

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 session in full conformity with law and the ordinances and rules of the County, in the Commission Meeting Room at the Grant County Administration Center, located at 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, February 27, 2025, at which time there were present and answering the roll call the following members:

Chairman:

[Chris M. Ponce]

Commissioners:

[Nancy Stephens]
[Eddie Flores]
[Thomas Shelley]

Absent:

[Eloy H. Medina]

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:

**GRANT COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. R-25-16**

A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY; DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS (THE "GOVERNING BODY") OF GRANT COUNTY, NEW MEXICO (THE "GOVERNMENTAL UNIT") TO CONSIDER THE ADOPTION OF AN ORDINANCE PLEDGING CERTAIN REVENUES TO THE REPAYMENT OF A LOAN OR BONDS FOR FINANCING THE INFRASTRUCTURE IMPROVEMENTS OF COUNTY OWNED FACILITIES, APPROVING A LOAN AGREEMENT OR BOND PURCHASE AGREEMENT, AND OTHERWISE RELATING TO THE LOAN OR BONDS; AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING AND INTENT TO CONSIDER ADOPTION OF THE ORDINANCE PLEDGING CERTAIN REVENUES TO THE REPAYMENT OF A LOAN OR BOND PURCHASE AGREEMENT FOR FINANCING THE INFRASTRUCTURE IMPROVEMENTS OF COUNTY OWNED FACILITIES FOR USE BY THE GOVERNMENTAL UNIT, APPROVING A LOAN AGREEMENT OR BOND PURCHASE AGREEMENT, AND OTHERWISE RELATING TO THE LOAN OR BONDS.

WHEREAS, the Governing Body of the Governmental Unit met upon notice of meeting duly published in the Commission Meeting Room at the Grant County Administration Center, located at 1400 Highway 180 East, Silver City, New Mexico on February 27, 2025, at 9:00 a.m. as required by law; and

WHEREAS, the Governmental Unit is a qualified entity under the New Mexico Finance Authority Act, NMSA 1978, Sections 6-21-1 to -31 (1992, as amended through 2024) (the "Act") and the Governing Body is authorized to borrow funds and/or issue bonds for financing of public projects for the benefit of the Governmental Unit;

WHEREAS, the New Mexico Finance Authority (the "Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application (the "Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to acquire, construct and undertake infrastructure improvements for County-owned facilities (the "Project") for the benefit of the Governmental Unit and its citizens; and

WHEREAS, the Governing Body of the Governmental Unit is considering a loan from, or issuing bonds to, the Authority in the maximum amount of two million five hundred thousand

dollars (\$2,500,000.00) (the "Bonds") to provide funds to finance the Project for use by the Governmental Unit; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application; and

WHEREAS, repayment of the Bonds will be secured by *ad valorem* taxes levied on all taxable property within the Governmental Unit pursuant to NMSA 1978, Section 6-15-4 (1975) (the "Pledged Revenues"); and

WHEREAS, in order to finalize the Bonds for the purpose of undertaking the Project, the Authority will require that the Governing Body pledge the Pledged Revenues for the term of the Bonds; and

WHEREAS, in order to finalize the Bonds for the purpose of undertaking the Project, the Authority requires that the Governing Body approve the loan agreement or bond purchase agreement between the Governmental Unit and the Authority (the "Agreement"); and

WHEREAS, the Governing Body desires to consider for adoption an ordinance pledging the Pledged Revenues towards repayment of the Bonds, approving the Agreement, and otherwise relating to the Bonds; and

WHEREAS, NMSA 1978, Section 4-37-7 (1981) ("Section 4-37-7") provides that "[o]rdinances may be proposed by any member of the board of county commissioners. Ordinances shall not be submitted to the board for final passage until a majority of the members have directed that the title and a general summary of the subject matter of the proposed ordinances be published one time in a newspaper of general circulation within the county at least two weeks prior to the meeting of the board at which the ordinance is proposed for final passage. The date and time of the meeting at which the ordinance is to be considered shall also be published[;]" and

WHEREAS, Section 4-37-7 further provides that "[c]opies of proposed ordinances shall be made available to interested persons during normal and regular business hours of the county clerk upon request and payment of [a] reasonable charge, beginning with the date of publication and continuing to the date of consideration by the county's elected commission."

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

Section 1. That all actions (not inconsistent with the provisions of this resolution (the "Resolution")) heretofore taken by the Governing Body of the Governmental Unit, its members, and the officers, employees and agents thereof directed toward the Application, the Project, and the authorization of this Resolution be, and the same is hereby ratified, approved, and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers, employees, and agents of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. That the Chairman of the Governing Body, the County Clerk, the County Manager, or the County Treasurer are hereby authorized to include the consideration of the adoption of an ordinance authorizing the pledge of the Pledged Revenues for the repayment of the Bonds for the Project, approving the Agreement between the Authority and the Governmental Unit (the "Ordinance") on the Governing Body's March 27, 2025, Regular Meeting agenda (or the agenda for any other meeting occurring at least two weeks after the publication described in Section 5 below) in accordance with the procedures of the Governmental Unit.

Section 5. That the publication, in accordance with Section 4-37-7, in the *Silver City Daily Press and Independent*, a newspaper of general circulation within the Governmental Unit, or any other newspaper of general circulation within the Governmental Unit in which such publication is required by law or ordinance, of notice (in substantially the form provided below) at least two weeks prior to the meeting at which the Governing Body of the Governmental Unit will consider the Ordinance, is hereby authorized.

