

ORDINANCE NO. 1317

AN ORDINANCE REPEALING ORDINANCE NO. 1270, PERTAINING TO THE ADOPTION OF THE AGMECHTRONIX, LLC MANUFACTURING FACILITY AS AN ECONOMIC DEVELOPMENT PROJECT.

WHEREAS, Article IX, Section 14, Subsection D, of the New Mexico Constitution permits municipalities to use public resources to create new job opportunities in support of new or expanding businesses; and

WHEREAS, The New Mexico state legislature passed The Local Economic Development Act (“LEDA”), NMSA 1978, Sections 5-10-1 through 5-10-17, as required by Article IX, Section 14, Subsection D of the New Mexico Constitution; and

WHEREAS, pursuant to LEDA, the Town has adopted an Economic Development Plan in Section 16-20, et seq., of the Municipal Code, that provides for investment in projects which are designed to create jobs and which further creates a healthy environment for the furtherance of economic development; and

WHEREAS, Agmechtronix, LLC, has its principal place of business located at 2810 East US Hwy 180 East, Silver City, New Mexico, and it has created a manufacturing facility in Silver City; and

WHEREAS, as provided in the Town’s Economic Development Ordinance, the Town considered an application from Agmechtronix, LLC, in which the Town would serve as the local government conduit for the appropriation up to \$250,000 from the Legislature of the State of New Mexico (the “LEDA Funds”) to Agmechtronix, LLC, for the purpose of establishing, operating and maintaining a manufacturing facility located in Silver City, Grant County, New Mexico; and

WHEREAS, the Silver City Town Council in Ordinance No. 1270 found Agmechtronix, LLC to be a qualifying entity under LEDA and the Town of Silver City Economic Development Plan, and also by Ordinance 1270, formally adopted the Agmechtronix, LLC manufacturing facility located in Silver City, New Mexico as an economic development project (“Project”); and

WHEREAS, Agmechtronix, LLC, has been able to complete the Job Target requirements and all obligations of the Project Participation Agreement, a copy of which is attached hereto and incorporated herein; and

WHEREAS, the New Mexico Department of Economic Development has remitted to Agmechtronix, LLC, and Agmechtronix, LLC has received, the \$250,000 based upon the expenditures Agmechtronix, LLC has made and the jobs it has created; and

WHEREAS, Ordinance 16-71 of the Town Code provides that repeal of Ordinance No. 1270 and termination of the Project shall be by ordinance; and

WHEREAS, the New Mexico Department of Economic Development and Agmechtronix, LLC concur with the repeal of Ordinance 1270; and

WHEREAS, notice by publication pursuant to NMSA 1978, Section 3-17-3 was given on April 5, 2023, by publication in the Silver City Daily Press.

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

1. The Town Council hereby repeals Ordinance No. 1270; and
2. **BE IT FURTHER ORDAINED** that the Town Council hereby terminates its Intergovernmental Agreement pertaining to the Project by and between the New Mexico Department of Economic Development and the Town, and terminates the Project Participation Agreement by and between the Town and Agmechtronix, LLC, both entered into pursuant to Ordinance No. 1270, with the effective date being August 1, 2018.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 25th day of April, 2023.

TOWN OF SILVER CITY

Ken Ladner, Mayor

(Seal)

ATTEST:

Alfred Sedillo, Town Clerk