

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 691

AN ORDINANCE AMENDING, ORDINANCE NO. 592, WHICH ADOPTED AN ECONOMIC DEVELOPMENT PROJECT FOR PUBLIC SUPPORT OF NMC, INC., A NEW MEXICO NON-PROFIT CORPORATION OPERATED, SUPERVISED OR CONTROLLED BY THE NEW MEXICO UNIVERSITY RESEARCH CONSORTIUM, PURSUANT TO ORDINANCE NO. 543

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS as follows:

Section 1. On June 9, 2009 the governing body of the Incorporated County of Los Alamos ("County") adopted Ordinance No. 543, AN ORDINANCE AMENDING AND RESTATING THE ECONOMIC DEVELOPMENT PLAN OF THE COUNTY IN ACCORDANCE WITH THE LOCAL ECONOMIC DEVELOPMENT ACT, SECTIONS 5-10-1 THROUGH 5-10-13 NMSA 1978, AS AMENDED, AND SUPERSEDING ORDINANCE NO. 501.

Section 2. On June 7, 2011 the governing body of the Incorporated County of Los Alamos ("County") adopted Ordinance No. 586, AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PROJECT FOR PUBLIC SUPPORT OF NMC, INC., A NEW MEXICO NON-PROFIT CORPORATION OPERATED, SUPERVISED OR CONTROLLED BY THE NEW MEXICO UNIVERSITY RESEARCH CONSORTIUM, PURSUANT TO ORDINANCE NO. 543.

Section 3. On December 6, 2011 the governing body of the Incorporated County of Los Alamos ("County") adopted Ordinance No. 592, AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NO. 586 FOR PUBLIC SUPPORT OF NMC, INC., A NEW MEXICO NON-PROFIT CORPORATION OPERATED, SUPERVISED OR CONTROLLED BY THE NEW MEXICO UNIVERSITY RESEARCH CONSORTIUM PURSUANT TO ORDINANCE NO. 543.

Section 4. The purpose of this ordinance is to amend certain sections of Ordinance No. 592 to allow for modification to the kind of security provided by NMC for the County's investment in this project.

Section 5. Section 8 of Ordinance No. 592 is hereby amended as follows:

"NMC has requested and the Incorporated County of Los Alamos will provide the following public support as an economic development project ("Project"): TWO MILLION DOLLARS (\$2,000,000.00) cash and transfer, by quitclaim deed, fee simple title to Lot 6-B-1 at the Entrada Research Park for a Project including the construction and use of the Facility. Unless otherwise mutually agreed to by NMC and County, the fee simple transfer of Lot 6-B-1 shall be further subject to the terms and conditions of a Proceed Sharing Agreement By and Among Los Alamos National Bank, NMC, Inc., NMC Holdings, LLC, and Los Alamos County, New Mexico, as well as any other agreements deemed necessary by the County to accomplish the terms and conditions of this ordinance and relevant statutes."

Section 6. Section 10(e) of the Ordinance No. 592 is hereby amended as follows:

"The security provided for the County investment. Unless otherwise agreed to in a writing approved by NMC and County, the fee simple transfer of Lot 6-B-1 shall be further subject to the terms and conditions of a Proceed Sharing Agreement By and Among Los Alamos National Bank, NMC, Inc., NMC Holdings, LLC, and Los Alamos County, New Mexico, as well as any other agreements deemed necessary by the County to accomplish the terms and conditions of this ordinance and relevant statutes."

Section 7. The remainder of Ordinance No. 592 not expressly amended here remains in full force and effect.

Section 8. Severability Clause. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 9. Repealer. All ordinance or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 10. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

ADOPTED this 19th day of February, 2019.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

**Sara C. Scott,
Council Chair**

ATTEST: (Seal)

**Naomi D. Maestes,
Los Alamos County Clerk**