

*Be it remembered that at a Special Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 19<sup>th</sup> day of September 2022, the following proceedings were had and entered of record.*

**LUNA COUNTY, NEW MEXICO**

**ORDINANCE 113**

**AN ORDINANCE APPROVING A LOCAL ECONOMIC DEVELOPMENT PROJECT FOR  
CATTLEMEN'S MEAT PROCESSING**

**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 is currently in the process of updating the December, 2012 Luna County Comprehensive Plan, both of which include economic development components and the most recent Local Economic Development Plan was passed on April 10, 2013 by Ordinance No. 86, as required by Section 5-10-6, NMSA 1978;

**WHEREAS**, the County has received and reviewed a request for support from Cattlemen's Processing, LLC, an Arizona corporation authorized to do business in New Mexico, which requests the support of the County in acquiring property, improvements, water rights and to serve as the local government conduit for grant awards and low interest loans from State and Federal agencies, including the New Mexico Clean Water State Revolving Funds, to be used for the operation of a USDA FSIS certified facility in Luna County, New Mexico;

**WHEREAS**, the benefits of the proposed project exceed the potential costs and any risks to County; and

**WHEREAS**, copies of all existing documents relevant to the project have been submitted to the County Manager and future documents necessary to complete the project will be developed in conjunction with the County Manager and presented for review by the Board of County Manager and be made available for public inspection.

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

1. The Company is a Qualifying Entity as defined in Section 5-10-3K, 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. A proposed Project Participation Agreement that conforms to the requirements of Section 5-10-10(E), NMSA 1978, and Ordinance 86 as well as a lease and other necessary documents will be prepared and executed prior to the provision of any public support;
4. The benefits of the proposed project in Luna County are the potential for "new full-time economic base jobs", as defined Section 5-10-3(I), NMSA 1978, the addition of a new

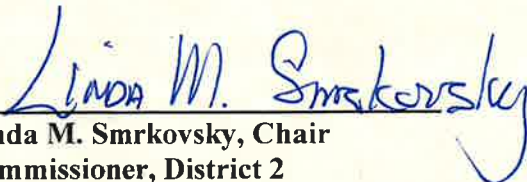
- commercial agricultural business expansion of the tax base by operation of the continuing business and are in excess of the cost of County assistance provided to the Company.
5. A Project Revenue Fund for the project shall be established pursuant to Section 5-10-11, NMSA 1978;
  6. The Project Revenue Fund shall be subject to an annual independent audit pursuant to Section 5-10-11, NMSA 1978;
  7. The County and the Company will enter into a Project Participation Agreement, pursuant to Section 5-10-15B, NMSA 1978, a triple-net lease with option to purchase and applications for grants, loans and other awards from State and Federal agencies;
  8. The public support awarded is in exchange for a substantive contribution from the Company as determined by Luna County pursuant to Section 5-10-15D, NMSA 1978,
  9. The County, if necessary, will enter into an Intergovernmental Agreement;
  10. The Company has provided adequate security as required by Section 5-15-15E, NMSA;
  11. Termination of the Project shall be by ordinance pursuant to Section 5-10-12, NMSA 1978, subject to the rights of the parties under this Ordinance.
  12. This Ordinance is necessary for the public peace, health and safety and shall take effect when recorded and authenticated by the County Clerk, pursuant to Section 4-37-9 NMSA 1978.


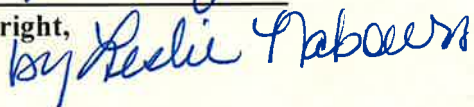
**BE IT FURTHER ORDAINED**, that the County Manager, or his designee, is hereby authorized and directed to do all things necessary to implement this ordinance, including negotiation and execution of an appropriate Project Participation Agreement, as required by law and in substantially the same form as executed by Luna County 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 19TH DAY OF SEPTEMBER, 2022.**

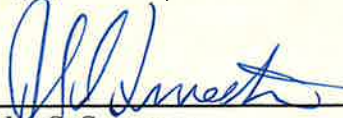
**BOARD OF COUNTY COMMISSIONERS  
LUNA COUNTY, STATE OF NEW MEXICO**

**ATTEST:**

  
\_\_\_\_\_  
Linda M. Smrkovsky, Chair  
Commissioner, District 2

  
\_\_\_\_\_  
Berenda McWright,  
County Clerk 

  
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Barbara L. Reedy,  
Commissioner, District 1

  
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John S. Sweetser,  
Commissioner, District 3