

**CITY of ALBUQUERQUE  
TWENTY SIXTH COUNCIL**

COUNCIL BILL NO.   O-24-66   ENACTMENT NO.   0.2025.003  

SPONSORED BY: Renée Grout, by request

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**ORDINANCE**

1  
2 **APPROVING A PROJECT INVOLVING SOLAERO TECHNOLOGIES CORPORATION**  
3 **PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT AND CITY**  
4 **ORDINANCE F/S O-04-10, THE CITY'S IMPLEMENTING LEGISLATION FOR THAT**  
5 **ACT, TO SUPPORT THE EXPANSION AND MODERNIZATION OF SOLAERO'S**  
6 **COMPOUND SEMICONDUCTOR MANUFACTURING CAPABILITY AND CAPACITY**  
7 **THAT IS BOTH SUFFICIENT TO MEET RAPIDLY GROWING GLOBAL DEMAND**  
8 **AND A SIGNIFICANT IMPROVEMENT OF THE OVERALL ECONOMICS OF**  
9 **COMPOUND SEMICONDUCTOR PRODUCTION AT SOLAERO; AUTHORIZING THE**  
10 **EXECUTION OF A PROJECT PARTICIPATION AGREEMENT AND OTHER**  
11 **DOCUMENTS IN CONNECTION WITH THE PROJECT; MAKING CERTAIN**  
12 **DETERMINATIONS AND FINDINGS RELATING TO THE PROJECT INCLUDING THE**  
13 **APPROPRIATION OF FUNDS; RATIFYING CERTAIN ACTIONS TAKEN**  
14 **PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS**  
15 **ORDINANCE.**

16       WHEREAS, the City of Albuquerque (the "City") is a legally and regularly  
17 created, established, organized, and existing municipal corporation of the State of  
18 New Mexico (the "State"); and

19       WHEREAS, pursuant to Sections 5-10-1 through 5-10-13 NMSA 1978, as  
20 amended (the "Act"), the City is authorized to provide economic development  
21 assistance to eligible entities for certain projects located within the corporate  
22 limits of the municipality; and

23       WHEREAS, pursuant to the Act, the City has adopted Ordinance No. F/S O-  
24 04-10 (the "LEDA Ordinance"), approving an economic development plan for the

1 City and authorizing the City to assist economic development projects in any  
2 legally permissible manner, subject to the terms of the LEDA Ordinance; and

3 WHEREAS, pursuant to the LEDA Ordinance, SolAero Technologies  
4 Corporation (the "Company"), has submitted to the Council and the Albuquerque  
5 Development Commission (the "Commission") an application (the "Application")  
6 requesting certain economic development assistance for the expansion and  
7 modernization of the Company's compound semiconductor manufacturing  
8 capability and capacity that is both sufficient to meet rapidly growing global  
9 demand and a significant improvement of the overall economics of compound  
10 semiconductor production at the Company's facility in Albuquerque, which will  
11 include the addition of 70 new employees (the "Project"); and

12 WHEREAS, the City will administer and disburse to the Company funds  
13 totaling up to \$1,750,000, of which \$1,500,000 is to be received by the City from  
14 the State Economic Development Department and \$250,000 are to be City funds;  
15 and

16 WHEREAS, the Act and the LEDA Ordinance require that the City and the  
17 Company enter into a project participation agreement meeting the requirements  
18 of the Act and the LEDA Ordinance; and

19 WHEREAS, City staff has worked with the Company to prepare, and has  
20 negotiated the terms of, a project participation agreement (the "Agreement") and  
21 related documents that will govern the relationship between the City and the  
22 Company with respect to the Project; and

23 WHEREAS, the form of the proposed Agreement has been filed with the  
24 City Clerk and presented to the Council; and

25 WHEREAS, the proposed Agreement contains the provisions required by  
26 the Act and the LEDA Ordinance and, among other things, provides that the  
27 Company will grant to the City a security instrument to secure the Company's  
28 obligations under the Agreement; and

29 WHEREAS, the City has obtained a cost-benefit analysis with respect to the  
30 Project on the basis of information provided to the City by the Company, which

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1 cost-benefit analysis shows that the City will recoup the value of its contribution  
2 within ten (10) years; and

3 WHEREAS, the Application, together with the cost-benefit analysis,  
4 demonstrates the benefits that will accrue to the community as a result of the  
5 donation of public resources and demonstrates that the Company, by completing  
6 the Project, will be making a substantive contribution to the community, as  
7 required by the LEDA Ordinance; and

8 WHEREAS, the Commission has considered the Project and the proposed  
9 Agreement and has recommended that the Council approve the Company's  
10 proposal; and

11 WHEREAS, the total amount of public money expended and the value of  
12 credit pledged in each fiscal year in which money is expended by the City for the  
13 Project (and any other approved projects) pursuant to the Act does not and will  
14 not exceed ten percent of the general fund expenditures of the City in such fiscal  
15 year; and

16 WHEREAS, the City anticipates that the State will transfer to it, for  
17 subsequent transfer to or on behalf of the Company pursuant to an  
18 intergovernmental agreement between the City and the State, certain funds of the  
19 State that are available for the Project; and

20 WHEREAS, after having considered the Application and the Agreement, the  
21 Council has concluded that the economic and other benefits of the Project to the  
22 City will be substantial, that it is desirable and necessary at this time to authorize  
23 the City to enter into the Agreement, and that the City's provision of the  
24 assistance contemplated by the Agreement will constitute a valid public purpose  
25 under the Act; and

26 WHEREAS, there has been published in The Albuquerque Journal, a  
27 newspaper of general circulation in the City, public notice of the Council's  
28 intention to adopt this Ordinance, which notice was published at least fourteen  
29 (14) days prior to hearing and final action on this Ordinance.

