



AGENDA

CITY COUNCIL SPECIAL MEETING - 11/28/23

55 West Williams Avenue Fallon, NV

November 28, 2023 at 9:00 AM

The Honorable City Council will meet in a special meeting on November 28, 2023 at 9:00 a.m. in the City Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Items on the agenda may be taken out of order. The Council may combine two or more agenda items for consideration. The Council may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Unless otherwise allowed by the City Council, public comments by an individual will be limited to three minutes.

1. Pledge of Allegiance to the Flag
2. Certification of Compliance with Posting Requirements
3. Public Comments
General in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. **(For discussion only)**
4. Consideration and possible approval and adoption of Resolution No. 24-01: A resolution authorizing medium-term obligations in an amount of up to \$10,000,000 to finance all or a portion of the cost of water projects, sewer projects, airport projects, street improvements, park improvements, and City Hall upgrades; directing the officers of the City to forward materials to the Department of Taxation of the State of Nevada; providing certain details in connection therewith; authorizing the City staff to arrange the terms of such medium-term obligations; and providing the effective date hereof. **(For possible action)**
5. Public Comments **(For discussion only)**
6. Council and Staff Reports **(For discussion only)**

7. Executive Session (**Closed**)

Discuss Litigation Matters (**For discussion only**) (NRS 241 et.seq.)

Negotiations with Operating Engineers Local Union No. 3 (**For discussion only**)

Negotiations with Fallon Peace Officers Association (**For discussion only**)

This agenda has been posted on or before 9:00 a.m. on November 21, 2023 at City Hall, District Court Building, Churchill County Office Complex, Churchill County Public Library and posted to the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>). Members of the public may request the supporting material for this meeting by contacting Elsie M. Lee, Deputy City Clerk, City Clerk's Office, City Hall, 55 West Williams Avenue, Fallon, Nevada, 775-423-5104. The supporting material for this meeting is also available to the public on the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>).

/s/ Elsie M. Lee

NOTICE TO PERSONS WITH DISABILITIES: Reasonable effort will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call the City Clerk's Office at 775-423-5104 in advance so that arrangements may be conveniently made.



CITY OF FALLON

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 20, 2023
 AGENDA DATE: November 28, 2023
 TO: The Honorable City Council
 FROM: Sean Richardson, City Clerk/Treasurer
 AGENDA ITEM TITLE: Consideration and possible approval and adoption of Resolution No. 24-01: A resolution authorizing medium-term obligations in an amount of up to \$10,000,000 to finance all or a portion of the cost of water projects, sewer projects, airport projects, street improvements, park improvements, and City Hall upgrades; directing the officers of the City to forward materials to the Department of Taxation of the State of Nevada; providing certain details in connection therewith; authorizing the City staff to arrange the terms of such medium-term obligations; and providing the effective date hereof. **(For possible action)**

TYPE OF ACTION REQUESTED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other – Discussion Only |

RECOMMENDED COUNCIL ACTION: Motion to approve and adopt Resolution 24-01 as presented.

DISCUSSION: In order to serve the public interest, the City desires to issue medium-term obligations in an amount not to exceed Ten Million Dollars (\$10,000,000.00) to finance all or the portion of the cost of water projects, sewer projects, airport projects, street improvements, park improvements and City Hall upgrades. Pursuant to NRS 350.087, the City’s financial consultant, Marty Johnson, bond counsel Scott Shaver, and City staff have prepared the attached Resolution for the Council’s consideration and cause the attached Notice of Intention to Act to be published in the Fallon Post on November 17, 2023. If approved and adopted by the Council, the Resolution will be forwarded to the Nevada Department of Taxation for their consideration and approval. If the Resolution is approved by the Department of Taxation, said approval will be recorded in the minutes of the City Council and the City will be authorized to issue the medium-term obligations.

FISCAL IMPACT: The medium-term obligations, in an aggregate principle amount not to exceed \$10,000,000.00 will mature within 10 years of their issuance and will be repaid from the sources described below.

FUNDING SOURCE: Electric Fund, Water Fund in the estimated annual amount of \$299,136; Sewer Fund in the estimated annual amount of \$356,114; Airport Fund in the estimated annual amount of \$156,690; and the General Fund in the estimated annual amount of \$612,516.

PREPARED BY: Sean Richardson, City Clerk/Treasurer, and Sean Rowe, Deputy City Attorney

Summary - a resolution authorizing medium-term obligations and the forwarding of materials to the State Department of Taxation.

