

RESOLUTION NO. R-29-2000**A RESOLUTION APPROVING A CHANGE IN
USE IN CERTAIN FACILITIES FINANCED
WITH THE PROCEEDS OF CERTAIN CITY
BONDS**

WHEREAS, the City of Las Vegas (the "City") has heretofore issued its City of Las Vegas, Nevada General Obligation (Unlimited Tax) Medium Term Recreation Bonds, Series February 1, 1997, in the original aggregate principal amount of \$10,500,000 (the "Bonds"); and

WHEREAS, the proceeds of those Bonds were in part used to pay for a Leisure Service Center located at 3521 North Durango Drive, Las Vegas, Nevada (the "Project"); and

WHEREAS, it is now proposed that an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), the YMCA, be the operator of the Project; and

WHEREAS, allowing the YMCA to be the operator of the Project may be treated as a "change in use" under certain regulations promulgated under Section 141 of the Tax Code; and

WHEREAS, pursuant to Section 1.141-15(e), of the Treasury Regulations promulgated under Section 141 of the Tax Code, the City may apply Section 1.141-12 of those regulations, dealing with remedial actions, to Bonds issued before May 16, 1997 and the City desires to so apply those regulations; and

WHEREAS, those regulations in effect provide that in the event of a change in use, such as that now expected, the City is required to take the steps it would have been required to take had the Bonds initially been issued with an expectation that the YMCA would operate the Project; and

WHEREAS, the two steps now required to be taken are for the City to approve the issuance of the Bonds and use of the Project by the YMCA after a public hearing and for the City to file a federal tax form 8038; and

WHEREAS, it is the intent of this Resolution to provide such approval and authorize such filing.

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

Section 1. This Resolution may be cited by the short title "2000 Recreation Bond Change in Use Resolution."

Section 2. The publication of a Notice of a Hearing as to the hearing on the date on the proposed change in use is hereby ratified, approved and confirmed.

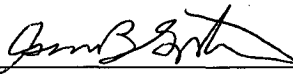
Section 3. The City Council hereby approves the Bonds and the change in use of the Project as described above, pursuant to Section 147(f) of the Tax Code and Treas. Reg. §1.141-12.

Section 4. The Finance Director and Treasurer of the City are hereby authorized and directed to file a Form 8038 with the Internal Revenue Service relating to the Bonds and the aforementioned change in use.

Section 5. The officers of the City are hereby authorized and directed to take all action necessary to effectuate the provisions of this Resolution.

Section 6. This Resolution shall be in full force and effect after passage and approval.

PASSED AND ADOPTED AND APPROVED THIS FEBRUARY 16, 2000.



Mayor

of 2/25/00

(SEAL)

Attest:



City Clerk **By: Beverly K. Bridges**
Chief Deputy City Clerk

STATE OF NEVADA)
)
 CLARK COUNTY) ss.
)
 CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen and qualified City Clerk of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a Resolution adopted by the City Council of the City (the "Council") at a meeting held on February 16, 2000.

2. The adoption of the Resolution was duly moved and seconded and the Resolution was adopted by an affirmative vote of a two-thirds majority of the members of Council as follows:

Those Voting Aye:

Oscar B. Goodman
 Gary Reese
 Larry Brown
 Lynette Boggs McDonald
 Lawrence Weekly
 Michael Mack

Those Voting Nay:

NONE

Those Absent:

Michael McDonald

3. The original of the Resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as acting City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (iii) Senior Citizens Center
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Downtown Transportation Center
Las Vegas, Nevada

and

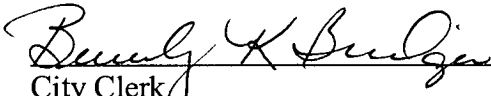
(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

6. A copy of such notice so given of the meeting of the Council on February 16, 2000 is attached to this certificate as Exhibit "A". A copy of the affidavit of publication of the notice of public hearing is attached hereto as Exhibit "B", and a copy of the minutes of the public hearing held on February 16, 2000, prior to adoption of the Resolution is attached hereto as Exhibit "C".

IN WITNESS WHEREOF, I have hereunto set my hand on this February 16, 2000.

(SEAL)


City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

EXHIBIT "A"

(Attach Copy of Notice of Meeting)

PUBLIC WORKS DEPARTMENT - DISCUSSION

80. **ABEYANCE ITEM** - Discussion and possible action to approve a sludge disposal service contract with Republic Environmental Technologies, Inc. a Nevada corporation (d.b.a. Republic Silver State Disposal, Inc.), for sludge removal from the City Water Pollution Control Facility. The initial contract term is five years with an option to renew for five years under the same terms and conditions subject to the mutual consent of the parties (\$1,500,000 a year/Enterprise Fund)
81. **ABEYANCE ITEM** - Discussion and possible action regarding Professional Service Agreement with JMA Architecture Studios for architectural, design, and engineering services in connection with the Doolittle Community Center Phases III, IV, and V remodeling project (\$433,900/Park Bonds Capital Improvement Plan)
82. **ABEYANCE ITEM** - Report on status of environmental projects now under design, construction or planning stage

RESOLUTIONS - DISCUSSION

83. **R-27-2000** - Discussion and possible action on a Resolution of the Las Vegas City Council supporting the creation of a Nevada Film Office production website
84. **R-28-2000** - Discussion and possible action on a Resolution in support of the California-Nevada Super Speed Train Project
85. **PUBLIC HEARING - R-29-2000** - Discussion and possible action regarding a resolution for a proposed change of use of a facility (Northwest Leisure Service Center) financed with a portion of the proceeds of the City of Las Vegas, Nevada General Obligation (Limited Tax) Medium Term Recreation Bonds

