

LUNA COUNTY-NM  
BERENDA MCHRIGHT, CLERK  
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BY TONI

LUNA COUNTY, NEW MEXICO

ORDINANCE 105



**AN ORDINANCE APPROVING A LOCAL ECONOMIC DEVELOPMENT PROJECT  
FOR HOMEGROWN MARKET, LLC**

**WHEREAS**, the County of Luna (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;

**WHEREAS**, Article IX, Section 14, Subsection D, of the New Mexico Constitution permits counties to use public resources to create new job opportunities in support of new or expanding businesses;

**WHEREAS**, the Local Economic Development Act (“LEDA”), Sections 5-10-1 through 17, NMSA 1978, is the implementing legislation required by the aforementioned Article IX, Section 9;

**WHEREAS**, the County in December, 2012 updated the Luna County Comprehensive Plan that includes economic development components provision and subsequently passed a new Local Economic Development Plan in Ordinance No. 86 on April 10, 2014, as required by Section 5-10-6, NMSA 1978;

**WHEREAS**, the County has considered an application from Home Grown Market, LLC, submitted through Deming Luna County Economic Development to the City of Deming and County of Luna as a joint project seeking appropriations of \$125,000 each from the City of Deming and the County to go toward the Company’s acquisition and construction of a building, equipment, tangible personal property and other infrastructure necessary to open and operate a retail business offering for sale locally sourced agricultural products, primarily from Luna County and secondarily from other areas of New Mexico;

**WHEREAS**, copies of documents relevant to the project have been submitted to the City Administrator for the City of Deming and the County Manager for Luna County and are available for public inspection.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY:**

The project is approved for the purposes set forth in the Local Economic Development Act in an amount not to exceed \$150,000 in public money for reimbursable expenses, land, buildings or infrastructure.

**THE BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY FINDS THAT:**

1. The Company is a “Qualifying Entity” as defined in Section 5-10-3(K)(2), NMSA 1978;
2. The Company is required to and will provide a substantive contribution to the project as required by Section 5-10-10(B), NMSA 1978 in the form of money paid toward construction, property, expanded tax base and a service and facility for the expansion of the local economy;

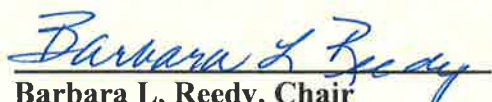
3. The proposed PPA conforms to the requirements of Section 5-10-10(E), NMSA 1978, and Ordinance 86; and
4. The benefits of the proposed project to Luna County are the potential for “new full-time economic base job”, as defined Section 5-10-3(I), NMSA 1978, the addition of a new “retail business” as defined by Section 5-10-3(M), NMSA 1978, and expansion of the tax base by operation of the continuing business and are in excess of the cost of County assistance provided to the Company.

**BE IT FURTHER ORDAINED, that** the County Manager, or his designee, is hereby authorized and directed to do all things necessary to implement this ordinance, including negotiation and execution of an appropriate Project Participation Agreement, as required by law and in substantially the same form as executed by the City of Deming and the Company and are incorporated herein by reference, the creation of a separate Project Revenue Fund, subject to an annual independent audit.

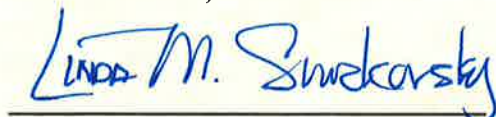
**APPROVED AND ADOPTED THIS 8<sup>th</sup> DAY OF JULY, 2021.**

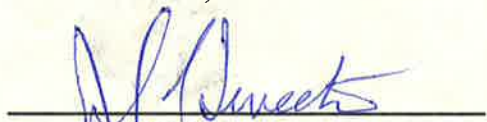
**BOARD OF COUNTY COMMISSIONERS  
LUNA COUNTY, STATE OF NEW MEXICO**

**ATTEST:**

  
Barbara L. Reedy, Chair  
Commissioner, District 1

  
Berenda McWright,  
County Clerk

  
Linda M. Smrkovsky,  
Commissioner, District 2

  
John S. Sweetser,  
Commissioner, District 3

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