

#### TIMOTHY M. KELLER, MAYOR

### CITY OF ALBUQUERQUE OFFICE OF THE MAYOR/ CHIEF ADMINISTRATIVE OFFICE

### INTEROFFICE MEMORANDUM

TO:

CYNTHIA BORREGO, PRESIDENT, CITY COUNCIL

FROM:

TIMOTHY M. KELLER, MAYOR K

SUBJECT:

VETO OF O-20-18, IMPOSING A MUNICIPAL GASOLINE TAX OF TWO

CENTS PER GALLON CONDISTIONAL UPON VOTER APPROVAL

DATE:

JUNE 2, 2021

As we start to come out of the pandemic, I respect Council for trying to find a way to pay for infrastructure, but I believe that if we work together we can do this in a better way.

In the case of this measure, I have concerns about "entrenched legislation," a legal concept I ran up against in my work as lawmaker in our State Senate. Like entrenched legislation, O-20-18 tries to bind a future Council that will not be composed of the same membership (due to possible election changes and the retirement of two councilors) at the time of the proposed vote.

From our bond investments to Federal stimulus funds to our COVID-19 emergency infrastructure projects; together we have a strong track record of investing in our city. Next year, with those who are elected, and after the pandemic has passed and finances become more predictable; I am open to revisiting infrastructure funding methods that include a richer discussion of options regarding source funds and usage of funds. Based on this and the possibility to remedy the entrenched legislation concern next year, I am exercising my authority to veto this legislation.

## CITY OF ALBUQUERQUE CITY COUNCIL

#### INTEROFFICE MEMORANDUM

TO:

Timothy M. Keller, Mayor

FROM:

Chris Melendrez, Acting Director of Council Services (1). Ver 5/24/21

SUBJECT: Transmittal of Legislation

Transmitted herewith is <u>Bill No. O-20-18</u> Imposing A Municipal Gasoline Tax Of Two Cents Per Gallon Conditional Upon Voter Approval; Dedicating The Revenue Generated By The Municipal Gasoline Tax To Rehabilitate Public Streets And Roadway Systems For The Benefit Of The City (Benton), which was passed at the Council meeting of May 17, 2021 by a vote of <u>5 FOR AND 4 AGAINST</u>.

For: Bassan, Benton, Davis, Gibson, Jones Against: Borrego, Harris, Peña, Sena

In accordance with the provisions of the City Charter, your action is respectfully requested.

# CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-18 ENACTMENT NO.			
SPONSORED BY: Isaac Benton			
	1	ORDINANCE	
	2	IMPOSING A MUNICIPAL GASOLINE TAX OF TWO CENTS PER GALLON	
	3	CONDITIONAL UPON VOTER APPROVAL; DEDICATING THE REVENUE	
	4	GENERATED BY THE MUNICIPAL GASOLINE TAX TO REHABILITATE PUBLIC	
	5	STREETS AND ROADWAY SYSTEMS FOR THE BENEFIT OF THE CITY.	
	6	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF	
	7	ALBUQUERQUE:	
	8	Section 1. Imposition of Tax. There is hereby imposed, conditional upon	
	9	voter approval, a tax of two cents (\$0.02) a gallon on all gasoline sold at retail	
_	10	within the boundaries of the City of Albuquerque and upon which gasoline	
- New Deletion	11	taxes are imposed in accordance with the Gasoline Tax Act, Chapter 7, Article	
- Ne	12	24-A NMSA 1978.	
	13	The tax imposed under this ordinance is pursuant to the County and	
[Bracketed/Underscored Material] - [Bracketed/Strikethrough Material] -	14	Municipal Gasoline Tax Act as it now exists or as it may be amended and shall	
Z X	15	be known as the "Municipal Gasoline Tax." The tax imposed by this section	
ore dh	16	shall be in addition to the tax imposed under the Gasoline Tax Act by the State	
arsc arou	17	of New Mexico.	
lnd <del>f</del>	18	Section 2. Dedication. Revenue from the Municipal Gasoline Tax will be	
3d/L	19	used to fund the rehabilitation of public streets and roadway systems for the	
kete	20	benefit of the City. Rehabilitation projects are those required to extend the	
3rac	21	service life of an existing facility, improve its operation, improve safety, or	
	22	restore original performance or capacity. Rehabilitation projects shall, in	
	23	accordance with the standards in the Complete Streets ordinance, examine	
	24	the entire right-of-way to enhance usefulness for all transportation and	
	25	mobility users. Rehabilitation projects shall prioritize the improvement of	

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connections between the various transportation and mobility modes and shall

1	improve conditions for pedestrians and persons with disabilities as required
2	by the Americans with Disabilities Act. No funds shall be expended to enhance
3	aesthetics on interstate highways.
4	Section 3. Within sixty days of the adoption of this ordinance, the City
5	Council shall pass an election resolution submitting the question of levying
6	the tax to the qualified electors of the City of Albuquerque at the General
7	election in 2022.

Section 4. Effective Date. The effective date of the Municipal Gasoline Tax shall be either January 1, or July 1, whichever date occurs first after the expiration of three months from the date an election is held on the question of approving the ordinance, in which the results of the election are certified to be in favor of the ordinance's adoption and a certified copy of the adopted ordinance is submitted to the Taxation and Revenue Department.

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

Section 6. Compilation. The ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 7. Effective Date. This ordinance shall take effect five days after publication by title and general summary.

	1	PASSED AND ADOPTED THIS DAY OF May, 2021
	2	BY A VOTE OF: 5 FOR 4 AGAINST.
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	4	For: Bassan, Benton, Davis, Gibson, Jones
	5	Against: Borrego, Harris, Peña, Sena
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	8	-grather ). Honey?
	9	Cynthia D. Borrego, President
	10	City Council
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	14	APPROVED THIS DAY OF, 2021
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	17	Bill No. O-20-18
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ated A/S	27	
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E E	29	ATTEST.
쁘	30	
	31	Ethan Watson, City Clerk
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