

SIERRA COUNTY

REPEALING SIERRA COUNTY SPINLAUNCH LEDA ORDINANCE NO 21-001

PASSED: October 17, 2023

EFFECTIVE: _____, 2023

**SIERRA COUNTY
ORDINANCE 23-003**

**AN ORDINANCE REPEALING SIERRA COUNTY SPINLAUNCH LEDA,
ORDINANCE NO. 21-001**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, pursuant to NMSA 1978, Sections 4-57-1 to -3 (1967), the Board of County Commissioners previously authorized the County to act as fiscal agent for the Local Economic Development Act (LEDA) project with Spinlaunch; and,

WHEREAS, on January 19, 2021, SpinLaunch, was awarded up to \$4,000,000 in LEDA funds to construct and develop a suborbital launch system facility at Spaceport America in Sierra County, New Mexico.

WHEREAS, part of this project included the creation of fifty-nine (59) new, full-time permanent jobs by December 31, 2030; and

WHEREAS, SpinLaunch signed and agreed to the terms of the Project Participation Agreement (PPA) with Sierra County to perform and, upon completion of performance milestones, receive State of New Mexico LEDA funding; and,

WHEREAS, SpinLaunch’s LEDA project required submission of job reports in order to track the company’s hiring throughout the term of the project; and,

WHEREAS, as of today, SpinLaunch has not submitted job reports for Q3-2022, Q4-2022, Q1-2023 or Q2-2023 PPA, and is currently non-compliant with the terms of the PPA.

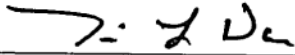
WHEREAS, no funds from this award have been distributed to SpinLaunch.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Sierra that (1) the County Administration is to terminate the Project Participation Agreement (PPA) attached hereto as Exhibit “A” and made part of this Ordinance (2) that the County reimburse the NMEDD its original funding toward the SpinLaunch project in the amount of \$4,000,000.00, within 30 days of receipt of funds;


and (3) that the County staff is authorized to do all deeds as necessary in the accomplishment thereof.

APPROVED, ADOPTED, AND ORDAINED on this 17th day of October, 2023.

BOARD OF COMMISSIONERS OF SIERRA COUNTY



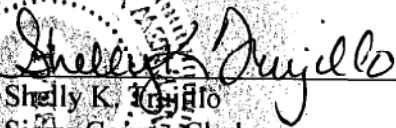
Travis Day, Chairman



James Paxon, Vice-Chairman



Hank Hopkins, Commissioner

Attest:


Shelly K. Trujillo
Sierra County Clerk

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