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

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

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

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

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

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

- 21 A. transporting persons or property for hire by railroad, motor vehicle, air
22 transportation or any other means from one point within the municipality to
23 another point outside the municipality;
- 24 B. a business located outside the boundaries of a municipality on land
25 owned by that municipality for which a state gross receipts tax distribution is
26 made pursuant to NMSA 1978, Section 7-1-6.4, Subsection C; or
- 27 C. direct broadcast satellite services.

28 SECTION 5. Dedication.

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

- 32 1 Promoting and preserving cultural diversity;
- 33 2 Enhancing the quality of cultural programs and activities;

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

6 B. All revenue shall be allocated as follows:

7 1 First Year: All revenue shall be allocated to completing the North
8 Domingo Baca Aquatic Center. Any excess revenue shall be dedicated to a
9 downtown performing arts center in Council District 2;

10 2 Second Year: All revenue shall be allocated to developing a
11 downtown performing arts center in Council District 2. Any excess revenue
12 shall be allocated equally among the nine City Council Districts, ~~[with each~~
13 ~~City Councilor determining their district's use of the funds]~~ [based on a
14 determination from each City Councilor as to the appropriate use of the funds
15 for their district], consistent with the goals outlined in Section 5A; and

16 3 Subsequent Years: All revenue shall be allocated equally
17 among the nine City Council Districts, ~~[with each City Councilor determining~~
18 ~~their district's use of the funds]~~ [based on a determination from each City
19 Councilor as to the appropriate use of the funds for their district], consistent
20 with the goals outlined in Section 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. [Pursuant to NMSA 1978, Section 7-19D-9(C)(1),
26 the imposition of this municipal gross receipts tax is contingent upon voter
27 approval at the 2025 Regular Local Election.] The effective date of the
28 municipal gross receipts tax shall be either January 1, 2026, or July 1, 2026,
29 whichever date occurs first after the expiration of three months from the date
30 when the results of the election are certified to be in favor of the ordinance's
31 adoption and the adopted ordinance is delivered or mailed to the Taxation and
32 Revenue Department.

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

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

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

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