

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2016-5

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4  
5 AN ORDINANCE

6 AMENDING SUBSECTION 18-10 SFCC 1987 TO REDEDICATE A PORTION OF THE  
7 MUNICIPAL GROSS RECEIPTS TAX TO RECREATIONAL FACILITIES, AND BIKE  
8 AND PEDESTRIAN PATHWAYS; AND REMOVING THE PROVISION FOR  
9 ALLOWING THE USE OF EXCESS FUNDS FOR GENERAL MUNICIPAL  
10 OPERATIONS.

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

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

15 18-10 MUNICIPAL GROSS RECEIPTS TAX.

16 18-10.1 Imposition of Tax.

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

24 18-10.2 General Provisions.

25 This section hereby adopts by reference all definitions, exemptions and deductions

1 contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be  
2 amended.

3 **18-10.3 Specific Exemptions.**

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

5 A. Direct broadcast satellite services;

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

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

12 **18-10.4 Dedication.**

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

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

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

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

23 (a) Construction, reconstruction, improvements, replacement,  
24 facility structural maintenance and repair, including related equipment and  
25 furnishings for the facilities.

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

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

6 (d) Computer hardware and software.

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

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

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

19 (2) After satisfying the distribution provided for in paragraph C (1), the  
20 remaining proceeds of the gross receipts tax shall be allocated exclusively for the  
21 following quality of life purposes: recreational facilities, bike and pedestrian pathways -  
22 with a priority given to pathways that connect with bus stops - libraries, and parks.  
23 Allocations for these quality of life purposes shall not exceed eleven percent (11%) of the  
24 total amount received from the fifth one-quarter percent (1/4%) increment of the gross  
25 receipts tax, except that any amount unspent for quality of life purposes shall be used for

1 general municipal operations.

2 **18-10.5 Effective Date.**

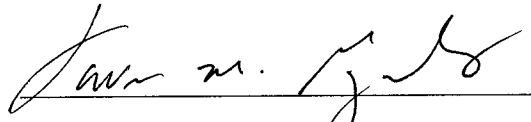
3 A. The effective date of the first two (2) one-quarter percent (1/4%) increments of  
4 the municipal gross receipts tax shall be January 1, 1982.

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

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

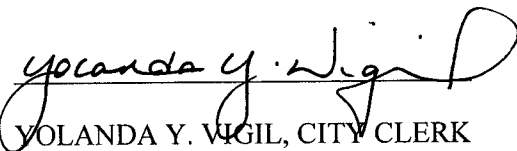
9 D. The effective date of the fifth one-quarter percent (1/4%) increments of the  
10 municipal gross receipts tax shall be January 1, 1992.

11 PASSED, APPROVED and ADOPTED this 13<sup>th</sup> of January, 2016.

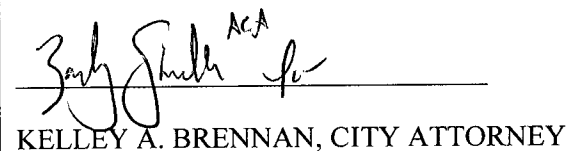
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14 JAVIER M. GONZALES, MAYOR

15 ATTEST:

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18 YOLANDA Y. VIGIL, CITY CLERK

19 APPROVED AS TO FORM:

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21   
22 KELLEY A. BRENNAN, CITY ATTORNEY