1 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
2 ALBUQUERQUE:

3 Section 1. RATIFICATION. All actions not inconsistent with the provisions  
4 of this Ordinance previously taken by the Council and the officials of the City  
5 directed toward the provision of economic development assistance in connection  
6 with the Project be approved and the same hereby are ratified, approved and  
7 confirmed.

8 Section 2. GOALS AND OBJECTIVES. The goals and objectives of the  
9 Project are, as set forth in the Agreement, to create and support an economic  
10 development project that fosters, promotes and enhances local economic  
11 development efforts and that provides job growth and career opportunities for  
12 Albuquerque-area residents and otherwise makes a substantive contribution to  
13 the community.

14 Section 3. THE PROJECT. The Project will consist of the expansion and  
15 modernization of the Company's compound semiconductor manufacturing  
16 capability and capacity that is both sufficient to meet rapidly growing global  
17 demand and a significant improvement of the overall economics of compound  
18 semiconductor production at the Company's facility in Albuquerque, which will  
19 include the Company's obligation to hire 70 new employees, and the Company's  
20 commitment to operate the facility within the City for a minimum of ten years.

21 Section 4. FINDINGS. The Council hereby declares that it has considered  
22 all relevant information presented to it relating to the Project and the Agreement  
23 and hereby finds and determines that the provision of economic development  
24 assistance for the Project is necessary and advisable and in the interest of the  
25 public and will promote the public health, safety, morals, convenience, economy,  
26 and welfare of the City and its residents.

27 Section 5. AUTHORIZATION AND APPROVAL OF THE PROJECT AND THE  
28 AGREEMENT; APPROPRIATION OF FUNDS. The City hereby approves the Project  
29 and the Agreement, which provides, among other things, that the City will  
30 administer and disburse to the Company funds totaling up to \$1,750,000, of which

1 \$1,500,000 is to be received by the City from the State Economic Development  
2 Department and \$250,000 are to be City funds, in exchange for which the  
3 Company will complete the Project as specified in the Agreement. There is  
4 hereby appropriated for the Project up to \$1,500,000 of funds received from the  
5 State Economic Development Department and up to \$250,000 of City funds.

6 Section 6. AUTHORIZATION OF OFFICERS; APPROVAL OF DOCUMENTS.

7 (A) The form, terms, and provisions of the Agreement in the form  
8 presented to the Council with this Ordinance are in all respects approved,  
9 authorized, and confirmed, and the City is authorized to enter into the Agreement  
10 in substantially the form thereof, with only such changes as are not inconsistent  
11 with this Ordinance or such other changes as may be approved by supplemental  
12 resolution of the Council.

13 (B) The Council authorizes the Mayor or the Chief Administrative  
14 Officer of the City to execute and deliver the Agreement in the name and on  
15 behalf of the City, with only such changes therein as are not inconsistent with this  
16 Ordinance or such changes as may be approved by supplemental resolution of  
17 the Council.

18 (C) The Mayor, Chief Administrative Officer, Chief Financial  
19 Officer, City Treasurer, and City Clerk are further authorized to execute,  
20 authenticate and deliver such certifications, instruments, documents, letters and  
21 other agreements, including an intergovernmental agreement with the State  
22 Economic Development Department, and any appropriate security agreements,  
23 and to do such other acts and things, either prior to or after the date of delivery of  
24 the executed Agreement, as are necessary or appropriate to consummate the  
25 transactions contemplated by the Agreement.

26 (D) City officials shall take such action as is necessary in  
27 conformity with the Act, the LEDA Ordinance and this Ordinance to effectuate the  
28 provisions of the Agreement and carry out the transactions as contemplated by  
29 this Ordinance and the Agreement, including, without limitation, the execution

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1 and delivery of any documents deemed necessary or appropriate in connection  
2 therewith.

3 Section 7. SEVERABILITY. If any section, paragraph, clause or provision  
4 of this Ordinance shall for any reason be held to be invalid or unenforceable, the  
5 invalidity or unenforceability of that section, paragraph, clause, or provision shall  
6 not affect any of the remaining provisions of this Ordinance.

7 Section 8. REPEALER. All bylaws, ordinances, resolutions, and orders, or  
8 parts thereof, inconsistent with this Ordinance are repealed by this Ordinance but  
9 only to the extent of that inconsistency. This repealer shall not be construed to  
10 revive any bylaw, ordinance, resolution, or order, or part thereof, previously  
11 repealed.

12 Section 9. RECORDING; AUTHENTICATION; PUBLICATION; EFFECTIVE  
13 DATE. This Ordinance, immediately upon its final passage and approval, shall be  
14 recorded in the ordinance book of the City, kept for that purpose, and shall be  
15 there authenticated by the signature of the Mayor and the presiding officer of the  
16 City Council, and by the signature of the City Clerk or any Deputy City Clerk, and  
17 notice of adoption thereof shall be published once in a newspaper that maintains  
18 an office in, and is of general circulation in, the City, and shall be in full force and  
19 effect five (5) days following such publication.

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1 PASSED AND ADOPTED THIS 6<sup>th</sup> DAY OF January, 2025  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Brook Bassan, President  
City Council

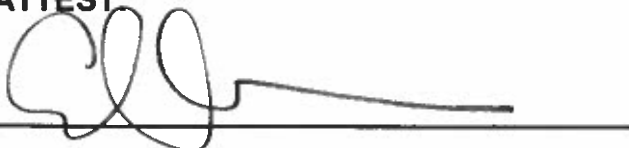
APPROVED THIS 14 DAY OF July, 2025

Bill No. O-24-66



Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:



Ethan Watson, City Clerk

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