

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF GRANT )

The Board of County Commissioners (the "Board") of Grant County (the "County"), in the State of New Mexico, met in open special session in full conformity with law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 3:00 p.m., on Thursday, August 23, 2007 at which time there were present and answering the roll call the following members:

Chairman:	Rodolpho Martinez
Commissioners:	Mary Ann Sedillo Henry Torres
Absent:	None

Thereupon the following proceedings, among others, were had and taken, to wit:

There was officially filed with the County Clerk, the Chairman and each Commissioner, a copy of a resolution in final form, which is as follows:



RESOLUTION NO. R-07-46

WHEREAS, the Board of County Commissioners (the "Board") of Grant County, New Mexico (the "County") has adopted an ordinance adopting an economic development plan (the "Plan") under the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"); and

WHEREAS, the Board wishes to consider the approval of an application for assistance under the Plan (the "Application") submitted by the Silver City – Grant County Economic Development Corporation (the "Project Party"), the entry into a participation agreement (the "Agreement") with the Project Party and the granting of a deed of trust (the "Deed of Trust") in accordance with such participation agreement, all in accordance with an ordinance to be adopted by the Commission; and

WHEREAS, in order to consider an ordinance, the Commission must publish notice of its intention to do so at least 14 days before the meeting at which the ordinance will be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO:

Section 1. All actions not inconsistent with this resolution heretofore taken by the Board, its members, and the officers, employees and agents of the County with respect to the Plan and the acceptance of the Application are ratified, approved and confirmed.

Section 2. An ordinance (the "Ordinance") with respect to the approval of the Application and the entry in to the Agreement and the granting of the Deed of Trust, all pursuant to and in accordance with the Plan, to be introduced before the Commission shall be filed with the County Clerk, and shall be considered by the Commission at a regular meeting of the Commission on Thursday, September 27, 2007 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

Section 3. The following notice shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, as soon as is practicable following the adoption of this resolution:



(Form of Notice)

**NOTICE OF CONSIDERATION OF ORDINANCE**

**GRANT COUNTY, NEW MEXICO**

NOTICE IS GIVEN that the Board of County Commissioners (the "Board"), constituting the governing body of the Grant County, New Mexico (the "County"), will consider the adoption of an ordinance (the "Ordinance") approving a request for assistance under the economic development plan (the "Plan") adopted by the Board in the County's Ordinance No. O-07-02 under the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"). Under the Ordinance, the Board will approve the request of Silver City – Grant County Economic Development Corporation (the "Project Party"). The Project Party has requested that the County enter into a deed of trust (the "Deed of Trust") granting a lien on the real property and fixtures related to the County's proposed healthcare facility in favor of the Trustee appointed under Ordinance No. O-07-01 for the holders of the bonds authorized thereunder. The Ordinance finds that the Project Party is authorized to receive assistance under the Act and the Plan, that the Participation Agreement (the "Agreement") proposed to be entered into by the County and the Project Party meets the requirements of the Act, and that the benefits to the County of providing the requested assistance exceed to cost to the County of providing the assistance. The Ordinance further approves the forms of the Deed of Trust and Agreement and authorizes officers of the County to execute and deliver the same.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, September 27, 2007 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board. The title and subject matter of the Ordinance are as follows:

**AN ORDINANCE APPROVING AN APPLICATION FOR LOCAL ECONOMIC DEVELOPMENT ASSISTANCE IN CONNECTION WITH A HEALTHCARE FACILITY AND AUTHORIZING THE EXECUTION OF A PROJECT PARTICIPATION AGREEMENT BETWEEN SILVER CITY - GRANT COUNTY ECONOMIC DEVELOPMENT CORPORATION AND GRANT COUNTY PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT AND A DEED OF TRUST IN FAVOR OF THE TRUSTEE FOR THE HOLDERS OF THE COUNTY'S PROJECT REVENUE BONDS (FT. BAYARD PROJECT), SERIES 2007.**



A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

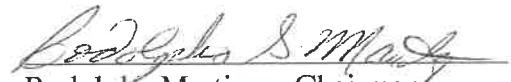
DATED: August 23, 2007.

/s/ Rodolpho Martinez  
Chairman, Board of County  
Commissioners  
Grant County, New Mexico

(End of Form of Notice)



PASSED, ADOPTED, SIGNED AND APPROVED THIS 23rd DAY OF AUGUST 2007.



Rodolfo Martinez, Chairman  
Board of County Commissioners

(SEAL)

Attest:



Henry (Houie) Morales  
Henry Morales, County Clerk  
By Robert Barnes



Commissioner \_\_\_\_\_ then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner \_\_\_\_\_ seconded the motion.

The question being upon the passage and adoption of said resolution, the motion was voted upon with the following result:

Those Voting Yea:

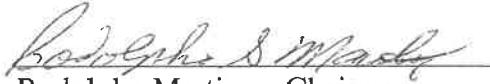
Those Voting Nay:

Those Absent:

The Chairman thereupon declared that at least a majority of all the members of that Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.



After consideration of matters not relating to the Application or the Plan, the meeting on motion duly made, seconded and unanimously carried, was adjourned.



Rodolpho Martinez  
Rodolpho Martinez, Chairman  
Board of County Commissioners

(SEAL)

Attest:

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Henry Morales, County Clerk



ORDINANCE NO. O-07-02

AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT, ESTABLISHING APPLICATION REQUIREMENTS, AND AUTHORIZING THE COUNTY TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTS.

