

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-2

3 INTRODUCED BY:

4
5 Councilor Calvert
6 Councilor Wurzbarger
7 Councilor Bushee
8

9
10 A RESOLUTION

11 RELATING TO THE NEW MEXICO VETERANS' NATIONAL CEMETERY FUND
12 ESTABLISHED BY SECTION 7-1-6.1 NMSA 1978; DESIGNATING FUNDS RECEIVED
13 FROM THE NEW MEXICO DEPARTMENT OF VETERANS' SERVICES (NMDVS) FOR
14 PROGRAMS FOR LOCAL VETERANS; DIRECTING STAFF TO ESTABLISH A FUND IN
15 THE BUDGET FOR THE MONIES RECEIVED FROM NMDVS TO BE DEPOSITED IN;
16 DIRECTING STAFF TO ENTER INTO AN MOU WITH NMDVS TO DESIGNATE A DATE
17 SPECIFIC ON AN ANNUAL BASIS IN WHICH THE NMDVS SHOULD TRANSFER
18 FUNDS COLLECTED TO THE CITY; AND DIRECTING STAFF TO SCHEDULE A
19 SUMMIT WITH THE NMDVS AND OTHER VETERAN SERVICE ENTITIES TO
20 ESTABLISH A PROCESS IN WHICH TO USE THE FUNDS FOR VETERAN PROGRAMS.

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22 WHEREAS, in the period from 1985 to 1987, the City of Santa Fe and the United States
23 Department of Veterans Affairs/Santa Fe National Cemetery (the "Cemetery") began the process of
24 working together to expand the land area that comprised the Cemetery; and

25 WHEREAS, thereafter, the City purchased approximately 40.4 acres of land valued at

1 \$1,070,000 from a landowner adjacent to the Santa Fe National Cemetery for expansion of the
2 cemetery; and

3 **WHEREAS**, the City deeded the land to the Cemetery at no cost with the understanding that
4 the money would be paid back to the City without interest; and

5 **WHEREAS**, in 1987, to raise funds to pay the City back, legislation was passed in the New
6 Mexico State Legislature which would allow for any individual to, if they wish, contribute any
7 amount of their tax refund to the New Mexico Veterans' National Cemetery Fund simply by checking
8 a box on the Voluntary Contributions Form, now codified as Section 7-1-6.18 NMSA 1978,
9 "Distribution veterans' national cemetery fund." In 2011, Section 7-1-6.18 was amended and reads:

10 *Upon a certification by the state board of finance that the city of Santa*
11 *Fe grants and conveys additional acreage for the Santa Fe national*
12 *cemetery, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be*
13 *made to the veterans' national cemetery fund of the amounts designated*
14 *pursuant to Section 7-2-28 NMSA 1978 as contributions to that fund;*
15 *provided that when the sum of contributions received on or after January*
16 *1, 1988 equals one million seventy thousand dollars (\$1,070,000), any*
17 *contributions received in excess of that amount shall be distributed to the*
18 *substance abuse education fund."*

19 **WHEREAS**, pursuant to Section 7-2-28.1 NMSA 1978, the Department administers the
20 Fund and money in the Fund at the end of a fiscal year "shall not revert to any other fund;" and

21 **WHEREAS**, pursuant to the state law between 1988 and 2002 the City received \$235,101.25
22 from NMDVS and on December 12, 2012, the City received a ceremonial check for \$150,000, with
23 an actual check of \$150,000 to be received by the City prior to December 31, 2012 at which time the
24 balance owed to the City from NMDVS is \$684,898.75.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 CITY OF SANTA FE that the funds received from the NMDVS this time forward in accordance
2 with the New Mexico Veterans' National Cemetery Fund be designated solely for veteran programs.

3 **BE IT FURTHER RESOLVED** that staff is directed to:

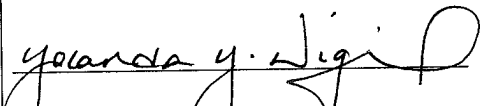
- 4 1. Establish a fund in the budget for the monies received from the NMDVS from this
5 time forward to be deposited in;
- 6 2. Enter into an MOU with NMDVS to designate a date specific on an annual basis in
7 which the NMDVS would transfer the balance of funds collected by the State and
8 deposited into the New Mexico Veterans' Cemetery Fund to the City; and
- 9 3. Schedule a summit with the NMDVS and other veterans' service providers to
10 establish a process in which to disseminate the funds received from the NMDVS and
11 deposited by the City for veteran programs.

12 PASSED, APPROVED and ADOPTED this 9th day of January, 2013.

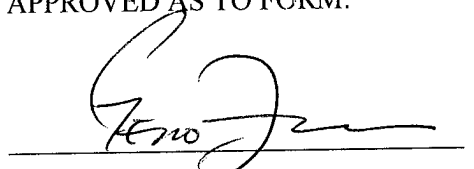
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14 DAVID COSS, MAYOR

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16 ATTEST:

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18 
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21 
22
23 GENO ZAMORA, CITY ATTORNEY

24
25 *M/Melissa/Resolutions 2013/2013-2 Veterans Service Funds*