

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

RESOLUTION NO. 2008- 112

**A RESOLUTION TERMINATING PARTICIPATION IN THE
INTERGOVERNMENTAL CONTRACT FOR THE NORTH CENTRAL
REGIONAL TRANSIT DISTRICT AND WITHDRAWING FROM THE
DISTRICT**

WHEREAS, the North Central Regional Transit District (hereinafter referred to as "NCRTD") was created by agreement of the City of Espanola, Los Alamos County, Pojoaque Pueblo, Rio Arriba County, San Ildefonso Pueblo, San Juan Pueblo, Santa Clara Pueblo, the City of Santa Fe, Santa Fe County and Tesuque Pueblo in 2006 pursuant to NMSA 1978, §§ 73-25-1 *et seq.* (2003);

WHEREAS, Section 11.04 of the Intergovernmental Contract that created the NCRTD provides that a member of the District may withdraw from the Regional Transit District by adopting a resolution of withdrawal;

WHEREAS, the Board of the NCRTD has announced its intention to levy a gross receipts tax pursuant to NMSA 1978, § 7-20E-23 (2004, 2007), which has variously been described as a 1/8% or 3/16% tax increment;

WHEREAS, the NCRTD has not demonstrated a need for the substantial revenue that a gross receipts tax levy would generate, nor has the NCRTD analyzed the possible impact of the proposed gross receipts taxation on gross receipts tax funding for operating the Railrunner or for other projects;

WHEREAS, if operations of the Railrunner are ultimately funded from the gross receipts tax, the possibility exists that taxpayers in Santa Fe County will experience double taxation --- a gross receipts tax levy in favor of the NCRTD and a separate gross receipts tax levy to benefit the Railrunner project, as well as the certainty that transportation in Northern New Mexico will be governed by multiple jurisdictions with no assurance that those jurisdictions will work together to achieve a coherent and efficient transportation system;

WHEREAS, an example of the anomalous results that will be created by a multi-jurisdictional approach to transit planning is the fact that if the NCRTD's current proposal for a 1/8% gross receipts tax is approved by the voters, Santa Fe County residents will provide \$4.6 million a year in tax revenue for the District but receive only \$3.3 million in transit services, and the rest will be a subsidy for the other counties in the District;

WHEREAS, in addition to the potential for double taxation in Santa Fe County, it is apparent that the NCRTD has failed to provide compelling reasons for additional revenue and has failed to provide a concrete plan for improving its transportation services if the new levy is approved;

WHEREAS, new taxes should only be undertaken if strictly necessary to serve a compelling governmental need, and since the potential for double taxation exists and the other ramifications of the proposed tax have not been carefully studied, the County should not participate in the NCRTD until a compelling need for the proposed new taxation is demonstrated and the relationship between the goals of the NCRTD and the Railrunner project are adequately addressed;

WHEREAS, the proposals provided by the NCRTD to justify the gross receipts tax assumes direct dollar-for-dollar funding of transit projects with very little federal contributions, but if this is the case, it would be more cost-effective for the County to contract directly for its transit service needs through entities such as the City of Santa Fe rather than through a third party;

WHEREAS, recent discussions have yielded promising alternatives to the proposal of the NCDRT to accomplish Santa Fe's transit needs, including creating a Santa Fe Regional Transit District with the City of Santa Fe through the Regional Planning Authority or other appropriate entity, undertaking intergovernmental agreements or transit service agreements to accomplish needed connections with the Rail Runner project with the City of Santa Fe, the New Mexico Department of Transportation, the Mid-Region Council of Governments (MRCOG), the Mid-Regional Regional Transit District or the North Central Regional Transit District; and

WHEREAS, County staff and staff of the City of Santa Fe should investigate each of these alternatives, and other promising ideas that arise, so that the local governments and the public can make informed and intelligent decisions concerning transit in Santa Fe County, not hasty decisions forced by ill-advised and artificial deadlines.

THEREFORE, IT IS HEREBY RESOLVED, AS FOLLOWS:

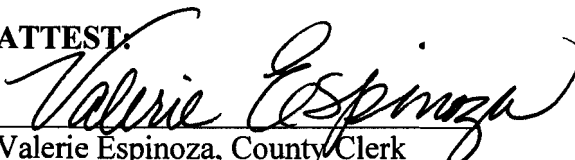
1. The Board of County Commissioners of Santa Fe County, pursuant to Section 11.04 of the Intergovernmental Contract, hereby terminates its participation in the Intergovernmental Contract and hereby withdraws from the NCRTD, effective immediately.
2. Staff shall provide notice of termination of the County's participation in the Intergovernmental Contract and of its withdrawal from the NCRTD, with a copy of this Resolution, to the NCRTD immediately.
3. Staff shall negotiate with staff of the NCRTD on appropriate terms for the withdrawal, pursuant to Section 11.04 of the Intergovernmental Contract.

4. Staff shall continue to investigate option to satisfy Santa Fe County's transit needs, including, but not limited to, creating a Santa Fe Regional Transit District with the City of Santa Fe through the Regional Planning Authority or other appropriate entity, undertaking intergovernmental agreements or transit service agreements to accomplish needed connections with the Rail Runner project with the City of Santa Fe, the New Mexico Department of Transportation, the Mid-Region Council of Governments (MRCOG), the Mid-Regional Regional Transit District or the North Central Regional Transit District, or any other appropriate options.

APPROVED, ADOPTED AND PASSED THIS 24th day of June, 2008.

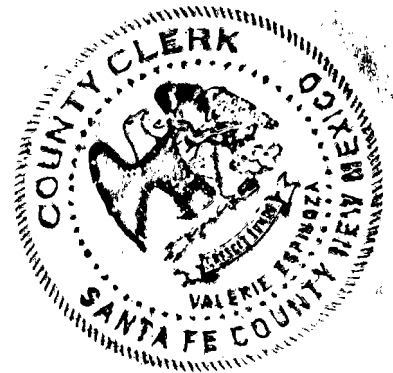
**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: 
Paul Campos, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

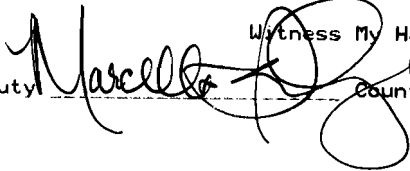

Stephen C. Ross, County Attorney



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 7TH Day Of July, A.D., 2008 at 16:27
And Was Duly Recorded as Instrument # **1531471**
Of The Records Of Santa Fe County

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