

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014-95**

3 **INTRODUCED BY:**

4  
5 Mayor Javier Gonzales

6 Councilor Joseph Maestas

7 Councilor Peter Ives

8  
9  
10 **A RESOLUTION**

11 **ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR**  
12 **CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52<sup>ND</sup>**  
13 **LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015.**

14  
15 **WHEREAS**, the 60 day session of the 2015 Legislative Session begins on January 20, 2015;  
16 and

17 **WHEREAS**, on August 13, 2014 the Governing Body adopted Resolution 2014-67 which  
18 established the 2016-2020 Infrastructure Capital Improvements Plan (2016-2020 ICIP) and priorities  
19 for the financing of City of Santa Fe public capital projects; and

20 **WHEREAS**, the Governing Body desires to establish City of Santa Fe legislative priorities to  
21 be considered by the State Legislature based on the 2016-2020 ICIP; and

22 **WHEREAS**, on September 10, 2014, the Governing Body adopted Resolution No. 2014-72,  
23 which directed City staff to identify a priority list of water projects for presentation to the City's State  
24 Legislative Delegation; and

25 **WHEREAS**, Resolution No. 2014-72 further directed staff to submit an application to the

1 New Mexico Water Trust Board for financial assistance from the New Mexico Water Project Fund  
2 for all project types eligible for consideration; and

3 **WHEREAS**, the Governing Body has other legislative priorities to be considered by the  
4 State Legislature.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
6 **CITY OF SANTA FE** that the Governing Body hereby establishes the following legislative funding  
7 priorities for consideration by the New Mexico Legislature, during the 2015 Legislative Session.

8 **Funding is requested, in the total amount of \$1,170,000, for the following Citywide Streets,**  
9 **Parks, Public Safety and Facility Improvements, as identified in the City's 2016-2020 ICIP:**

10 1. **Project:** Traffic Signing and Pavement Marking Maintenance

11 **Amount Requested:** \$150,000

12 **Project Description:** To upgrade aging street signs, pavement marking to current  
13 MUTCD standards within the city of Santa Fe in Santa Fe County.

14 2. **Project:** Traffic Signals Communication Design and Install

15 **Amount Requested:** \$370,000

16 **Project Description:** To design and install Traffic Signal Communications  
17 hardware and software.

18 3. **Project:** Traffic Calming Improvements

19 **Amount Requested:** \$100,000

20 **Project Description:** To plan, design and construct traffic calming for various  
21 streets within the city of Santa Fe.

22 4. **Project:** City of Santa Fe Gateways

23 **Amount Requested:** \$100,000

24 **Project Description:** To construct placement of City of Santa Fe welcome signage  
25 at major entrances to the city.

1           **5.    Project: Southwest Activity Node Park**

2                   **Amount Requested: \$200,000**

3                   **Project Description: To plan, design and construct the Southwest Activity Node**  
4                   **park for the City of Santa Fe.**

5           **6.    Project: Fire Training Facility (1130 Siler Road)**

6                   **Amount Requested: \$50,000**

7                   **Project Description: To plan and construct a new fire training facility for the city of**  
8                   **Santa Fe Fire Department in the city of Santa Fe within Santa Fe County.**

9           **7.    Project: Southwest Transit Center**

10                   **Amount Requested: \$200,000**

11                   **Project Description: To construct transit improvements at Southside Transit Center.**

12           **BE IT FURTHER RESOLVED** that the Governing Body hereby establishes the following  
13 priority *water projects* for consideration by the New Mexico Legislature, during the 2015 Legislative  
14 Session and subsequently by the New Mexico Water Trust Board:

15           **1.    Project: 4 million gallon storage tank for Buckman Water Transmission**  
16                   **Improvements**

17                   **Amount Requested: \$1,500,000**

18                   **Project Description: Construction -- See Water Trust Board Application**  
19                   **Questionnaire 2014/2015 Cycle, attached hereto as Exhibit A**

20           **2.    Project: Santa Fe Municipal Watershed Source Water Protection Project, cost:**  
21                   **\$470,000**

22                   **Amount Requested: \$200,000**

23                   **Project Description: Construction -- See Water Trust Board Application**  
24                   **Questionnaire 2014/2015 Cycle, attached hereto as Exhibit B**

25           **3.    Project: Automated Meter Reading Devices and Meter Replacement Project**

1                    **Amount Requested:** \$2,000,000

2                    **Project Description:** Construction -- See Water Trust Board Application  
3                    Questionnaire 2014/2015 Cycle, attached hereto as Exhibit C

4                    **BE IT FURTHER RESOLVED** that the Governing Body requests that the Legislature,  
5 during the 2015 Legislative Session, enact legislation pursuant to the following City of Santa Fe  
6 resolutions of the Governing Body:

7                    **Section 1.        City of Santa Fe Resolution No. 2014-45, attached hereto as Exhibit D:**

8                    Enactment of legislation on tax reform initiatives to bring balance, equity and  
9                    financial stability to municipal governments;

10                  **Section 2.        City of Santa Fe Resolution No. 2014-55, attached hereto as Exhibit E:**

11                  Enactment of legislation that would remove the taxing limitations currently  
12                  imposed on home rule municipalities;

13                  **Section 3.        City of Santa Fe Resolution No. 2014-56, attached hereto as Exhibit F:**

14                  Enactment of a municipal telecommunications tax act that would authorize  
15                  municipalities to collect from telecommunications providers a municipal  
16                  telecommunications tax on the telecommunications provider's gross receipts  
17                  from telecommunications service.

18                  **Section 4.        City of Santa Fe Resolution No. 2014-68, attached hereto as Exhibit G:**

19                  Enactment of legislation that would cap interest and fees on non-bank  
20                  lending institutions in New Mexico.

21                  **Section 5.        City of Santa Fe Resolution No. 2014-69, attached hereto as Exhibit H:**

22                  Enactment of a state standard for quality of care through prescribed  
23                  minimum nurse staffing levels, and in particular through minimum registered  
24                  nurse staffing levels.

