

1 **STATE OF NEW MEXICO**
2 **COUNTY OF DOÑA ANA**

3
4 **RESOLUTION NO. 2025 _____**

5
6 **DECLARING THE INTENT OF COUNTY OF DOÑA ANA, NEW MEXICO**
7 **TO PROVIDE LOCAL ECONOMIC DEVELOPMENT ACT (“LEDA”)**
8 **ASSISTANCE IN CONNECTION WITH A PROPOSED PROJECT**
9 **LOCATED WITHIN DOÑA ANA COUNTY, NEW MEXICO, FOR THE**
10 **PURPOSE OF INDUCING THE DEVELOPMENT OF “PROJECT**
11 **JUPITER” BY ONE OR MORE TO-BE-IDENTIFIED ENTITIES, WHICH**
12 **PROJECT WOULD INCLUDE THE CONSTRUCTION, DEVELOPMENT**
13 **AND ACQUISITION OF A HYPERSCALE, ARTIFICIAL**
14 **INTELLIGENCE (AI) DATA CENTER CAMPUS, A COLLOCATED**
15 **MICROGRID, AND RELATED INFRASTRUCTURE AND FACILITIES,**
16 **IN THE MANNER SET FORTH IN THE PROJECT PLAN.**

17 **WHEREAS**, Doña Ana County (the “County”) is a political subdivision of the State of
18 New Mexico (the “State”); and

19 **WHEREAS**, the New Mexico legislature has enacted the Local Economic Development
20 Act, Chapter 5, Article 10 NMSA 1978 (the “Act”), which authorizes the County to provide grants
21 for “economic development projects,” as defined in the Act, and the County desires to foster,
22 promote and enhance local economic development efforts in the County; and

23 **WHEREAS**, on September 22, 2009, pursuant to Doña Ana County Ordinance No. 246-
24 2009 (the “Economic Development Plan Ordinance”) and later codified as Chapter 166 in the Doña
25 Ana County Code, the County established the Doña Ana County Economic Development Plan (the
26 “Plan”) as the County’s economic development plan as required by NMSA 1978, Section 5-10-6;
27 and

28 **WHEREAS**, the Act provides that large economic development projects incurring in
29 excess of \$350,000,000 in construction expenses over a 10-year period may receive a
30 reimbursement of 50% of State gross receipts and compensating tax and local gross receipts and
31 compensating tax on taxable expenditures related to construction (the “GRT Share Program”); and

32 **WHEREAS**, the State and any municipal and county government within which an
33 economic development project is located must all agree to return 50% of the gross receipts and
34 compensating taxes collected as a result of the construction of the economic development project
35 as a prerequisite to effectuating the GRT Share Program; and

1 **WHEREAS**, representatives of to-be-identified entities (collectively, the “Company”)
2 have presented to the Board of County Commissioners (the “Board”) of the County a proposal (the
3 “Project Plan”) whereby the Company will develop “Project Jupiter,” which project would include
4 the construction, development and acquisition of a hyperscale, artificial intelligence (AI) data
5 center campus, a collocated microgrid, and related infrastructure and facilities, located within the
6 County, which will constitute an economic development project (the “Project”); and

7 **WHEREAS**, the Project Plan indicates that the Project would be located in an
8 unincorporated portion of the County; and

9 **WHEREAS**, the Project Plan proposes the provision by the County, pursuant to the Act,
10 of “public support” (as defined in the Act) in the form of: (i) a return of 50% of the gross receipts
11 and compensating taxes collected by the County as a result of the construction of the Project to the
12 Company to assist the Company with the reimbursement of certain qualifying expenses associated
13 with the Project (the “County GRT Share”); and (ii) such other public support as determined and
14 identified by the County to assist the Company with certain qualifying expenses associated with
15 the Project (the “County Grant” and together with the County GRT Share, the “County
16 Assistance”); and

