

Ordinance No. 99 - 4

**AN ORDINANCE PERTAINING TO INDUSTRIAL DEVELOPMENT; ESTABLISHING A ROOSEVELT COUNTY ECONOMIC DEVELOPMENT FINANCE REVIEW COMMITTEE AS AN AGENCY OF ROOSEVELT COUNTY, NEW MEXICO; DESCRIBING THE MEMBERSHIP THEREOF; OUTLINING THE POWERS, DUTIES AND RESPONSIBILITIES THEREOF; PRESCRIBING MEETINGS THEREOF; AND PROVIDING FOR A SYSTEM FOR THE REVIEW OF APPLICATIONS FOR COUNTY FINANCIAL ASSISTANCE FOR INDUSTRIAL, COMMERCIAL AND BUSINESS PROJECTS AND FACILITIES.**

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

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

Many industrial, commercial and business firms who wish to locate a project or facility, or a branch of a project or facility located elsewhere, seek to enlist the assistance of the Roosevelt County Commission for the purpose of financing such projects or facilities. The assistance sought may be one of several different varieties in which counties may participate pursuant to applicable federal and state statutes. Any such application, if it is to progress past the discussion stage, involves considerable research and investigation by the County Commission. Consequently, the County Commission hereby finds that it would be in the public interest for the County Commission to delegate to a subordinate agency the responsibility for investigating applications for county assistance for the establishment or creation of industrial, commercial and business projects or facilities. It is the purpose of this ordinance to create such a body as an agency of county government within Roosevelt County, and to define its duties and responsibilities.

Section 2. Review Committee Established. There is hereby established, as an agency of Roosevelt County, responsible directly to the Roosevelt County Commission,

the Roosevelt Economic Development Finance Review Committee (herein "the Review Committee").

Section 3. Membership. The membership of the Review Committee shall consist of those individuals who are members of the Executive Committee of the Roosevelt County Community Development Corporation; PROVIDED, HOWEVER, that the Roosevelt County Commission cannot and does not delegate its authority to appoint members of the review committee, and reserves the right at any time to appoint and remove members of the review committee, regardless of their membership on such Executive Committee. In addition, the County Commission shall also appoint as members of the Review Committee one County Commissioner, who shall serve during his/her elected term of office as County Commissioner, and one representative of the Office of the County Manager, who shall serve at the pleasure of the County Commission.

The Portales Development Corporation is hereby charged with the duty of advising the Roosevelt County Commission of the current membership of the Executive Committee of the Roosevelt County Community Development Corporation. Unless otherwise directed by the Roosevelt County Commission, membership on the Review Committee shall change as incumbents on the Executive Committee of the Roosevelt County Community Development Corporation leave office and are replaced by other individuals.

Section 4. Meetings. The Review Committee shall conduct a meeting immediately after it has been appointed, for the purpose of selecting its officers. The officers of the Review Committee shall be a Chairman, a Vice Chairman, and a Secretary. At its initial meeting, the Review Committee shall determine the time, date and place of its regular meetings, which shall be held not less often than quarterly. The Review Committee shall submit an annual report to the County Commission not later than May 1st of each year, which report shall include a description of the Committee's activities during the preceding year, and a budget request for financial assistance, if any should be required, from the County Commission relating to the functions of the Review Committee.

Section 5. Applications for County Assistance. Whenever the County

Commission receives any application for assistance from the County in connection with the establishment or construction of an industrial, commercial or business project or facility, the County Commission shall direct the applicant to the Review Committee. The applicant shall be required to prepare a detailed application in writing, on a form to be approved by the Review Committee and submitted to it. 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 such application shall be deposited with the County Treasurer in a special account, which shall be used solely for the 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. Investigation of Applicant. 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. The legal status of the project described in the application, and whether or not the project can be lawfully instituted, constructed or operated with the county assistance proposed in the application.
- b. The applicant itself (and if the applicant is a subsidiary of another firm owning a majority of stock in the applicant, the parent firm), to determine the financial status of the applicant and its ability to perform the duties which will be imposed upon the applicant as a result of the application.
- c. The financial feasibility of the project.
- d. Verification of 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. Insurance of the proposed technology for the project, to insure that the project will be in fact capable of achieving those purposes stated in the application.

Upon completion of its investigation, the Review Committee shall have the responsibility

of formulating a written report concerning the application which it shall submit to the County Commission. The written report shall detail the findings of the Review Committee as to whether or not county financial assistance should be furnished to the applicant in connection with the proposed project. This shall be a recommendation only, and final authority for determining whether county financial assistance shall be given in connection with the proposed project shall be made solely by the County Commission.

Section 7. Inducing Resolution. Should the Review Committee's report to the County Commission recommend that county assistance be given to the applicant, then and in that event the written report will be accompanied by a suggested for inducement resolution inviting the establishment of the project, to be acted upon by the County Commission in the regular course of its business. The inducement resolution shall contain such matters as may be required by law, and shall be prepared by the Review Committee after consultation with appropriate officials of the County.

Section 8. Financing Procedures. Should the Roosevelt County Commission, with or without the recommendation of the Review Committee, determine that county financial assistance should be given to a firm desiring to construct or establish an industrial, commercial or business project within or near the corporate limits of Roosevelt County, New Mexico, the County Commission shall advise the Review Committee of the Commission's decision. Immediately thereafter, the Review Committee shall commence preparation of such proceedings as might be required by federal or state law or regulation in order to accomplish the purposes sought by the County Commission. The Review Committee's work in preparation of formal legal proceedings shall be undertaken in consultation with appropriate officials of the County, representatives of the applicant, and representatives of such other firms as the Review Committee shall consider necessary. In no event shall any formal legal proceedings be submitted to the County Commission unless such proceedings are in compliance with all provisions of the Roosevelt County Code.

Section 9. Final Report. Upon the completion of those activities required by Section 8 of this Ordinance, the Review Committee shall cause to be submitted to the County Commission all formal legal proceedings which shall be necessary for the

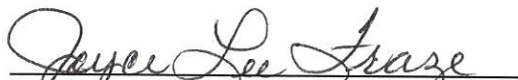
completion of the financial assistance required by the firm desiring to construct or establish an industrial, commercial or business project within Roosevelt County, New Mexico. Upon submission of such proceedings, the duties of the Review Committee in connection with such proposed project shall cease.

**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

ROOSEVELT CO. NM

BK. 63 PG. 15

1999 OCT 12 AM 11:30

JOYCE LEE FRAZEE-CLERK

BY Nina Gulberry


LEGAL NOTICE

ORDINANCE NO. 99- 4

NOTICE OF PUBLIC HEARING  
ON A PROPOSED ADOPTION  
OF ORDINANCE NO. 99- 4  
PERTAINING TO INDUSTRIAL  
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 6<sup>th</sup> day of ~~September~~ <sup>October</sup>, beginning at 3:00 p.m. to hear all interested parties and citizens for or against the adoption of a proposed Ordinance No. 99- 4 relating to industrial development; establishing a Roosevelt County Economic Development Finance Review Committee as an Agency of Roosevelt County, New Mexico; describing the membership thereof; outlining the powers, duties and responsibilities thereof; prescribing meetings thereof; and providing for a system for the review of applications for county financial assistance for industrial, commercial and business projects and facilities.

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.

  
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David Sanders-Chairman  
Roosevelt County Board of Commissioners

Attest:

  
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Joyce Fraze-County Clerk



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*Taken to Newspaper 9-2-99*