

VALENCIA COUNTY, NEW MEXICO

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LOS LUNAS, NEW MEXICO 87031



VALENCIA COUNTY ORDINANCE

ORDINANCE 2021-05

Local Economic Development Act Ordinance

Adopted by the Board of County Commissioners

On December 1, 2021

Effective on January 1, 2022

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE No 2021-05

LOCAL ECONOMIC DEVELOPMENT PLAN ORDINANCE

WHEREAS, the Valencia County Board of County Commissioners met upon notice of a regular meeting, duly published, at the Valencia County Administrative Offices, 444 Luna Avenue, Los Lunas, New Mexico 87031, on July 21, 2021; and,

RECITALS

WHEREAS, the development of the local economy is vital to the wellbeing of Valencia County and its residents;

WHEREAS, local communities may need to provide land or buildings infrastructure and other financial incentives to compete with other states and locales in efforts to attract and retain businesses;

WHEREAS, the New Mexico State Legislature enacted NMSA 1978 sections 5-10-1 to 5-10-13, in titled the Local Economic Development Act (the "Act"), which provides to local governments the authority to use public resources for economic development purposes; and

WHEREAS, Valencia County has a local economic development plan in accordance with the Act for the purpose of implementing the authority provided by the Act and that the plan is consistent with the requirements of the New Mexico Local Economic Development Act.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. LOCAL ECONOMIC DEVELOPMENT PLAN

This Ordinance may be cited as the "Local Economic Development Plan Ordinance."

Section 2. AUTHORITY

The Local Economic Development Plan Ordinance is enacted pursuant to the statutory authority conferred upon municipalities and counties to allow public support of economic development (NMSA 1978 sections 5-10-1 to 5-10-13). This Ordinance is adopted as part of Valencia County's economic development plan.

Section 3. PURPOSE

3.1 The purpose of the Local Economic Development Plan Ordinance is to allow public support of economic 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. Further, the purpose of the Economic Development Plan shall be to promote the establishment of any economic development projects that may qualify under the Act, and be

approved by Valencia County, and any partner or partner under a joint power agreement if applicable.

3.2 Local Economic Development Act.

Valencia County shall have authority pursuant to this Ordinance and the Economic Development Plan to exercise the full powers permitted in the Act, except as specifically provided in this Ordinance.

Section 4. RESTRICTIONS ON PUBLIC EXPENDITURES OR PLEDGES OF CREDIT

No local or regional government shall provide public support for economic development projects as permitted pursuant to Article 9, Section 14 of the constitution of New Mexico except as provided in the Local Economic Development Act or as otherwise permitted by law.

Section 5 ECONOMIC DEVELOPMENT PROJECT APPLICATIONS

5.1 Any qualifying entity meeting the definition set forth in the Act may propose an economic development project to Valencia County. Meeting the definition of a qualifying entity does not create any obligation on the part of Valencia County.

5.2 It is the intent of Valencia County to evaluate the form and extent of aid provided to qualifying entities (as defined in the Act), the security to be provided to Valencia County and other details of each economic development project on a case-by-case basis depending on the particular circumstances of each proposed project.

5.3 Valencia County may negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

Section 6 PROJECT PARTICIPATION AGREEMENT

6.1 The qualifying entity shall enter into a project participation agreement with Valencia County.

6.2 Public support provided for an economic development project shall be in exchange for a substantive contribution from the qualifying entity. The contribution shall be of value and may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

6.3 The qualifying entity shall provide security to entity's obligations based on terms stated in the project participation agreement and pursuant to the Act.

Section 7 PLAN AND PROJECT TERMINATION

At any time after approval, the governing body of Valencia County may enact an ordinance terminating the economic development plan and dissolving or terminating any or all projects. An ordinance repealing an economic development plan shall not be effective unless the ordinance