

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-42

INTRODUCED BY:

Councilor Joseph M. Maestas

AN ORDINANCE

**AMENDING SUBSECTION 18-10 SFCC 1987 TO REDEDICATE A PORTION OF THE
MUNICIPAL GROSS RECEIPTS TAX TO RECREATIONAL FACILITIES, AND BIKE
AND PEDESTRIAN PATHWAYS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Section 18-10 SFCC 1987 (being Ord. #1987-19, as amended) is
amended to read:**

18-10 MUNICIPAL GROSS RECEIPTS TAX.

18-10.1 Imposition of Tax.

There is imposed on any person engaging in business in this municipality, for the privilege of engaging in business in this municipality, an excise tax equal to one and one-quarter percent (1.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this section is pursuant to the Municipal Local Option Gross

1 Receipts Taxes Act as it now exists or as it may be amended and shall be known as the
2 "municipal gross receipts tax."

3 **18-10.2 General Provisions.**

4 This section hereby adopts by reference all definitions, exemptions and deductions
5 contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be
6 amended.

7 **18-10.3 Specific Exemptions.**

8 No municipal gross receipts tax shall be imposed on the gross receipts arising from:

9 A. Direct broadcast satellite services;

10 B. Transporting persons or property for hire by railroad, motor vehicle, air
11 transportation or any other means from one point within the municipality to another point outside
12 the municipality; or

13 C. A business located outside the boundaries of a municipality on land owned by the
14 municipality for which a state gross receipts tax distribution is made pursuant to subsection C of
15 Section 7-1-6.4 NMSA 1978.

16 **18-10.4 Dedication.**

17 Revenue from the one and one-quarter percent (1.25%) municipal gross receipts tax will
18 be used for the purpose(s) listed below:

19 A. Revenue from the first two (2) one-quarter percent (1/4%) increments of the
20 municipal gross receipts tax is dedicated for the following purposes:

21 (1) Annual debt service for municipal gross receipts tax revenue bonds or
22 other bonds for municipal projects issued for the construction, reconstruction,
23 improvements and replacement of city facilities, parks, streets, sidewalks, utilities, and
24 other public works projects including the related equipment and furnishings for the
25 facilities.

1 (2) If there are proceeds remaining they may be used for:

2 (a) Construction, reconstruction, improvements, replacement,
3 facility structural maintenance and repair, including related equipment and
4 furnishings for the facilities.

5 (b) Operating expenditures necessitated by the expansion of services
6 and facilities to the public.

7 (c) Personnel, operating, contractual, accounting, administration,
8 equipment, vehicles and other costs related to the city's capital improvements
9 program and operations of public works department.

10 (d) Computer hardware and software.

11 B. Revenue from the third and fourth one-quarter percent (1/4%) increments of the
12 municipal gross receipts tax is dedicated to general fund.

13 C. Revenue from the fifth one-quarter percent (1/4%) increment of the municipal
14 gross receipts tax is dedicated to the public bus system and quality of life purposes in the
15 following manner:

16 (1) Finance the acquisition, operation, maintenance and any other expenses
17 necessary for or incidental to the provision of a public bus system. In the event that the
18 public bus system is ever discontinued, the funds allocated pursuant to this paragraph
19 shall be used for general municipal operations and the discontinuance of the public bus
20 system shall not affect the allocations set out in paragraph (2) below. The governing body
21 shall not discontinue the public bus system until the notice and hearing requirements of
22 subsections 2-2.3A, 2-2.3B, 2-2.4A, 2-2.4D, 2-2.6 SFCC 1987 have been met.

23 (2) After satisfying the distribution provided for in paragraph C (1).
24 [~~provision of a public bus system,~~] the remaining proceeds of the gross receipts tax shall
25 be allocated [~~as set forth in subparagraphs (2)(a) and (2)(b) below.~~]

1 (a) ~~Up to two thirds (2/3) of the proceeds remaining following the~~
2 ~~distributions provided for in paragraph C(2) of the gross receipts tax shall be~~
3 ~~used for general municipal operations.~~

4 (b) ~~Up to one third (1/3) of the proceeds remaining following the~~
5 ~~distributions provided for in paragraph C(1) of the gross receipts tax shall be~~
6 ~~used]exclusively for the following quality of life purposes: [recreation]~~
7 recreational facilities, bike and pedestrian pathways, [open space] libraries, and
8 parks.

9 **18-10.5 Effective Date.**

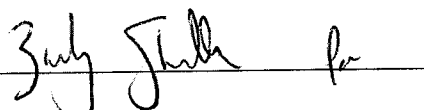
10 A. The effective date of the first two (2) one-quarter percent (1/4%) increments of
11 the municipal gross receipts tax shall be January 1, 1982.

12 B. The effective date of the third one-quarter percent (1/4%) increments of the
13 municipal gross receipts tax shall be July 1, 1983.

14 C. The effective date of the fourth one-quarter percent (1/4%) increments of the
15 municipal gross receipts tax shall be July 1, 1988.

16 D. The effective date of the fifth one-quarter percent (1/4%) increments of the
17 municipal gross receipts tax shall be ~~[January 1, 1992]~~ July 1, 2016.

18 APPROVED AS TO FORM:

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20 
21 KELLEY A. BRENNAN, CITY ATTORNEY