

COLFAX COUNTY

RESOLUTION No: 2013-34

**A RESOLUTION ADOPTING AND ESTABLISHING AN APPLICATION
FOR ECONOMIC DEVELOPMENT INCENTIVES**

WHEREAS, pursuant to the New Mexico Local Economic Development Act Section 5-10-1 et seq., N.M.S.A. 1978, the Board of County Commissioners of Colfax County, New Mexico has adopted Colfax County Ordinance No. 2011-01; and

WHEREAS the Board of Commissioners of Colfax County, New Mexico desires to establish by this Resolution an Application For Economic Development Incentives in order to facilitate assistance to businesses in the process of relocating or expanding in Colfax County, New Mexico;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Colfax County, New Mexico, THAT THE following Application for Economic Development Incentives be and the same are hereby adopted, until further resolution by the Board of Commissioners of Colfax County, New Mexico:

Colfax County, New Mexico

LOCAL ECONOMIC
DEVELOPMENT ACT
(LEDA)

APPLICATION FOR
ECONOMIC DEVELOPMENT
INCENTIVES

Questions may be directed to the Colfax County Manager
230 North 3rd Street
PO Box 1498
Raton, NM 87740
575-445-9661

ECONOMIC DEVELOPMENT INCENTIVE OPPORTUNITIES

Colfax County has resources available to assist businesses seeking to relocate or expand in Colfax County. The County has adopted a Economic Development Ordinance (Ordinance 2011-01), which allows the County to implement the Local Economic Development Act , Sections 5-10-1 through 5-10-13 NMSA 1978, the 1994 constitutional amendment to Article IX, Section 14 of the Constitution of the State of New Mexico, to allow public support of economic development to foster, promote, and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources.

The County works with local economic development boards and organizations to qualify applicants and to negotiate agreements that allow businesses to take advantage of these resources. A copy of the County's Economic Development Ordinance is included in this application packet.

INCENTIVE OPPORTUNITIES INCLUDE:

Available resources the County may offer qualifying applicants include:

- Land the County is willing to lease, sell or grant
- Buildings the County is willing to lease, sell or grant
- Infrastructure the County is willing to build, extend or expand
- Property tax abatements
- Access to loan funds and State tax credits
- Industrial revenue bonds
- Job training funds
- Customized incentives including LEDA revenues

ELIGIBILITY

Applicants for aid through this ordinance must be a corporation, a limited liability company, partnership, joint venture syndicate, association or other person that is one of the following:

- A. An industry for the manufacturing, processing or assembling of any agricultural or manufactured products.
- B. A commercial enterprise for storing, warehousing, distributing or selling products of agriculture, energy or industry, other than as provided in (D) below, but not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.
- C. A business in which all or part of the activities of the business involves the supplying of services to the general public or governmental agencies or to a specific industry or customer, other than as provided in (D) below, but not including businesses primarily engaged in the sale of goods or commodities at retail.
- D. A telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico.
- E. A facility for the direct sales by growers of agricultural products, commonly known as farmers' markets.
- F. A business that is the developer of a metropolitan redevelopment project.
- G. A cultural facility.

APPLICATION PROCESS

The process for awarding economic development incentives is governed by the County's Economic Development Ordinance (Ordinance 2011-01). The basic steps in the process are as follows:

1. The County Manager or designee will meet the applicant to determine eligibility and to discuss the specific needs of the applicant. A preliminary plan of action will be established.
2. The applicant will submit a formal application for incentives on the form attached in this packet.
3. The application shall be accompanied by an application fee as established from time to time by resolution of the County Commission. The application fee is non-refundable.
4. The application shall be delivered to the Colfax County Manager's Office for initial review and processing.
5. The review process shall include an evaluation of the applicant's credit worthiness, business experience and review of other information contained in the application based on the following factors:
 - A. Determine whether the project can be lawfully instituted, constructed or operated with the county assistance proposed in the application.
 - B. Determine the financial and management ability of the applicant (and if the applicant is a subsidiary of another firm owning a majority of stock in the applicant, the parent firm), and its ability to perform the duties which will be imposed upon the applicant as a result of the application.
 - C. Evaluate the financial feasibility of the project.
 - D. Verify the fact that the project will serve the public benefit of the citizens of Colfax County.
 - E. Insure that the project will be capable of achieving those purposes stated in the application, including applicant's cost benefit analysis to the community.
 - F. Insure that the project conforms to the Colfax County Economic Development Plan.
 - G. Develop any other information the County Commission may deem necessary for a full review of the economic development project application.