25                  **BE IT FURTHER RESOLVED** that the Governing Body requests that the Legislature,

1 during the 2015 Legislative Session, enact legislation in accordance with the following resolutions of  
2 the New Mexico Municipal League:

3           **Section 1.       New Mexico Municipal League Resolution No. 2014-32 – Concerning**  
4                           **EMS Funding**

5                           The New Mexico Municipal League supports an increase to the EMS Fund  
6                           Act for use by local EMS providers in the state of New Mexico

7           **Section 2.       New Mexico Municipal League Resolution No. 2014-34 – Concerning the**  
8                           **Endorsement of Efforts to Maintain the Amtrak Southwest Chief**  
9                           **Passenger Service Between Lamy/Santa Fe, New Mexico and Newton,**  
10                          **Kansas**

11                          The New Mexico Municipal League calls upon the members of the  
12                          legislature of the State of New Mexico to support continuation of Amtrak  
13                          Southwest Chief route.

14           **Section 3.       New Mexico Municipal League Resolution No. 2014-35 – Concerning the**  
15                           **Establishment of a State Transit Fund to Support Municipal and Regional**  
16                           **Transit Capital and Operational Needs**

17                           The New Mexico Municipal League supports the efforts of the New Mexico  
18                           legislature to enhance revenue for investment in transportation infrastructure  
19                           across the state to include investment in public transportation fleets and  
20                           associated public transportation infrastructure.

21           **Section 4.       New Mexico Municipal League Resolution No. 2014-40 – Concerning**  
22                           **Lodgers Tax Audits Compliance**

23                           The New Mexico Municipal League requests that the NM Legislature in its  
24                           next session to find a means for Counties and Municipalities to penalize  
25                           nonconformance with the required audit.

1           **BE IT FURTHER RESOLVED** that the Governing Body requests that the Legislature,  
2 during the 2015 Legislative Session, enact an Amendment to the Hold Harmless provision that  
3 would:

4           **1. Amend state law to repeal the sections of HB 641 that phased out the hold**  
5 **harmless provision and enacted a new municipal hold harmless tax and reenact**  
6 **the Hold Harmless distribution from the State to the municipalities.** During the  
7 2013 Legislative Session, the Legislature approved HB 641 which amended the law  
8 to phase out the hold harmless distribution that is made by the State to municipalities  
9 and counties. The hold harmless distribution was originally introduced by the State  
10 as a way to offset money lost to the municipalities and counties due to certain  
11 deductions provided by the tax code (food and medical). The phase out of the hold  
12 harmless provision is scheduled to begin in FY16 at 10% per year over 15 years until  
13 it is eliminated in FY 30. In conjunction with the phase-out, HB 641 added a new  
14 section allowing a municipal hold harmless gross receipts tax to be imposed by  
15 ordinance but not to exceed an aggregate rate of 3/8 percent of the gross receipts of  
16 any person engaging in business in the municipality. Finally, the former hold  
17 harmless distribution from the State to the municipalities and counties should be  
18 reenacted.

19           **2. Or, in the alternative, amend state law to clarify that counties that impose the**  
20 **permitted 3/8% GRT are only authorized to do so within the county**  
21 **jurisdictional boundaries located outside the municipal jurisdictional**  
22 **boundaries.** HB 641, as a way to compensate for the lost revenue caused by the  
23 phase out of the hold harmless distribution, also authorized any county and  
24 municipality to impose an excise tax not to exceed a maximum of 3/8% of the gross  
25 receipts of any person engaging in business in the municipality. Pursuant to HB 641,

1 if a county and a municipality located solely within the county, both choose to each  
2 impose the full 3/8%, then municipal residents would end up paying the increase of  
3 6/8 or 3/4% of the gross receipts of any person engaging in business in the  
4 municipality. However, with this alternative amendment to HB 641, the municipality  
5 residents at most would end up paying an increase of 3/8% of gross receipts tax  
6 imposed on businesses in the municipality.

7 **BE IT FURTHER RESOLVED** that the Governing Body requests that the following items  
8 be monitored by the City's lobbyist during the 2015 Legislative Session:

9 **Section 1. Measures that increase availability of alcohol:**

10 A. Measures that will increase density of alcohol outlets through:

- 11 1) The "Main Street" initiative that would allow currently  
12 licensed establishments to obtain "satellite", or additional  
13 licenses for only \$50,000.  
14 2) A revision in the state liquor license quota allowing more  
15 licenses per population or geographic area.  
16 3) Allowing for new types of liquor licenses.

17 B. Measures that increase the hours of operation of liquor  
18 establishments.

19 **Section 2. Measures that pertain to alcohol tax that increase revenue for revention  
20 and treatment, such as:**

- 21 A. Creating an alcohol excise tax that will fund the prevention of and  
22 the treatment for alcohol abuse and addiction.  
23 B. Changing the percent of the liquor tax dedicated to the L-DWI fund.

24 **Section 3. Measures that change penalties for DWI and the Liquor Control Act  
25 such as:**

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A. Decreasing the stringency of current laws regarding sales of alcohol to minors. and sales to intoxicated persons.

B. Decrease the severity of current DWI laws.

**Section 4. Measures that could change local zoning control or authority (i.e., Bed and Breakfast Liquor License).**

**Section 5. Measures that would educate the legislature, their staff and executive branch on the financial and public health impacts of alcohol use and abuse.**

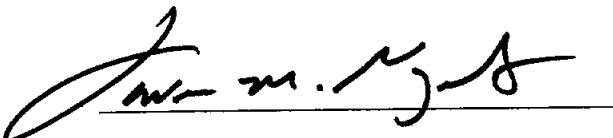
**BE IT FURTHER RESOLVED** that through the Santa Fe City Council Committee and City Council process, general operating fund and other statutory changes may be established for consideration by the State Legislature.

**BE IT FURTHER RESOLVED** that the City of Santa Fe lobbying team is directed to work with the Santa Fe Legislative Delegation on any unencumbered capital outlay funds to be used towards identified City of Santa Fe projects.

**BE IT FURTHER RESOLVED** that while this resolution represents a majority of the intent of the Mayor and City Council as to 2015 New Mexico legislative priorities, other timely priorities may be identified and forwarded to the City's lobbying team for action.

**BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

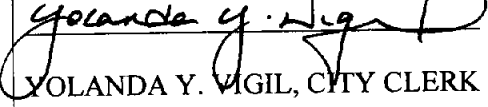
PASSED, APPROVED, and ADOPTED this 12<sup>th</sup> day of November, 2014.

