALES TAX BONDS OF THE CITY ADDITIONALLY SECURED BY PLEDGED REVENUES**

**NOTICE IS HEREBY GIVEN** that the Board of Supervisors of Carson City (the “Board” and the “City”) Nevada, by a resolution, passed, adopted and approved on September 1, 2022, and designated in Section 1 thereof by the short title “2022 Resolution of Intent to Issue Infrastructure Sales Tax Bonds” has proposed the issuance of the City’s general obligation (limited tax) infrastructure sales tax bonds (additionally secured by pledged revenues) (the “Bonds”) designated below, as follows:

**GENERAL OBLIGATION INFRASTRUCTURE SALES TAX BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) PROPOSAL:**

**Shall the Board of Supervisors of Carson City, Nevada, be authorized to incur a general obligation indebtedness (additionally secured by pledged revenues) on behalf of the City by the issuance at one time, or from time to time, of the City’s general obligation infrastructure sales tax bonds, in one series or more, in the aggregate principal amount of not exceeding \$5,550,000 for the purpose of acquiring, establishing, constructing, expanding, improving and equipping certain infrastructure projects set forth in NRS 377B.160(3), such bonds to mature not later than fifteen (15) years from the date or respective dates of the bonds, payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor), and 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 other 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?**

(the “Proposal”); and

The above Proposal was approved by the Debt Management Commission of Carson City, Nevada.

The Board has determined that the Bonds to be issued for the purpose of financing certain infrastructure projects set forth in Nevada Revised Statutes ("NRS") 377B.160(3) (as further described in the above Proposal) will be additionally secured by a pledge of the revenues received by the City from the one-eighth of 1 percent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the City pursuant to NRS Chapter 377B and as set forth in Chapter 21.08 of the Carson City Municipal Code (the "pledged revenues"). The Board has, in addition, determined, based upon a revenue study, that the pledged revenues will at least equal the amount required in each year for the payment of the interest on and the principal of the Bonds.

Based upon these determinations, the Board intends to incur these general obligations as set forth above without an election as provided in subsection 3 of NRS 350.020, unless within ninety (90) days after the publication of this notice a petition requesting an election is presented to the Clerk-Recorder on behalf of the Board signed by not fewer than five percent (5%) of the registered voters of the City. The number of registered voters is to be determined as of the close of registration for the last preceding general election.

At a meeting or meetings of the Board, the Board shall proceed to adopt an ordinance or ordinances authorizing the issuance of the Bonds. Such ordinance or ordinances authorizing the issuance of the Bonds will be effective unless prior to 5:00 p.m. on December 6, 2022, a petition is presented to the Clerk-Recorder on behalf of the Board asking for the Board to hold an election upon the question of whether or not the proposed Bonds, shall be incurred. The petition for an election herein referred to may be filed with the Clerk-Recorder on behalf of the Board no later than 5:00 p.m. on December 6, 2022, at the Clerk-Recorder's Office, 885 East Musser Street, Suite 1028, Carson City, Nevada, during regular office hours of the Clerk-Recorder. In the event such petition is presented, no such ordinance or ordinances shall be effective except pursuant to an election called and held for such purpose and carried by a majority of the votes cast. In the event no such petition is presented, the Bonds will be authorized as described above. The ordinance or ordinances authorizing the Bonds will, in addition, contain provisions for additionally securing the payment of the general obligations by pledging the pledged revenues designated above and in the Proposal to the payment of the Bonds.

The authority to issue the Bonds if conferred at an election or if conferred by the fact no petition is presented to the Clerk-Recorder requesting such an election within ninety (90) days of the date of publication hereof shall be deemed to be a continuing authority and the Board shall be authorized to sell the Bonds at such time or times and upon such terms and conditions as it deems proper in accordance with the provisions of the Proposal and the laws of the State of Nevada.

All persons interested are hereby advised that further information regarding the projects to be financed by the Bonds, the Bonds and the revenues to be pledged to the Bonds, and all



proceedings in the premises, are on file in the office of the Clerk-Recorder, 885 East Musser Street, Suite 1028, Carson City, Nevada, and can be seen and examined by interested persons during the regular office hours of the Clerk-Recorder. All persons interested may also obtain additional information regarding the contents of and filing requirements for the petition herein referred to at the office of the Clerk-Recorder, 885 East Musser Street, Suite 1028, Carson City, Nevada, during the regular office hours of the Clerk-Recorder.

The determination by the Board that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal on the Bonds becomes conclusive on the last day for filing the petition, i.e., on December 6, 2022, at 5:00 p.m.

**BY ORDER** of the Board of Supervisors of Carson City, Nevada.

**DATED** this September 1, 2022.

**PUBLICATION DATE:** September 7, 2022

/s/ Aubrey Rowlett  
Clerk-Recorder

(End of Form of Notice of Intent)

Section 3. The Clerk-Recorder is authorized and directed to publish a notice of public hearing three times, once each week for three consecutive weeks, the third publication to be made at least 10 days before the date of the public hearing described in the following notice, in a newspaper of general circulation in the City, at least as large as 5 inches high by 4 inches wide, in substantially the following form:

(Form of Notice of Public Hearing)

**NOTICE OF PUBLIC HEARING ON THE INTENT OF CARSON CITY, NEVADA, TO ISSUE GENERAL OBLIGATION (LIMITED TAX) INFRASTRUCTURE SALES TAX BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES).**

**NOTICE IS HEREBY GIVEN** that the Board of Supervisors (the “Board”) of Carson City (the “City”), Nevada, by a resolution, passed, adopted, signed and approved on September 1, 2022, and designated in Section 1 thereof by the short title “2022 Resolution of Intent to Issue Infrastructure Sales Tax Bonds” has proposed the issuance of the City’s general obligation (limited tax) infrastructure sales tax bonds (additionally secured by pledged revenues) (the “Bonds”) designated below, as follows:

**GENERAL OBLIGATION INFRASTRUCTURE SALES TAX BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) PROPOSAL:**

**Shall the Board of Supervisors of Carson City, Nevada, be authorized to incur a general obligation indebtedness (additionally secured by pledged revenues) on behalf of the City by the issuance at one time, or from time to time, of the City’s general obligation infrastructure sales tax bonds, in one series or more, in the aggregate principal amount of not exceeding \$5,550,000 for the purpose of acquiring, establishing, constructing, expanding, improving and equipping certain infrastructure projects set forth in NRS 377B.160(3), such bonds to mature not later than fifteen (15) years from the date or respective dates of the bonds, payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor), and 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 other 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?**

(the “Proposal”); and

The above Proposal was previously approved by the Debt Management Commission of Carson City, Nevada.

The Board has determined that the Bonds to be issued for the purpose of financing certain infrastructure projects set forth in Nevada Revised Statutes ("NRS") 377B.160(3) (as further described in the above Proposal) will be additionally secured by a pledge of the revenues received by the City from the one-eighth of 1 percent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the City pursuant to NRS Chapter 377B and as set forth in Chapter 21.08 of the Carson City Municipal Code (the "pledged revenues"). The Board has, in addition, determined, based upon a revenue study, that the pledged revenues will at least equal the amount required in each year for the payment of the interest on and the principal of the Bonds.

All persons interested are hereby advised that the Board will hold a public hearing on the Proposal at a regular meeting to be held on November 3, 2022 at the hour of 8:30 a.m. at the Community Center, 851 East William, Carson City, Nevada. All persons are invited to attend and to be heard regarding the Proposal. Further information regarding the Proposal, the Project to be financed by the Bonds, the Bonds and the revenues to be pledged to the Bonds, and all proceedings, are on file in the office of the Clerk-Recorder, 885 East Musser Street, Suite 1028, Carson City, Nevada, and can be seen and examined by interested persons during the regular office hours of the Clerk-Recorder.

BY ORDER of the Board of Supervisors, Carson City, Nevada.

DATED this September 1, 2022.

PUBLICATION DATES: October 5, 2022; October 12, 2022; and October 19, 2022.

/s/ Aubrey Rowlett  
Clerk-Recorder  
Carson City, Nevada

(End of Form of Notice of Public Hearing)

Section 4. A public hearing on the Bonds is hereby ordered to be held before the Board at the time, date and place specified in the notice set forth in Section 3 hereof, or at such date designated by the City Manager or the Chief Financial Officer.

Section 5. The Bonds, in the event no petition is filed during the period allowed by NRS 350.020(3), shall be authorized by an ordinance or ordinances to be effective after the expiration of the 90-day petition period.

Section 6. The authority to issue the Bonds shall be deemed and considered a continuing authority to issue and deliver the Bonds designated in such Proposal 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 City Manager or the Chief Financial Officer or a designee is hereby authorized to arrange for the issuance and sale of the Bonds in one or more series not to exceed the aggregate principal amount of \$5,550,000, in accordance with the City's debt management policy, the Local Government Securities Law (NRS 350.500 through 350.720, inclusive) and Section 7.020 of the City's Charter (Chapter 276, Statutes of Nevada 1971).

Section 8. The City Manager or the Chief Financial Officer shall, after arranging for the public or private sale of the Bonds, present the terms of the Bonds to the Board for its approval by adoption of the ordinance or ordinances authorizing the issuance of the Bonds.

Section 9. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limitation, (a) assembling of financial and other information concerning the City, the Pledged Revenues and the Bonds; (b) if applicable, preparing and circulating a request for proposal to purchase the Bonds, in the form specified by the City Manager, the Chief Financial Officer or such officer's designee; and (c) if applicable, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the City Manager, the Chief Financial Officer or such officer's designee. If applicable, the City Manager, the Chief Financial Officer or such officer's designee is authorized to deem the preliminary official

statement to be a “final” official statement on behalf of the City for the purposes of Rule 15(c)2-12 of the Securities and Exchange Commission.

Section 10. 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 11. 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 12. This Resolution shall become effective and be in force immediately upon its adoption.

Upon motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing Resolution was passed and adopted by at least a two-thirds majority of the Board of Supervisors of Carson City, Nevada, the 1<sup>st</sup> day of September, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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Lori Bagwell, Mayor  
Carson City, Nevada

Attest:

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Aubrey Rowlatt, Clerk-Recorder

**STATE OF NEVADA**        )  
  ) **ss.**  
**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 passed and adopted by the Board of Supervisors of the City (the “Board”) at a meeting of the Board held on September 1, 2022, a copy of which is set forth therein.

2. 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 journal of the Board kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

3. The members of the Board voted on the passage of the resolution as set forth below:

Those Voting Aye: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Voting Nay: \_\_\_\_\_

Those Absent: \_\_\_\_\_

4. Written notice of such meeting was given at least three working days before the meeting pursuant to NRS 241.020.

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.

6. A copy of such notice as posted and delivered is attached hereto as Exhibit A. A copy of a proof and statement of publication of the notice of resolution of intent is attached hereto

as Exhibit B, and a copy of a proof and statement of publication of the notice of public hearing is attached hereto as Exhibit C.

**IN WITNESS WHEREOF**, I have hereunto set my hand this September 1, 2022.

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Aubrey Rowlatt, Clerk-Recorder



EXHIBIT "A"

(Attach Copy of Notice of Meeting)

EXHIBIT "B"

(Attach Proof and Statement of Publication of Notice of Resolution of Intent)

EXHIBIT "C"

(Attach Proof and Statement of Publication of Notice of Hearing)