

NOTICE OF HEARING AND PROPOSED ADOPTION OF
SAN MIGUEL COUNTY ORDINANCE NO. 03-12-2019-LED
AN ORDINANCE APPROVING OLD WOOD, LLC, AS A LOCAL ECONOMIC
DEVELOPMENT PROJECT FOR SECURED FINANCIAL ASSISTANCE

PUBLIC NOTICE is hereby given that on or about Tuesday, March 12, 2109, beginning at 2:00 p.m., or as soon thereafter as the matter can be heard at the San Miguel County Commission Chambers, San Miguel County Administration Building, Second Floor, 500 W. National Avenue, Las Vegas, New Mexico, the Board of County Commissioners of San Miguel County, New Mexico, will hold and conduct a public hearing to consider the proposed adoption of San Miguel County Ordinance No. 03-12-2019-LED, the title and general summary of which is as follows:

WHEREAS, pursuant to Ordinance No. 07-09-13-LEDA, adopting an economic development plan and in accordance with the Local Economic Development Act, section 15-10-1, et seq., NMSA 1978, as amended, ("LEDA"), San Miguel County is authorized to approve an economic development project and to enter into a project participation lease agreement for a qualifying project; and

WHEREAS, Old Wood, LLC., ("applicant") has submitted certification to San Miguel County, said certification stating that Applicant is a small and emerging business and wishes to utilize County resources for economic development and job creation purposes; and

WHEREAS, the Board of County Commissioners of San Miguel County approved Applicant as a qualifying entity at its regular meeting on June 14, 2016 and again at its regular meeting on January 8, 2019, both in public session; and

WHEREAS, the Board of County Commissioners of San Miguel County makes the following findings: (1) Applicant is a qualifying entity as defined in Section 5-10-3(1)(1), NMSA 1978; (2) Applicant is a limited liability company formed by David Old, a resident of New Mexico; and (3) Applicant's name is Old Wood, LLC., whose purpose is to make wood products in San Miguel County; and

WHEREAS, San Miguel County wishes to make available one (1) building approximately 10,000 square feet in size and one (1) building approximately 17,000 square feet in size, to a small and emerging business in San Miguel County for economic development activity and job creation purposes, the benefit which will be the creation of jobs, an increase in local gross receipts tax revenue which over time will exceed the cost to the County and will make use of such buildings; and

WHEREAS, the project participation lease agreements ("lease agreements") attached hereto as Exhibit "B" and Exhibit "C" and made an integral part of this ordinance complies in all respects with LEDA, and any substantial similar form of the documents needed for consummation of the project are hereby adopted and approved; and said project participation lease agreements contain the lease arrangements made as consideration; and

WHEREAS, the assistance shall be one (1) building approximately 10,000 square feet in size and one (1) building approximately 17,000 square feet in size.

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

Section 1. Title: The title of this Ordinance is Ordinance No. 03-12-2019-LED.

Section 2. Authority: The County Manager is hereby authorized and directed to do all things necessary and proper to implement this Ordinance to include finalizing the project participation lease agreements.

Section 3. The Project: San Miguel County hereby approves the Applicant as a qualifying entity and the Project as an economic development project under LEDA.

Section 4. Project Revenue Fund: A project revenue fund is hereby established and all revenue related to the Project and provided by or to the County, shall be deposited into the project revenue fund and any such revenue shall be expended only for the project or other qualifying economic activities.

Section 5. Project Participation Lease Agreement: San Miguel County authorizes the County Manager to negotiate and enter into project participation lease agreements in a form substantially similar to those attached to this Ordinance as Exhibit "B" and Exhibit "C" and the lease agreements, when finalized and executed, shall be incorporated into this Ordinance by reference and made an integral part hereof.

Section 6. Termination: In the event of the termination of this Project, such termination shall be by ordinance which shall provide for termination of the project participation lease agreements.

Section 7. Ratification: The County hereby ratifies and accepts all actions, heretofore taken by the County consistent with this Ordinance that the County, its officers, agents and employees may have taken in furtherance of the Project.

Section 8. Severability: If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held invalid or unenforceable by any court of competent jurisdiction, such invalidity shall not affect the validity and enforcement of the remaining provisions of this Ordinance.

Section 9. Effective and Repealer: This Ordinance shall become effective thirty (30) days after it is filed for record in the office of the San Miguel County Clerk, as provided in Section 4-37-9, NMSA 1978, as amended, and hereby repeals any ordinance heretofore adopted which may be inconsistent herewith.

APPROVED AND ADOPTED, on this _____ day of _____, 2019, after public notice and hearing as required by law, by the BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.

Maria L. Martinez, Commission Chair

Harold M. Garcia, Vice-Chair

Chris A. Najar, Commissioner

Janice C. Varela, Commissioner

Max O. Trujillo, II, Commissioner

ATTEST: Geraldine E. Gutierrez, San Miguel County Clerk

APPROVED AS TO FORM AND

LEGAL SUFFICIENCY: Dave Romero, Jr., San Miguel County Attorney

Signed: _____

Dr. Vidal Martinez, County Manager

Publish: Las Vegas Optic, February 20, 2019 and February 27, 2019

Post: San Miguel County Website