  
JAVIER M. GONZALES, MAYOR




1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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7 \_\_\_\_\_  
8 KELLEY A. BRENNAN, CITY ATTORNEY

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*M/Melissa/Resolutions 2014/2014-95 Legislative Priorities (2015)\_111214*



**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Applicant Name:</b>	City of Santa Fe on behalf of Buckman Direct Diversion Project
<b>Project Name:</b>	4 million gallon storage tank for Buckman Water Transmission Improvements

<b>Project Type:</b>	Water Storage, Conveyance and Delivery
Water Storage, Conveyance and Delivery	<input type="checkbox"/>
Watershed Restoration and Management	<input type="checkbox"/>
Endangered Species Act Collaborative	<input type="checkbox"/>
Flood Prevention	<input type="checkbox"/>
Water Conservation or Treatment, Recycling or Reuse	<input type="checkbox"/>

Is this project identified in a regional water plan accepted by the NM Interstate Stream Commission?      Yes  No

Is there a local contribution?      Yes  No

Is there leverage of federal funding?      Yes  No

Is this project listed on the community's current Infrastructure Capital Improvement Plan (ICIP)? If yes, please provide the Priority Number: 36      Yes  No

**Project Description:**  
Provide a description of the project that includes the scope of work. Explain why it is necessary and who will benefit. If this is a phase for a larger project, please describe this phase.

The past two high-demand seasons have confirmed the need for additional finished water storage for the Buckman Regional Water Treatment Facility so demands can be met out in the system even if raw water diversions are not possible from the Rio Grande due to sediment, turbidity, ash, or critical diurnal low flows. This project will add flexibility in the Buckman Regional Water Treatment Facility's storage capacity to enhance off-peak pumping/production and or solar-powered water treatment, thereby saving significant electrical costs. A steel gunite domed tank, not buried, similar to and sited adjacent to the existing potable water tank at the Buckman Regional Water Treatment Facility site. A permitted and site-prepared space already exists for this tank on-site.

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

If funded, would this phase complete the larger project?

Yes  No

If no, briefly explain why:

**Project Readiness:**

Has a Preliminary Engineering Report, Engineering Study, Feasibility Study or similar report been completed for this project?

Yes  No

If yes, when was the report completed?

If no when is a planning document for this project expected to be complete?

2015

Which regulatory or funding agency approved the plan, if any.

NA

Have construction plans and specifications been completed?

Yes  No

If yes, please provide the date of completion:

If no, please provide estimated date of completion:

Summer of 2015

Are all necessary permit(s) secured for this project?

Yes  No

If no, outline which ones are still outstanding and the estimated timeline to secure them:

Assuming funds are approved in July 2015, would this project be able to be completed by December 2016?

Yes  No

If no, what is the estimated time of completion:

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

**Project Urgency:**

Does your project meet any of the following definitions of Urgent (check all that are applicable):

**Public health threats:** including waterborne disease outbreak and inadequate water supply so long as the proposed project addresses the existing or imminent threats?

Yes  No

**Compliance with the Safe Drinking Water Act** for projects with the following conditions:

Existing and imminent threats of acute and chronic risk contaminants with three violations in the past year?

Yes  No

Will the proposed project enable the system to come into compliance with federal regulations?

Yes  No

**Wildfire public safety:** watershed projects that modify or break up fuels in such a way as to lessen catastrophic fire and its threat to public safety and damage to property?

Yes  No

**Dam safety project** that restores the dam to a safe condition addressing impending failures in the dam's structure?

Yes  No

Does your project address **other conditions declared an emergency** by the Governor of New Mexico or by a Cabinet Secretary of a state agency?

Yes  No

Does your project address **other urgent conditions** not described above?

Yes  No

If yes, please describe below the urgent condition being met by this project

**WATER TRUST BOARD**  
**APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Project Funding: Please provide total estimated project costs under appropriate Funding Source below</b>						
<u>Project Cost</u>	<u>WTB Funds (this app.)</u>	<u>Previously Awarded WTB Funds</u>	<u>Local Funds</u>	<u>State Funds</u>	<u>Federal Funds</u>	<u>Total</u>
Planning & Design	\$ 0	\$	\$	\$	\$	\$ 0
Easements & Right of Way	\$	\$	\$	\$	\$	\$ 0
Environmental, Archeological and Hydrology Services	\$	\$	\$	\$	\$	\$ 0
Construction	\$ 1500000	\$	\$ 500000	\$	\$	\$ 2000000
Equipment	\$	\$	\$	\$	\$	\$ 0
Land Acquisition	\$	\$	\$	\$	\$	\$ 0
Legal Fees	\$	\$	\$	\$	\$	\$ 0
Fiscal Agency Fees	\$	\$	\$	\$	\$	\$ 0
<b>Total</b>	<b>\$ 1500000</b>	<b>\$ 0</b>	<b>\$ 500000</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 2000000</b>

<b>Identify the sources, terms and status of all State and Federal Funds identified for this project:</b>				
<u>Source</u>	<u>Amount</u>	<u>Type</u>	<u>Term</u>	<u>Status</u>
<i>Name of Funding Agency</i>		<i>Loan, Grant, Loan/Grant</i>	<i># of years</i>	<i>Application Pending, Approved, Secured</i>

If this is a phase of a larger project, has any previous phase(s) of the larger project been awarded by the Water Trust Board?    Yes  No

If yes, provide the WTB Project Number(s)    3, 20, 42, 68, 134, 202

If requesting **Fiscal Agency Fees**, please list the qualifying entities on whose behalf the applicant will be reporting. (Please refer to Section 6.8 of the Water Project Board Project Management Policies for further guidance.)

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**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Water System Rate Structure: Please describe your rate structure</b>	
Minimum Charge	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 2,000 gallons	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 4,000 gallons	\$ 8.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 6,000 gallons	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 8,000 gallons	\$ 6.06/gallon up to 10000 gallons (May-Aug)
Charge for 10,000 gallons and above	\$ 21.72/gallon above 7000
How frequently is the rate structure reviewed?	<b>5 years</b>
Date of last review?	2009
Date of last change?	2013
How many connections?	34,000
Is the water system metered?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, what percentage of your connections has operating meters?	100%
How many certified operators? <sup>17</sup>	

Has the Applicant complied previously with the Uniform Funding Criteria and Grant Management Oversight Criteria established under Executive Order 2013-006?      Yes  No

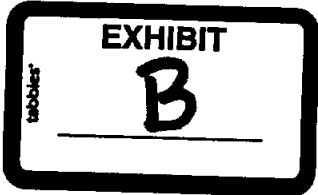
Please describe below the state funding received, which agency(ies) made the determination(s) and note the determinations made.