WHEREAS, Grant County, New Mexico (the "County") is a legally and regularly created, established, organized and existing county under the general laws of the State of New Mexico (the "State"); and

WHEREAS, Article 9, Section 14 of the State Constitution permits municipalities and counties to create new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses, provided that adequate safeguards are employed to protect public monies and resources; and

WHEREAS, pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"), no municipal or county assistance may be provided until the municipality or county has adopted by ordinance an economic development plan, or a comprehensive plan which includes an economic development component, which plan may be specific to a single economic development goal or strategy or may include several goals or strategies; and

WHEREAS, the County desires to adopt an economic development plan and encourage economic development of areas within and outside the County's limits by use of authority available under the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF GRANT COUNTY, NEW MEXICO:

Section 1. Short Title. This ordinance may be cited as the "Local Economic Development Act Plan Ordinance."

Section 2. Purpose. This ordinance is adopted as the County's economic development plan. In accordance with the Act, the purpose of this Local Economic Development Act Plan Ordinance is to allow public support of economic development projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources.

Section 3. Economic Development Plan. The County hereby adopts an economic development plan as described in this Local Economic Development Act Plan Ordinance. The County may assist economic development projects in any legally permissible manner, including but not limited to the provision of land, building and infrastructure. The County may provide land, buildings and infrastructure it already



owns, or it may build, purchase or lease the facilities needed for an economic development project. The County may bear the full cost or contribute a portion of the costs and may waive applicable fees. The County may also contribute to the payment of costs for professional services contracts, including industry feasibility studies and planning and design services with respect to a project. The County may consider offering all forms of assistance allowed under this section and any other form of assistance allowed under the Act, as amended from time to time; however, the County has no obligation to offer any specific type or level of assistance.

Section 4. Application for Assistance. Any qualifying entity, as such term is defined in the Act from time to time, may propose an economic development project to the County and apply for assistance from the County. The applicant's proposal shall describe the proposed project, the type and amount of assistance sought from the County, and all other information requested by the County. The County intends to evaluate the applications, the form and extent of assistance proposed to be provided, the security to be provided to the County and other details of each proposed project on a case-by-case basis. The County may accept or reject proposals in its sole discretion.

Section 5. Public Inspection of Applications. Applications for assistance and all supporting documentation shall be available for public inspection.

Section 6. Substantive Contribution; Project Participation Agreement. If the County approves a request for assistance, it will do so by ordinance. In addition, the County and the recipient of assistance shall enter into a project participation agreement in accordance with the Act. The County may require that all recipients of assistance pursuant to the Act provide the County with periodic reports with respect to the project for which assistance was received.

Section 7. Joint Powers Agreements. The County may enter into joint powers agreements with local governments to develop a regional economic development plan in accordance with the Act, as in effect from time to time.

Section 8. Severability. If any section, paragraph, sentence, clause or word or phrase of this Local Economic Development Act Plan Ordinance is for any reason held to be invalid or unenforceable, by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Local Economic Development Act Plan Ordinance.

Section 9. Ratification. All action heretofore taken (not inconsistent with the express provisions of this Local Economic Development Act Plan Ordinance) by the Board and officers of the County directed toward the County's economic development plan and the subject matter of this Local Economic Development Act Plan Ordinance is ratified, approved and confirmed.

Section 10. Repealer Clause. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent only of



such inconsistency. This repealer shall not be construed to revive any ordinance or resolution or part of any ordinance or resolution heretofore repealed.

Section 11. Publication of Notice. The following notice shall be published one time in the *Silver City Daily Press*, being a legal newspaper published and of general circulation in the County, as soon as is practicable following the adoption hereof.



(Form of Notice of Adoption)

GRANT COUNTY, NEW MEXICO

NOTICE OF ADOPTION OF ORDINANCE NO. O-07-02

Notice is given of the adoption by the Board of Trustees of Grant County, New Mexico of its Ordinance No. O-07-02 on August 23, 2007, relating to the adoption by the Grant County, New Mexico of an economic development plan. The title of the Ordinance is:

AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT, ESTABLISHING APPLICATION REQUIREMENTS, AND AUTHORIZING THE COUNTY TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTS.

A general summary of the Ordinance is contained in its title.

Complete copies of the Ordinance are on file in the Office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, and are available for inspection and/or purchase during regular office hours.

DATED: August 23, 2007.

(SEAL)

Henry (Horie) Morales  
Henry Morales  
County Clerk *By ~~Robert Samuels~~*  
*Deputy Clerk*

(End of Form of Notice of Adoption)



Commissioner \_\_\_\_\_ then moved that the ordinance as filed with the County Clerk at this meeting be passed and adopted. Commissioner \_\_\_\_\_ seconded the motion.

The question being upon the passage and adoption of the ordinance, the motion was voted upon with the following result:

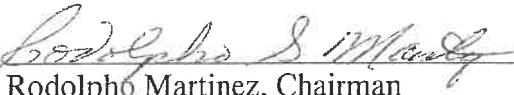
Those Voting Yea:

Those Voting Nay:

Those Absent:

The Chairman thereupon declared that at least a majority of all the members of the Board having voted in favor thereof, the motion was carried and the ordinance duly passed and adopted.

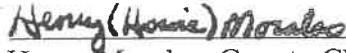
After consideration of matters not relating to Grant County, New Mexico economic development plan, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

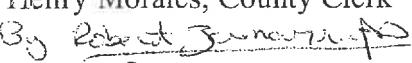


\_\_\_\_\_  
Rodolpho Martinez, Chairman

(SEAL)

Attest:



\_\_\_\_\_  
Henry Morales, County Clerk  
By   
Robert J. Newmire  
Deputy Clerk

