



## **VILLAGE OF CORRALES ORDINANCE 19-003**

### **AN ORDINANCE APPROVING EX NOVO BREWING COMPANY APPLICATION FOR AN ECONOMIC DEVELOPMENT PROJECT AND PROJECT PARTICIPATION AGREEMENT**

WHEREAS, the Village of Corrales (the "Village"), acting through its Village Governing Body, is a political subdivision duly organized and existing under the laws of the State of New Mexico (the "State"); and

WHEREAS, Article 9, Section 14 of the State Constitution permits counties to create new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses, provided that adequate safeguards are employed to protect public monies and resources; and

WHEREAS, pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"), no public support for economic development may be provided until the governmental 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 plans; and

WHEREAS, pursuant to the Village of Corrales Ordinance No. 17-004 ("hereinafter Ordinance") the Village established the Village of Corrales Economic Development Plan as required by Section 5-10-6 NMSA 1978; and

WHEREAS, in accordance with the EDP Ordinance, the Village considered an application from Ex Novo Brewing Company, LLC for an appropriation from the Village Economic Development Fund in the amount of \$10,000 (ten thousand dollars) to go towards the construction of the manufacturing facility in Corrales, NM which will result in a creation of 7 new jobs; and

WHEREAS, the Village of Corrales has determined that Ex Novo Brewing Company, LLC is a "qualifying entity" and that the Project is an "economic development project" as those terms are defined by the Act.

NOW, THEREFORE, BE IT ORDAINED by the VILLAGE OF CORRALES GOVERNING BODY:

Section 1.     Short Title.

This Ordinance may be cited as the Ex Novo Brewing Company, Economic Development Project Ordinance.

Section 2.     Purpose

This Ex Novo Brewing Company, Economic Development Project Ordinance is adopted to approve the Project and the Project Participation Agreement to be entered into, related to and incidental to the Project.

Section 3.     The Project

The Village of Corrales hereby approves Ex Novo Brewing Company, as a qualifying entity and the Project as an economic development project under the Act and Section 4.3 of the EDP Ordinance. This approval is conditioned upon those matters set forth in the Project Participation Agreement to be entered into by the Village of Corrales and Ex Novo Brewing Company, LLC and all applicable local, state and federal laws.

Section 4.     Economic Development Fund

The Ex Novo Brewing Company, Fund (the “ED Fund – Incentives”) is hereby established and may be expended for the Project. Any unexpended and unencumbered balances from the allocation will remain in the ED Fund for future economic development activities or projects.

Section 5.     Project Participation Agreement

The Village of Corrales hereby authorizes the Village Clerk and/or her Designee to negotiate and enter into and execute a project participation agreement. The Project Participation Agreement shall be incorporated into this Ordinance, as Exhibit A upon ratification of such Ordinance.

Section 6.     Termination

At any time after approval of an Economic Development Plan, and before full completion of the Project, the Governing Body may enact an ordinance repealing the plan which ordinance shall provide for satisfying existing contracts and the rights of the parties arising from those contracts.

Section 7.     Ratification

The Village of Corrales hereby ratifies and accepts all actions consistent with this Ordinance that the Village or its agents may have taken in furtherance of the Project.

Section 8.     Severability

If any action, paragraph, sentence, clause or word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

Section 9.     Effective Date

This Ordinance shall become effective thirty (30) days after it is recorded in the Office of the Village Clerk, as provided in Section 4-37-9 NMSA 1978.

**PASSED, APPROVED AND ADOPTED** this 9th day of April, 2019.

**VILLAGE COUNCIL  
VILLAGE OF CORRALES, NEW MEXICO**

Jo Anne D. Roake  
Jo Anne D. Roake, Mayor

Kevin Lucero  
Kevin Lucero, Councilor, District 1

George L. Wright  
George Wright, Councilor, District 2

Mel Knight  
Mel Knight, Councilor, District 3

David Dornburg  
David Dornburg, Councilor, District 4

James F. Fahey  
James Fahey, Councilor, District 5

Patricia S. Clauser  
Pat Clauser, Councilor, District 6

ATTEST:

Shannon Fresquez  
Shannon Fresquez,  
Village Clerk