Received \$2.5 million of financial assistance from NMED's Drinking Water Revolving Loan Fund for a \$5 million, second phase solar energy project for the Buckman Direct Diversion's water transmission facilities. The New Mexico Environment Department's Drinking Water Bureau made the determination.

I understand this Questionnaire is considered part of the Water Trust Board Initial Application. I hereby certify, to the best of my knowledge, that all information contained in this Questionnaire is valid and accurate.

By: Alan G. Hook  
Print Name ALAN G. HOOK

**WATER RESOURCES**  
Title: COORDINATOR ASSISTANT  
Date 9/18/2014



**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Applicant Name:</b>	City of Santa Fe
<b>Project Name:</b>	Santa Fe Municipal Watershed Source Water Protection Project

<b>Project Type:</b>	Watershed Restoration and Management	
Water Storage, Conveyance and Delivery		
Watershed Restoration and Management	X	
Endangered Species Act Collaborative		
Flood Prevention		
Water Conservation or Treatment, Recycling or Reuse		

Is this project identified in a regional water plan accepted by the NM Interstate Stream Commission?      Yes  No

Is there a local contribution?      Yes  No

Is there leverage of federal funding?      Yes  No

Is this project listed on the community's current Infrastructure Capital Improvement Plan (ICIP)? If yes, please provide the Priority Number: \_\_\_\_      Yes  No

**Project Description:**  
Provide a description of the project that includes the scope of work. Explain why it is necessary and who will benefit. If this is a phase for a larger project, please describe this phase.

The Santa Fe Municipal Watershed comprises the upper 17,384 acres of the Santa Fe River basin. The upper 10,000 plus acres of the municipal watershed, dominated by mixed conifer and spruce-fir woodlands, are contained within the Pecos Wilderness Area. The lower 7,270 acres of the municipal watershed is dominated by ponderosa pine and pinon pine-juniper woodlands. Two of the City of Santa Fe's reservoirs are in the lower municipal watershed and have a combined water storage capacity of approximately 4,000 acre-feet. This high quality, surface water from the Santa Fe River provides up to 40% of the City of Santa Fe's drinking water supply in an average year of stream flow yield.

The Santa Fe Municipal Watershed Management Plan provides recommendations for vegetation management, water management, public education & outreach, and funding for work completed within the Santa Fe Municipal Watershed. The U.S. Forest Service and the City of Santa Fe recognize that a large portion of Santa Fe's water supply is dependent upon forest health and protection from catastrophic wildfire. Vegetation management is critical to restoring forests, reducing the risk of fire and maintaining water quality throughout the western United States. Without vegetation fuel reduction and ongoing maintenance efforts in the forests, the forests within the municipal watershed would pose a wildfire risk to Santa Fe's water supply. Fire suppression and rehabilitation costs associated with a 10,000 to 40,000 acre wildfire impacting all or some portion of the municipal watershed could be between \$11.9 million and \$48 million. The cost to dredge, haul and dispose of 2,000 acre-feet of sediment and ash from the City of Santa Fe's reservoirs would likely be between \$80 million and \$240 million. These costs exclude increased water treatment costs, increased water utility operating costs, and impacts to the local economy from the loss of tourism income. In comparison to these avoided costs, the cost to treat and maintain forests within the municipal watershed is expected to be an average of approximately \$260,000 per year.

With a common vision as described in the Santa Fe Municipal Watershed Management Plan, the U.S. Forest Service and City of Santa Fe can most effectively marshal resources to support long-term management of the forest to provide for the health and protection of the watershed. A 50-50 cost-share collection agreement for four years was signed in 2010 to provide funding for vegetative thinning, prescribed burning, smoke management, plus education & outreach to the community. With the financial assistance of the Water Trust Board, the City of Santa Fe and the U.S. Forest Service within the Santa Fe National Forest hope to continue the successful efforts in providing source water protection to the Santa Fe River, the drinking water source to the City of Santa Fe.

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

**If funded, would this phase complete the larger project?**

Yes  No

If no, briefly explain why:

**Project Readiness:**

Has a Preliminary Engineering Report, Engineering Study, Feasibility Study or similar report been completed for this project?

Yes  No

If yes, when was the report completed?

A Final Environmental Impact Statement was completed in 2002

If no when is a planning document for this project expected to be complete?

Which regulatory or funding agency approved the plan, if any.

USFS

Have construction plans and specifications been completed?

Yes  No

If yes, please provide the date of completion:

June 2010

If no, please provide estimated date of completion:

Are all necessary permit(s) secured for this project?

Yes  No

If no, outline which ones are still outstanding and the estimated timeline to secure them:

Environmental Assessment (EA) for approximately 2,900 acres of prescribed burning within the Pecos Wilderness Area within the Santa Fe Municipal Watershed. It is estimated that the Final Decision for the EA will be made in approximately 45 days.

Assuming funds are approved in July 2015, would this project be able to be completed by December 2016?

Yes  No

If no, what is the estimated time of completion:

October 2017



**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

**Project Urgency:**

Does your project meet any of the following definitions of Urgent (check all that are applicable):

**Public health threats:** including waterborne disease outbreak and inadequate water supply so long as the proposed project addresses the existing or imminent threats?      Yes  No

**Compliance with the Safe Drinking Water Act** for projects with the following conditions:

Existing and imminent threats of acute and chronic risk contaminants with three violations in the past year?      Yes  No

Will the proposed project enable the system to come into compliance with federal regulations?      Yes  No

**Wildfire public safety:** watershed projects that modify or break up fuels in such a way as to lessen catastrophic fire and its threat to public safety and damage to property?      Yes  No

**Dam safety project** that restores the dam to a safe condition addressing impending failures in the dam's structure?      Yes  No

Does your project address **other conditions declared an emergency** by the Governor of New Mexico or by a Cabinet Secretary of a state agency?      Yes  No

Does your project address **other urgent conditions** not described above?      Yes  No