Upon completion of the review, the County Manager or designee shall formulate a written report summarizing the findings of the review, credit analysis, and other merits of the project and shall submit the report to the County Commission. The report shall conclude with a recommendation to the County Commission. The decision to fund the proposed project shall be made solely by the County Commission and shall be approved by ordinance.

Upon approval by the Colfax County Commission, the County and the applicant will enter into a project participation agreement which shall set out the minimum contributions to be made by each party, security provided to the County for the project or other requirement(s) as established by the County's Economic Development Ordinance (Ordinance 2011-01) and the State of New Mexico Local Economic Development Act.

**REQUEST FOR ECONOMIC DEVELOPMENT INCENTIVES
Colfax County, New Mexico**

GENERAL COMPANY/CONTACT INFORMATION (Who are you?)

Legal Name	
Trade Name (dba)	
Address	
City, State ZIP	
Phone#	
Fax#	
Primary Contact Person	
Federal Tax ID#	
NM State Tax and Rev. #	
County/City Business License #	

This business is organized as a:

- C- Corporation
 S-Corporation
 LLC
 Partnership
 Sole Proprietorship

Principal(s)	Title(s)	Address(es)

Please **attach** copies of:

- Articles of Incorporation / Organization
- By-laws / Operating Agreement
- Relevant business experience/history for all principals (owners, partners, directors or officers).

DESCRIPTION OF YOUR BUSINESS (e.g. years in business, primary product/service)

BUSINESS PLAN / SUMMARY

Please provide a copy of your business plan for the entity and/or the proposed project to include:

- Executive summary
- Business description and history
- Product or service description
- Market analysis and strategy (feasibility study)
- Summary of competition
- Operations plan (construction schedule / time line)
- Organizational chart
- Description of previously completed projects
- Resumes of key staff involved with this project

- Cost- Benefit Analysis.
All applicants for economic development projects requesting economic assistance from the County shall submit a cost benefit analysis. Preparing a cost benefit analysis shall be the responsibility of the applicant.

- Water-Wastewater Plan / Permit
A water usage plan that identifies:
 - *The anticipated and estimated water usage for all production practices;*
 - *The water source for these premises;*
 - *The return or wastewater plan for what will happen after water is used, and*
 - *A list of the planned water conservation measures;*

- Facility Development Plan.
If a facility is being constructed or renovated, a facility development plan with proper specification that identifies:
 - *The anticipated and estimated energy uses for all production measures;*
 - *The energy sources for these practices;*
 - *A list of the planned energy conservation measures or green building design features;*
 - *A list of the planned renewable energy sources and uses, and;*
 - *Identify if you are or plan to participate in the Leadership in Energy and Environmental Design (LEED) certification process.*

- Air Quality Plan / Permit
 - *If a facility is being constructed or renovated that will impact air quality, an air quality plan with the proper Air Quality Permit will be required.*

If you believe some of these items are not applicable, attach brief explanation.

PROJECT FINANCING INFORMATION

How will you fund this project?

Funding Type	Source	Amount
Equity Investment		
County/City Funding		
Bank Loans		
Other Loans		
Other Sources		

	Total
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Please **attach** evidence of funding sources, such as letters of commitment or intent to fund.

LOCAL COMMUNITY IMPACT

How many and what type of jobs do you anticipate creating?

		Number of Jobs Created			
Job Title and Type	Estimated Pay Scale	At Start-up	Beginning of Year 2	Beginning of Year 3	*L/O
Total Number of Jobs Created					
Total Estimated Payroll					

*Please indicate in the above chart which jobs will you:

- Fill locally (**L**).
- Fill by transfer from other facilities or recruit from outside of Colfax County (**O**).

How many and what type of jobs will this project retain? (If applicable)

		Number of Jobs Retained			
Job Title and Type	Estimated Pay Scale	At Start-up	Beginning of Year 2	Beginning of Year 3	L/O
Total Jobs Retained					
Total Estimated Payroll					

What is the anticipated impact of this project on the local tax base?
(Provide specific information if available)

What is the anticipated impact of this project on the local school system?

(Provide specific information if available)

Applicant

STATE OF NEW MEXICO)
) ss.
COUNTY OF COLFAX)

_____, being first duly sworn according to law, on _____ oath
deposes and says that _____ is the _____ above named; that
_____ has read the above and foregoing Application for Economic Development
Incentives; and that the matters and things therein stated are true of _____ own
knowledge.

Signed and sworn to before me on _____, 20____, by
_____.

My commission expires:

Notary Public

REQUEST FOR ECONOMIC DEVELOPMENT INCENTIVES
Authorization for Credit Check

As part of our due diligence in processing your request for economic development incentives, Colfax County may elect to obtain credit reports in relation to you and your business.

I hereby authorize Colfax County to obtain such personal or business credit reports.

Applicant Name (Print)

Social Security Number

Business Name

Federal Tax Identification Number

Dun & Bradstreet Number (DUNS)

Signature of Applicant

Date

STATE OF NEW MEXICO)
COUNTY OF _____)

This instrument was acknowledged before me on _____, _____ by

My commission expires:

NOTARY PUBLIC

**NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT
AUTHORIZATION FOR EXAMINATION AND RELEASE OF INFORMATION**

I, _____, hereby grant permission to the New Mexico Economic Development Department to **conduct a review, full disclosure, and release of any and all information authorized pursuant to federal and state law.** The purpose for obtaining and examining the information is to construct a record of my personal and professional history to ensure I meet the requirements the New Mexico Economic Development Department has established for recipients of State funds. I understand the investigation will be conducted by the New Mexico Economic Development Department, the New Mexico Department of Public Safety, or their contractors, and the results of the investigation will only be supplied to the New Mexico Economic Development Department.

I hereby grant the New Mexico Economic Development Department permission to obtain any information in my background pertaining to any credit (to include obtaining a copy of my credit report), education, investigation, arrest and/or conviction of myself in any criminal or civil matter. I also authorize an employee of the New Mexico Economic Development Department, as my authorized representative, to obtain from the New Mexico Taxation and Revenue Department any tax information that is in any way related to me or a company I own or have invested in. I hereby direct you to release such information upon the request of this bearer. I hereby release you as custodian of such records for any criminal justice, law enforcement or court agency, including its officers and employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, that may at any time result to the New Mexico Economic Development Department or the State of New Mexico because of compliance with this authorization and request to release information; or any attempt to comply with it.

1. The information reviewed, disclosed, and/or released may be used by the New Mexico Economic Development Department for any lawful purpose and/or to determine me or my company's suitability to receive funds from the State of New Mexico.
2. I hereby release the providers and users of the information collected pursuant to this authorization from any liability under state or federal privacy laws and further release the New Mexico Economic Development Department, its contractors, agents, and/or employees from any liability which may be incurred as a result of the collection and use of information.
3. I understand I may revoke this authorization in writing at any time.
4. This authorization will automatically expire in 60 days from the date it is signed.

FULL NAME: _____ SSN: _____

SIGNATURE: _____ DOB: _____

DATE: _____

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF _____)

This instrument was acknowledged before me on _____, _____ by

My commission expires:

NOTARY PUBLIC

REQUEST FOR ECONOMIC DEVELOPMENT INCENTIVES Administrative Handling Record

Date received: _____ Date reviewed: _____
 Reviewed by: _____

Review Item	Yes	No	Incomplete	N/A
Incorporation / Organization Papers				
Bylaws / Operating Agreement				
Business Experience of principals				
Description of Business				
Financial History				
• Financial Statements (3 yrs)				
• Pro-forma Statements (3 yrs)				
Project Description / Project Needs				
Business Plan				
• Cost-Benefit Analysis				
• Water/Wastewater Plan				
• Facility Development Plan				
• Air Quality Plan / Permit				
Financing/Funding Information				
Economic Impact				

Date presented to County Manager/Designee: _____

County Manger/Designee Recommendation: _____

Date presented to the Board of County Commissioners: _____

Action by the Board: _____

Approved in Open Meeting this 10th day of September, 2013.

BOARD OF COMMISSIONERS OF
COLFAX COUNTY, NEW MEXICO



Jim Maldonado
Jim Maldonado - Chairman
William E. Sauble
William E. Sauble - Vice-Chairman
James L. Newton
James L. Newton - Member

ATTEST:

Freda L. Baca
Freda L. Baca - Clerk of the Board

By: Rayetta M. Trujillo
Rayetta M. Trujillo, Chief Deputy Clerk