

ORDINANCE No. 99 - 3

AN ORDINANCE PERTAINING TO ECONOMIC DEVELOPMENT; ADOPTING AN ECONOMIC DEVELOPMENT PLAN; DESCRIBING TARGETED BUSINESS AND INDUSTRY; ESTABLISHING CRITERIA TO DETERMINE ELIGIBILITY FOR AID; DESCRIBING THE INFORMATION REQUIRED IN AN ECONOMIC DEVELOPMENT APPLICATION; DESCRIBING THE PROCEDURE TO VERIFY APPLICATION INFORMATION; DESCRIBING THE PROJECT PARTICIPATION AGREEMENT; DESCRIBING THE PROCEDURES FOR HANDLING PROJECT REVENUES; IDENTIFYING OTHER REVENUE SOURCES USED TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS; IDENTIFYING LOCAL RESOURCES AVAILABLE FOR ECONOMIC DEVELOPMENT PROJECTS; DETAILING THE MINIMUM BENEFITS REQUIRED FROM A QUALIFYING ENTITY; AND DESCRIBING THE SAFEGUARDS OF PUBLIC FUNDS THAT WILL BE ENSURED.

BE IT ORDAINED by the governing body, that is the County Commission of the County of Roosevelt, New Mexico:

Section 1. Findings. It is in the public interest of the County of Roosevelt, New Mexico, to afford to all reasonable assistance which is permitted by the authority vested in the County Commission to assist the community of Portales and its surrounding area to obtain new economic and industrial development projects. This assistance benefits the public in Portales and Roosevelt County by affording employment opportunities, by furnishing new means of income, and in general by improving the economic environment of Portales and Roosevelt County.

It is difficult for municipalities and counties in New Mexico to attract and retain businesses capable of enhancing the local and state economy without the resources necessary to compete with other states and locales. Municipalities and counties may need to be able to provide land, buildings and infrastructures as a tool for basic business growth and the introduction of basic business ventures into the state. It is in the best interest of the state, municipalities and counties to encourage local or regional solutions to economic development. The access to public resources needs to be carefully controlled and managed for the continued and future benefit of Portales, Roosevelt County, New Mexico citizens.

It is the purpose of this ordinance to implement the Local Economic Development Act, the 1994 constitutional amendment to Article 9, Section 14 of the Constitution of New Mexico to allow public support of economic development to foster,

promote, and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources. This act also allows municipalities and counties to enter into joint powers agreements to plan and support regional economic development projects.

Section 2. Economic Development Goals, Strategies and Priorities. The goals, strategies and priorities in the Portales/Roosevelt County Economic Development Plan were developed from public input in numerous economic development planning processes. The economic development plan is based on the Portales/Roosevelt County Community Development Corporation Plan of Work; the Strategic Plan for Existing Business Retention & Expansion in Portales/Roosevelt County; the Portales/Roosevelt County, Clovis/Curry County Strategic Plan for Empowerment Zone/Enterprise Community; and the City of Portales Master Plan.

- A. Goal: Work with existing businesses to improve the general business climate in order that they may be successful in retaining employees and creating new jobs through expansion.
 - 1. Strategies (Short-term)
 - a. Demonstrate regional support of local businesses.
 - b. Develop a detailed database about local establishments.
 - c. Address short-term local business problems.
 - 2. Strategies (Long-term)
 - a. Retain and increase local employment base by increasing the competitiveness of local establishments.
 - b. Continue to Develop and define future economic development strategic plan.
 - c. Continue local Business Retention & Expansion Program efforts.
 - d. Continue communities in transition efforts.
 - e. Continue Portales Main Street Activities
 - f. Continue to Promote and Develop ENMU
 - g. Continue to Identify and pursue expansion opportunities that bring new jobs to Roosevelt County.

B. Goal: Recruit business and industry to expand the local economy and increase employment.

1. Strategies

- a. Target marketing efforts to prospective businesses that complement and diversify existing agriculture and military installation industries.
- b. Market industrial sites at Portales Airport Industrial Park for various industries.
- c. Continue to develop MainStreet District of Portales
- d. Target marketing efforts to telecommunication companies call center development.