If yes, please describe below the urgent condition being met by this project

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Project Funding: Please provide total estimated project costs under appropriate Funding Source below</b>						
<u>Project Cost</u>	<u>WTB Funds (this app.)</u>	<u>Previously Awarded WTB Funds</u>	<u>Local Funds</u>	<u>State Funds</u>	<u>Federal Funds</u>	<u>Total</u>
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Easements & Right of Way	\$	\$	\$	\$	\$	\$ 0
Environmental, Archeological and Hydrology Services	\$	\$	\$	\$	\$	\$ 0
Construction	\$ 200000	\$	\$ 50000	\$	\$ 220000	\$ 470000
Equipment	\$	\$	\$	\$	\$	\$ 0
Land Acquisition	\$	\$	\$	\$	\$	\$ 0
Legal Fees	\$	\$	\$	\$	\$	\$ 0
Fiscal Agency Fees	\$	\$	\$	\$	\$	\$ 0
<b>Total</b>	<b>\$ 200000</b>	<b>\$ 0</b>	<b>\$ 50000</b>	<b>\$ 0</b>	<b>\$ 220000</b>	<b>\$ 470000</b>

<b>Identify the sources, terms and status of all State and Federal Funds identified for this project:</b>				
<u>Source</u>	<u>Amount</u>	<u>Type</u>	<u>Term</u>	<u>Status</u>
<i>Name of Funding Agency</i>		<i>Loan, Grant, Loan/Grant</i>	<i># of years</i>	<i>Application Pending, Approved, Secured</i>

If this is a phase of a larger project, has any previous phase(s) of the larger project been awarded by the Water Trust Board?      Yes  No

If yes, provide the WTB Project Number(s)     

If requesting **Fiscal Agency Fees**, please list the qualifying entities on whose behalf the applicant will be reporting. (Please refer to Section 6.8 of the Water Project Board Project Management Policies for further guidance.)

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**WATER TRUST BOARD**  
**APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Water System Rate Structure: Please describe your rate structure</b>	
Minimum Charge	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 2,000 gallons	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 4,000 gallons	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 6,000 gallons	\$ 6.06/gallon up to 7000 gallons (Sept - Apr)
Charge for 8,000 gallons	\$ 6.06/gallon up to 10000 gallons (May-Aug)
Charge for 10,000 gallons and above	\$ 21.72/gallon above 7000
How frequently is the rate structure reviewed?	<b>5 years</b>
Date of last review?	2009
Date of last change?	2013
How many connections?	34,000
Is the water system metered?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, what percentage of your connections has operating meters?	100%
How many certified operators? <sup>12</sup>	

Has the Applicant complied previously with the Uniform Funding Criteria and Grant Management Oversight Criteria established under Executive Order 2013-006?      Yes  No

Please describe below the state funding received, which agency(ies) made the determination(s) and note the determinations made.

New Mexico Finance Authority, Water Trust Board funding in the amount of \$1.2 million for the Santa Fe Municipal Watershed Management Program. The Water Trust Board determined the project was complete in 2013.

I understand this Questionnaire is considered part of the Water Trust Board Initial Application. I hereby certify, to the best of my knowledge, that all information contained in this Questionnaire is valid and accurate.

By: Alan G. Hook  
 Print Name ALAN G. HOOK

**WATER RESOURCES**

Title: COORDINATOR ASSISTANT  
 Date 9/18/2014



**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Applicant Name:</b>	City of Santa Fe Utility Billing Division
<b>Project Name:</b>	Automated Meter Reading Devices and Meter Replacement Project

<b>Project Type:</b>	Water Storage, Conveyance and Delivery
Water Storage, Conveyance and Delivery	<input type="checkbox"/>
Watershed Restoration and Management	<input type="checkbox"/>
Endangered Species Act Collaborative	<input type="checkbox"/>
Flood Prevention	<input type="checkbox"/>
Water Conservation or Treatment, Recycling or Reuse	<input type="checkbox"/>

Is this project identified in a regional water plan accepted by the NM Interstate Stream Commission?      Yes  No

Is there a local contribution?      Yes  No

Is there leverage of federal funding?      Yes  No

Is this project listed on the community's current Infrastructure Capital Improvement Plan (ICIP)? If yes, please provide the Priority Number: \_\_\_\_      Yes  No

**Project Description:**  
Provide a description of the project that includes the scope of work. Explain why it is necessary and who will benefit. If this is a phase for a larger project, please describe this phase.

An automated water meter reading device will be placed on approximately 34,000 City of Santa Fe water meters for customers of the water utility. The meter reading devices will provide real time information and data to the City of Santa Fe and the water utility customers regarding water usage. Hourly consumption data from metering analytics will improve leak detection, water conservation, compliance reporting, and ultimately customer service. Badger Meter, Inc. will replace all meters sized 1" and under for residential and commercial customers, including the Orion advanced metering infrastructure linked to each meter with an integrated cellular network. The project has a estimated 2-year installation period.

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

**If funded, would this phase complete the larger project?**

Yes  No

If no, briefly explain why:

**Project Readiness:**

**Has a Preliminary Engineering Report, Engineering Study, Feasibility Study or similar report been completed for this project?**

Yes  No

If yes, when was the report completed?

If no when is a planning document for this project expected to be complete?

October, 2014

Which regulatory or funding agency approved the plan, if any.

City of Santa Fe

**Have construction plans and specifications been completed?**

Yes  No

If yes, please provide the date of completion:

If no, please provide estimated date of completion:

February, 2015

**Are all necessary permit(s) secured for this project?**

Yes  No

If no, outline which ones are still outstanding and the estimated timeline to secure them:

Not applicable since the City already has all necessary easements and right of way documentation.

**Assuming funds are approved in July 2015, would this project be able to be completed by December 2016?**

Yes  No

If no, what is the estimated time of completion:

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

**Project Urgency:**

Does your project meet any of the following definitions of Urgent (check all that are applicable):

**Public health threats:** including waterborne disease outbreak and inadequate water supply so long as the proposed project addresses the existing or imminent threats?      Yes  No

**Compliance with the Safe Drinking Water Act** for projects with the following conditions:

Existing and imminent threats of acute and chronic risk contaminants with three violations in the past year?      Yes  No

Will the proposed project enable the system to come into compliance with federal regulations?      Yes  No

**Wildfire public safety:** watershed projects that modify or break up fuels in such a way as to lessen catastrophic fire and its threat to public safety and damage to property?      Yes  No

**Dam safety project** that restores the dam to a safe condition addressing impending failures in the dam's structure?      Yes  No

Does your project address **other conditions declared an emergency** by the Governor of New Mexico or by a Cabinet Secretary of a state agency?      Yes  No

Does your project address **other urgent conditions** not described above?      Yes  No