RESOLUTION NO. 24-01

A RESOLUTION AUTHORIZING MEDIUM-TERM OBLIGATIONS IN AN AMOUNT OF UP TO \$10,000,000 TO FINANCE ALL OR A PORTION OF THE COST OF WATER PROJECTS, SEWER PROJECTS, AIRPORT PROJECTS, STREET IMPROVEMENTS, PARK IMPROVEMENTS, AND CITY HALL UPGRADES; DIRECTING THE OFFICERS OF THE CITY TO FORWARD MATERIALS TO THE DEPARTMENT OF TAXATION OF THE STATE OF NEVADA; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AUTHORIZING THE CITY STAFF TO ARRANGE THE TERMS OF SUCH MEDIUM-TERM OBLIGATIONS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of Fallon, Nevada (the “Council,” “City,” and “State,” respectively) proposes to incur medium-term obligations of the City in an amount up to \$10,000,000 pursuant to Nevada Revised Statutes (“NRS”) 350.087 to 350.095, inclusive (the “Project Act”) and NRS 350.500 to 350.720, inclusive (the “Bond Act”), to all or a portion of the cost of water projects, sewer projects, airport projects, street improvements, park improvements, and City Hall upgrades;

WHEREAS, the Council has determined that legally available funds of the City will at least equal the amount required in each year for the payment of interest and principal on the medium-term obligations;

WHEREAS, NRS 350.087 requires that a notice of intention to authorize medium-term obligations be published not less than 10 days prior to the consideration of a resolution authorizing a medium-term obligations;

WHEREAS, a notice of intention to act upon the resolution authorizing the medium-term obligations has been duly published in a newspaper of general circulation in the City not less than 10 days prior to the date of a public hearing thereon, and such public hearing was held prior to adoption of this resolution; and

WHEREAS, all comments made at the public hearing have been duly considered by the Council and the minutes of such public hearing are attached hereto as Exhibit “C.”

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

Section 1. This resolution is hereby designated by the short title the “2023 Medium-Term Authorization Resolution” (the “Resolution”).

Section 2. The Council hereby finds and determines that the public interest requires medium-term obligations to finance the costs of the Project in an amount not exceeding \$10,000,000.

Section 3. The facts upon which the finding stated in Section 2 above are:

(a) There is a continuing need to complete certain water projects, sewer projects, airport projects, street improvements, park improvements, and City Hall upgrades;

(b) It is in the best interests of the City and its inhabitants, and it would best serve the public interest and the safety, health and welfare of the City and its inhabitants, if the Project is now accomplished, thereby assisting in alleviating the needs mentioned in (a) above; and

(c) It is not feasible to finance the Project from other funds of the City, among other reasons, because of restraints on the City's budget for the current fiscal year and other demands on, and needs for, existing funds of the City.

Section 4. The City proposes to borrow a sum not to exceed \$10,000,000 at an annual interest rate or rates estimated to be 5.50% to be repaid over a period of not more than 10 years to be evidenced by the issuance by the City of medium-term negotiable notes, agreements or bonds in one or more series (the “Obligations”). The Obligations will mature not later than 10 years after the date or dates of issuance of each series of Obligations, said term being less than the estimated useful life of the assets to be financed with the Obligations. The interest rate for the Obligations shall not exceed by more than 3% the “Index of Twenty Bonds” which is most recently published in The Bond Buyer before bids are received or a negotiated offer is accepted. Such Obligations shall be issued on such other terms and

conditions as the Council determines, all as provided in the Project Act, the Bond Act, and as specified by the ordinance to be hereafter adopted by the Council (the “Ordinance”).

Section 5. The Obligations shall not be paid in whole or in part from a levy of a special tax which is exempt from the limitations on the levy of ad valorem tax, but shall be paid from other legally available funds of the City.

Section 6. The sources of revenue the City anticipates to be used to repay the Bond are available monies in the City’s Water Enterprise Fund in the estimated annual amount of \$299,136, monies in the City’s Sewer Enterprise Fund in the estimated annual amount of \$356,114, monies in the City’s Airport Fund in the estimated annual amount of \$156,690, and monies in the City’s General Fund in the estimated annual amount of \$612,516, which amounts are anticipated to be sufficient for that purpose.

Section 7. The City Clerk and Treasurer of the City (the “Treasurer”) or his designee is hereby authorized to arrange the terms of the Obligations in an amount not to exceed \$10,000,000 to finance the Project, in accordance with the Project Act and the Bond Act.

Section 8. The officers of the City be and the same hereby are authorized and directed to take all action necessary to effectuate the provisions of this Resolution, including, without limitation, forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, and amending the City’s capital improvement plan, if necessary.

