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1 gross receipts reported or required to be reported by the person pursuant to
2 the New Mexico Gross Receipts and Compensating Tax Act as it now exists or
3 as it may be amended. The tax imposed under this ordinance is pursuant to
4 the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it
5 may be amended and shall be known as the “Community Enhancement and
6 Local Investment Tax.”

7 SECTION 2. General Provisions. This ordinance hereby adopts by reference
8 all definitions, exemptions, and deductions contained in the Gross Receipts
9 and Compensating Tax Act as it now exists or as it may be amended.

10 SECTION 3. Specific Exemptions. No municipal gross receipts tax shall be
11 imposed on the gross receipts arising from:

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

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

18 C. direct broadcast satellite services.

19 SECTION 4. Dedication. Revenues from the “Community Enhancement and
20 Local Investment Tax” shall be used as follows:

21 A. 50% of revenues shall be dedicated for general municipal operational
22 and maintenance purposes and cost-of-living.

23 B. 50% of revenues shall be dedicated for municipal community
24 enhancement projects and related debt service, as applicable, including, but
25 not limited to, design, construction, acquisition, improvement, renovation,
26 rehabilitation, and equipping or furnishing thereof.

27 1. The amount dedicated for municipal community enhancement
28 projects shall be divided equitably by ten, with a portion for community
29 enhancement projects in each of the nine City Council districts and a
30 portion for community enhancement projects city-wide.

31 2. Projects that can be started within six months of the issuance of one
32 or more bonds to finance such project secured by the revenues dedicated
33 for municipal community enhancement projects shall be identified and

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1 defined prior to issuance of such bonds, and a listing of the projects shall
2 be included in the bond ordinance approving issuance of the bonds.

3 3. Any gross receipts tax funds collected under this section that are not
4 bonded against by July 1, 2028 shall revert to the General Fund for general
5 municipal operational and maintenance purposes and cost-of-living.

6 SECTION 5. Sunset. The Community Enhancement and Local Investment
7 Tax shall sunset 21 years after the effective date of this ordinance, unless by
8 resolution City Council elects to continue the tax.

9 SECTION 6. Effective Date. The effective date of the municipal gross
10 receipts tax shall be July 1, 2027, at least three months from the date when the
11 results of the election are certified to be in favor of the ordinance’s adoption
12 and the adopted ordinance is delivered or mailed to the Taxation and Revenue
13 Department.

14 SECTION 7. Severability. If any section, paragraph, sentence, clause, word,
15 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 8. Compilation. SECTIONS 1-5 of this ordinance are to be
22 compiled as a new Part 11 in Chapter 4, Article 3 of the Revised Ordinances of
23 Albuquerque, New Mexico, 1994, titled “Community Enhancement and Local
24 Investment Tax.”
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