If yes, please describe below the urgent condition being met by this project

**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Project Funding: Please provide total estimated project costs under appropriate Funding Source below</b>						
<u>Project Cost</u>	<u>WTB Funds (this app.)</u>	<u>Previously Awarded WTB Funds</u>	<u>Local Funds</u>	<u>State Funds</u>	<u>Federal Funds</u>	<u>Total</u>
Planning & Design	\$ 0	\$	\$	\$	\$	\$ 0
Easements & Right of Way	\$	\$	\$	\$	\$	\$ 0
Environmental, Archeological and Hydrology Services	\$	\$	\$	\$	\$	\$ 0
Construction	\$ 2000000	\$	\$4000000	\$	\$	\$ 6000000
Equipment	\$	\$	\$	\$	\$	\$ 0
Land Acquisition	\$	\$	\$	\$	\$	\$ 0
Legal Fees	\$	\$	\$	\$	\$	\$ 0
Fiscal Agency Fees	\$	\$	\$	\$	\$	\$ 0
<b>Total</b>	<b>\$ 2000000</b>	<b>\$ 0</b>	<b>\$4000000</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 6000000</b>

<b>Identify the sources, terms and status of all State and Federal Funds identified for this project:</b>				
<u>Source</u>	<u>Amount</u>	<u>Type</u>	<u>Term</u>	<u>Status</u>
<i>Name of Funding Agency</i>		<i>Loan, Grant, Loan/Grant</i>	<i># of years</i>	<i>Application Pending, Approved, Secured</i>

If this is a phase of a larger project, has any previous phase(s) of the larger project been awarded by the Water Trust Board?      Yes       No

If yes, provide the WTB Project Number(s)

<p>If requesting <b>Fiscal Agency Fees</b>, please list the qualifying entities on whose behalf the applicant will be reporting. (Please refer to Section 6.8 of the Water Project Board Project Management Policies for further guidance.)</p> <hr style="border: 0.5px solid black;"/>
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**WATER TRUST BOARD  
APPLICATION QUESTIONNAIRE 2014/2015 CYCLE**

<b>Water System Rate Structure: Please describe your rate structure</b>	
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Charge for 10,000 gallons and above	\$ 21.72/gallon above 7000
How frequently is the rate structure reviewed?	5 years
Date of last review?	2009
Date of last change?	2013
How many connections?	34,000
Is the water system metered?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, what percentage of your connections has operating meters?	100%
How many certified operators? 12	

Has the Applicant complied previously with the Uniform Funding Criteria and Grant Management Oversight Criteria established under Executive Order 2013-006?

Yes  No

Please describe below the state funding received, which agency(ies) made the determination(s) and note the determinations made.

I understand this Questionnaire is considered part of the Water Trust Board Initial Application. I hereby certify, to the best of my knowledge, that all information contained in this Questionnaire is valid and accurate.

By: Alan G. Hook  
Print Name ALAN G. HOOK

**WATER RESOURCES**  
Title: COORDINATOR ASSISTANT  
Date 9/18/2014





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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2014-45**

**INTRODUCED BY:**

Councilor Joseph Maestas

Councilor Patti Bushee

Councilor Peter Ives

Councilor Carmichael Dominguez

**A RESOLUTION**

**RELATING TO COMPREHENSIVE TAX REFORM FOR MUNICIPALITIES; CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION ON TAX REFORM INITIATIVES TO BRING BALANCE, EQUITY AND FINANCIAL STABILITY TO MUNICIPAL GOVERNMENTS.**

**WHEREAS**, local governments continue to be negatively impacted by the economic downturn of 2008, resulting in significant declines in revenue available for local governments; and

**WHEREAS**, up to 75% of a municipality's general fund revenue is derived from gross receipts taxes; and

**WHEREAS**, gross receipts taxes are regressive and disproportionately impact disadvantaged and low income citizens; and

**WHEREAS**, the Governing Body recognizes that gross receipts taxes are an unstable funding source whose levels are dependent on the health of the economy; and

**WHEREAS**, state law was amended in 2013 to repeal the hold harmless distribution made by the State to municipalities that have a population of over 10,000 to compensate those municipalities

1 for revenues lost as the result of the State's elimination of gross receipts taxes on food and certain  
2 medical services; and

3 **WHEREAS**, the State's elimination of these gross receipts taxes represent up to 30% of  
4 municipalities' total gross receipts tax revenue; and

5 **WHEREAS**, the City of Santa Fe is facing a total estimated loss of over \$80 million of hold  
6 harmless distribution funds over the phase-out period ending in 2030; and

7 **WHEREAS**, the State's elimination of this source of gross receipts tax revenue will certainly  
8 cause a major decrease in vital city services, jeopardize current and future infrastructure and seriously  
9 impact the city workforce and local economy; and

10 **WHEREAS**, some municipalities provide Emergency Medical and Communication Services  
11 within the municipality but are not authorized by the State Legislature to fund the cost of providing  
12 such services through an appropriate dedicated tax; and

13 **WHEREAS**, long standing New Mexico tax policy provides that "any shifting of tax sharing  
14 between the state and municipalities must guarantee municipalities at least the same revenue levels  
15 they derive from current tax policy;" and

16 **WHEREAS**, state law related to a home rule municipality's authority over its financial  
17 affairs is severely restricted and there is a need to amend state law to remove such restrictions in order  
18 to mitigate the impacts of current state tax policy; and

19 **WHEREAS**, the *2013-2014 New Mexico Municipal League Statement of Municipal Policy*  
20 (*"NMML Policy Statement"*) includes taxation and revenue and finance policy statements that should  
21 be used as a reference to draft proposed legislative initiatives to be acted upon by the State  
22 Legislature at its next session; and

23 **WHEREAS**, the Governing Body is mindful that the City of Santa Fe, as the capital city of  
24 the State of New Mexico, should work in close collaboration with the New Mexico Municipal League  
25 (NMML) and other New Mexico municipal governments to propose tax reform initiatives for action

1 by the New Mexico State Legislature to bring balance, equity and financial stability to local  
2 municipal governments and the residents they serve.

3 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
4 **CITY OF SANTA FE** that the Governing Body hereby endorses the taxation and revenue and  
5 finance policy statements of the NMML and calls on the New Mexico State Legislature to enact  
6 legislation, consistent with the *NMML Policy Statement*, during the 2015 Legislative Session to bring  
7 balance, equity and financial stability to local municipal governments and the residents they serve.