17 **WHEREAS**, the Project Plan also proposes the provision by the State, pursuant to the Act,
18 of public support to the Project in the form of: (i) a return of 50% of the gross receipts and
19 compensating taxes collected by the State as a result of the construction of the Project to the
20 Company to assist the Company with the reimbursement of certain qualifying expenses associated
21 with the Project (the “State GRT Share”); and (ii) such other public support as determined and
22 identified by the State to assist the Company with certain qualifying expenses associated with the
23 Project (the “State Grant” and together with the State GRT Share, the “State Assistance”); and

24 **WHEREAS**, the County Assistance and the State Assistance (collectively, the “Total
25 LEDA Assistance”) will constitute one of the inducements whereby the Company will determine
26 to proceed with the Project; and

27 **WHEREAS**, the County and the State will enter into a project participation agreement and
28 one or more collaborative agreements providing for the terms and obligations of the Company as
29 beneficiary of the Total LEDA Assistance (the “LEDA Documents”), subject to the prior approval
30 of the Board; and

1 **WHEREAS**, the Company will provide a lien on the Project property or other security
2 satisfactory to the County in the event that the County fails to meet its commitments under the
3 LEDA Documents; and

4 **WHEREAS**, the County desires to indicate its intent, subject to the conditions provided in
5 Section 3 below, to proceed with the consideration of the County Assistance to provide public
6 support for the Project pursuant to the terms of an ordinance (the “LEDA Ordinance”) to be
7 considered by the Board at a later date prior to the provision of the County Assistance; and

8 **WHEREAS**, the County and the Company understand that the adoption of this Resolution
9 shall not obligate the County to provide the County Assistance except in full compliance with the
10 terms of the LEDA Ordinance adopted by the Board prior to the provision of the County Assistance
11 and related documents in form satisfactory to the County.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
13 **COMMISSIONERS, THE GOVERNING BODY OF DOÑA ANA COUNTY, NEW**
14 **MEXICO, THAT RESOLUTION NO. 2025 _____ BE ADOPTED THIS 26TH DAY OF**
15 **AUGUST 2025:**

16 **SECTION 1. Ratification.** All actions not inconsistent with the provisions hereof
17 heretofore taken by the Board and the officers of the County, related to the purposes of this
18 Resolution be and the same hereby are ratified, approved and confirmed.

19 **SECTION 2. Project.** The Board has been informed that:

20 **(a)** The Project will consist of the construction, development and acquisition of
21 a hyperscale, artificial intelligence (AI) data center campus, a collocated microgrid, and related
22 infrastructure and facilities, located within the County.

23 **(b)** The developer of the Project will be the Company.

24 **(c)** The Project will be located in an unincorporated portion of the County in
25 the 16 OUT tax district.

26 **(d)** The proposed Project will comply with all applicable land use regulations
27 of the County, unless otherwise agreed by the County and the Company.

28 **SECTION 3. Approval of County Assistance Conditioned Upon Full Review and**
29 **Approval.** The approval of the County Assistance and the execution and delivery of any
30 documents to which the County is a party in connection therewith shall be subject to a review of
31 the Project by the County in the normal course. Approval of the County Assistance will be subject

to the approval and authorization by the Board pursuant to the LEDA Ordinance. The County Clerk is hereby authorized to publish notice of intent to consider a LEDA Ordinance, in substantially the form attached hereto as Exhibit A, at least two weeks prior to the public meeting at which the Board will consider the LEDA Ordinance, such public notice to specify the time, date and location of the Board's meeting. In connection with this Resolution, the Board has been informed that the representatives of the Company have expressed their understanding that a failure or refusal of the Board, however arising, to adopt the LEDA Ordinance will have the effect of voiding any benefits that the Company may receive under the Act.

SECTION 4. Further Steps. The Chair, County Manager, counsel to the County, and other appropriate County officials are hereby authorized and empowered to take such steps and to do such things as may be necessary to achieve the purposes of this Resolution.

SECTION 5. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 6. Repealer and Waiver. All orders and resolutions, or parts thereof, in conflict with this Resolution are repealed and all unsatisfied prerequisites for the adoption of this Resolution are waived; this repealer and waiver shall not be construed to revive any order, resolution, or part thereof, heretofore repealed.

Effective Date. This Resolution shall take effect immediately upon its adoption and approval by the Board.