C. Goal: Develop adequate infrastructure for growth and development.

1. Strategies

- a. Form public-private partnerships to plan and develop the Airport industrial park for a variety of light to moderately heavy manufacturing industries.
- b. Continue to improve and develop area highways, streets and roads.
- c. Encourage the expansion of the railroad facilities and inter-modal transportation in Portales/Roosevelt County
- d. Maintain and Improve public services and infrastructure that are vital to the success in industrial development.

Section 3. Targeted Businesses and Industry. The economy of Portales and Roosevelt County is supported by agriculture, military industries and a strong technological infrastructure. Economic development efforts are focused on new or expanding industries which enhance these sectors and other light to moderately heavy industry to diversify the Portales/Roosevelt County economy. In addition improve, develop and maintain public services and infrastructure relating to economic development.

Section 4. Criteria to Determine Eligibility for Aid. Applicants for aid through this ordinance must be a corporation, limited liability company, partnership, joint venture

syndicate, association or other person that is one or a combination of two or more of the following:

- A. An industry for the manufacturing, processing or assembling of any agricultural or manufactured products.
- B. A commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.
- C. A business in which all or part of the activities of the business involves the supplying of services to the general public or governmental agencies or to a specific industry or customer, but not including businesses primarily engaged in the sale of goods or commodities at retail.
- D. A telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico.

Section 5. Information Required to Determine that Applicant is Financially Solvent and Committed to the Community. The Roosevelt County Economic Development Finance Review Committee (herein the Review Committee) will receive and evaluate proposals.

The members of the Review Committee shall be the members of the Executive Committee of the Roosevelt County Community Development Corporation, and one County Commissioner and one representative of the County Manager's office, to be appointed by the County Commission Chairman.

The applicant shall prepare a detailed application in writing in the format established by the Review Committee. The application shall be accompanied by an application fee, in an amount to be established from time to time by resolution of the County Commission. Proceeds from the application fees will be deposited with the County Treasurer in a special account, which shall be used solely for purposes of funding the activities of the Review Committee, and which are hereby earmarked for that purpose. In no event shall any part of any application fee be refundable to the applicant, regardless of the cost of processing the application.

Section 6. Procedure to Verify Application Information. Upon receipt by the Review Committee of an application for county assistance completed in a manner satisfactory to it, the Review Committee shall forthwith commence an investigation of the applicant and of the matters contained in the application, which shall include an investigation of at least the following factors:

- A. Determine whether the project can be lawfully instituted, constructed or operated with the county assistance proposed in the application
- B. Determine the financial and management ability of the applicant (and if the applicant is a subsidiary of another firm owning a majority of stock in the applicant, the parent firm) and its ability to perform the duties which will be imposed upon the applicant as a result of the application
- C. Evaluate the financial feasibility of the project
- D. Verify the fact that the project will serve the public benefit of the citizens of Roosevelt County, by providing its citizens with job opportunities and with a source of additional income
- E. Insure that the project will be capable of achieving those purposes stated in the application
- F. Prepare a cost-benefit analysis of the project
- G. Insure that the project conforms to the Portales/Roosevelt County Economic Development Plan
- H. Develop any other information the Review Committee or County Commission deems necessary for a full review of the economic development project application

Upon completion of its investigation, the Review Committee shall formulate a written report concerning the application which it shall submit to the County Commission. The written report shall summarize the findings of the Review Committee and shall conclude with a recommendation to the County Commission. The decision to fund the proposed project shall be made solely by the County Commission.

