

**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF
RESOLUTION NO. R-14-19 OF THE BOARD OF COUNTY
COMMISSIONERS OF GRANT COUNTY, NEW MEXICO**

May 8, 2014

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 regular 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 Thursday, May 8, 2014, at which time there were present and answering the roll call the following members:

Commissioners: Brett Kasten
Gabriel Ramos
Ron Hall

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-14-19

NOTICE OF INTENT TO ADPOPT AN ORDINANCE

WHEREAS, on February 19, 2014, the New Mexico Legislature passed Senate Public Affairs Committee Substitute for Senate Bills 268 and 314 together with Senate Finance Committee Substitute for Senate Bill 368;

WHEREAS, the short title for this Bill is “Sole Community Provider Federal Compliance”;

WHEREAS, the Bill became law upon signing by the Governor on March 12, 2014;

WHEREAS, the Bill contained an emergency clause, making the law effective on March 12, 2014;

WHEREAS, the Bill has been codified into law as the Laws of 2014, Chapter 79, Section 1;

WHEREAS, pursuant to her authority under Article IV, Section 22 of the New Mexico Constitution and as fully explained in Senate Executive Message No. 116 dated March 12, 2014, the Governor exercised her line-item veto 15 times prior to signing the referenced Bill into law on March 12, 2014;

WHEREAS, Section 8 of the Bill amended the Indigent Hospital and County Health Care Act by creating the Safety Net Care Pool Fund to be administered by the Human Services Department (“HSD”);

WHEREAS, the Safety Net Care Pool Fund is a non-reverting fund, which according to the Bill, will consist of public funds transferred from counties for use by the HSD to make payments to qualifying hospitals under an agreement with the federal Centers for Medicare and Medicaid Services;

WHEREAS, Section 16 of the Bill contained a provision that required a county to adopt an ordinance to be effective July 1, 2014 that dedicated to the Safety Net Care Pool Fund an amount equal to a gross receipts tax of one-twelfth (1/12) percent applied to the taxable gross receipts reported during the prior fiscal year by persons engaging in business in a county;

WHEREAS, Section 16 of the Bill required further that any ordinance adopted by a county in compliance with the Bill must transfer to the Safety Net Care Pool Fund by the last day of March, June, September and December of each year, an amount equal to one-fourth (1/4) of the county’s payment to the Safety Net Care Pool Fund; 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, in accordance with section 4-37-7 NMSA 1978.

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

1. An ordinance (the "Ordinance"), entitled AN ORDINANCE DEDICATING, IN QUARTERLY INSTALLMENTS, AN AMOUNT EQUAL TO A GROSS RECEIPTS TAX OF ONE-TWELFTH (1/12) PERCENT APPLIED TO THE TAXABLE GROSS RECEIPTS REPORTED DURING THE PRIOR FISCAL YEAR BY PERSONS ENGAGED IN BUSINESS IN THE COUNTY TO THE NEWLY CREATED SAFETY NET CARE POOL FUND; AND PROVIDING AN EFFECTIVE DATE OF TRANSFERRING FUNDS, 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, June 12, 2014, at 9:00 a.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:

(Form of Notice)

NOTICE OF CONSIDERATION OF ORDINANCE NO. [14-03]
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 DEDICATING, IN QUARTERLY INSTALLMENTS, AN AMOUNT EQUAL TO A GROSS RECEIPTS TAX OF ONE-TWELFTH (1/12) PERCENT APPLIED TO THE TAXABLE GROSS RECEIPTS REPORTED DURING THE PRIOR FISCAL YEAR BY PERSONS ENGAGED IN BUSINESS IN THE COUNTY TO THE NEWLY CREATED SAFETY NET CARE POOL FUND; AND PROVIDING AN EFFECTIVE DATE OF TRANSFERRING FUNDS. The purpose of the ordinance is to dedicate to the Safety Net Care Pool Fund an amount equal to a gross receipts tax rate of one-twelfth (1/12) percent applied to the taxable gross receipts reported during the prior fiscal year by persons engaging in business in the county, in compliance with Senate Bill 268, Laws of 2014, Chapter 79, Section 1. The funds dedicated may come from any existing authorized revenue source of the county for this purpose.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, June 12, 2014, at 9:00 a.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.

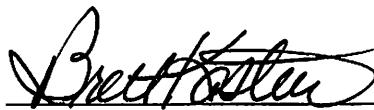
A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

DATED: May 8, 2014.

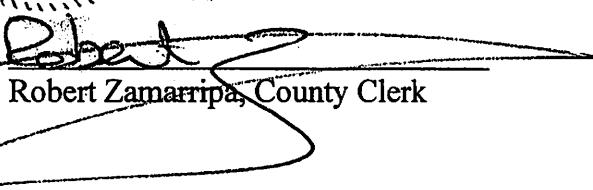
/s/
Chairman, Board of County
Commissioners
Grant County, New Mexico

(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 8th DAY OF MAY
2014.



