

ORDINANCE #41

AN ORDINANCE PROVIDING FOR DEDICATION TO THE SAFETY NET CARE POOL FUND; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the State of New Mexico has mandated that a County shall, by Ordinance to the effective July 1, 2014, dedicate to the safety net care pool an amount equal to a gross receipts tax rate of one-twelfth percent applied to the taxable gross receipts reported during the prior fiscal year by persons engaging in business in the County; and;

WHEREAS, the State of New Mexico has further mandated that the County transfer to the Safety Net Care Pool fund by the last day of March, June, September and December of each year an amount equal to one-fourth (1/4) of the County's payment to the Safety Net Care Pool fund; and

WHEREAS, Article X, Section 8 of the New Mexico Constitution prohibits the State from placing mandates on local governments unless it also provides requisite resources or funding;

WHEREAS, by virtue of the Governor's exercise of her line-item veto power, the Governor removed sunset clause pertaining to the transfer of the one-twelfth of one percent to the State, yet permitted the County's authority to impose a Gross Receipts Tax increment to cover the costs of this mandate to sunset on June 30, 2017, thereby leaving the County to scramble to find some mechanism to cover the costs of the unfunded mandate in contravention of Article X, Section 8 of the New Mexico Constitution; and

WHEREAS, voters in the County of Union approved a Mill Levy Election on November 6, 2012 and;

WHEREAS, New Mexico Senate Bill 268 (Laws 2014, Chapter 79, Section 16) provides a mechanism whereby a percentage of a Mill Levy Fund can be utilized for the continued provision of healthcare; and

WHEREAS, the Union County Board of Commissioners is inclined to comply with the unconstitutional statutory mandate.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UNION, NEW MEXICO THAT THE COUNTY OF UNION DEDICATE A PORTION OF ITS MILL LEVY PROCEEDS, AN AMOUNT EQUAL TO A GROSS RECEIPTS TAX RATE OF ONE TWELFTH (1/12) PERCENT AS FOLLOWS:

**SECTION I
SHORT TITLE**

This Ordinance shall be known as the "Safety Net Care Pool Fund Ordinance" and shall be referred to herein as "this Ordinance."

SECTION II

2.1 AUTHORITY

This Ordinance is enacted pursuant to the statutory mandate that a County shall, by Ordinance to be effective July 1, 2014, dedicate to the Safety Net Care Pool fund an amount equal to a Gross Receipts Tax rate of one-twelfth (1/12) percent applied to the taxable gross receipts reports during the prior fiscal year by persons engaging in business in the County.

SECTION III

3.1 DEDICATION TO SAFETY NET CARE POOL FUND

Effective July 1, 2014 the Board of County Commissioners hereby dedicates to the Safety Net Care Pool fund, from existing Mill Levy proceeds imposed pursuant to the hospital Funding Act § 4-48B-12 NMSA 1978 an amount equal to a Gross Receipts Tax rate of one-twelfth (1/12) percent applied to the taxable gross receipts reports during the prior fiscal year by persons engaging in business in the county.

3.2 TRANSFER TO SAFETY NET CARE POOL FUND

Effective July 1, 2014, the Board of County Commissioners hereby directs the transfer to the Safety Net Care Pool fund by the last day of March, June, September and December of each year an amount equal to one-fourth (1/4) of the county's payment to the Safety Net Care Pool fund.

SECTION IV

4.1 SEVERABILITY

If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of any article, section subsection, paragraph, sentence, clause, phase or provision in this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the County of Union Board of Commissioners to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

SECTION V

5.1 EFFECTIVE DATE

The Board of County Commissioners finds, in accordance with the findings of the New Mexico State Legislature, that it is necessary for the public peace, health and safety that this ordinance take effect immediately. It shall therefore be effective immediately upon being recorded and

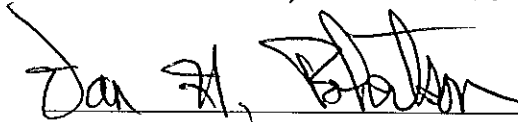
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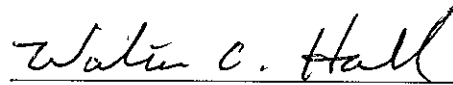
authenticated by the Union County Clerk following adoption by the Union County Board of Commissioners.

PASSED, APPROVED and ADOPTED this 10th day of June, 2014

BOARD OF COUNTY COMMISSIONERS OF
UNION COUNTY, NEW MEXICO



Van Robertson, Chair



Walter C. Hall, Member



W. Carr Vincent, Member



Mary Lou Harkins, County Clerk