8 Such legislation shall:

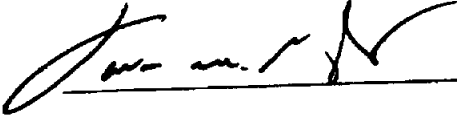
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- 10 • Grant municipalities the authority to generate the revenue necessary to administer  
11 government and provide basic services.
  - 12 • Guarantee municipalities, when there is any shifting of tax sharing between the state and  
13 municipalities, at least the same revenue levels they derive from current state tax policy.
  - 14 • Authorize municipalities to enact taxes at the local level that are appropriate to their tax  
15 bases in the following areas:
    - 16 1. Gross Receipts Tax - Retain authority to enact at the local level.
    - 17 2. Ad Valorem Tax - Retain authority to impose millage for municipal general purpose  
18 government.
    - 19 3. Income Tax - Grant municipalities a share of the State income tax.
    - 20 4. Miscellaneous User Taxes - Grant municipalities the authority to levy local option  
21 taxes on sales of gasoline, cigarettes and alcohol, or, in the alternative, increase the  
22 municipal share of such current taxes.
  - 23 • Remove limitations on municipal revenue sources for home rule municipalities.
  - 24 • Provide added financial assistance or revenues each time the legislative, executive or  
25 judicial branches create new or expanded service requirements for municipalities by  
providing realistic funding levels for new and existing mandates.

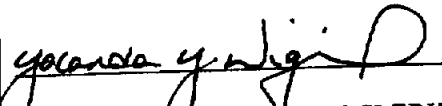
- 1 • Develop an effective funding system to supplement or replace federal funding in those  
2 program areas which are the most essential to the well-being of New Mexico's citizens.
- 3 • Amend the confidentiality provisions of the New Mexico Tax Act to allow certain  
4 municipal officials access to currently confidential information regarding taxpayers in a  
5 municipality so that at least once every three years municipalities would have the ability  
6 to identify businesses that are not in compliance with State of New Mexico or municipal  
7 business registration statutes and ordinances which would further enhance the Taxation  
8 and Revenue Department's ability to enforce and collect taxes.
- 9 • Grant municipal authority for an emergency medical and communication services gross  
10 receipts tax in 1/8% increments up to a total of 1/4% by positive referendum.

11 **BE IT FURTHER RESOLVED** that staff is directed to coordinate and work with the  
12 NMML, other municipalities and appropriate State legislative committees to ensure that legislation is  
13 enacted during the 2015 legislative session that will grant local governments the authority to bring  
14 financial balance, equity and stability to their respective municipalities.

15 **BE IT FURTHER RESOLVED** that the City Clerk is directed to send a copy of this  
16 resolution to the New Mexico Congressional Delegation, the Speaker of the New Mexico House of  
17 Representatives, the President Pro Tempore of the New Mexico Senate, the City's State Legislative  
18 Delegation, the NMML and the City's lobbyist.

19 PASSED, APPROVED, and ADOPTED this 11<sup>th</sup> day of June, 2014.

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22 **JAVIER M. GONZALES, MAYOR**

23 ATTEST:  
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25 **YOLANDA VIGIL, CITY CLERK**

1 APPROVED AS TO FORM:

2 Kelley A. Brennan

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4 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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*M/Melissa/Resolutions 2014/2014-45 Local Government Tax Reform\_052714*



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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2014-55**

**INTRODUCED BY:**

Councilor Joseph Maestas

**A RESOLUTION**

**CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT LEGISLATION THAT WOULD REMOVE THE TAXING LIMITATIONS CURRENTLY IMPOSED ON HOME RULE MUNICIPALITIES.**

**WHEREAS**, Article X, Section 6 of the New Mexico Constitution authorizes municipalities in the state of New Mexico to adopt Home Rule Charters; and

**WHEREAS**, the voters of the City of Santa Fe, New Mexico approved the adoption of the *Santa Fe Municipal Charter* (“*Charter*”) in 1997 and the *Charter* has been subsequently amended by the voters in 2008 and in 2014; and

**WHEREAS**, Paragraph D. of Article X, Section 6 states that “No tax imposed by the governing body of a charter municipality, except a tax authorized by general law, shall become effective until approved by a majority vote in the charter municipality;” and

**WHEREAS**, §3-15-7 NMSA 1978 provides that a home rule charter “shall not authorize the levy of any tax not specifically authorized by the laws of the state;” and

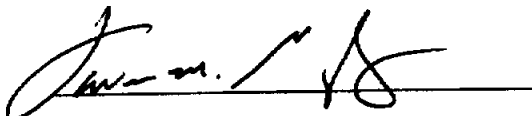
1           **WHEREAS**, §3-18-2 NMSA 1978 prohibits any municipality from imposing an income tax,  
2 a tax on property measured on an ad valorem, per unit or other basis or any excise tax, including but  
3 not limited to sales taxes, gross receipts and excise taxes on any incident relating to tobacco, liquor,  
4 motor fuels and motor vehicles; and

5           **WHEREAS**, state law has severely restricted the ability of a home rule municipality to  
6 impose certain taxes, therefore, there is a need for the Legislature to take immediate action and amend  
7 state law to remove taxing limitations imposed on home rule municipalities and permit such  
8 municipalities to have the authority to benefit from such tax revenue sources.

9           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
10 **CITY OF SANTA FE** that the Governing Body hereby calls on the New Mexico State Legislature to  
11 take immediate action during the 2015 legislative session to enact legislation that would remove the  
12 taxing limitations currently imposed on home rule municipalities to permit home rule municipalities  
13 to have increased taxing authority.

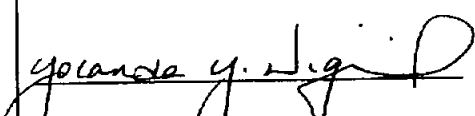
14           **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this  
15 resolution to the City's State legislative delegation, the New Mexico Municipal League and the City's  
16 lobbyist.

17           **PASSED, APPROVED, and ADOPTED** this 30<sup>th</sup> day of July, 2014.

