

**SAN JUAN COUNTY
NOTICE OF INTENT TO ADOPT
ORDINANCE NO. 125
AND NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN of the title and a general summary of the subject matter of an Ordinance proposed to be passed, approved, and adopted by the Board of County Commissioners of San Juan County, New Mexico, at a public meeting to be held on July 2, 2024, at 4:00 p.m. at the San Juan County Administration Building, 100 S. Oliver, Aztec, New Mexico. A complete copy of the proposed Ordinance No. 125 is available for public inspection during normal business hours at the office of the County Clerk, 100 S. Oliver, Aztec, New Mexico.

The title and a general summary of the proposed Ordinance are as follows:

**SAN JUAN COUNTY, NEW MEXICO
ORDINANCE NO. 125**

REPEALING ORDINANCE NO. 101 WHICH AUTHORIZED THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT AND A PROJECT PARTICIPATION AGREEMENT TO ACCEPT AS FISCAL AGENT A GRANT OF UP TO \$2,350,000.00 FROM THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT FOR PROCUREMENT OF EXPANSION TO THE PESCO FACILITY LOCATED IN SAN JUAN COUNTY, NEW MEXICO.

WHEREAS, Article 9, Section 14 of the Constitution of New Mexico permits counties to create new job opportunities in support of new or expanding business, provided that adequate safeguards are employed to protect public monies and resources.

WHEREAS, pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-17 NMSA 1978 (the "Act") no public support for economic development may be provided until the government entity has adopted by ordinance an economic development plan, and has approved by a second ordinance an application for a project in keeping with such a plan; and

WHEREAS, in April, 2008, pursuant to Ordinance No. 68, the Board of County Commissioners of San Juan County ("the County") adopted the County's Economic Development Plan, 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, on August 15, 2017, the County considered an application from PESCO, Inc., which proposed that the County would serve as the local government fiscal agent for an appropriation of \$1,000,000 from the Legislature of the State of New Mexico to PESCO, Inc. for the purpose of expansion of its manufacturing facility on U.S. Highway 64 near Farmington, and in exchange PESCO, Inc. would create, hire and maintain 170 new jobs and retain 226 employees; and

WHEREAS, the County, in Ordinance No. 101, found PESCO, Inc. to be a qualifying entity under LEDA and the San Juan County Economic Development Plan, and formally authorized the County to execute an Intergovernmental Agreement with the State of New Mexico Economic Development Department (“EDD”) and a Project Participation Agreement (“PPA”) with PESCO, Inc. for the County to act as fiscal agent for a grant of \$1,000,000 from EDD to PESCO toward expansion of its manufacturing facility on U.S. Highway 64 near Farmington; and

WHEREAS, on January 3, 2019, at EDD’s request, the County adopted Amended and Restated Ordinance No. 101, which expanded the County’s fiscal agent responsibility by increasing the appropriation to \$2,350,000, and requiring PESCO to increase manufacturing space to 60,000 square feet, to retain 226 employees, to increase hiring by an additional 180 jobs, and to make capital investments in the facilities in excess of five million dollars; and

WHEREAS, by letter dated May 6, 2024, EDD has notified the County that PESCO, Inc. has met or exceeded all requirements of County’s Ordinance and Agreement with the County; and that pursuant to LEDA regulations (NMAC 2.93.1.9E), Ordinance No. 101 should be repealed since the County is no longer required to perform any duties as fiscal agent; and


NOW, THEREFORE, BE IT ORDERED BY THE GOVERNING BODY OF SAN JUAN COUNTY, NEW MEXICO, that San Juan County Ordinance No. 101 is hereby repealed.

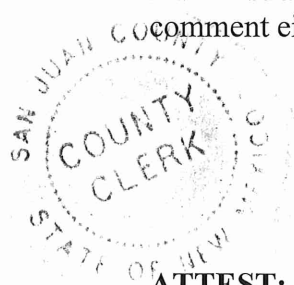
BE IT FURTHER ORDERED, that the County hereby terminates the Intergovernmental Agreement and all associated amendments pertaining to the Project by and between the New Mexico Economic Development Department and the County, and terminates the First Amended Local Economic Development Project Participation Agreement by and between the County and Pesco, Inc.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held at the hour of 4:00 p.m. on July 2, 2024, at the San Juan County Commission Chambers, County Administration Building, 100 S. Oliver, Aztec, New Mexico, for the purpose of allowing comment either for or against the adoption of the above-described Ordinance.

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

By: 
John T. Beckstead, Chairman



ATTEST:


Tanya Shelby, County Clerk