

## RESOLUTION NUMBER 2017-10

WHEREAS, the Board of County Commissioners (the "Board") of Roosevelt County, New Mexico (the "County") desires to consider an ordinance under which the County would amend County Ordinance Nos. 99-1 and 99-5 (collectively, the "Ordinance"), which imposed the County's Local Hospital Gross Receipts Tax (the "LHGRT") within the County and dedicated the LHGRT to certain purposes; and

WHEREAS, in order to consider an ordinance, the Board must publish notice of its intention to do so at least two weeks before the meeting at which the ordinance will be considered;

WHEREAS, the Ordinance provides that the effective date of the imposition of the LHGRT within the County shall be January 1, 2000, and that said Ordinance is repealed effective July 1, 2020 (the "Delayed Repeal"); and

WHEREAS, on December 21, 1999, the Roosevelt County Special Hospital District (the "District") entered into a \$6,115,000 loan agreement with the New Mexico Finance Authority (the "Finance Authority") for the design, construction, renovation, equipping and furnishing of the hospital facility to be owned, operated and maintained by the District (the "Hospital Loan") and an \$814,469 loan agreement with the Finance Authority for the design, construction, renovation, equipping and furnishing of a medical office facility to be owned, operated and maintained by the District (the "Medical Office Loan") (the Hospital Loan and the Medical Office Loan are collectively referred to herein as the "Loan Agreement"); and

WHEREAS, under the Loan Agreement, the District pledged the tax revenues to be distributed to the County pursuant to the Local Hospital Gross Receipts Tax Act, NMSA 1978, Sections 7-20C-1 to -17 (1991, as amended through 2009) (the "Act"), and which revenues are assigned to the District, toward the repayment of the Loan Agreement; and

WHEREAS, the District wishes to enter into a new loan agreement with the Finance Authority by which it will (i) refund and redeem the amounts borrowed under the Loan Agreement (the "Refunding Loan") and (ii) obtain additional financing to fund proposed hospital expansion projects (the "New Money Loan"), and to which it will pledge the tax revenues to be distributed to the County pursuant to the Act, and which revenues are assigned to the District, toward the repayment of the Refunding Loan and the New Money Loan (the Refunding Loan and the New Money Loan are collectively referred to herein as the "2017 Loan"); and

WHEREAS, the Finance Authority requires that the Delayed Repeal of the LHGRT be modified so as to make the term of the imposition of the LHGRT equal to or greater than the term of the 2017 Loan in order to permit the District to pledge the tax revenues to be distributed to the County pursuant to the Act, and which revenues are assigned to the District, toward the repayment of the 2017 Loan for its entire term.



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

Section 1. All actions not inconsistent with this resolution heretofore taken by the Board, its members, and the officers, employees and agents of the County with respect to the extension of the Delayed Repeal via an amendment to the Ordinance are ratified, approved and confirmed.

Section 2. An ordinance (the "Amending Ordinance") with respect to the Delayed Repeal to be introduced before the Board shall be filed with the County Clerk, and shall be considered by the Board at a special meeting of the Board on February 28, 2017 at 9:00 a.m. or as soon thereafter as the matter may be heard, at 109 W. 1<sup>st</sup> Street, Portales, New Mexico.

Section 3. The following notice shall be published one time in *The Eastern New Mexico News*, a newspaper of general circulation in the County, as soon as is practicable following the adoption of this resolution:



[Form of Notice]

NOTICE OF MEETING AND CONSIDERATION OF ORDINANCE

ROOSEVELT COUNTY, NEW MEXICO

NOTICE IS GIVEN that the Roosevelt County Board of County Commissioners (the "Board"), constituting the governing body of Roosevelt County, New Mexico (the "County"), will consider the adoption of a proposed ordinance (the "Ordinance") amending County Ordinance Nos. 99-1 and 99-5 to extend the repeal of the County's Local Hospital Gross Receipts Tax until July 1, 2037 for the purpose of enabling the Roosevelt County Special Hospital District (the "District") to (i) refund and redeem the \$6,115,000 Loan Agreement (Hospital Facility) dated December 21, 1999 by and among the New Mexico Finance Authority (the "Finance Authority") and the District and the \$814,469 Loan Agreement (Medical Office Facility) dated December 21, 1999 by and among the Finance Authority and the District and (ii) to obtain additional financing to fund proposed hospital expansion projects, at a meeting of the Board on February 28, 2017, at 9:00 a.m., or as soon thereafter as the matter may be heard, at 109 W. 1<sup>st</sup> Street, Portales, New Mexico. The title (subject to amendment or substitution) and subject matter of the proposed Ordinance are as follows:

AMENDING ROOSEVELT COUNTY ORDINANCE NOS. 99-1 AND 99-5 WHICH AUTHORIZED THE IMPOSITION OF THE COUNTY'S LOCAL HOSPITAL GROSS RECEIPTS TAX WITHIN THE COUNTY UNTIL JULY 1, 2020; EXTENDING THE IMPOSITION OF THE COUNTY'S LOCAL HOSPITAL GROSS RECEIPTS TAX UNTIL JULY 1, 2037 SO AS TO PERMIT THE ROOSEVELT COUNTY SPECIAL HOSPITAL DISTRICT TO (I) REFUND AND REDEEM CERTAIN OUTSTANDING LOANS DATED DECEMBER 21, 1999, (II) TO OBTAIN ADDITIONAL FINANCING TO FUND PROPOSED HOSPITAL EXPANSION PROJECTS, AND (III) TO CLARIFY THE DEDICATION LANGUAGE.

A copy of the proposed Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk, located at 109 W. 1<sup>st</sup> Street, Portales, New Mexico. A general summary of the subject matter of the proposed 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 Roosevelt County Manager, at the Roosevelt County Courthouse (3<sup>rd</sup> Floor), 109 W. 1<sup>st</sup> Street, Portales, New Mexico 88130, phone: (575) 356-5307, at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Roosevelt County Manager if a summary or other type of accessible format is needed.

20170406 02/07/2017 11:55:16 AM

Page: 3 of 7 Fee: 0 RES  
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM



DATED: February 7, 2017.

BOARD OF COUNTY COMMISSIONERS  
ROOSEVELT COUNTY, NEW MEXICO

By Paul Grider  
Paul Grider, Chairman

[End of Form of Notice]

20170406 02/07/2017 11:55:16 AM

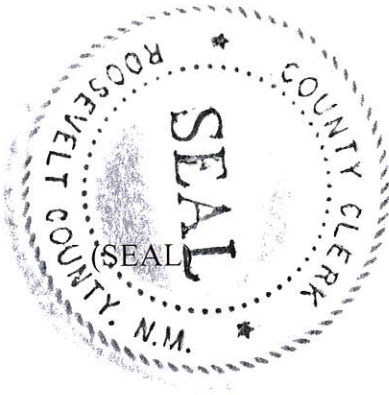
Page: 4 of 7 Fee: 0 RES  
DeAnn D Searl, Roosevelt Co. Clk., Roosevelt, NM



PASSED, ADOPTED, SIGNED AND APPROVED THIS 7<sup>th</sup> DAY OF FEBRUARY, 2017.

BOARD OF COUNTY COMMISSIONERS  
ROOSEVELT COUNTY, NEW MEXICO

By Paul Grider  
Paul Grider, Chairman



Attest:

By DeAun D Searl  
DeAun Searl, County Clerk



20170406 02/07/2017 11:55:16 AM

Page: 5 of 7 Fee: 0 RES  
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM





Commissioner [Dennis Lopez] then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner [Lewis Shane Lee] 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:

[Paul Grider, Chairman]  
[Dennis Lopez]  
[Matthew Hunton]  
[Lewis Shane Lee]  
[Gene Creighton]

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  
ROOSEVELT COUNTY, NEW MEXICO

By Paul Grider  
Paul Grider, Chairman



Attest:

By DeAun D Searl  
DeAun Searl, County Clerk



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

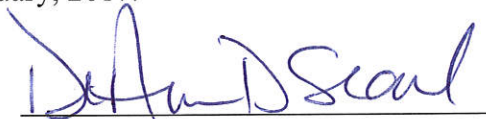
I, DeAun Searl, County Clerk of Roosevelt County, New Mexico (the "County"), do hereby certify:

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 County held at 109 W. 1<sup>st</sup> Street, Portales, New Mexico, being the regular meeting place of the Board, on Tuesday, February 7, 2017, 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 Roosevelt County, New Mexico, this 7<sup>th</sup> day of February, 2017.

(SEAL)

  
DeAun Searl, County Clerk

