

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO**

ORDINANCE NO. 07-09-13-LEDA: ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT; ESTABLISHING APPLICATION REQUIREMENTS; AUTHORIZING SAN MIGUEL COUNTY TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTAL ENTITIES AND DEVELOPMENT AGREEMENTS WITH NON-PROFIT ENTITIES; REPEALING SAN MIGUEL COUNTY ORDINANCE NO. 06-12-07-LEDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, San Miguel County, New Mexico, (the "County"), acting through its Board of County Commissioners is a political subdivision duly organized and existing under the laws of the state of New Mexico, and

WHEREAS, Article 9, Section 14 of the New Mexico Constitution permits counties to create new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses, provided that adequate safeguards are employed to protect public moneys and resources; and

WHEREAS, pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-13, NMSA 1978, (the "Act"), as amended by and through the 2013 Session of the New Mexico Legislature, no public support for economic development may be provided until the County has adopted by ordinance an economic development plan, or a comprehensive plan which includes an economic development component, which plan may be specific to a single economic development goal or strategy or may include several goals and strategies; and

WHEREAS, the County desires to adopt an economic development plan which will encourage economic development within the unincorporated boundaries of the County as well as within the municipal limits of the City of Las Vegas, New Mexico, by use of authority available under the Act, which economic development plan shall be both (1) specific to the development of a wood cluster industrial park ("Industrial Park") to attract loggers and craftspeople, forest processors and electric generation facilities using biomass and other renewable energy sources ("Wood Cluster Plan"), and other development at the County's Industrial Park located on a site of approximately 143 acres acquired from the Medite Corporation, located northeast of Las Vegas, New Mexico, and (2) other economic goals, strategies and development at such Industrial Park, or elsewhere within San Miguel County, to include but not be limited to food processing facilities, agricultural facilities, green energy facilities, clean energy facilities, electronic manufacturing facilities, electronic distribution facilities, health care, metal fabrication, general warehousing facilities, small manufacturing and distribution facilities,

digital media production, aviation repair and assembly facilities, natural resources facilities, furniture manufacturing, and kennels.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF SAN MIGUEL COUNTY, NEW MEXICO:

Section 1. Title. This Ordinance may be cited as the "Local Economic Development Plan Ordinance," the full title of which is and shall be as appears hereinabove.

Section 2. Purpose. This Local Economic Development Plan Ordinance is adopted and ordained to allow public support of economic development projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources, and to allow the County to enter into joint powers agreements or memoranda of understanding with other local governments to support regional economic development projects and to appoint as agent for the County one or more non-profit entities, whose services as the County's agent shall be in support of the County's economic development plan as follows:

- A. To continue the establishment and development of the Wood Cluster Plan as the County's plan for the development of the Industrial Park located on a 143-acre site situate in the County ("Site") acquired from the Medite Corporation, as the County's economic development plan for the Site, and to include within the Site, in addition to the Wood Cluster Plan, economic development related to food processing facilities, agricultural facilities, green energy facilities, clean energy and renewable energy manufacturing and research facilities, electronic manufacturing facilities, electronic distribution facilities, health care, metal fabrication, general warehousing facilities, small manufacturing and distribution facilities, digital media production, aviation repair and assembly facilities, natural resources facilities, furniture manufacturing, kennels, and such other economic development facilities as may be reasonably developed at the Site; and
- B. The development of any or all of the goals, strategies and facilities enumerated in the preceding Subparagraph, outside the Industrial Park, anywhere within the exterior boundaries of San Miguel County.

Section 3. Economic Development Plan. As its economic development plan under the Act and under this Ordinance, the County may:

- A. Assist economic development projects in any legally permissible manner, including but not limited to the provision of land, buildings and infrastructure.

- B. Provide land, buildings and infrastructure it owns, or it may build, purchase or lease the facilities needed for an economic development project.
- C. Bear the full cost or contribute a portion of the costs and may waive applicable fees, provided that any moneys to which the County is entitled resulting from implementation of its economic development plan for any project, unless otherwise required by law, shall be deposited in the appropriate County fund(s) and used exclusively for the development of the project.
- D. Contribute to the payment of costs for professional services contracts, including industry feasibility studies and planning and design services with respect to a project.
- E. Offer all forms of assistance allowed under this Section and any other form of assistance allowed under the Act, as amended from time to time; however, the County has no obligation to offer any specific type or level of assistance.

