

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, April 13, 2023, at which time there were present and answering the roll call the following members:

Chairman:

[Chris M. Ponce]

Commissioners:

[Eloy H. Medina]
[Alicia Edwards]
[Gerald W. "Billy" Billings, Jr.]
[Harry Browne]

Absent:

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-23-26**

A RESOLUTION 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 FOR FINANCING THE CONSTRUCTION OF A PRE-ENGINEERED METAL BUILDING TO SERVE AS A NEW FIRE STATION IN THE DOS GRIEGOS SUBDIVISION FOR USE BY THE GOVERNMENTAL UNIT, APPROVING A LOAN AGREEMENT AND INTERCEPT AGREEMENT RELATING TO THE LOAN, AND OTHERWISE RELATING TO THE LOAN; 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 FOR FINANCING THE CONSTRUCTION OF A PRE-ENGINEERED METAL BUILDING TO SERVE AS A NEW FIRE STATION IN THE DOS GRIEGOS SUBDIVISION FOR USE BY THE GOVERNMENTAL UNIT, APPROVING A LOAN AGREEMENT AND INTERCEPT AGREEMENT RELATING TO THE LOAN, AND OTHERWISE RELATING TO THE LOAN.

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 April 13, 2023, at 9:00 a.m. as required by law; and

WHEREAS, the Governing Body of the Governmental Unit is considering a loan from the New Mexico Finance Authority in the maximum amount of 1,084,911.00 (the “Loan”) to provide funds to finance the construction of a pre-engineered metal building to serve as a new fire station in the Dos Griegos subdivision for use by the Governmental Unit (the “Project”); and

WHEREAS, repayment of the Loan will be secured by the State Fire Protection Funds distributed periodically to the Governmental Unit by the State Treasurer pursuant to NMSA 1978, Section 59A-53-7 (2020) (the “Pledged Revenues”); and

WHEREAS, in order to finalize the Loan for the purpose of undertaking the Project, the New Mexico Finance Authority has required that the Governing Body pledge the Pledged Revenues for the term of the Loan; and

WHEREAS, in order to finalize the Loan for the purpose of undertaking the Project, the New Mexico Finance Authority requires that the Governing Body approve the loan agreement between the Governmental Unit and the New Mexico Finance Authority (the “Loan Agreement”) and an Intercept Agreement (the “Intercept Agreement”) by which the Governing Body will

authorize the New Mexico Taxation and Revenue Department to distribute the Pledged Revenues to the New Mexico Finance Authority or its assigns for the repayment of the Loan; and

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

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

Section 2. 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 Loan for the Project, approving the Loan Agreement between the New Mexico Finance Authority and the Governmental Unit, and approving the Intercept Agreement between the Governmental Unit and the New Mexico Finance Authority authorizing the New Mexico Taxation and Revenue Department to distribute the Pledged Revenues pledged for the repayment of the Loan to the New Mexico Finance Authority or its assigns (the "Ordinance") on the Governing Body's May 11, 2023, Regular Meeting agenda (or the agenda for any subsequent meeting) in accordance with the procedures of the Governmental Unit.

Section 3. 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, May 11, 2023, 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-23-04

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN GRANT COUNTY, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$1,084,911 TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF CONSTRUCTING A PRE-ENGINEERED METAL BUILDING TO SERVE AS A NEW FIRE STATION IN THE DOS GRIEGOS SUBDIVISION FOR THE PINOS ALTOS VOLUNTEER FIRE DEPARTMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE STATE FIRE PROTECTION FUND REVENUES DISTRIBUTED BY THE STATE TREASURER TO THE GOVERNMENTAL UNIT PURSUANT TO SECTION 59A-53-7, NMSA 1978; PROVIDING FOR THE DISTRIBUTION OF STATE FIRE PROTECTION FUND REVENUES TO BE REDIRECTED BY THE STATE TREASURER TO THE FINANCE AUTHORITY OR ITS ASSIGNS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT PURSUANT TO AN INTERCEPT AGREEMENT; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT AND INTERCEPT AGREEMENT;

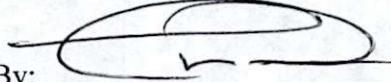
SETTING THE MAXIMUM INTEREST RATE OF THE LOAN; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.

A general summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with 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 [26]th day of April, 2023.

BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO

By: 
Chris M. Ponce, Chairman

[End of Form of Notice]

Section 4. The Ordinance shall be filed with the County Clerk, and shall be considered by the Board at a regular meeting of the Board on Thursday, May 11, 2023, 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 5. 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 6. All acts, orders and resolutions of the Board, and parts thereof, inconsistent with this Resolution be, and the same hereby are, 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 repealed.

Section 7. This Resolution shall be in full force and effect upon its passage and approval.

[Signature page follows]

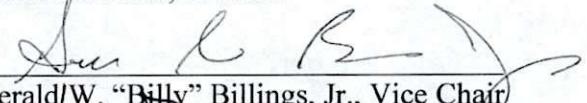
NOW, THEREFORE, be it resolved by the Board of County Commissioners, the governing body of Grant County, New Mexico, that Resolution No. R-23-26 be adopted this 13th day of April, 2023.

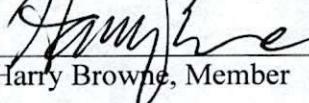
BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO


Chris M. Ponce, Chair


Eloy H. Medina, Member

Alicia Edwards, Member


Gerald W. "Billy" Billings, Jr., Vice Chair


Harry Browne, Member

(SEAL)



[Resolution No. R-23-26 Signature Page]

Commissioner Medina then moved that the Resolution as filed with the County Clerk be passed and adopted. Commissioner Edwards 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]
[Eloy H. Medina]
[Alicia Edwards]
[Gerald W. "Billy" Billings, Jr.]
[Harry Browne]

Those Voting Nay:

[None]

Those Absent:

[None]

The [Chairman] 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.

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO

By

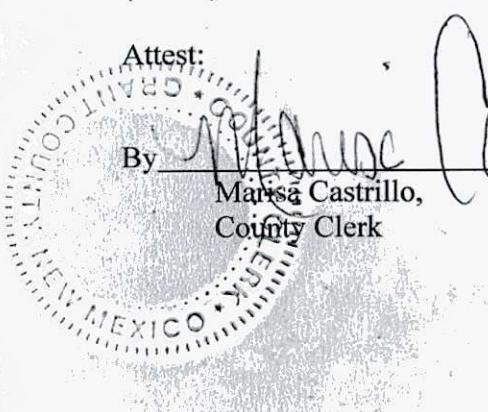
Chris M. Ponce,
Chairman

(SEAL)

Attest:

By

Marisa Castrillo,
County Clerk



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

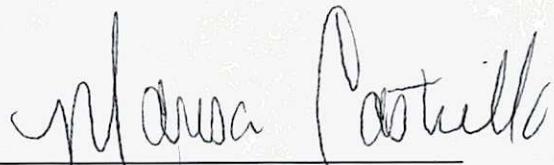
I, Marisa Castrillo, County Clerk of Grant County, New Mexico (the "County"), do hereby certify:

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, 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, April 13, 2023, 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 13 day of April, 2023.





Marisa Castrillo, County Clerk