



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 *TMK*

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 *CO. Per 5/24/21*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-20-18 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 5 FOR AND 4 AGAINST.

**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.

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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.

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

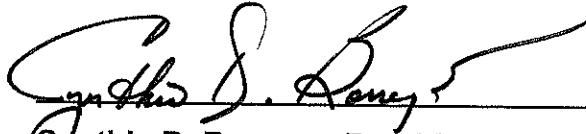
14 Section 5. Severability Clause. If any section, paragraph, sentence, clause,
15 word or phrase of this ordinance is for any reason held to be invalid or
16 unenforceable by any court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining provisions of this ordinance.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

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

23 Section 7. Effective Date. This ordinance shall take effect five days after
24 publication by title and general summary.
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1 PASSED AND ADOPTED THIS 17th 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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9 Cynthia D. Borrego, President
10 City Council
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14 APPROVED THIS 2 DAY OF June, 2021
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17 Bill No. O-20-18
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22 Timothy M. Keller, Mayor
23 City of Albuquerque
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28 ATTEST:
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30 _____
31 Ethan Watson, City Clerk
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