

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION NO. 2008-7

**A RESOLUTION OPPOSING AN INCREASE
OF GROSS RECEIPTS TAXES TO SANTA FE COUNTY RESIDENTS
FOR OPERATION, MAINTENANCE AND OTHER COSTS OF THE NEW MEXICO
RAIL RUNNER**

WHEREAS, by bringing the Rail Runner to New Mexico, the New Mexico Department of Transportation (NMDOT) has sought to improve the State's inadequate transportation infrastructure, including the Rail Runner project, a project designed to connect the towns and cities between Belen and Santa Fe with reliable passenger rail transportation;

WHEREAS, these efforts are laudable and important because multimodal transportation systems invigorate the economy and connect people in small towns and cities and facilitate transportation of goods and people to other states and nations;

WHEREAS, the Board of County Commissioners of Santa Fe County, together with the Regional Planning Authority and Metropolitan Planning Organization, have supported the Rail Runner project based on presentations made by the NMDOT and the Mid-Region Council of Governments (MRCOG);

WHEREAS, early in the Rail Runner Project, the NMDOT Secretary and Governor assured the Board of County Commissioners, RPA and the MPO that the Rail Runner was a GRIP project and the State would operate and maintain it like any other GRIP project in any other part of the state, and local governments would not be expected to contribute to the project;

WHEREAS, GRIP projects, historically, are funded through state monies after completion of the project, and the aforementioned bodies rightfully assumed that the Rail Runner project would be funded consistent with GRIP projects generally;

WHEREAS, H.B. 400, a bill that creates a Commuter Rail Transit District, has been introduced in the New Mexico State Legislature by Representative Silva;

WHEREAS, H.B. 400, if enacted into law, would create a regional transit district consisting of Santa Fe, Bernalillo, Valencia and Sandoval counties, managed by a Board consisting of members of the County Commissions of each County, persons appointed by the mayors of Santa Fe and Albuquerque, and chaired by the Lieutenant Governor;

WHEREAS, H.B. 400, if enacted into law, would apparently enable voters in those counties to decide whether to impose a new gross-receipts tax to help fund Rail Runner operations, and apparently would permit the gross receipts tax to become effective in all four

counties even if the voters in one of the four affected counties did not vote in favor of the proposed tax;

WHEREAS, obvious issues are presented by H.B. 400, including the fact that the Board of Directors created by the bill would be dominated by members from the Albuquerque metroplex, and the fact that the proposed gross receipts tax could be enacted over the objections of the voters of any particular county;

WHEREAS, the election provisions of H.B. 400 would apparently dictate taxation policy to the voters of Santa Fe County and the Board of County Commissioners in controvention of the Constitution and Laws of the State of New Mexico, and is apparently directly contradictory to the promises made by the Administration to the Board of County Commissioners, the Metropolitan Transportation Organization, and the Regional Planning Organization;

WHEREAS, it is the belief of the undersigned that local communities should not be required to bear the cost of operating and maintaining a statewide project, and doing so in this case would establish extremely dangerous precedent, and expose citizens to increases in gross receipts taxation, to the detriment of local economies;

WHEREAS, neither the Rail Runner project, nor any other NMDOT-funded projects, should be allowed to access local funds for operations and/or maintenance of statewide infrastructure; and

WHEREAS, it is now apparent that the NMDOT and MRCOG misrepresented its intent to seek local funds for operation and maintenance of the Rail Runner project.

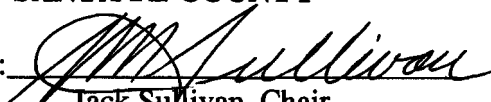
NOW, THEREFORE BE IT RESOLVED, as follows:

1. The NMDOT must stand by its original commitment to fund operations, maintenance and other costs of the of the Rail Runner project from State, not local, funding sources, and the Board of County Commissioners wishes to express its opposition to enactment of H.B. 400.

2. The NMDOT should pledge that funding for operations and maintenance of all other GRIP projects shall be derived from State, not local, sources.

PASSED, ADOPTED, AND APPROVED THIS 29TH DAY OF JANUARY, 2008

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

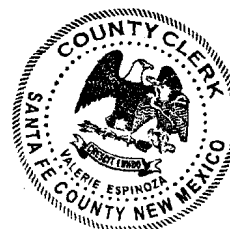
By: 
Jack Sullivan, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of January, A.D., 2008 at 11:00
And Was Duly Recorded as Instrument # 1513779
Of The Records Of Santa Fe County

Deputy Marcello Lopez Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM