

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-77 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca

1 **ORDINANCE**

2 **ADOPTING A THREE EIGHTHS OF ONE PERCENT (0.375%) MUNICIPAL**
3 **GROSS RECEIPTS TAX TO CREATE A QUALITY-OF-LIFE ENHANCEMENT**
4 **FUND.**

5 **WHEREAS, residents of the city deserve to enjoy high-quality amenities**
6 **that enrich their daily lives, reflect the values of the community, and ensure**
7 **that Albuquerque remains a premier destination for both residents and**
8 **visitors; and**

9 **WHEREAS, the Quality-of-Life Enhancement Fund aims to improve the**
10 **quality of cultural programs and facilities, ensuring that Albuquerque**
11 **residents have access to a variety of cultural experiences that reflect the city’s**
12 **rich heritage and vibrant communities; and**

13 **WHEREAS, the Quality-of-Life Enhancement Fund will support the**
14 **expansion, modernization, and overall development of recreational facilities,**
15 **public parks, green spaces, cultural centers, and programs for residents,**
16 **creating more opportunities for community engagement; and**

17 **WHEREAS, implementing the Quality-of-Life Enhancement Fund will help**
18 **address rising development costs and secure funding to ensure critical**
19 **projects are completed efficiently and without delays that increase expenses;**
20 **and**

21 **WHEREAS, the City of Albuquerque previously had a Quality-of-Life**
22 **Enhancement Fund that supported iconic “cultural jewels,” such as the**
23 **BioPark and Zoo, which now attract visitors from across the state; and**

24 **WHEREAS, establishing a Quality-of-Life Enhancement Fund will provide a**
25 **dedicated revenue stream to the City Council to address essential and long-**

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1 promised community infrastructure needs and improvements that benefit
2 Albuquerque residents; and

3 WHEREAS, the Quality-of-Life Enhancement Fund will stimulate local
4 economic growth by creating jobs through infrastructure development and
5 community improvement projects; and

6 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
7 ALBUQUERQUE:

8 SECTION 1. Name. This municipal gross receipts tax shall be known as the
9 "Quality of Life Enhancement Fund."

10 SECTION 2. Imposition of Tax. There is imposed on any person engaging in
11 business in this municipality for the privilege of engaging in business in this
12 municipality an excise tax equal to 0.375% of the gross receipts reported or
13 required to be reported by the person pursuant to the New Mexico Gross
14 Receipts and Compensating Tax Act as it now exists or as it may be amended.
15 The tax imposed under this ordinance is pursuant to the Municipal Local
16 Option Gross Receipts Taxes Act as it now exists or as it may be amended
17 and shall be known as the "unrestricted municipal gross receipts tax."

18 SECTION 3. General Provisions. This ordinance hereby adopts by reference
19 all definitions, exemptions and deductions contained in the Gross Receipts
20 and Compensating Tax Act as it now exists or as it may be amended.

21 SECTION 4. Specific Exemptions. No municipal gross receipts tax shall be
22 imposed on the gross receipts arising from:

23 A. transporting persons or property for hire by railroad, motor vehicle, air
24 transportation or any other means from one point within the municipality to
25 another point outside the municipality;

26 B. a business located outside the boundaries of a municipality on land
27 owned by that municipality for which a state gross receipts tax distribution is
28 made pursuant to NMSA 1978, Section 7-1-6.4, Subsection C; or

29 C. direct broadcast satellite services.

30 SECTION 5. Dedication.

31 A. All revenue from the municipal gross receipts tax will be deposited
32 into a Quality-of-Life Enhancement Fund and shall be used to meet the
33 following goals:

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- 1 1 Promoting and preserving cultural diversity;
- 2 2 Enhancing the quality of cultural programs and activities;
- 3 3 Fostering greater access to cultural opportunities;
- 4 4 Promoting culture in order to further economic development
- 5 within the municipality; and
- 6 5 Supporting projects, programs, events and organizations with
- 7 direct, identifiable and measurable public benefit to residents.

8 **B. All revenue shall be allocated as follows:**

9 1 First Year: All revenue shall be allocated to completing the North
10 Domingo Baca Aquatic Center. Any excess revenue shall be dedicated to a
11 downtown performing arts center in Council District 2;

12 2 Second Year: All revenue shall be allocated to developing a
13 downtown performing arts center in Council District 2. Any excess revenue
14 shall be allocated equally among the nine City Council Districts, with each City
15 Councilor determining their district’s use of the funds, consistent with the
16 goals outlined in Section 5A; and

17 3 Subsequent Years: All revenue shall be allocated equally
18 among the nine City Council Districts, with each City Councilor determining
19 their district’s use of the funds, consistent with the goals outlined in Section
20 5A.

21 **C. It is the objective of the Quality-of-Life Enhancement Fund that the**
22 **revenue from the tax be used to expand and sustain existing programs and to**
23 **develop new projects, programs, events and activities, rather than to replace**
24 **other funding sources for existing projects, programs, events and activities.**

25 **SECTION 6. Effective Date. The effective date of the municipal gross**
26 **receipts tax shall be either January 1, 2026, or July 1, 2026, whichever date**
27 **occurs first after the expiration of three months from the date when the results**
28 **of the election are certified to be in favor of the ordinance’s adoption and the**
29 **adopted ordinance is delivered or mailed to the Taxation and Revenue**
30 **Department.**

31 **SECTION 7. Delayed Repeal. The 0.375% tax imposed by this ordinance is**
32 **hereby repealed effective twenty (20) years after the effective date of the tax,**
33 **unless renewed by the City Council prior to expiration.**

1 SECTION 8. Delivery to the State Taxation and Revenue Department. The
2 City Clerk shall provide a certified copy of this ordinance to the State Taxation
3 and Revenue Department within five (5) days after the date this ordinance is
4 enacted pursuant to SECTION 6.

5 SECTION 9. Severability. If any section, paragraph, sentence, clause,
6 word, or phrase of this ordinance is for any reason held to be invalid or
7 unenforceable by any court of competent jurisdiction, such decision shall not
8 affect the validity of the remaining provisions of this ordinance. The Council
9 hereby declares that it would have passed this ordinance and each section,
10 paragraph, sentence, clause, word, or phrase thereof irrespective of any
11 provision being declared unconstitutional or otherwise invalid.

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