



County of Los Alamos

Los Alamos, NM 87544
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Council Meeting Staff Report

July 31, 2018

Agenda No.: C.

Indexes (Council Goals):

Presenters: Naomi Maestas; Steven Lynne

Legislative File: OR0822-18b

Title

Incorporated County of Los Alamos Ordinance No. 685 County Regional Transit Gross Receipts Tax Reauthorization Election.

Recommended Action

I move that Council adopt Incorporated County of Los Alamos Ordinance No. 685 County Regional Transit Gross Receipts Tax Reauthorization Election; I further move that, upon passage, the Ordinance be published as required.

County Manager's Recommendation

The County Administrator recommends that Council adopt Incorporated County of Los Alamos Ordinance No. 685.

Board, Commission or Committee Recommendation

The North Central Regional Transit District (NCRTD) has passed a resolution calling for this action.

Body

Ordinance No. 685 would place the following question on the November 6, 2018 General Election ballot:

COUNTY REGIONAL TRANSIT GROSS RECEIPTS TAX REAUTHORIZATION

Do you support reauthorization of the existing County Regional Transit Gross Receipts Tax of one-eighth of one percent (1/8%) to finance the operational costs and capital expenditures of passenger transportation in the North Central Regional Transit District by repealing the 2024 expiration of the tax?

FOR REAUTHORIZATION _____

AGAINST REAUTHORIZATION _____

Ordinance No. 684 implements this GRT reauthorization action locally, but it is not effective until approved by a majority of voters in the District. The ordinance being introduced, No. 685, is required to place this question on the ballot.

The governing State statute is included below for reference.

7-20E-23. County regional transit gross receipts tax; authority to impose; rate; election required.

A. Upon a request by resolution of the board of directors of a regional transit district, a majority of the members of the governing body of each county that is within the district shall impose by identical ordinances an excise tax at the rate specified in the resolution, but not to exceed one-half percent of the gross receipts of any person engaging in business in the district for the privilege of engaging in ...

business. A tax imposed pursuant to this section may be imposed by one or more ordinances, each imposing any number of tax rate increments, but an increment shall not be less than one-sixteenth percent of the gross receipts of any person engaging in business in the district and the aggregate of all rates shall not exceed one-half percent of the gross receipts of any person engaging in business in the district. The tax may be referred to as the "county regional transit gross receipts tax".

B. Each governing body, at the time of enacting an ordinance imposing the tax authorized in Subsection A of this section, shall dedicate the revenue for the purposes authorized by the Regional Transit District Act [Chapter 73, Article 25 NMSA 1978].

C. An ordinance imposing a county regional transit gross receipts tax shall not go into effect until after a joint election is held by all counties within the district and a majority of the voters of the district voting in the election votes in favor of imposing the tax. Each governing body shall adopt an ordinance calling for a joint election within seventy-five days of the date the resolution is adopted on the question of imposing the tax. The question shall be submitted to the voters of the district as a separate question at a general election or at a joint special election called for that purpose by each governing body. A joint special election shall be called, conducted and canvassed substantially in the same manner as provided by law for general elections. If a majority of the voters in the district voting on the question approves the ordinance imposing the county regional transit gross receipts tax, the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts Taxes Act. If the question of imposing the county regional transit gross receipts tax fails, the governing bodies shall not again propose the imposition of any increment of the tax for a period of one year from the date of the election.

D. The governing body of a county imposing a county regional transit gross receipts tax shall transfer all proceeds from the tax to the regional transit district for the purposes specified in the ordinance and in accordance with the provisions of the Regional Transit District Act.

E. As used in this section, "county within the district" means a county within which lies any portion of a regional transit district.

Alternatives

Council could choose not to adopt this ordinance.

Fiscal and Staff Impact/Planned Item

There is minimal staff and fiscal impact to including this question on the general election ballot.

Attachments

A - Publication Notice

B - Incorporated County of Los Alamos Ordinance No. 685