

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2019-1

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5 AN ORDINANCE

6 RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN  
7 ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL  
8 ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN  
9 THE CITY OF SANTA FE AND MARTY’S MEALS, INC. FOR LEASE PAYMENTS FOR  
10 THE EXPANSION OF A NEW HEADQUARTERS AND MANUFACTURING FACILITY, A  
11 LOCAL ECONOMIC DEVELOPMENT PROJECT.

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13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. Short Title. This Ordinance shall be known as the “Marty’s Meals Local  
15 Economic Development Project Ordinance.”

16 Section 2. Recitals.

17 A. The Local Economic Development Act (“LEDA”), Sections 5-10-1 et. seq. NMSA  
18 1978 explicitly permit municipalities to assist qualifying entities with economic development projects  
19 through the use of public resources; and

20 B. The City of Santa Fe has complied with the requirements of LEDA by adopting an  
21 Economic Development Fund Ordinance (11-14 SFCC (1987)), incorporating within that ordinance  
22 its community economic development plan and its economic development strategy for implementation  
23 dated May 21, 2008; and

24 C. Marty’s Meals, Inc. (“Qualifying Entity”) is a pet food manufacturer that serves the  
25 public by stimulating and catalyzing the growth of the value-added agricultural industry cluster in Santa

1 Fe under the Economic Development Ordinance. The Qualifying Entity creates economic base jobs as  
2 a manufacturer of pet food in which sales are conducted through the retail portion of the facility and  
3 the Denver retail outlet.

4 D. The project “Project” is a manufacturing headquarters that will generate more taxes,  
5 fees, and other revenues for the State of New Mexico and City of Santa Fe. The State of New Mexico  
6 has appropriated \$175,000 from the New Mexico LEDA Fund and the City of Santa Fe has provided  
7 \$50,000 from the Economic Development Fund, pursuant to §11-14 SFCC 1987, to the project to  
8 contribute to lease payments for the facility. The facility is located at 506 Cordova Road, Santa Fe,  
9 New Mexico, 87505. The Qualifying Entity will use any remaining balance of LEDA funds, after lease  
10 payments are made, for construction materials associated with the interior renovation of its facilities  
11 and to improve or construct HVAC, telecommunications, broad band connectivity, and other  
12 infrastructure necessary to improve service to the facility.

13 E. The new facility will be used to manufacture pet food and therefore is a “manufacturer”  
14 pursuant to LEDA.

15 **Section 3. Findings.** The Governing Body hereby finds:

16 A. The City of Santa Fe has determined that it is in the interest of the welfare of the  
17 citizens of Santa Fe to enter into an Economic Development Project Participation Agreement for the  
18 purposes of effectuating the City’s Economic Development Plan and the Project.

19 B. In compliance with the City’s Economic Development Fund Ordinance, § 11-14 SFCC  
20 1987, this Project Participation Agreement between the Qualifying Entity and the City clearly states  
21 the following:

- 22 (1) Marty’s Meals, Inc. is a qualifying entity;
- 23 (2) The contributions of the City and Qualifying Entity;
- 24 (3) The specific measurable objectives upon which the performance review will be based;
- 25 (4) A schedule for Project development and goal attainment;

- 1 (5) The security being offered for the City's investment;
- 2 (6) The procedures by which the Project may be terminated and the City's investment
- 3 recovered;
- 4 (7) The time period for which the City shall retain an interest in the Project;
- 5 (8) The economic development goals of the Project; and
- 6 (9) A "sunset" clause after which the City shall relinquish interest in and oversight of the
- 7 project.

8 **Section 4. Approval and Adoption of the Project Participation Agreement.** The

9 Governing Body hereby approves the 2018 PPA (attached as Exhibit A) whereby the City will be the

10 Fiscal Agent for the State Legislative appropriation of \$175,000 and for the \$50,000 in City funds. The

11 City will disburse the State Legislative appropriation of \$175,000 and the City funds of \$50,000 to the

12 Qualifying Entity and the funds will be used for lease payments, construction of tenant improvements,

13 and infrastructure in and to the facility, and thus will expand the tax base and generate more taxes, fees,

14 and other revenues for the State of New Mexico and City of Santa Fe.

15 **Section 5. Severability Clause.** If any section, paragraph, clause, or provision of this

16 ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder

17 shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or

18 unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the

19 remaining portions of this ordinance or the regulation so challenged.

20 **Section 6. Effective Date.** This ordinance shall become effective immediately upon

21 adoption.

22 PASSED, APPROVED and ADOPTED this 9<sup>th</sup> day of January, 2019.

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25 ALAN M. WEBBER, MAYOR

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ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

*M/Legislation/Ordinances 2019/2019-1 Marty's Meals*