Section 7. The Project Participation Agreement. Upon approval by the Roosevelt County Commission, the County and the applicant will enter into a project participation agreement which shall set out

- A. The contributions to be made by each party to the participation agreement
- B. The security provided to the local or regional government by the qualifying entity in the form of a lien, mortgage, or other indenture and the pledge of the qualifying business's financial or material participation and cooperation to guarantee the qualifying entity's performance pursuant to the project participation agreement
- C. A schedule for project development and completion, including measurable goals and time limits for those goals
- D. Provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory
- E. Specific procedures to determine success and methods for recouping investment in the event an economic development project is determined to be unsuccessful, or if a qualifying entity seeks to leave the area

Section 8. Project Revenues. County of Roosevelt revenues dedicated or pledged for funding or financing of economic development projects under this ordinance shall be deposited in a separate account. Separate accounts shall be expended only for economic development project purposes, which may include the payment of necessary professional services contracts.

Section 9. Other Revenue Sources. If revenue sources other than those of Roosevelt County are not used to support an economic development project, the source and amount of any such funding must be disclosed.

Section 10. County Resources Available. Available resources Roosevelt County may offer qualifying businesses include:

- A. Land the county is willing to lease, sell or grant
- B. Buildings the county is willing to lease, sell or grant
- C. Infrastructure the county is willing to build, extend or expand
- D. Financial Resources Available
 - 1. Industrial Revenue Bonds
 - 2. Local Economic Development Act
 - 3. Development Incentive Act

Section 11. Minimum Benefit Required from a Qualifying Entity. The county

may require any one or combination of two or more of the following criteria as a minimum benefit from a qualifying entity in order to provide economic development assistance.

- A. Number and type of jobs created
- B. Proposed payroll
- C. Repayment of loans, if any
- D. Purchase by the qualifying basic business of county-provided land, buildings or infrastructure
- E. Public-to-private investment ratio. The amount of private dollars invested in a project must be at least twice the amount of public dollars invested in the economic development project.
- F. Direct local tax base expansion

Section 12. Safeguards of Public Resources. If a qualifying entity ceases operation, relocates or otherwise defaults or reneges on its contractual or implied obligations to the county, the county will recover any costs, land, buildings or other thing of value. The Project Participation Agreement shall contain a specific term to establish default provisions and remedies for recoupment of public resources.

PASSED, APPROVED AND ADOPTED this 6th day of October, 1999.


 David C. Sanders, Chairman
 Roosevelt County Board of Commissioners

Attest:


 Joyce Lee Frazee, County Clerk

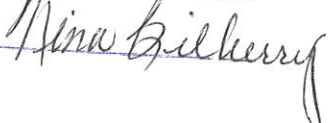


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JOYCE LEE FRAZEE-CLERK

BY 


LEGAL NOTICE

ORDINANCE NO. 99- 3

NOTICE OF PUBLIC HEARING
ON A PROPOSED ADOPTION
OF ORDINANCE NO. 99- 3
PERTAINING TO ECONOMIC
DEVELOPMENT

Notice is hereby given, pursuant to 4-37-1 and 4-37-7, NMSA 1978 (As Amended), and pursuant to a resolution of the Roosevelt county Board of Commissioner's adopted September 1, 1999, the Roosevelt County Commission will hold a public hearing at the Roosevelt County Commissioner's Room, Roosevelt County Courthouse, Portales, New Mexico on the 6th day of ~~September~~ ^{October}, beginning at 3 p.m., to hear all interested parties and citizens for or against the adoption of a proposed Ordinance No. 99- 3 relating to economic development; adopting an economic development plan; describing targeted business and industry; establishing criteria to determine eligibility for aid; describing the information required in an economic development application; describing the procedure to verify application information; describing the project participation agreement; describing the procedures for handling project revenues; identifying other revenue sources used to support economic development projects; identifying local resources available for economic development projects; detailing the minimum benefits required from a qualifying entity; and describing the safeguards of public funds that will be ensured.

Copies of the proposed ordinance are available at the Roosevelt County Clerk's office, Roosevelt County Courthouse, Portales, New Mexico, Monday through Friday from 8 a.m. through 5 p.m.. Photocopies may be made of the proposed ordinance upon payment of a photocopy fee to the County Clerk, as allowed by law.


David Sanders-Chairman
Roosevelt County Board of Commissioners

Attest:


Joyce Frazee-County Clerk



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