

RESOLUTION NO. 11-27

NOTICE OF INTENT TO ADOPT AN ORDINANCE

WHEREAS, on March 21, 2011, the Grant County Board of Commissioners (the "Commission") held a public hearing during which the Commission acknowledged severe drought conditions and high fire hazard in Grant County;

WHEREAS, in response to the severe drought conditions and high fire hazard, the Commission declared a fire hazard emergency that created an immediate danger to the public peace, health, safety, and welfare of its citizens and risk of injury to persons and property;

WHEREAS, the Commission enacted an emergency ordinance on March 21, 2011, Ordinance No. 11-01, that placed numerous restrictions on fire use and fire hazards within Grant County;

WHEREAS, the summer rains are now taking place in Grant County and have markedly decreased the fire danger in and around Grant County; and

WHEREAS, the fire restrictions set forth in Ordinance No. 11-01 are no longer necessary and should be repealed.

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

1. An ordinance (the "Ordinance"), entitled **AN ORDINANCE REPEALING
EMERGENCY ORDINANCE NO. 11-01, DECLARING A FIRE HAZARD
EMERGENCY AND ENACTING MEASURES TO DECREASE THE COUNTY'S
RISK OF INJURY TO PERSONS OR PROPERTY AND SUBSTANTIAL FINANCIAL
LOSS TO THE COUNTY OF GRANT AND ITS RESIDENTS AS A RESULT OF
FIRE**, 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, August 25, 2011, at 5:30 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.

2. 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:

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 a special meeting 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 9:00 a.m., on Tuesday August 9, 2011, at which time there were present and answering the roll call the following members:

Commissioners: Brett Kasten
Christy Miller
Gabriel Ramos

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:

(Form of Notice)

NOTICE OF CONSIDERATION OF ORDINANCE NO. 11-03
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") entitled: **AN ORDINANCE REPEALING EMERGENCY ORDINANCE NO. 11-01, DECLARING A FIRE HAZARD EMERGENCY AND ENACTING MEASURES TO DECREASE THE COUNTY'S RISK OF INJURY TO PERSONS OR PROPERTY AND SUBSTANTIAL FINANCIAL LOSS TO THE COUNTY OF GRANT AND ITS RESIDENTS AS A RESULT OF FIRE.** The purpose of this ordinance is to repeal the emergency ordinance, Ordinance No. 11-01, that was enacted on March 21, 2011, that placed numerous restrictions on fire use and fire hazards within Grant County. The emergency ordinance was enacted in response to severe weather conditions and high fire hazard that created an immediate danger to the public peace, health, safety, and welfare of its citizens and risk of injury to persons and property. Because the summer rains have begun in Grant County, the fire hazard restrictions are no longer necessary.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, August 25, 2011, at 5:30 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.

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 9, 2011.

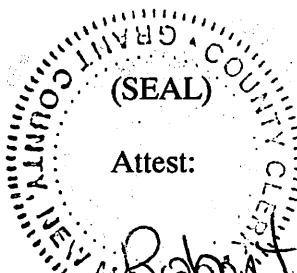
/s/ Brett Kasten
Chairman, Board of County
Commissioners
Grant County, New Mexico

(End of Form of Notice)

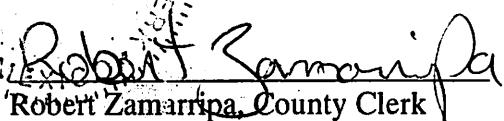
PASSED, ADOPTED, SIGNED AND APPROVED THIS 9th DAY OF AUGUST 2011.



Brett Kasten, Chairman
Board of County Commissioners



Attest:



Robert Zamarripa, County Clerk

Commissioner Ramos then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner Miller 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: Ramos - Commission Dist 1
Miller - Commission Dist 3
Kasten - Chairman

Those Voting Nay: 0

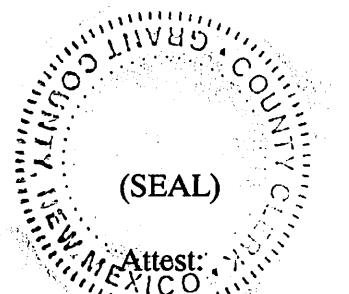
Those Absent: 0

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.

