

COUNTY OF LUNA, NEW MEXICO

ORDINANCE NO. 39

AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AUTHORIZING THE COUNTY TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTS TO APPROVE PROJECTS UNDER THE ACT.

WHEREAS, in the 1994 general election the voters of the State of New Mexico approved an amendment to Article 9, Section 14 of the State Constitution permitting 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 monies and resources;

WHEREAS, under the provisions of legislation to implement the constitutional amendment (the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978) (the "Act"), no county assistance may be provided until the county has adopted by ordinance an economic development plan, which plan may be specific to a single economic development goal or strategy or may include several goals or strategies;

WHEREAS, the County desires to encourage economic development in the County (including economic development within municipalities in the County) by use of authority available under the Act;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LUNA:

Section 1. All action heretofore taken, not inconsistent with the provisions of this Ordinance, by the County and officers of the County, directed toward the adoption of the economic development plan described below, is hereby ratified, approved and confirmed.

Section 2. Pursuant to Section 5-10-6 NMSA 1978, there is hereby adopted an economic development plan as described in this ordinance, to be known as the County of Luna Local Economic Development Act Plan (the "Economic Development Plan"). The purpose of the Economic Development Plan shall be to promote the establishment within or outside the County, and pursuant to a joint powers agreement with one or more municipalities or other counties as authorized in the Act, if desirable or necessary, of any economic development projects that may qualify under the Act, and be approved by the County, and its joint powers partner or partners, if applicable.

Section 3. The County shall have authority pursuant to this Ordinance and the Economic Development Plan to exercise the full powers permitted under the Act, except as specifically provided in this Ordinance. It is the intent of the County to evaluate the form and extent of aid provided to qualifying entities (as defined in the Act), the security to be provided to

the County and other details of each economic development project on a case-by-case basis depending on the particular circumstances of each proposed project.

Section 4. In order to conserve the County's financial resources, the County shall attempt, to the extent reasonable and practicable, to provide aid to qualifying entities in the form of the use of land, buildings or infrastructure already owned by the County in preference to aid consisting of expenditures for the purchase of land and the construction and installation of infrastructure.

Section 5. The County may require qualifying entities to submit competitive proposals for the economic development projects, or may, to the extent consistent with law, consider and approve applications without a competitive proposal process. Regardless of whether or not the County solicits proposals for projects, the County shall have the right to reject any proposals as the County may determine to be in its interest.

Section 6. If the County proposes to approve an economic development project application, it shall make that application and all relevant supporting documentation available for public inspection except to the extent that such disclosure would impair the qualifying entity's legitimate interest in protecting trade secrets or other confidential information. Non-confidential portions of applications shall be available for public inspection at the office of the County Clerk for at least the period from the date of publication of notice of the intent to adopt an ordinance approving the project through the date of the adoption of such ordinance.

Section 7. The officers of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 8. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 9. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, or resolution, or part thereof, heretofore repealed.

Section 10. Pursuant to Section 4-37-9(C) NMSA 1978, the Board of Commissioners hereby declares that it is necessary for the public peace, health and safety that this Ordinance take effect immediately after passage.

Passed, Approved, Signed and Adopted this 9th day of November, 1999.


Chairman of the Board of Commissioners

ATTEST:


County Clerk

