RESOLUTION NO. R-26-98

A RESOLUTION CONCERNING THE FINANCING OF IMPROVEMENTS; SETTING FORTH THE INTENT OF THE CITY TO REIMBURSE OUT OF BOND PROCEEDS THE COST OF CERTAIN PROJECTS; AUTHORIZING THE CITY CLERK TO NOTIFY THE CLARK COUNTY DEBT MANAGEMENT COMMISSION OF A PROPOSAL TO INCUR A GENERAL OBLIGATION; AND PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of Las Vegas, Nevada (the "City"), in Clark County, Nevada (the "County") proposes to incur a general obligation debt in the name of and on behalf of the City to finance, possibly through the City of Las Vegas Redevelopment Agency, certain parking and redevelopment projects in the downtown area of the City known as the Neonopolis Project (the "Project"); and

WHEREAS, the Council proposes (subject to the approval of the proposal to issue general obligations by the Clark County Debt Management Commission), to publish a notice of intent pursuant to NRS 350.020 to incur the debt described in the following proposal:

GENERAL OBLIGATION (LIMITED TAX) NEONOPOLIS PROJECT BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) PROPOSAL:

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation debt, additionally secured by pledged revenues pursuant to NRS 377.080 in one series or more, in an aggregate principal amount of not exceeding $32,000,000 to defray wholly or in part the cost of financing, possibly through the City of Las Vegas Redevelopment Agency, certain parking and redevelopment projects in a downtown area of the city known as the Neonopolis Project (the "Project") for the purpose of assisting and redevelopment of the City and alleviating needs for additional parking spaces, such debt to mature in installments commencing not later than five (5) years from the date or respective dates of the obligation and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent other revenues, including the pledged supplemental city-county relief tax revenues, 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

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otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City 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, subsection 1 of NRS § 350.004 provides, in relevant part, as follows:

> "1. Before any proposal to incur general obligation debt . . . may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the incurrance of any general obligation debt, their proposed incurrance . . . 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 § 350.005 provides, in relevant part, as follows:

> "1. The governing body of the municipality proposing to incur general obligation debt . .

WHEREAS, the Council expects to incur certain expenditures relating to the Project prior to obtaining permanent financing and the City intends to reimburse itself for such prior expenditures with the proceeds of bonds issued in the maximum principal amount of $10,000,000 (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA:

Section 1. This resolution shall be known by the short title "1998 Las Vegas Neonopolis Project DMC Request Resolution".

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the Council, and the officers of the City (not inconsistent with the provisions of this resolution) directed toward the issuance of the proposed general obligation, be and the same hereby are, ratified, approved and confirmed.

Section 3. The City Clerk is hereby directed to notify the Secretary of the Clark County Debt Management Commission (the "Commission Secretary" and the "Commission", respectively) of the Council's Proposal to incur general obligation debt and deliver to the

Commission Secretary of a statement of the Proposal in sufficient number of copies for each member of the Commission.

Section 4. The Director of Finance and Business Services or his designee is hereby authorized to update the City's statement of debt and special elective taxes, debt management policy and plan for capital improvements to reflect the projects and borrowing contemplated by the Proposal as required by NRS § 350.005, and file the updated statements and plan with the Commission and the Department of Taxation of the State of Nevada.

Section 5. The City hereby declares its intent to reimburse the costs of the Project out of the Bonds. This is a declaration of official intent under § 1.150-2 of the Regulations promulgated under the Internal Revenue Code of 1986, as amended.

Section 6. 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 7. 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 8. The officers of the City are hereby directed to take all action necessary to effectuate the provisions of this resolution.

Section 9. This resolution shall become effective and be in force immediately upon its adoption.

PASSED AND ADOPTED this 9th day of March, 1998.

(SEAL)

Mayor

JRG 3-13-98

Attest:

City Clerk