[Form of Notice]

GRANT COUNTY, NEW MEXICO
NOTICE OF MEETING AND INTENT TO CONSIDER ADOPTION OF ORDINANCE

The Board of County Commissioners (the "Board") of Grant County, New Mexico (the "County"), constituting the governing body of the County, hereby gives notice of a regular meeting of the Board on Thursday, March 27, 2025, at 9:00 a.m. in the Commission Meeting Room at the Grant County Administration Center located at 1400 Highway 180 East, Silver City, New Mexico 88061. At such meeting, [or as soon thereafter as the matter may be heard], the Board will hold a public hearing concerning, and will consider for adoption, the proposed ordinance (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, located at the address stated above.

The title (subject to amendment or substitution) and subject matter of the proposed Ordinance are:

GRANT, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. O-25-01

A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY; DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS (THE "GOVERNING BODY") OF GRANT COUNTY, NEW MEXICO (THE "GOVERNMENTAL UNIT") TO CONSIDER THE ADOPTION OF AN ORDINANCE PLEDGING CERTAIN REVENUES TO THE REPAYMENT OF A LOAN OR BONDS FOR FINANCING THE INFRASTRUCTURE IMPROVEMENTS OF COUNTY OWNED FACILITIES, APPROVING A LOAN AGREEMENT OR BOND PURCHASE AGREEMENT, AND OTHERWISE RELATING TO THE LOAN OR BONDS; AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING AND INTENT TO CONSIDER ADOPTION OF THE ORDINANCE PLEDGING CERTAIN REVENUES TO THE REPAYMENT OF A LOAN OR BOND PURCHASE AGREEMENT FOR FINANCING THE INFRASTRUCTURE IMPROVEMENTS OF COUNTY OWNED FACILITIES FOR USE BY THE GOVERNMENTAL UNIT, APPROVING A LOAN AGREEMENT OR BOND PURCHASE AGREEMENT, AND OTHERWISE RELATING TO THE LOAN OR BONDS.

A general summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with NMSA 1978, Section 4-37-7 (1981)

[If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Grant County Manager at 1400 Highway 180 E., Silver City, New Mexico at least one week prior to the meeting or as soon as possible].

Dated this [3]rd day of March, 2025.

BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO

By: /s/ Chris M. Ponce

Chris M. Ponce, Chairman

[End of Form of Notice]

Section 6. That the Ordinance shall be filed with the County Clerk, and shall be considered by the Governing Body at a regular meeting thereof on Thursday, March 27, 2025, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Commission Meeting Room at

the Grant County Administration Center, located at 1400 Highway 180 East, Silver City, New Mexico 88061.

Section 7. That if any section, paragraph, clause or provision of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. That all acts, orders, and resolutions of the Governing Body, and parts thereof, inconsistent with this Resolution are hereby rescinded, annulled, and repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore rescinded, annulled, or repealed.

Section 9. That this Resolution shall be in full force and effect upon its passage and approval.

[Signature page follows]

NOW, THEREFORE, be it resolved by the Board of County Commissioners, the Governing Body of the Governmental Unit, that Resolution No. R-25-16 be PASSED, APPROVED AND ADOPTED this 27th day of February, 2025.

BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO



Chris M. Ponce, Chair

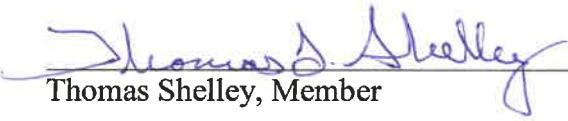
Eloy H. Medina, Member



Nancy Stephens, Member



Eddie Flores, Member



Thomas Shelley, Member



(SEAL)

Attest:

By Connie Holguin

Connie Holguin,
County Clerk

[Resolution No. R-25-16 Signature Page]

Commissioner [Chris M. Ponce] then moved that the Resolution as filed with the County Clerk be passed and adopted. Commissioner [Thomas L. Shelley] 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:

[Chris M. Ponce, Chairman]
[Nancy Stephens]
[Eddie Flores]
[Thomas Shelley]

Those Voting Nay:

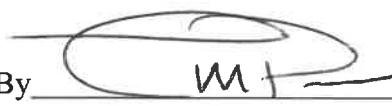
[None]

Those Absent:

[Eloy H. Medina]

The [Chairman Chris M. Ponce] thereupon declared that at least a majority of all the members of that Board having voted in favor thereof, the motion was carried and the Resolution duly passed and adopted. After consideration of matters not relating to the Resolution, the meeting on motion duly made, seconded and [unanimously] carried, was adjourned.

GOVERNING BODY
BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO

By 
Chris M. Ponce,
Chairman

(SEAL)

AFFEST:

By Connie Holguin
Connie Holguin,
County Clerk

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

I, Connie Holguin, 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, constituting the governing body of the County, taken at a duly called regular, open meeting of the Board held in the Commission Meeting Room at the Grant County Administration Center located at 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Board, on Thursday, February 27, 2025, beginning at 9:00 a.m., insofar as the same relate to the proposed Resolution, 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 Board as required by the open meetings standards then in effect, i.e., the County's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Grant County, New Mexico, this 27th day of [February], 2025.



Connie Holguin
Connie Holguin, County Clerk