Brett Kasten, Chairman
Board of County Commissioners



Robert Zamarripa, County Clerk

Commissioner Ramos then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner Hull 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: Hull
Kasten
Ramos

Those Voting Nay: 0

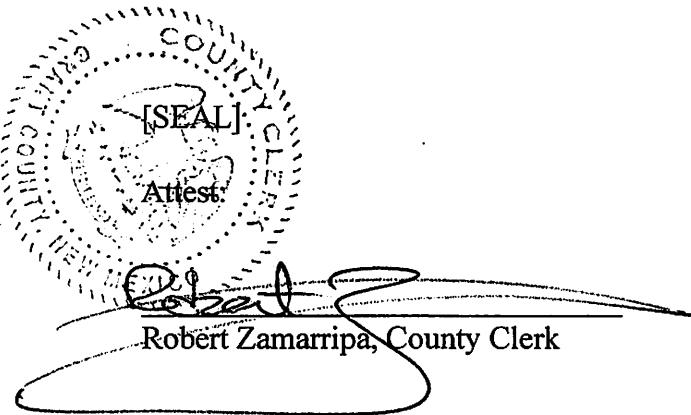
Those Absent: 0

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 was adjourned.



Brett Kasten
Brett Kasten, Chairman
Board of County Commissioners



Robert Zamarripa, County Clerk

STATE OF NEW MEXICO)
) ss.
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 Thursday, May 8, 2014, beginning at 9:00 a.m., insofar as the same relate to consideration of the adoption of an ordinance entitled AN ORDINANCE DEDICATING, IN QUARTERLY INSTALLMENTS, AN AMOUNT EQUAL TO A GROSS RECEIPTS TAX OF ONE-TWELFTH (1/12) PERCENT APPLIED TO THE TAXABLE GROSS RECEIPTS REPORTED DURING THE PRIOR FISCAL YEAR BY PERSONS ENGAGED IN BUSINESS IN THE COUNTY TO THE NEWLY CREATED SAFETY NET CARE POOL FUND; AND PROVIDING AN EFFECTIVE DATE OF TRANSFERRING FUNDS, 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 8th day of May 2014.



Attest:

Robert Zamarripa, County Clerk

DRAFT

**THE BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY**

ORDINANCE NO. 14-03

AN ORDINANCE DEDICATING, IN QUARTERLY INSTALLMENTS, AN AMOUNT EQUAL TO A GROSS RECEIPTS TAX OF ONE-TWELFTH (1/12) PERCENT APPLIED TO THE TAXABLE GROSS RECEIPTS REPORTED DURING THE PRIOR FISCAL YEAR BY PERSONS ENGAGED IN BUSINESS IN THE COUNTY TO THE NEWLY CREATED SAFETY NET CARE POOL FUND; AND PROVIDING AN EFFECTIVE DATE OF TRANSFERRING FUNDS

WHEREAS, on February 19, 2014, the New Mexico Legislature passed Senate Public Affairs Committee Substitute for Senate Bills 268 and 314 together with Senate Finance Committee Substitute for Senate Bill 368;

WHEREAS, the short title for this Bill is “Sole Community Provider Federal Compliance”;

WHEREAS, the Bill became law upon signing by the Governor on March 12, 2014;

WHEREAS, the Bill contained an emergency clause, making the law effective on March 12, 2014;

WHEREAS, the Bill has been codified into law as the Laws of 2014, Chapter 79, Section 1;

WHEREAS, pursuant to her authority under Article IV, Section 22 of the New Mexico Constitution and as fully explained in Senate Executive Message No. 116 dated March 12, 2014, the Governor exercised her line-item veto 15 times prior to signing the referenced Bill into law on March 12, 2014;

WHEREAS, Section 8 of the Bill amended the Indigent Hospital and County Health Care Act by creating the Safety Net Care Pool Fund to be administered by the Human Services Department (“HSD”);

WHEREAS, the Safety Net Care Pool Fund is a non-reverting fund, which according to the Bill, will consist of public funds transferred from counties for use by the HSD to make payments to qualifying hospitals under an agreement with the federal Centers for Medicare and Medicaid Services;

WHEREAS, Section 16 of the Bill contained a provision that required a county to adopt an ordinance to be effective July 1, 2014 that dedicated to the Safety Net Care Pool Fund an amount equal to a gross receipts tax of one-twelfth (1/12) percent applied to the taxable gross receipts reported during the prior fiscal year by persons engaging in business in a county; and

WHEREAS, Section 16 of the Bill required further that any ordinance adopted by a county in compliance with the Bill must transfer to the Safety Net Care Pool Fund by the last day of March, June, September and December of each year, an amount equal to one-fourth (1/4) of the county's payment to the Safety Net Care Pool Fund.

**NOW THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY
COMMISSIONERS OF GRANT COUNTY AS FOLLOWS:**

1. Annually, the County shall transfer to the Safety Net Care Pool Fund, described in Laws 2014, Ch. 79, Section 1, an amount that is equal to the gross receipts tax revenues generated by a gross receipts tax rate of one-twelfth (1/12) percent of the taxable gross receipts reported during the prior fiscal year by persons engaging in business in Grant County.
2. The annual payment of the County shall be made in quarterly payments no later than the last day of March, June, September and December, with the first payment being made by the last day of September 2014.

PASSED, APPROVED, AND ADOPTED, this 12th day of June 2014.

[seal]

ATTEST:

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

Brett Kasten, Chairman

Robert Zamarripa, Clerk

Gabriel Ramos, Member

Ron Hall, Member