Section 4. Application for Assistance. Any qualifying entity, as such term is defined from time to time in the Act, may propose to the County or its agent an economic development project and apply for assistance from the County. The applicant's proposal shall describe the proposed project, including the names and addresses of persons with an interest in the project, the number and types of jobs to be created, wages and benefits associated with the job to be created, the type and amount of assistance sought from the County, and all other information requested by the County and its agent. The County and its agent shall evaluate the application, the form and extent of assistance proposed to be provided, the security to be provided to the County and other details of each proposed project, on a piecemeal, case-by-case basis, and the County shall have final authority to accept or reject proposals and to determine the nature and amount of assistance for any project, in its sole discretion.

Section 5. Applications Available for Public Inspection. At all times, project applications and all supporting documentation shall be available for public inspection.

Section 6. Substantive Contribution; Project Participation Agreement. If the County approves a request for assistance, it shall do so by ordinance. In addition, the County, its agent and the recipient of assistance shall enter into a project participation agreement in accordance with the Act, and the qualifying entity shall provide security to the County, the state or any other New Mexico governmental entity providing public support for the project, which shall secure the qualifying entity's obligations based on terms stated in the project participation agreement. In addition, the County may require that all recipients of assistance pursuant to the Act, provide the County and its agent with periodic reports required under the Act and related project participation agreement with respect to a project for which assistance is received.

Section 7. Joint Powers and Development Agreements. The County may enter into joint powers agreements with other governmental entities to develop a regional economic development plan in accordance with the Act, as in effect from time to time. The County may also enter into one or more development agreements with agents as it shall designate to assist the County in the performance of administrative duties necessary for the implementation of assistance for economic development projects under this Ordinance, including assisting the County in the administration of project participation agreements for specific projects.

Section 8. Incorporation by Reference. All statutory requirements for economic assistance and project participation agreements, and otherwise, as contained in the Local Economic Development Act, Sections 5-10-1 through 5-10-13, as amended by and through the 2013 Session of the New Mexico Legislative, are hereby adopted and incorporated by reference into this Ordinance as if set forth in full.

Section 9. Severability. If any section, paragraph, sentence, clause, word or phase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.


Section 10. Repeal. This Ordinance expressly repeals all ordinances, resolutions, or parts thereof, inconsistent herewith concerning the subject matter hereof, and expressly repeals Ordinance No. 06-12-97-LEDA, enacted June 12, 2007, and filed for record in the office of the San Miguel County Clerk on June 13, 2007, as Instrument No. 200702926.

Section 11. Effective Date. This Ordinance shall become effective thirty (30) days after it is recorded in the office of the San Miguel County Clerk, as provided in Section 4-37-9, NMSA 1978.

PASSED, ADOPTED, APPROVED AND ORDAINED this 9th day of July, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, after notice and hearing as required by law.



Nicolas T. Leger, Chairman



Ron R. Ortega, Vice Chairman



Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

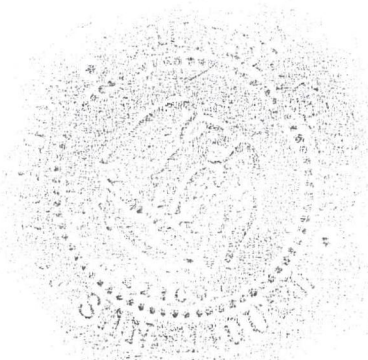
Gilbert J. B. Sena, Member

Attest:



Melanie Y. Rivera
San Miguel County Clerk


(SEAL)



COUNTY OF SAN MIGUEL)
STATE OF NEW MEXICO) ss

SAN MIGUEL COUNTY
PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of July, 2013 at 02:45:40 PM
And Was Duly Recorded as Instrument #201302614
Of The Records Of San Miguel

Witness My Hand And Seal Of Office
Melanie Y. Rivera
Deputy  County Clerk, San Miguel, NM