



Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 15-149

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of February 17, 2015
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT LEGISLATION THAT WOULD REMOVE THE TAXING LIMITATIONS CURRENTLY IMPOSED ON HOME RULE MUNICIPALITIES.

PURPOSE(S) OF ACTION:

To support a legislative statement.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Robert Garza	<u>Department/Section:</u> Administration/City Manager	<u>Phone:</u> 541-2076
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces has a municipal charter that was initially approved by the voters in 1985. This home rule municipal charter establishes the power of local control and authority of the Mayor and City Council and gives them the authority to legislate locally and perform all functions not expressly denied by state law.

State law has restricted the ability of a home rule municipality to develop ordinances enabling predictable and stable revenue programs. The City of Santa Fe, which is also a home rule municipality, has requested the City of Las Cruces to join them in urging the State Legislature to take immediate action and amend state laws to remove restrictions imposed on home rule municipalities. The attached Resolution requests immediate action and specifically targets limitations and controls on taxing authority.

SUPPORT INFORMATION:

1. Resolution.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will direct staff to submit the Resolution to appropriate legislative bodies.
2. Vote "No"; no further action will be required.
3. Vote to "Amend"; any changes required by the City Council can be made.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 15-149**A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT LEGISLATION THAT WOULD REMOVE THE TAXING LIMITATIONS CURRENTLY IMPOSED ON HOME RULE MUNICIPALITIES.**

The City Council is informed that:

WHEREAS, Article X, Section 6 of the New Mexico Constitution authorizes municipalities in the State of New Mexico to adopt Home Rule Charters; and

WHEREAS, the voters of the City of Las Cruces "City", New Mexico approved the adoption of the Las Cruces Municipal Charter ("Charter") in 1985 and the Charter has been subsequently amended by the voters in 1989, 1993, 2005 and 2006; and

WHEREAS, state law has severely restricted the ability of a home rule municipality to develop ordinances enabling predictable and stable revenue programs; therefore, there is a need for the State Legislature to take immediate action and amend state law to remove tax related limitations imposed on home rule municipalities and permit such municipalities to have the authority to benefit from community specific and appropriate tax revenue sources.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the City of Las Cruces hereby calls on the New Mexico State Legislature to take immediate action during the 2015 Legislative Session to enact legislation that would remove the taxing limitations currently imposed on home rule municipalities and to permit home rule municipalities to have independent taxing authority.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

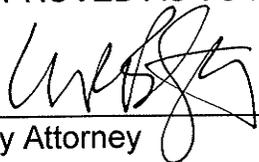
Councillor Sorg: _____

Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney