

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 697

**AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT
PROJECT FOR PUBLIC SUPPORT FROM THE STATE OF
NEW MEXICO FOR THE BENEFIT OF PEBBLE LABS USA INC.,
A NEW MEXICO CORPORATION**

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.

Section 2. The Economic Development Plan sets forth the purpose of allowing public support of economic development to foster, promote and enhance local economic development efforts through the use of project participation agreements with qualifying entities while continuing to protect against the unauthorized use of public money and other public resources, and to enter into intergovernmental agreements with other local governments to plan and support regional economic development projects.

Section 3. Pebble Labs USA Inc., a New Mexico corporation ("PLUSA"), proposes to acquire, develop and construct a laboratory research campus facility, including land, buildings, equipment, and infrastructure, in the Entrada Business Park in Los Alamos County, New Mexico, and to provide research services within Los Alamos County ("Project").

Section 4. County has adopted Ordinance No. 693 ("Ordinance") to approve the economic development Project proposed by PLUSA acknowledging County's commitment to support the acquisition, development and construction of a laboratory research campus facility, and to provide research services in Los Alamos, New Mexico in the form of a grant of "Real Property" valued at One Million Four Hundred Six Thousand Five Hundred Dollars (\$1,406,500.00), subject to certain terms and conditions set forth in that Ordinance, Project Participation Agreement and Financial Guarantee.

Section 5. The New Mexico Economic Development Department ("NMEDD") has likewise determined that the PLUSA Project should be supported with an additional and separate Four Million Dollars (\$4,000,000.00) from the Local Economic Development Act by the State of New Mexico.

Section 6. County now adopts this Ordinance to permit County to enter into an Intergovernmental Agreement ("IGA") with the NMEDD and an additional and separate PPA ("NMEDD PPA") with PLUSA on behalf of NMEDD pursuant to law.

Section 7. County agrees it shall act as fiscal agent for the NMEDD and shall disburse the State's contribution under the terms and conditions identified in the NMEDD PPA and IGA, and with the same safeguards as County shall exercise in disbursing its own contribution to PLUSA.

Section 8. All agreements between County and NMEDD shall be fully set forth in the IGA between the parties.

Section 9. 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 10. This Ordinance shall become effective thirty (30) days after its post adoption publication.

ADOPTED this 27th day of August, 2019.

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

**Sara C. Scott,
Council Chair**

ATTEST: (Seal)

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