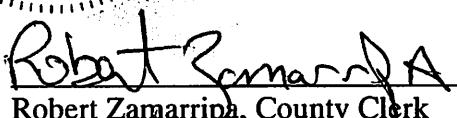
After consideration of matters not relating to this Resolution, the meeting on motion duly made, seconded and unanimously carried, was adjourned.



Chairman
Board of County Commissioners



Attest:



Robert Zamarripa, County Clerk

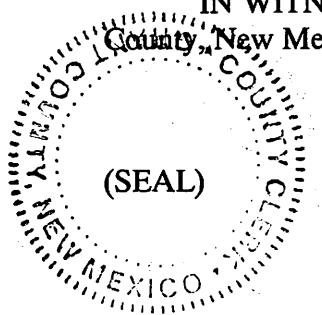
STATE OF NEW MEXICO)
)
COUNTY OF GRANT)

I, Robert Zamarripa, County Clerk of Grant County, New Mexico (the "County"), 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 the County, taken at a duly called, open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Commission on Tuesday August 9, 2011 at 9:00 a.m., insofar as the same relate to consideration of the adoption of a Resolution of Intent to Adopt an ordinance entitled, **AN ORDINANCE REPEALING EMERGENCY ORDINANCE NO. 11-01, DECLARING A FIRE HAZARD EMERGENCY AND ENACTING MEASURES TO DECREASE THE COUNTY'S RISK OF INJURY TO PERSONS OR PROPERTY AND SUBSTANTIAL FINANCIAL LOSS TO THE COUNTY OF GRANT AND ITS RESIDENTS AS A RESULT OF FIRE**, 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 such meeting was given in compliance with the permitted methods of giving notice of meetings of the Commission as required by the open meetings standards then in effect, i.e., the Commission's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Grant
County, New Mexico, this 9th day of August 2011.



Attest:

Robert Zamarripa
Robert Zamarripa, County Clerk

DRAFT

ORDINANCE NO. 11-03

AN ORDINANCE REPEALING EMERGENCY ORDINANCE NO. 11-01, DECLARING A FIRE HAZARD EMERGENCY AND ENACTING MEASURES TO DECREASE THE COUNTY'S RISK OF INJURY TO PERSONS OR PROPERTY AND SUBSTANTIAL FINANCIAL LOSS TO THE COUNTY OF GRANT AND ITS RESIDENTS AS A RESULT OF FIRE

WHEREAS, on March 21, 2011, the Grant County Board of Commissioners (the "Commission") held a public hearing during which the Commission acknowledged severe drought conditions and high fire hazard in Grant County;

WHEREAS, in response to the severe drought conditions and high fire hazard, the Commission declared a fire hazard emergency that created an immediate danger to the public peace, health, safety, and welfare of its citizens and risk of injury to persons and property;

WHEREAS, the Commission enacted an emergency ordinance on March 21, 2011, Ordinance No. 11-01, that placed numerous restrictions on fire use and fire hazards within Grant County;

WHEREAS, the summer rains are now taking place in Grant County and have markedly decreased the fire danger in and around Grant County; and

WHEREAS, the fire restrictions set forth in Ordinance No. 11-01 are no longer necessary and should be repealed.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF GRANT COUNTY, NEW MEXICO THAT: the Commission declares that the current conditions no longer create an immediate danger to the public peace, health, safety, and welfare of its citizens or the immediate risk of injury to persons and property in Grant County; accordingly, Grant County Ordinance 11-01 is hereby repealed, effective immediately, on the grounds that a fire hazard emergency no longer exists within Grant County.

IT IS FURTHER ORDAINED THAT any and all ordinances previously adopted by Grant County under emergency circumstances that impose fire use and hazard restrictions, if still in effect, are hereby repealed.

PASSED, APPROVED, AND ADOPTED, this 25th day of August 2011.

[seal]

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO**

Brett Kasten, Chairman

Robert Zamarripa, Clerk

Christy Miller, Member

Gabriel Ramos, Member