

SANTA FE COUNTY, NEW MEXICO  
RESOLUTION NO. 2009-226

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO CAPITAL OUTLAY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2010A AND SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 FOR THE PURPOSE OF DEFRAYING THE COSTS OF CONSTRUCTING THE BUCKMAN DIRECT DIVERSION PROJECT AND TO PAY COSTS OF ISSUANCE OF THE SERIES 2010A AND SERIES 2010B BONDS; AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING, PUBLIC HEARING AND INTENT TO CONSIDER AN ORDINANCE AUTHORIZING THE SERIES 2010A AND SERIES 2010B BONDS IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY.

WHEREAS, Sections 4-62-1 through 4-62-10, NMSA 1978 (the "Act"), authorize New Mexico counties to issue gross receipts tax revenue bonds secured by gross receipts tax revenues; and

WHEREAS, Santa Fe County, New Mexico (the "County"), desires to consider for adoption an ordinance authorizing, in accordance with the Act, the issuance and sale of the Santa Fe County, New Mexico Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2010A and Series 2010B (the "Bonds") in an aggregate principal amount not to exceed \$40,000,000 to provide funds for construction of the Buckman Direct Diversion Project (the "Project"); and

WHEREAS, Section 4-37-7 NMSA 1978, requires that publication of the title and general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners (the "Board") at which the ordinance is proposed for final passage; and

WHEREAS, a form of the Notice of Meeting, Public Hearing and Intent to Adopt an Ordinance authorizing the issuance and sale of the Bonds is attached hereto as Exhibit "A".

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF SANTA FE COUNTY, NEW MEXICO:

Section 1. All action (not inconsistent with the provisions hereof) heretofore taken by the Board and the officers thereof directed toward the authorization, issuance and sale of the Bonds for such purposes, be and the same is hereby ratified, approved and

confirmed, including, without limitation, the publication, in accordance with Section 4-37-7 NMSA 1978, as amended, to publish, in the *Santa Fe New Mexican* or other newspaper of general circulation within the County, a title and general summary of the ordinance relating to and authorizing issuance and sale of the Bonds at least two weeks prior to the meeting at which the Board will consider such ordinance.

Section 2. The Bonds shall be special, limited obligations to pay principal in an amount not to exceed \$40,000,000 plus interest thereon.

Section 3. A Notice of Meeting, Public Hearing and Intent to Adopt An Ordinance, in substantially the form attached to this Resolution as Exhibit "A", with such revisions as may be approved by the County Manager in consultation with the County Attorney, the County's bond counsel and financial advisor, shall be published in a newspaper of general circulation within the County at least two weeks before the meeting at which the Board takes final action on the ordinance authorizing issuance and sale of the Bonds.

(signature page follows)

PASSED AND ADOPTED this 8<sup>th</sup> day of December, 2009.

SANTA FE COUNTY, NEW MEXICO

By: Mike Anaya  
Mike D. Anaya, Chairperson  
Board of County Commissioners

[SEAL]

ATTEST: Valerie Espinoza

By: \_\_\_\_\_  
Valerie Espinoza, Clerk



APPROVED AS TO FORM:

By: Stephen C. Ross  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE ) BCC RESOLUTIONS  
STATE OF NEW MEXICO ) ss PAGES: 5

I Hereby Certify That This Instrument Was Filed for  
Record On The 10TH Day Of December, 2009 at 09:00:35 AM  
And Was Duly Recorded as Instrument # 1585500  
Of The Records Of Santa Fe County

Deputy Maricella \_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

PC CLERK RETURN 12/16/2009

**EXHIBIT "A"**

**FORM OF NOTICE OF MEETING, PUBLIC HEARING  
AND INTENT TO ADOPT BOND ORDINANCE  
FOR PUBLICATION**

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Santa Fe County, New Mexico  
Notice of Meeting, Public Hearing and Intent to Adopt Bond Ordinance

Notice is hereby given of the title and general subject matter contained in an ordinance which the Board of County Commissioners of Santa Fe County, New Mexico, the governing body of the County, intends to adopt at a regular meeting on \_\_\_\_\_, 2010 at the hour of \_\_\_\_ in the Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico relating to the authorization, issuance and sale by the County of its Santa Fe County, New Mexico Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2010A and Series 2010B.

The title of the proposed Ordinance is:

**SANTA FE COUNTY, NEW MEXICO**  
ORDINANCE NO. 2010-\_\_

AUTHORIZING THE ISSUANCE OF THE SANTA FE COUNTY, NEW MEXICO CAPITAL OUTLAY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2010A AND SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 FOR THE PURPOSE OF DEFRAYING THE COSTS OF BUCKMAN DIRECT DIVERSION PROJECT AND TO PAY COSTS OF ISSUANCE OF THE SERIES 2010A BONDS AND SERIES 2010B BONDS; ESTABLISHING THE PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES AND OTHER DETAILS OF THE SERIES 2010A BONDS AND SERIES 2010B BONDS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2010A BONDS FROM THE REVENUES OF THE ONE-FOURTH OF ONE PERCENT CAPITAL OUTLAY GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-21 NMSA 1978 WHICH ARE ALLOCATED TO JOINT CITY OF SANTA FE AND SANTA FE COUNTY WATER PROJECTS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2010B BONDS FROM THE REVENUES OF THE CAPITAL OUTLAY GROSS RECEIPTS TAX WHICH ARE ALLOCATED TO COUNTY-ONLY WATER PROJECTS, ALL OF WHICH CAPITAL OUTLAY GROSS RECEIPTS

TAX REVENUES ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; PROVIDING FOR THE FORM, EXECUTION AND OTHER DETAILS CONCERNING THE BONDS; RATIFYING THE USE OF THE PRELIMINARY OFFICIAL STATEMENT AND APPROVING THE FORM OF OFFICIAL STATEMENT FOR THE MARKETING AND SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE UNDERTAKING AND OTHER AGREEMENTS AND CERTIFICATES IN CONNECTION WITH THE BONDS; AUTHORIZING AN INSURANCE POLICY IN CONNECTION WITH THE BONDS AND CERTAIN PROVISIONS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS BOND ORDINANCE.

This notice is given pursuant to Section 4-37-7, NMSA 1978.

Dated: December 8, 2009