

**SPECIAL EMERGENCY ORDINANCE AUTHORIZING THE CITY OF NEVADA, MISSOURI, TO ISSUE ITS SUBORDINATED HOSPITAL REVENUE FORBEARANCE BOND, SERIES 2024, IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$1,200,000, FOR THE PURPOSE OF PROVIDING FUNDS FOR NEVADA CITY HOSPITAL D/B/A NEVADA REGIONAL MEDICAL CENTER, AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BOND.**

**WHEREAS**, pursuant to its Charter (the "Charter"), the City Council of the City of Nevada, Missouri (the "City") duly established and owns the Nevada City Hospital (the "Hospital"), with management and operation of the Hospital being provided by the Board of Directors of Nevada City Hospital d/b/a Nevada Regional Medical Center (the "Board of Directors"); and

**WHEREAS**, the City Council of the City has duly approved the appointments of the Board of Directors made by the Mayor and the Board of Directors has been duly constituted and established pursuant to the Charter and state statutes; and

**WHEREAS**, pursuant to an ordinance adopted by the City on November 6, 2001, and a Trust Indenture dated as of October 1, 2001 (the "Original Indenture"), between the City and UMB Bank, N.A., as Trustee (the "Trustee"), the City has issued \$20,000,000 principal amount of Hospital Revenue Bonds, Series 2001 (the "Series 2001 Bonds"), the proceeds of which were used (a) to refund the City's outstanding Hospital Revenue Bonds, Series 1995, and (b) to acquire, construct, erect, furnish and equip certain renovations, additions and improvements to and equipment and furnishings for the existing Nevada City Hospital; and

**WHEREAS**, pursuant to an ordinance adopted by the City on February 6, 2007, and a First Supplemental Trust Indenture dated as of March 15, 2007 (the "First Supplemental Indenture," and the Original Indenture being referred to herein as the "Existing Indenture"), between the City and the Trustee, the City issued \$21,730,000 principal amount of Hospital Revenue Bonds, Series 2007 (the "Series 2007 Bonds"), the proceeds of which were used (a) to refund the Series 2001 Bonds, and (b) pay certain costs of issuing the Series 2007 Bonds; and

**WHEREAS**, timely payment when due of the principal of and interest on the Series 2007 Bonds is insured by a municipal bond insurance policy (the "Bond Insurance Policy") issued by Build America Mutual Assurance Company, as successor in interest to ACA Financial Guaranty Corporation (as such successor in interest, the "Bond Insurer").

**WHEREAS**, Bond Insurer is deemed to be the sole Owner of the Series 2007 Bonds for all notice purposes (other than redemptions) and for purposes of any right of such Owner under the Existing Indenture to direct or consent to any action or remedy to be undertaken by the Trustee or any other party under the Existing Indenture in accordance with Section 6.10 of the First Supplemental Indenture.

**WHEREAS**, on January 22, 2024, the Trustee notified the City, the Hospital and the Board of Directors of the occurrence and continuation of certain defaults by the Hospital and the City under the Existing Indenture.

WHEREAS, the Board of Directors and the Bond Insurer have requested the City to enter into a Second Supplemental Indenture among the City, the Board of Directors and the Trustee (the "Second Supplemental Indenture," and together with the Existing Indenture, the "Indenture") amending certain terms of the Existing Indenture applicable to the Series 2007 Bonds and providing for the issuance of its Subordinated Hospital Revenue Forbearance Bond, Series 2024 (the "Series 2024 Bond"), as Subordinated Hospital Revenue Indebtedness under the Indenture.

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the issuance of the Series 2024 Bond that the City enter into certain documents, and that the City take certain other actions and approve the execution of certain other documents as herein provided;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEVADA, MISSOURI, AS FOLLOWS:**

**Section 1. Amendment to Existing Indenture; Authorization of the Series 2024 Bond.** The City is hereby authorized to enter into the Second Supplemental Indenture to (1) amend the Existing Indenture and (2) issue and sell its Subordinated Hospital Revenue Forbearance Bond, Series 2024 (the "Series 2024 Bond"), in an aggregate principal amount not to exceed \$1,200,000, for the purpose of providing funds to the Hospital. The Series 2024 Bond shall be issued as Subordinated Hospital Revenue Indebtedness under the Indenture, as amended and supplemented by the Second Supplemental Indenture herein authorized, and shall bear such date, shall mature at such time, shall be in such denomination, shall bear interest at such rates, shall be in such form, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner and subject to such provisions, covenants and agreements, as are set forth in the Second Supplemental Indenture. The Series 2024 Bond shall mature not later than 2033, shall bear interest at the variable rate described in the Second Supplemental Indenture, which rate shall not exceed 10% per annum. The Series 2024 Bond and the interest thereon shall be a limited obligation of the City payable solely out of the Gross Hospital Revenues, as defined in the Indenture, pledged and assigned to the Trustee as security for the payment of the Series 2024 Bond on a subordinate basis as provided in the Second Supplemental Indenture.

**Section 2. Authorization of Documents.** The City is hereby authorized to enter into the Second Supplemental Indenture, in substantially the form presented to and reviewed by the Council of the City at this meeting and attached to this ordinance (copies of which shall be filed in the records of the City), with such changes therein as shall be approved by the Mayor, the Mayor's signature thereon being conclusive evidence of his approval thereof.

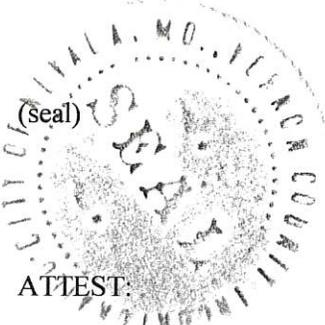
**Section 3. Execution of Documents.** The Mayor is hereby authorized and directed to execute the Series 2024 Bond and to deliver the Series 2024 Bond to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor is hereby authorized and directed to execute and deliver the Second Supplemental Indenture and such other documents, certificates and instruments as may be necessary to carry out and comply with the intent of this Ordinance and the Second Supplemental Indenture for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized and directed to attest to the Series 2024 Bond, the Second Supplemental Indenture and to such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this ordinance.

**Section 4. Further Authority.** The City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this

Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Series 2024 Bond and the Second Supplemental Indenture.

**Section 5. Emergency; Effective Date.** This ordinance is deemed an emergency ordinance by reason of the request of the Board of Directors that the City issue the Series 2024 Bond to provide funds to the Hospital to meet pressing demands for payment by creditors of the Hospital. This ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor as an emergency ordinance.

**PASSED** by the City Council of the City of Nevada, Missouri, and approved by the Mayor this 7th day of May, 2024.



(seal)

ATTEST:

Cynthia Dye  
CYNTHIA DYE, CITY CLERK

George C. Knox  
GEORGE C. KNOX, MAYOR