Section 9. The officers of the City be and the same hereby are authorized and directed to take all action necessary to effectuate the provisions of this Resolution, including, without limitation, updating the City’s capital improvement plan, if required, to reflect the Project, forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, and assembling financial and other information concerning the City, the Project, and the Obligations.

Section 10. The Treasurer shall, after arranging for the sale of the Obligations, and after approval of the Obligations by the Executive Director of the Department of Taxation of the State of Nevada, present the proposed terms of the Obligations to the Council for its approval by adoption of the Ordinance..

Section 11. 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.

Section 12. 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 13. 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 14. This Resolution shall become effective upon the approval by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS 350.089.

**PASSED AND ADOPTED AND APPROVED BY AN AFFIRMATIVE VOTE
OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE CITY COUNCIL OF THE
CITY OF FALLON, NEVADA, THIS NOVEMBER 28, 2023.**

(SEAL)

Mayor

Attest:

City Clerk

Approved as to Form:

By: _____
City Attorney

STATE OF NEVADA)
)
CHURCHILL COUNTY) ss.
)
CITY OF FALLON)

I, Sean Richardson, the duly chosen and qualified City Clerk and Treasurer of the City of Fallon (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 November 28, 2023.

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

Those Voting Aye:

Those Voting Nay:

Those Absent:

3. The members of the Council voted on the final passage of the ordinance as set forth following the resolution.

4. All members of the Council were given due and proper notice of the meeting held on November 28, 2023.

5. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020.

6. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

7. A copy of the notice so given of the meeting of the Council held on November 28, 2023 is attached to this certificate as Exhibit A.

6. A copy of such notice so given of the meeting of the Council on November 28, 2023 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 November 28, 2023, prior to adoption of the resolution is attached hereto as Exhibit “C.”

IN WITNESS WHEREOF, I have hereunto set my hand on this November 28, 2023.

(SEAL)

City Clerk and Treasurer

EXHIBIT "A"

(Attach Copy of Notice of Meeting)

EXHIBIT "B"

(Attach Affidavit of Publication and Notice of Public Hearing)

EXHIBIT "C"
(Minutes of Public Hearing)

THE FALLON POST



Legal Notice Account
 Nicole Dooley
 City of Fallon
 55 W. Williams Ave.
 Fallon, Nevada 89406

Rachel Dahl says:
 That she is the legal clerk of
The Fallon Post, a newspaper published
 Friday in Fallon, in the State of Nevada

Copy Line:
**Notice of Public Hearing -
 Medium Term Obligation
 meeting on 11/28/23**

Ad #: 6133
 of which a copy is hereto attached, was
 published in said newspaper for the full
 required period, of November 17, 2023
 all days inclusive.

Signed: _____
 Date: November 17, 2023 State of
 Nevada, Fallon

This is an original electronic affidavit.
 Price: \$114.88

NOTICE OF HEARING ON INTENTION TO AUTHORIZE THE ISSUANCE OF MEDIUM-TERM OBLIGATIONS BY THE CITY OF FALLON, NEVADA

NOTICE is hereby given that the City Council (the "Council") of the City of Fallon, Nevada (the "City"), will hold a public hearing at a special meeting to be held on Tuesday, November 28, 2023, at the hour of 9:00 a.m. or as soon thereafter as is practicable, in the City Council Chambers, City Hall, 55 West Williams Avenue, Fallon, Nevada, to act upon a resolution authorizing the issuance of medium-term obligations of the City, in an aggregate principal amount not to exceed \$10,000,000, in order to finance all or a portion of the cost of water projects, sewer projects, airport projects, street improvements, park improvements, and City Hall upgrades.

The medium-term obligations are not proposed to be repaid in whole or in part by the levy of a tax which is exempt from the limitations on ad valorem taxes, but are anticipated to be repaid from other legally available funds of the City, including, without limitation, the following City funds: Water Enterprise Fund in the estimated maximum annual amount of \$299,136; Sewer Enterprise Fund in the estimated maximum annual amount of \$356,114; Airport Fund in the estimated maximum annual amount of \$156,690; and General Fund in the estimated maximum annual amount of \$612,516, for a period of not more than 10 years from the date of issuance.

The form of the resolution authorizing such medium-term obligations, to be considered by the Council after such hearing, and other information concerning such medium-term obligations and the purpose for which they are proposed to be used, may be examined in the office of the City Clerk/Treasurer of the City at his office at 55 West Williams Avenue, Fallon, Nevada 89406. Prior to the hearing, written comments may be filed with the City Clerk/Treasurer at the aforementioned address.

Dated this 17th day of November, 2023.

CITY OF FALLON, NEVADA
/s/ Sean Richardson, City Clerk/Treasurer

Published in The Fallon Post on November 17, 2023
Ad #6133