BOARDS & COMMISSIONS - DISCUSSION

86. **ABEYANCE ITEM** - PLANNING COMMISSION - Leni Skaar - Term Expires 8-16-2001 (Resigned)
87. **ABEYANCE ITEM** - COMMUNITY EMPLOYMENT ADVISORY COMMITTEE - Robert Fortson - Term Expires 6/1999
88. **ABEYANCE ITEM** - LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES - Lawrence Weekly - Term Expires 3-6-2003 (Resigned)
89. **ABEYANCE ITEM** - CIVIL SERVICE BOARD OF TRUSTEES - Joseph Orduna - Term Expires 9-1-2003 (Resigned)
90. NEIGHBORHOOD PARTNERS FUND BOARD - Amendment of the Neighborhood Partners Fund Board By-Laws
91. TRAFFIC & PARKING COMMISSION - Martin Esbin - Term Expires 2-21-2000
92. CITIZENS ADVISORY COMMITTEE ON DOWNTOWN DEVELOPMENT - Keith Bassett - Term Expires 2-21-2000
93. COMMUNITY HOUSING RESOURCES ADVISORY COMMITTEE (CHRA) - Appointment of Six Members and Ratification of Fourteen Joint (City of Las Vegas and Clark County) Members to this Committee

REAL ESTATE COMMITTEE REPORTS - DISCUSSION

94. Discussion and possible action regarding a Lease Agreement for the operation of Woodlawn Cemetery by Carriage Services (Projected Annual Savings \$500,000 to \$750,000 - General Fund)

EXHIBIT "B"

(Attach Affidavit of Publication)

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1096759

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/02/00 to 02/02/2000, on the following days: FEBRUARY 2, 2000

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 2

day of Feb 2000

Monica A. Peterson
Notary Public



MONICA A. PETERSON
Notary Public - Nevada
No. 97-3700-1
My appt. exp. Sept. 11, 2001

NOTICE OF HEARING
CITY OF LAS VEGAS, NEVADA

NOTICE is hereby given that the City Council of the City of Las Vegas will be in session for a regular meeting on February 16, 2000 at 9:00 a.m. in the Council Chamber, Las Vegas City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, on a proposed change of use of a facility financed with a portion of the proceeds of the City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium Term Recreation Bonds, Series February 1, 1997, issued in the principal amount of \$10,500,000 (the "Bonds"). The Bonds were issued, in part, to pay for a Leisure Service Center located at 3521 North Durango Drive, Las Vegas, Nevada (the "Project"). The change of use proposed is to allow the YMCA to be the operator of the Project.

This hearing is being held pursuant to Section 147(f) of the Internal Revenue Code of 1986. The name of the initial owner of the Project is the City of Las Vegas, and the proposed operator and manager of the Project is the YMCA. The location of the Project is 3521 North Durango Drive, Las Vegas, Nevada.

All persons are invited to attend and to be heard regarding these Bonds and the proposed change of use. Written comments may be filed with the City Clerk at the City Clerk's Office, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada 89101 prior to the hearing.

Any such written comments and all oral comments made will be considered by the City Council at the hearing.

Dated this January 26, 2000:
CITY OF LAS VEGAS, NEVADA
By: /s/ Mark Vincent, Finance Director
PUB: February 2, 2000
Las Vegas Review-Journal

2000 FEB 10 P 3:19

RECEIVED
CITY CLERK

EXHIBIT "C"

(Minutes of Public Hearing)

City of Las Vegas

Agenda Item No. 85

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 16, 2000

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

PUBLIC HEARING - R-29-2000 - Discussion and possible action regarding a resolution for a proposed change of use of a facility (Northwest Leisure Service Center) financed with a portion of the proceeds of the City of Las Vegas, Nevada General Obligation (Limited Tax) Medium Term Recreation Bonds.

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This hearing and attendant resolution is pursuant to Section 147(f) of the Internal Revenue Code (IRC) . The City issued General Obligation (Limited Tax) Medium Term Recreation Bonds to be used, in part, to pay for a Leisure Service Center located at 3521 N. Durango Drive, (the "Project"). The IRC requires that a public hearing be held if the City is considering contracting the facility operations by hiring a private company who will share in the profits from the operations. The change of use proposed is to allow the YMCA to operate the City's Northwest Leisure Service Center.

RECOMMENDATION:

Staff recommends approval of the change in use.

BACKUP DOCUMENTATION:

Resolution No. R-29-2000

MOTION:

REESE – APPROVED as recommended – UNANIMOUS with M. McDONALD excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services Department, commented that the City's Bond Counsel advised that a public hearing be held in order to preserve the status because the center operated with three charitable organizations, which constitutes a change in use.



Agenda Item No. 85

CITY COUNCIL MEETING OF FEBRUARY 16, 2000
Item 85 – R-29-2000

MINUTES – Continued:

MR. McGOWAN, 720 South Casino Center Boulevard, asked if that was the only substantive change. MR. VINCENT answered that the intent of R-29-2000 is to allow for the change. MR. McGOWAN recommended approval.

MAYOR GOODMAN declared the Public Hearing closed.

There was no further discussion.

(1:33 – 1:35)

3-1434