

**NOTICE OF INTENT  
TO ADOPT AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II (ECONOMIC  
DEVELOPMENT PLAN), SECTIONS 16-21, 16-68, 16-69 AND 16-72 OF THE TOWN OF  
SILVER CITY CODE OF ORDINANCES**

**The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt proposed amendments to the Town of Silver City Code of Ordinances. This notice is given the title as follows:**

**ORDINANCE NO. 1230**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II (ECONOMIC  
DEVELOPMENT PLAN), SECTIONS 16-21, 16-68, 16-69 AND 16-72 OF THE TOWN  
OF SILVER CITY CODE OF ORDINANCES**

**SPONSOR: MAYOR MICHAEL S. MORONES**

WHEREAS, the State of New Mexico has passed a body of laws commonly known as the Local Economic Development Act (5-10-1 to 5-10-13 NMSA, 1978), hereinafter “LEDA”, whose purpose is to allow public support of economic development while continuing to protect against the unauthorized use of public money and other public resources; and

WHEREAS, the State legislature in recent amendments to LEDA expressly recognizes that contributions to arts and culture, whether by the contribution of public resources to an “Arts And Cultural District”, or other projects which enhance cultural and art venues within the Town, are valued components of economic development to which public support may be given; and

WHEREAS, the Town Council finds that increasing venues to display the arts and culture of a community provides greater opportunity to attract tourism, conventions, and creative persons who contribute to the economic and social well-being of the Town; and

WHEREAS, the Town Council, further, finds that the development of arts and culture within a municipality provide value in the enhancement of the quality of life for its residents and

visitors; and

WHEREAS, in recognition of the importance of arts and culture to the well-being of the Town, the Town adopted Ordinance No. 1173 which established an Arts & Cultural District whose boundaries include a substantial portion of the Town; and

WHEREAS, the Town Council of the Town of Silver City deems it appropriate to review its current Economic Development Plan (“Plan”) with a view to taking full advantage of the opportunities afforded to it by the State legislature, specifically in the development of art and cultural projects; and

WHEREAS, upon review of said Plan, the Town Council finds that certain amendments thereto would be beneficial to the Town’s goal of promoting economic development, enhancing the opportunities to experience the arts and cultural assets of the Town, and would further enhance the health, safety and welfare of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:**

Chapter 16, Section 16-21 is amended by deleting the current subsections (a) and (b), replacing them with the following:

(a) The purpose of this article is to allow public support of economic development projects to foster, promote and enhance the addition of base jobs to the region and, further, to allow for public support of projects that foster, promote and enhance the development of culture and art within the Town by the construction or renovation of facilities, and other projects.

(b) The purpose of this article is to also allow the Town to enter into one or more joint powers agreement with other local governments to plan and support regional economic development with the goal of creating base jobs to the local economy, and to promote art and cultural

projects which further creates a healthy environment for the furtherance of economic development.

Chapter 16, Section 16-68 shall have its title modified from “Review Criteria” so that it shall read:

**Sec. 16-68A Review criteria for base job development projects**

AND,

A new Section 16-68B entitled “Review criteria for project participation in culture and arts projects” with subsections thereunder is added, which shall read as follows:

**Sec 16-68B Review criteria for project participation in culture and arts projects.**

- (a) Proposed project participation agreements from qualifying entities must meet the Town’s adopted policies and objectives for the enhancement of culture and arts within the Town.
- (b) The incentive review committee will review proposed projects to determine if they promote the enhancement of art and cultural opportunities within the region and whether the proposed project fills a present or anticipated need of the community with regard to the creation and maintenance of venues for art and culture. The review criteria shall include consideration of the following:

- (1) Whether the proposed project will add to available cultural and art resources currently available in the Town, or will be duplicative and present no significant added value.

- (2) Whether the proposed project is likely to increase tourism and promote economic development, including the creation of jobs.

- (3) Whether the proposed project will have a negative impact on the environment, on roads and municipal services, or the general quality of life of the inhabitants of the Town.

- (4) Whether the proposed project will have an impact upon the school system, and

particularly the children in attendance therein.

(5) Whether the proposed project creates an undue risk that is assumed by the Town in the event that the project fails to be completed, or fails to meet its stated goals.

(6) Whether the proposed project will have other benefits to the Town not articulated herein.

(c) All applications for arts and cultural development projects which request assistance from the Town shall clearly demonstrate the benefits which accrue to the community as a result of the contribution of public resources. The Town has considerable flexibility in determining what is considered an adequate return for the public investment made in any particular project. It is the intent of this article to be flexible in the evaluation of these benefits and to recognize the qualitative and intangible benefits of a proposal.

AND,

Section 16-69(a) shall be amended so that the first sentence of that Section shall read:

(a) All economic development and culture/arts projects receiving assistance from the Town.....

AND,

Section 16-72 shall be amended so that the first sentence shall read:

**Sec. 16-72 Joint or regional projects (joint powers agreements).**

The Town may engage in economic development projects and cultural/arts development projects involving one or more other governmental entities for projects that encompass more than one municipality or county.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City,

Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

(Seal)

TOWN OF SILVER CITY

\_\_\_\_\_  
Michael S. Morones, Mayor

Attest:

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to \_\_\_\_\_, 2014.

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

\_\_\_\_\_  
Date