(Remainder of Page Intentionally Left Blank)

Passed and Adopted this 26th day of August 2025.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY. NEW MEXICO**

Christopher Schaljo-Hernandez, District 1, Chair	For/Against
---	--------------------

Susana Chaparro, District 4, Vice Chair	For/Against
--	--------------------

Gloria Gameros, District 2	For/Against
-----------------------------------	--------------------

Shannon Reynolds, District 3	For/Against
-------------------------------------	--------------------

Manuel A. Sanchez, District 5	For/Against
--------------------------------------	--------------------

ATTEST:

**Amanda López Askin, Ph.D.
County Clerk**

Exhibit A

**(FORM OF NOTICE OF INTENT TO CONSIDER ORDINANCE FOR
PUBLICATION)**

DOÑA ANA COUNTY

NEW MEXICO

NOTICE OF INTENT TO CONSIDER ORDINANCE

Notice is hereby given of the title and general subject matter contained in an ordinance which the Board of County Commissioners of Doña Ana County, New Mexico (the "Board"), the governing body of Doña Ana County (the "County"), intends to consider at its meeting on September 19, 2025, at the hour of 9:00 a.m., relating to the approval by the Board of a local economic development project, as summarized below.

The public hearing will be held in the Commission Chambers on the ground floor of the Doña Ana County Government Center located at 845 N. Motel Blvd., in Las Cruces, New Mexico 88007, unless otherwise stated. Should you require special accommodations as a result of a disability, please contact County ADA Coordinator at 575-647-7210 (voice), 575-525-5951 (TTY), or 1-877-827-7200 (toll free), or write to ADA Coordinator, 845 N. Motel Blvd., Las Cruces, New Mexico 88007. Spanish language interpretation services are available upon request. Please contact the Community & Constituent Services Office at 575-525-6163, at least 48 hours prior to the event. Los Servicios de interpretación en español están disponibles por medio de petición. Favor de contactar a la Oficina de Servicios Comunitarios y Constituyentes al 575-525-6163 mínimo 48 horas antes de la reunión.

The official title of the proposed ordinance is: "PROJECT JUPITER ECONOMIC DEVELOPMENT PROJECT ORDINANCE"

GENERAL SUMMARY: Representatives of to-be-identified entities (collectively, the "Company") have submitted an application, pursuant to the County's Local Economic Development Plan Procedures (Doña Ana County Code Chapter 166), seeking a grant of "public support" (as defined in NMSA 1978, Section 5-10-3(K)) to develop "Project Jupiter," which project would include the construction, development and acquisition of a hyperscale, artificial intelligence (AI) data center campus, a collocated microgrid, and related infrastructure and facilities, located within the County. The requested public support from the County would consist of: (i) a return of 50% of the gross receipts and compensating taxes collected by the County as a result of the construction of the project to the Company to assist the Company with the reimbursement of certain qualifying expenses associated with the project and such other public support as determined and identified by the County to assist the Company with certain qualifying expenses associated with the project; and (ii) a return of 50% of the gross receipts and compensating taxes collected by the State of New Mexico (the "State") as a result of the construction of the project to the Company to assist the Company with the reimbursement of certain qualifying expenses associated with the project and such other public support as determined

1 and identified by the State to assist the Company with certain qualifying expenses associated with
2 the project. The project would be located in an unincorporated portion of the County in the 16
3 OUT tax district. The County would act as fiscal agent for the State for the disbursement of funds
4 from the State for the project, and the County would oversee project compliance.

5
6 A copy of the proposed ordinance and associated agreements are available for inspection at the
7 Office of the County Clerk, Doña Ana County Government Center, 845 N. Motel Blvd., Las
8 Cruces, New Mexico 88007 during regular business hours.

9
10 The public may attend the Doña Ana County Board of County Commissioners meeting via
11 livestream on <https://www.donaanacounty.org>.

12
13 Dated this _____ day of _____ 2025, COUNTY OF DOÑA ANA, NEW
14 MEXICO.

15
16 By: /s/ Amanda López Askin, Ph.D.
17 County Clerk
18