18 

JAVIER M. GONZALES, MAYOR

21           **ATTEST:**

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23   
24 **YOLANDA Y. VIGIL, CITY CLERK**

25

1 APPROVED AS TO FORM:

2 Kelley A. Brennan

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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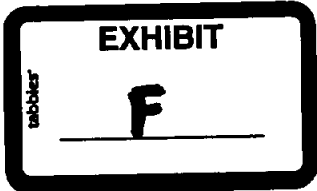
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25 *M/Melissa/Resolutions 2014/2014-55 Homerule Taxing Authority\_City*





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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2014-56**

**INTRODUCED BY:**

Councilor Joseph Maestas

**A RESOLUTION**

**CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT A MUNICIPAL TELECOMMUNICATIONS TAX ACT THAT WOULD AUTHORIZE MUNICIPALITIES TO COLLECT FROM TELECOMMUNICATIONS PROVIDERS A MUNICIPAL TELECOMMUNICATIONS TAX ON THE TELECOMMUNICATIONS PROVIDER'S GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE.**

**WHEREAS**, up to 75% of a municipality's general fund revenue is derived from gross receipts taxes; and

**WHEREAS**, since the economic downturn of 2008, municipalities in the state of New Mexico continue to be negatively impacted, which has resulted in significant declines in revenue available for local governments; and

**WHEREAS**, the New Mexico Municipal League (NMML) recognizes that gross receipts taxes are an unstable funding source whose levels are dependent on the health of the economy; and

**WHEREAS**, NMSA 1978, §3-18-2 prohibits any municipality from imposing any excise

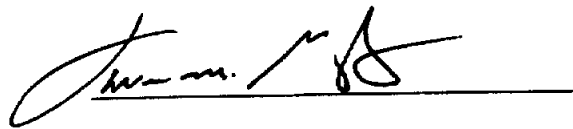
1 tax, including but not limited to sales taxes, gross receipts and excise taxes on any incident relating to  
2 tobacco, liquor, motor fuels and motor vehicles; and

3 **WHEREAS**, the NMML recognizes that there is a need for the New Mexico State  
4 Legislature to enact legislation that would authorize municipalities to collect from  
5 telecommunications providers a municipal telecommunications tax on the telecommunications  
6 provider's gross receipts from telecommunications service.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
8 **CITY OF SANTA FE** that the Governing Body hereby calls on the New Mexico State Legislature to  
9 take immediate action during the 2015 legislative session to enact a Municipal Telecommunications  
10 Tax Act that would authorize municipalities to collect from telecommunications providers a  
11 municipal telecommunications tax on the telecommunications provider's gross receipts from  
12 telecommunications service. The Municipal Telecommunications Tax Act is attached hereto as  
13 Exhibit "A".

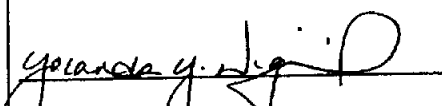
14 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this  
15 resolution to the City's State legislative delegation, the New Mexico Municipal League and the City's  
16 lobbyist.

17 **PASSED, APPROVED, and ADOPTED** this 30<sup>th</sup> day of July, 2014.

18 


19 JAVIER M. GONZALES, MAYOR

20  
21 ATTEST:

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23   
24 YOLANDA V. VIGIL, CITY CLERK

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1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2014/2014-56 Muni Telecom Tax Act\_City Version*

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                     **BILL**                     

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

**INTRODUCED BY**

**AN ACT**

**RELATING TELECOMMUNICATIONS SERVICES; ENACTING A MUNICIPAL TELECOMMUNICATIONS TAX ACT.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

Section 1. **SHORT TITLE.** -- Sections \_\_\_\_\_ through \_\_\_\_\_ NMSA 1978 may be cited as the "Municipal Telecommunications Tax Act".

Section 2. **DEFINITIONS.** -- As used in the Municipal Telecommunications Tax Act, Sections \_\_\_\_\_ through \_\_\_\_\_ NMSA 1978:

A. "department" means the department of taxation and revenue.

B. "customer":

(1) Subject to Subsections (B)(2) and (3), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.

(2) For purposes of this section and the following sections, "customer" means:

(a) the person who is obligated under a contract with a

1 telecommunications provider to pay for telecommunications service received under the contract; or

2 (b) if the end user is not the person described in Subsection (2)(b)(i), the  
3 end user of telecommunications service.

4 (3) "customer" does not include a reseller:

5 (a) of telecommunications service; or

6 (b) for mobile telecommunications service, of a serving carrier under an  
7 agreement to serve the customer outside the telecommunications provider's licensed service area.

8 C. "end user" means the person who uses a telecommunications service. For purposes  
9 of telecommunications service provided to a person who is not an individual, "end user" means the  
10 individual who uses the telecommunications service on behalf of the person who is provided the  
11 telecommunications service.

12 D. "gross receipts from telecommunications service" means the revenue that a  
13 telecommunications provider receives for telecommunications service rendered except for amounts  
14 collected or paid as:

15 (1) a tax, fee, or charge:

16 (a) imposed by a governmental entity;

17 (b) separately identified as a tax, fee, or charge in the transaction with  
18 the customer for the telecommunications service; and

19 (c) imposed only on a telecommunications provider;

20 (2) gross receipts taxes collected by the telecommunications provider from a  
21 customer under NMSA 7-9-1 et seq.; or

22 (3) interest, a fee, or a charge that is charged by a telecommunications provider  
23 on a customer for failure to pay for telecommunications service when payment is due.

24 "gross receipts from telecommunications service" includes a charge necessary to complete a  
25 sale of a telecommunications service.

1 E. "mobile telecommunications service" is as defined in the Mobile  
2 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

3 F. "municipality" means a city or town.

4 G. "place of primary use":

5 (1) For telecommunications service other than mobile telecommunications  
6 service, means the street address representative of where the customer's use of the  
7 telecommunications service primarily occurs, which shall be:

8 (a) the residential street address of the customer; or

9 (b) the primary business street address of the customer; or

10 (2) For mobile telecommunications service, is as defined in the Mobile  
11 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

12 H. Notwithstanding where a call is billed or paid, "service address" means:

13 (1) If the location described in this Subsection (H) (1) is known, the location of  
14 the telecommunications equipment:

15 (a) to which a call is charged; and

16 (b) from which the call originates or terminates;

17 (2) If the location described in Subsection (H)(1) is not known but the location  
18 described in this Subsection (H)(2) is known, the location of the origination point of the signal of the  
19 telecommunications service first identified by:

20 (a) the telecommunications system of the telecommunications provider;

21 or

22 (b) if the system used to transport the signal is not a system of the  
23 telecommunications provider, information received by the telecommunications provider from its  
24 service provider; or

25 (3) if the locations described in Subsection (H)(1) or (2) are not known, the