

RESOLUTION NO. R-17-32

NOTICE OF INTENT TO CONSIDER AN ORDINANCE

WHEREAS, the New Mexico Legislature amended Section 66-3-1011 NMSA 1978, allowing a county, by ordinance or resolution, to authorize the operation of off-highway motor vehicles on paved streets or highways owned and controlled by the county; and

WHEREAS, the Board of Grant County Commissioners desires to consider an ordinance that would authorize the operation of off-highway motor vehicles on streets or highways owned and controlled by Grant County; and

WHEREAS, in order to consider such 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 NMSA (1978) § 4-37-7.

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

1. That an ordinance, entitled AN ORDINANCE AUTHORIZING THE OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR HIGHWAYS OWNED AND CONTROLLED BY GRANT COUNTY, to be introduced before the Board shall be filed with the County Clerk, and shall be considered by the Board at a regular meeting held on August 17, 2017, at 9:00 a.m. in Commissioners Chambers of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Board.
2. That the following notice of intent shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, following the adoption of this resolution:

(Form of Notice)

NOTICE OF INTENT TO CONSIDER AN ORDINANCE
GRANT COUNTY, NEW MEXICO

NOTICE IS GIVEN that the Board of County Commissioners, constituting the governing body of Grant County, New Mexico will consider the adoption of an ordinance (the "Ordinance") entitled: AN ORDINANCE AUTHORIZING THE OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR HIGHWAYS OWNED AND CONTROLLED BY GRANT COUNTY.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, August 15, 2017, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Commissioners Chambers in the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Board.

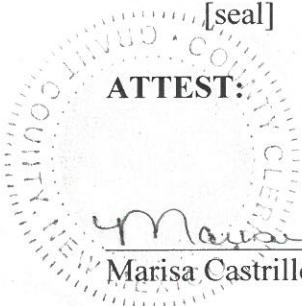
A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

DATED: July 20, 2017.

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

(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 20th DAY OF JULY 2017.



[seal]
ATTEST:

Marisa Castrillo
Marisa Castrillo, Clerk by Connie Hodge

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO

Brett Kasten

Brett Kasten, Chairman

Gabriel Ramos

Gabriel Ramos, Member

Alicia Edwards

Alicia Edwards, Member

Gerald W. Billings, Jr.

Gerald W. Billings, Jr., Member

Harry Browne

Harry Browne, Member

Commissioner Ramos then moved that the resolution be passed and adopted. Commissioner Billings 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:

Chairman Kasten
Commissioner Ramos
Commissioner Edwards
Commissioner Billings
Commissioner Braune

Those Voting Nay:

Those Absent:

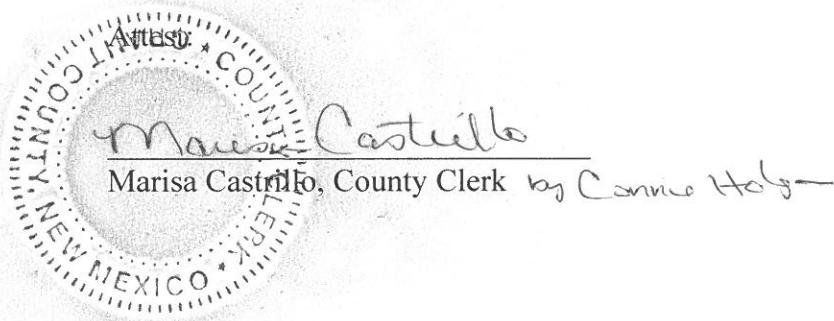
The Chairman thereupon declared that at least a majority of all the members of that Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.

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



Brett Kasten, Chairman
Board of County Commissioners

[SEAL]



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

I, Marissa Castrillo, 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 Commissioners Chambers in the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Commission on Thursday, July 20, 2017, beginning at 9:00 a.m., insofar as the same relate to consideration of the adoption of Grant County Resolution No. R-17-32 entitled, NOTICE OF INTENT TO CONSIDER AN ORDINANCE, a copy of which is set forth in the official records of the proceedings of the County kept in my office.

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 20th day of July 2017.

Attest:

Marisa Castrillo
Marisa Castrillo, County Clerk by Connie Hely



**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF
ORDINANCE NO. O-17-03 OF THE BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO**

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 an open regular meeting in conformity with the law and the County’s Open Meetings Resolution, in the Commissioners Chambers in 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, August 17, 2017, at which time there were present and answering the roll call the following members:

Commissioners: Brett Kasten
 Gabriel Ramos
 Alicia Edwards
 Gerald W. Billings, Jr.
 Harry Browne

Absent:

Thereupon the following proceedings, among others, were had and taken, to wit:

There was provided to the County Clerk, the Chairman and each Commissioner, a copy of an ordinance in final form, which is as follows:

GRANT COUNTY, NEW MEXICO
ORDINANCE NO. O-17-03

**AN ORDINANCE AUTHORIZING THE OPERATION OF OFF-HIGHWAY
MOTOR VEHICLES ON STREETS OR HIGHWAYS OWNED AND
CONTROLLED BY GRANT COUNTY**

WHEREAS, the New Mexico Legislature amended Section 66-3-1011 NMSA 1978, allowing a county, by ordinance or resolution, to authorize the operation of off-highway motor vehicles on paved streets or highways owned and controlled by the county; and

WHEREAS, the Board of Grant County Commissioners desires to adopt an ordinance that would authorize the operation of off-highway motor vehicles, as defined herein, on streets or highways owned and controlled by Grant County; and

WHEREAS, the Board duly published notice of its intention to consider the present ordinance at least fourteen (14) days prior to the present meeting, in accordance with NMSA (1978) § 4-37-7; and

WHEREAS, the Board held an open public hearing on the consideration of the present ordinance at which there was an opportunity for public comment.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Grant County, New Mexico hereby authorize the operation of off-highway motor vehicles, as defined herein, on any street or highway owned and controlled by Grant County under the conditions set forth in Section 66-3-1011 NMSA 1978 (and any amendments thereto) and this Ordinance; and

BE IT FURTHER RESOLVED that off-highway motor vehicles operating on streets or highways owned and controlled by Grant County shall operate at either the posted speed limit or at a speed limit that may be established by the New Mexico State Transportation Commission for such vehicles, whichever is slower; and

BE IT FURTHER RESOLVED that an "Off-Highway Motor Vehicle" is defined as a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and for purposes of this Ordinance is limited to "Recreational Off-highway Vehicle," which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:

- (a) a steering wheel for steering control;
- (b) non-straddle seating;
- (c) maximum speed capability greater than thirty-five miles per hour;
- (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;

- (e) less than eighty inches in overall width, exclusive of accessories;
- (f) engine displacement of less than one thousand cubic centimeters; and
- (g) identification by means of a seventeen-character vehicle identification number.

PASSED, APPROVED, AND ADOPTED, this 17th day of August 2017.

[seal]

ATTEST:

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

Marisa Castrillo, Clerk

Brett Kasten, Chairman

Gabriel Ramos, Member

Alicia Edwards, Member

Gerald W. Billings, Member

Harry Browne, Member

Commissioner _____ then moved that the ordinance as filed with the County Clerk at this meeting be passed and adopted. Commissioner _____ seconded the motion.

The question being upon the passage and adoption of the ordinance, the motion was voted upon with the following result:

Those Voting Yea:

Those Voting Nay:

Those Absent:

The Chairman thereupon declared that at least a majority of all the members of the Board having voted in favor thereof, the motion was carried and the ordinance duly passed and adopted.

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

Brett Kasten, Chairman

[SEAL]

Attest:

Marisa Castrillo, County Clerk

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

I, Marisa Castrillo, County Clerk of Grant County, New Mexico certify:

1. The foregoing pages constitute a full and correct copy of the record of the proceedings taken by the Board of Grant County Commissioners (the "Board") at a regular meeting thereof held on August 17, 2017, so far as said minutes relate to an ordinance, a copy of which is therein set forth (the "Ordinance"). The Ordinance has been duly authenticated by the signatures of the Board and myself as County Clerk, sealed with the corporate seal of said County, and recorded in my office on August 17, 2017.

2. Notice of such meeting of August 17, 2017, was given by publishing a notice of the Board's intent to hold a regular meeting by publication in the *Silver City Daily Press*. Notice of the 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. An affidavit of publication with respect to such notice is attached as Exhibit A.

3. A majority of the members of the Board were present at said meeting, and the members of the Board voted on the passage of the Ordinance as set forth in such record of proceedings.

[seal]

Marisa Castrillo,
Grant County Clerk

EXHIBIT A

(Attach Affidavit of Publication of Notice of
August 17, 2017, Meeting as published
in the *Silver City Daily Press*)

**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF
RESOLUTION NO. R-17-32 OF THE BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO**

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 an open regular meeting in full conformity with the law and rules of the County, in the Commissioners Chambers in the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Board, at 9:00 a.m., on Thursday, July 20, 2017, at which time there were present and answering the roll call the following members:

Commissioners: Brett Kasten
Gabriel Ramos
Alicia Edwards
Gerald W. Billings, Jr.
Harry Browne

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, which is as follows: