

GRANT COUNTY, NEW MEXICO
RESOLUTION NO. R-13-28

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING PLEDGE OF THE COUNTY'S ENVIRONMENTAL SERVICES GROSS RECEIPTS TAX REVENUES, IMPOSED PURSUANT TO SECTION 7-20E-17 NMSA 1978, TOWARD REPAYMENT OF THE SERIES 2013 BONDS; AUTHORIZING SOUTHWEST SOLID WASTE AUTHORITY TO ISSUE AND SELL UP TO \$2,500,000 SOUTHWEST SOLID WASTE AUTHORITY IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2013 FOR THE PURPOSE OF (1) REFINANCING, PAYING AND DISCHARGING OUTSTANDING OBLIGATIONS OF THE AUTHORITY, (2) CONSTRUCTING AND EQUIPPING IMPROVEMENTS TO THE AUTHORITY'S SOLID WASTE SYSTEM, AND (3) PAYING COSTS OF ISSUANCE RELATED TO THE BONDS;; AND DIRECTING THE COUNTY MANAGER AND COUNTY CLERK TO PUBLISH NOTICE OF INTENT TO CONSIDER AN ORDINANCE AUTHORIZING SUCH BONDS IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY.

WHEREAS, Grant County (the "County") is a member of the Southwest Solid Waste Authority (the "Authority"), which is a joint powers entity created pursuant to Sections 11-1-1 through 11-1-7 NMSA 1978, organized to exercise common powers relating to solid waste disposal and designing, constructing, financing, operating and maintaining landfills and related facilities; and

WHEREAS, pursuant to the Joint Powers Agreement creating the Authority, the members of the Authority have determined to jointly exercise common powers relating to solid waste disposal and designing, constructing, financing, operating and maintaining landfills and related facilities, including the Southwest Solid Waste Authority; and

WHEREAS, the Authority intends to issue up to \$2,500,000 of its Improvement and Refunding Revenue Bonds, Series 2013 (herein, the "Bonds") in accordance with the Joint Powers Agreements Act, Section 11-1-7, the County Revenue Bond Act, Sections 4-62-1 through 4-62-10 NMSA 1978, and Municipal Revenue Bond Act, Sections 3-31-1 through 3-31-12 NMSA 1978, to provide funds for refinancing, paying and discharging certain outstanding obligations of the Authority and to finance certain capital improvements (herein, the "Project"); and

WHEREAS, the County has imposed an Environmental Services Gross Receipts Tax ("EGRT"), pursuant to Section 7-20E-17 NMSA 1978, which tax is imposed at a rate of one eighth of one percent (1/8%); and

WHEREAS, the Authority intends to issue the Bonds with a pledge of the Net Revenues of the Authority's solid waste facility and the EGRT revenues from the County and the Town of Silver City, New Mexico; and

WHEREAS, the County intends to consider for adoption an ordinance authorizing issuance of the Authority's Bonds and the pledge of the County's EGRT toward repayment of the Bonds; and

WHEREAS, Section 4-37-7 NMSA 1978, requires that publication of the title and general summary of this subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners at which the ordinance is proposed for final passage.

BE IT RESOLVED BY THE COUNTY COMMISSION, THE GOVERNING BODY OF THE COUNTY OF GRANT:

Section 1. That all action (not inconsistent with the provisions hereof) heretofore taken by the County Commission of Grant County and the officers thereof directed toward the Project and the authorization and issuance of the Bonds therefor, be and the same is hereby ratified, approved and confirmed.

Section 2. That the County Manager and County Clerk are hereby directed, in accordance with Section 4-37-7 NMSA 1978, as amended, to publish in the Silver City Daily Press, a newspaper of general circulation, a title and general summary of the ordinance relating to and authorizing issuance of the Bonds at least two weeks prior to the meeting at which the County Commission will consider such ordinance. The County Manager and County Clerk may undertake such publication upon their own initiative and submittal of any necessary documents related to the proposed ordinance.

Section 3. That the County Manager and County Clerk are hereby directed to take any necessary action in connection with the Pledge of the County's EGRT in relation to the Authorities issuance of the Bonds..


Section 4. This Resolution shall take effect immediately upon its adoption and approval.

PASSED AND ADOPTED this 25th day of April, 2013.

GRANT COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS

By 
Chair



By 
County Clerk