

**City of Aztec  
Ordinance 2025-559**

**An Ordinance Amending Chapter 30, Article 1, Section 30-1-6**

**WHEREAS,** the City's Economic Development Ordinance was enacted pursuant to the statutory authority conferred upon municipalities to allow public support of economic development projects, per Section 5, Article 10 of the New Mexico Statutes, identified as the State of New Mexico Local Economic Development Act; and

**WHEREAS,** NMSA Section 5-10-3(L) of the New Mexico Statutes defines a "qualifying entity" to mean a corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of nine (9) identified entities; and

**WHEREAS,** Section 30-1-6 of the Aztec City Code is nearly identical to NMSA Section 5-10-3(L) of the New Mexico Statutes but only identifies eight (8) qualifying entities; and

**WHEREAS,** the City desires to amend its Economic Development Ordinance to reflect the nine (9) qualifying entities identified in State statute.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico, the Amending of Section 30-1-6, be adopted as attached.

**PASSED, APPROVED AND SIGNED** this \_\_\_\_th day of June 2025.

\_\_\_\_\_  
Michael A. Padilla, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

Advertised Date of Final Adoption: \_\_\_\_\_

Effective Date of Ordinance: \_\_\_\_\_

## Chapter 30 ECONOMIC DEVELOPMENT

---

### ARTICLE I. IN GENERAL

---

#### **Sec. 30-1-6. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

##### **Economic Development Project**

The provision of direct or indirect assistance to a qualifying entity by a local or regional government and includes the purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure; public works improvements essential to the location or expansion of a qualifying entity; payments for professional services contracts necessary for local or regional governments to implement a plan or project; the provision of direct loans or grants for land, buildings or infrastructure; technical assistance to cultural facilities; loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from the municipal infrastructure gross receipts tax or the county infrastructure gross receipts tax; grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity; grants or subsidies to cultural facilities; purchase of land for a publicly held industrial park or a publicly owned cultural facility; and the construction of a building for use by a qualifying entity.

##### **Project Participation Agreement**

An agreement between a qualifying entity and the City whereby the City provides assistance to an economic development project in exchange for the benefits received as set forth in this Chapter.

##### **Qualifying Entity**

A corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:

1. An industry for the manufacturing, processing or assembling of agricultural or manufactured products;
2. A commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but, other than as provided in Paragraph (5) or (6) or (9) of this subsection, 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;
3. A business in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in Paragraph (5) of this

subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;

4. An Indian nation, tribe or pueblo or a federally chartered tribal corporation;
5. A telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;
6. A facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;
7. A business that is the developer of a metropolitan redevelopment project; or
8. A cultural facility; or
9. A retail business.