

**SANTA FE COUNTY**

**RESOLUTION NO. 2013- 134**

**A RESOLUTION ON PREEMPTION OF LOCAL AUTHORITY**

**WHEREAS**, New Mexico counties have a statutory responsibility for indigent health care pursuant to the County Hospital and Indigent Health Care Act, NMSA 1978, Sections 27-5-1 through 18 (1953 as amended through 2012), and also have a long history of caring for and commitment to the support of their local hospitals, particularly in rural areas of the state;

**WHEREAS**, pursuant to NMSA 1978, Section 7-20E-9(2008) New Mexico counties are authorized to impose a local option gross receipts tax increment of one-eighth of one percent without referendum, the revenues from which must be dedicated to the support of indigent patients who are residents of that county;

**WHEREAS**, every county except for Harding and Socorro has imposed the second one-eighth gross receipts tax increment for indigent patients;

**WHEREAS**, pursuant to NMSA 1978, Section 7-20E-18(2009) sixteen counties have also enacted the County Health Care Gross Receipts Tax one-sixteenth increment without referendum or petition, the revenues from which must be dedicated to the State's County-supported Medicaid Fund;

**WHEREAS**, the New Mexico Association of Counties has consistently requested transparent and accountable use of county funding for hospital uncompensated care through reporting on the use of those funds by the recipient hospitals to the counties;

**WHEREAS**, some revenues from the second one-eighth increment are currently used by counties to provide a local match to the state for the purpose of drawing down federal Medicaid dollars for hospitals that qualify for the Sole Community Provider Program;

**WHEREAS**, New Mexico's implementation of Medicaid expansion and market exchanges that are part of health care reform will mean that many indigent care clients will qualify for the new expanded Medicaid coverage, but many will remain indigent due to exemptions to the Affordable Care Act, and may therefore, pursuant to NMSA 1978, Section 27-5-2(1997), continue to be the responsibility of the county where they are domiciled;

**WHEREAS**, the intent of the federal Affordable Care Act, is to encourage hospitals and local governments and communities to work together closely to build a safety net of basic health care services;

**WHEREAS**, the New Mexico Human Services Department (HSD) has proposed to redirect the revenue generated by the county local option second one-eighth gross receipts tax increment from the counties that have authorized it, to the State of New Mexico.

REC'D  
CLERK  
RECORDED  
12/10/13

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Santa Fe County does hereby oppose any proposal or legislation that would preempt local government authority, by taking from counties the authority to utilize revenues generated by local taxes in the best interests of their citizens.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of December, 2013

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

By: Kathy S. Holian  
Kathy S. Holian, Chair

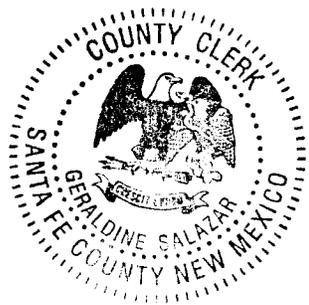
ATTEST:

APPROVED AS TO FORM:

Geraldine Salazar  
Geraldine Salazar, Santa Fe County Clerk

Stephen C. Ross  
Stephen C. Ross, County Attorney

12/4/2013



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 5TH Day Of December, 2013 at 10:33:26 AM And Was Duly Recorded as Instrument # 1724661 Of The Records Of Santa Fe County

Witness By Hand And Seal Of Office  
Deputy Maureen Antkowiak Geraldine Salazar  
County Clerk, Santa Fe, NM

BCC CLERK RECORDED 12/05/2013