

GRANT COUNTY, NEW MEXICO

RESOLUTION NO. R-08-29

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS (THE "GOVERNING BODY") OF GRANT COUNTY, NEW MEXICO (THE "GOVERNMENTAL UNIT") TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE GOVERNMENTAL UNIT AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF UP TO \$3,363,096, TOGETHER WITH INTEREST THEREON AND A PROCESSING FEE, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF A BUILDING IN SILVER CITY, NEW MEXICO, TO BE USED AS A CONVENTION HALL, WITH A PORTION OF THE PARCEL LEASED TO A PRIVATE ENTITY, FOR THE GOVERNMENTAL UNIT AND FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE DISTRIBUTIONS OF THE GOVERNMENTAL UNIT'S EQUALIZATION DISTRIBUTION AND THREE QUARTERS OF THE FIRST INCREMENT OF ONE-EIGHTH OF ONE PERCENT OF THE GOVERNMENTAL UNIT'S COUNTY GROSS RECEIPTS TAX REVENUES; AND AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING TO CONSIDER FINAL PASSAGE OF AN ORDINANCE AUTHORIZING THE LOAN AGREEMENT, INTERCEPT AGREEMENT AND THE PROCESSING FEE IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE GOVERNMENTAL UNIT.

WHEREAS, Sections 4-62-1 through 4-62-10, NMSA 1978, as amended (the "Act"), authorize New Mexico counties to issue gross receipts tax revenue bonds which, pursuant to the Act, may include loan agreements; and

WHEREAS, pursuant to the Act, the County may secure its gross receipts tax revenue bonds with the revenues of the Equalization Distribution of the County Gross Receipts Tax made to the Governmental Unit pursuant to Section 7-1-6.16, NMSA 1978 (the "Equalization Distribution") and the revenues of the Governmental Unit's Gross Receipts Tax imposed by the Governmental Unit's Ordinance No. [Ordinance Book 204, p.p. 562, 563] adopted on June 23, 1987 with an effective date of January 1, 1988, pursuant to Sections 7-20E-9 and 7-20E-11, NMSA 1978; and

WHEREAS, the Governmental Unit desires to consider for adoption an ordinance authorizing, in accordance with the Act (the "Ordinance"), the execution and delivery of a Loan Agreement and Intercept Agreement by and between the New Mexico Finance Authority (the "NMFA") and the Governmental Unit in a principal amount of up to \$3,363,096 (the "Loan Agreement") to provide funds for the acquisition of a building in Silver City, New Mexico, to be used as a Convention Center for the Governmental Unit, which Loan Agreement and Intercept Agreement shall be secured by a pledge of: (i) the revenues of the Equalization Distribution and (ii) the revenues of three quarters of the first increment of one eighth of one percent of the Governmental Unit's Gross Receipts Tax; and

WHEREAS, Section 4-37-7, NMSA 1978, requires that publication of the title and general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the Governmental Unit 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 BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF GRANT COUNTY, NEW MEXICO:

Section 1. All action (not inconsistent with this Resolution) heretofore taken by the Board of County Commissioners of the Governmental Unit and the officers, employees and agents of the Governmental Unit thereof directed toward the authorization, execution and delivery of the Loan Agreement and Intercept Agreement for such purposes, be and the same is hereby ratified, approved and confirmed.

Section 2. The publication, in accordance with Section 4-37-7, NMSA 1978, as amended, in the *Silver City Daily Press*, a newspaper of general circulation within the Governmental Unit, of the following Notice at least two weeks prior to the meeting at which the Board of County Commissioners will consider the Ordinance, is hereby authorized.

[Form of Notice]

Grant County, New Mexico  
Notice of Meeting and Intent to Adopt Ordinance

Grant County, New Mexico, hereby gives notice of a regular meeting of the Board of County Commissioners for Tuesday, October 14, 2008 at 3:00 p.m., at the Grant County Administration Center, 1400 E. Highway 180, Silver City, New Mexico. At such meeting the Board of County Commissioners will hold a public hearing concerning and will consider for adoption the Ordinance described below. Complete copies of the proposed Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 1400 E. Highway 180, Silver City, New Mexico.

The title of the proposed Ordinance is:

GRANT COUNTY, NEW MEXICO  
ORDINANCE NO. O-08-02

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BETWEEN GRANT COUNTY (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF UP TO \$3,363,096, TOGETHER WITH INTEREST THEREON AND A PROCESSING FEE, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF A BUILDING IN SILVER CITY, NEW MEXICO, TO BE USED AS A CONVENTION HALL, WITH A PORTION OF THE PARCEL LEASED TO A PRIVATE ENTITY, FOR THE GOVERNMENTAL UNIT; FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, AND INTEREST DUE UNDER THE LOAN AGREEMENT

SOLELY FROM THE EQUALIZATION DISTRIBUTION PURSUANT TO SECTION 7-1-6.16, NMSA 1978, AND THREE QUARTERS OF THE FIRST INCREMENT OF ONE-EIGHTH OF ONE PERCENT OF THE COUNTY GROSS RECEIPTS TAX IMPOSED BY THE GOVERNMENTAL UNIT'S ORDINANCE NO. [ORDINANCE BOOK 204, PP. 562, 563] ADOPTED ON JUNE 23, 1987 WITH AN EFFECTIVE DATE OF JANUARY 1, 1988 PURSUANT TO SECTIONS 7-20E-9 AND 7-20E-11, NMSA 1978, AND DISTRIBUTED TO THE GOVERNMENTAL UNIT BY THE STATE TAXATION AND REVENUE DEPARTMENT; PROVIDING FOR THE DISTRIBUTION OF THE EQUALIZATION DISTRIBUTION AND THREE QUARTERS OF THE FIRST INCREMENT OF ONE-EIGHTH OF ONE PERCENT OF THE COUNTY GROSS RECEIPTS TAX REVENUES TO BE REDIRECTED BY THE STATE TAXATION AND REVENUE DEPARTMENT TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT AND INTERCEPT AGREEMENT; SETTING THE MAXIMUM INTEREST RATE OF THE LOAN; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.

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

This Notice constitutes compliance with Section 4-37-7, NMSA 1978, as amended.

[End of Form of Notice]

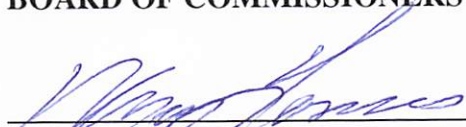
Section 3. The Loan Agreement provides a principal loan amount of up to \$3,363,096 and shall evidence a special, limited obligation to pay its principal amount, together with interest due under the Loan Agreement.

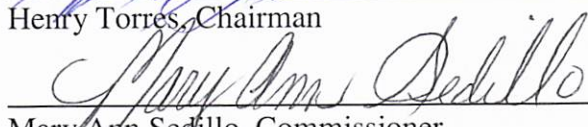
Section 4. The Ordinance shall be filed with the County Clerk, and shall be considered by the Governing Body of the Governmental Unit at a regular meeting of the Grant County Board of County Commissioners on Tuesday, October 14, 2008 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Grant County Administration Center, 1400 E. Highway 180, Silver City, New Mexico.

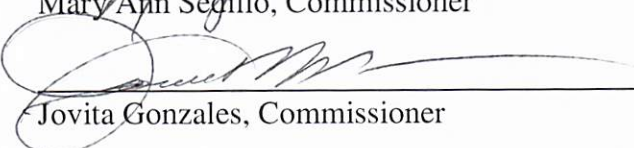
(Signature page follows)

PASSED AND ADOPTED THIS 30th day of SEPTEMBER, 2008.

**GRANT COUNTY  
BOARD OF COMMISSIONERS:**

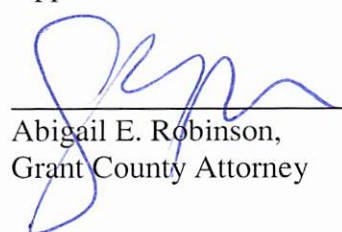
  
Henry Torres, Chairman

  
Mary Ann Sedillo, Commissioner

  
Jovita Gonzales, Commissioner

  
Robert Zamarripa  
Grant County Clerk

Approved as to form:

  
Abigail E. Robinson,  
Grant County Attorney

**Vote Record:**

H. Torres	Yes	No	Abstain	Absent
M. A. Sedillo	Yes	No	Abstain	Absent
Jovita Gonzales	Yes	No	Abstain	Absent


[illegible]

I, Robert Zamarripa, County Clerk of Grant County, New Mexico, do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of Grant County, constituting the governing board of Grant County, had and taken at a duly called regular, open meeting of the Board held in the Grant County Administration Center, 1400 E. Highway 180, Silver City, New Mexico, being the regular meeting place of the Board, on September 30, 2008, beginning at 3:00 p.m., insofar as the same relate to the publication of the title and general summary of a proposed ordinance, a copy of which is set forth in the official records of the proceedings of the County kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Notice of said meeting was given in compliance with the permitted methods of giving notice of meetings of the Board as required by the open meetings standards presently in effect, i.e., the County's Open Meetings Resolution adopted January 10<sup>th</sup> 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Grant County, New Mexico, this 30th day of September, 2008.

  
Robert Zamarripa, Grant County Clerk

(SEAL)

[illegible]