

RESOLUTION NO. R-23-31

**BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY
RESOLUTION AND PROCLAMATION OF SPECIAL ELECTION
CONCERNING AN AMENDMENT TO ORDINANCE NO. 12-03 –
REPEALING SUNSET CLAUSE FROM COUNTYWIDE EMERGENCY
COMMUNICATIONS AND EMERGENCY MEDICAL AND
BEHAVIORAL HEALTH SERVICES TAX
TAX INCREMENT**

WHEREAS, the Board of County Commissioners of Grant County (“Board”) has determined that a special election to amend Ordinance No. 12-03 shall be held on August __, 2023 pursuant to the New Mexico Election Code, NMSA 1978, Section 1-24-1 et seq and the “Countywide emergency communications and emergency medical and behavioral health services tax act,” NMSA 1978, Section 7-20E-22.

WHEREAS, Ordinance 12-03 was adopted by the Board and approved by a majority of the voters at an election held on 9-18, 2012 pursuant to the requirements of the County Local Option Gross Receipts Taxes Act, allowing the imposition of a gross receipts tax increment for the purpose of enhancing emergency communications and emergency medical and behavioral health services in the County;

WHEREAS, Section 6 of Ordinance No. 12-03 provides for the repeal of Ordinance No. 12-03 to occur on December 31, 2023;

WHEREAS, the repeal of Ordinance No. 12-03 will jeopardize the County’s ability to effectively provide emergency communications and emergency medical and behavioral health services throughout the County, leaving its residents and visitors with an increased risk of harm and lack of access to critical care, and, therefore, the Board wishes to amend Ordinance No. 12-03 to remove Section 6.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY:**

On August __, 2023 there will be held in Grant County a special local gross receipts tax election for the purpose of submitting to the registered qualified electors of the County the question of whether Ordinance No.12-03 should be amended and the sunset clause be repealed.

At the election, the following question shall be submitted to the registered qualified electors of the County:

Shall Section 6 of Ordinance No. 12-03 be amended to remove Section 6 in order to prevent its repeal on December 31, 2023 and allow for the continued collection of the gross receipts tax for countywide emergency communications and emergency medical and behavioral health services?

If the answer to the question is yes, Ordinance No. 12-03 shall be amended, removing Section 6, as follows:

Section 1. Imposition of Tax. *There is imposed on any person engaging in business in the county for the privilege of engaging in business in the county an excise tax equal to one-eighth of one percent (.125%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "countywide emergency communications and emergency medical and behavioral health services tax."*

Section 2. General Provisions. *This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.*

Section 3. Specific Exemptions. *No countywide emergency communications and emergency medical and behavioral health services tax shall be imposed on the gross receipts arising from:*

- A. *Transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the county; or*
8. *Direct broadcast satellite services.*

Section 4. Dedication. *Revenue from the countywide emergency communications and emergency medical and behavioral health services tax shall be dedicated to one or more of the following purposes:*

1. *Operation of an emergency communications center that has been determined by the Local Government Division of the Department of Finance and Administration to be a consolidated public safety answering point; or*
2. *Operation of emergency medical services provided by the county; or*
3. *Behavioral health services.*

Section 5. Effective Date. *The effective date of the countywide emergency communications and emergency medical services tax shall be January 1, 2013.*

~~Section 6. Delayed Repeal.~~ *Ordinance No. 12-03 (if it becomes law) is repealed effective December 31, 2023.*

The tax contemplated by this question shall be pursuant to the "Countywide emergency communications and emergency medical and behavioral health services tax act," NMSA 1978, Section 7-20E-22.

A person is a qualified elector of the county if, on the day of the election, he or she is a citizen of the United States, at least 18 years of age, and a resident of the county. In order to vote, qualified electors of the District must have previously registered with the Grant County Clerk, or any voter

registration agent. Any qualified elector of the District who is not now registered and wishes to vote at the election should register no later than 5:00 p.m. on _____, 2023, getting the 28th day preceding the election, during regular business hours and days of business, at the office of the Grant County Clerk, the Grant County Courthouse, or by voter registration agents at a designated agency pursuant to NMSA 1978, Section 1-4-48 and 49. Registration books close at the end of the day on _____, 2023 pursuant to NMSA 1978, Section 1-4-8.

Pursuant to NMSA 1978, Section 1-24-3(C), voting at this special election shall be conducted by mail ballot.

Pursuant to NMSA 1978, Section 1-24-3, the Grant County Clerk shall send each registered voter a ballot with a pre-paid, postage stamped return envelope. There shall be no polling places for this special election.

PASSED, APPROVED, AND ADOPTED this 11th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO

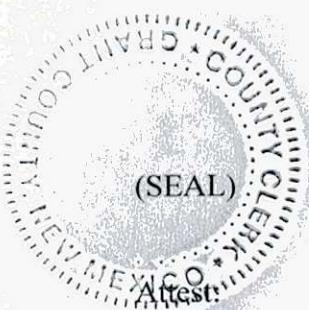
Chris M. Ponce, Chair

Eloy H. Medina, Member

Alicia Edwards, Member

Gerald W. "Billy" Billings, Jr., Vice Chair

Harry Browne, Member



By

Marisa Castrillo
Marisa Castrillo,
County Clerk