

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. C/S R-16-68 ENACTMENT NO. R. 2016-071

SPONSORED BY: Trudy E. Jones, by request

1 RESOLUTION

2 ESTABLISHING THE CITY OF ALBUQUERQUE'S MANAGEMENT OF
3 REVENUES GENERATED BY THE ABQ BIOPARK MUNICIPAL CAPITAL
4 OUTLAY GROSS RECEIPTS TAX TO BE KNOWN AS THE ABQ BIOPARK
5 MASTER PLAN IMPLEMENTATION; IDENTIFYING RULES FOR
6 EXPENDITURES AND INTEREST, PROHIBITIONS, CREATING A NEW
7 BIOPARK TAX FUND 336, AND PROVIDING AN APPROPRIATION TO THE
8 CULTURAL SERVICES DEPARTMENT.

9 WHEREAS, the City of Albuquerque's ABQ BioPark Division of the Cultural
10 Services Department manages the ABQ BioPark Aquarium, ABQ BioPark
11 Botanic Garden, ABQ BioPark Zoo and ABQ BioPark Tingley Beach; and

12 WHEREAS, the ABQ BioPark is the most attended attraction in the State of
13 New Mexico with more than 1.24 million visitors in FY 2016; and

14 WHEREAS, the ABQ BioPark contributes greatly to the quality of life of
15 Albuquerque, and is considered a "jewel" of the community, and is a leader in
16 conservation among accredited facilities of the Association of Zoos and
17 Aquariums; and

18 WHEREAS, a new ABQ BioPark master plan was completed in September
19 of 2014. The purpose of the plan was to provide guidance on areas to improve
20 educational, recreational, and leisure opportunities for our citizens and
21 visitors; increase interest in the New Mexico environment, local conservation
22 issues, and awareness of global environmental concerns; to increase
23 participation in the environmental stewardship, wildlife conservation, and
24 research programs; and to promote economic growth through excellence in
25 exhibits and programs; and

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1 WHEREAS, the New Mexico BioPark Society submitted a petition for the
2 2015 Albuquerque municipal election for a Municipal Capital Outlay Gross
3 Receipts Tax increase equal to one-eighth of one percent (0.125%) for fifteen
4 (15) years beginning July 1, 2016 and ending June 30, 2031; and

5 WHEREAS, the voters of the 2015 Albuquerque municipal election
6 approved the Municipal Capital Outlay Gross Receipts Tax increase; and

7 WHEREAS, the Municipal Capital Outlay Gross Receipts Tax increase, per
8 the language approved by the citizens of Albuquerque, will be used to
9 administer and fund the capital needs, including design, construction,
10 acquisition, improvement, renovation, rehabilitation and equipping or
11 furnishing of the ABQ BioPark, in accordance with the ABQ BioPark master
12 plan in effect at the time each phase of the plan is undertaken; and

13 WHEREAS, the implementation of the ABQ BioPark master plan will ensure
14 that the facility remains among the best in the country, and continues to make
15 strides in its education, conservation and quality of life capacities; and

16 WHEREAS, the City of Albuquerque is responsible for ensuring that
17 Municipal Capital Outlay Gross Receipts Tax funds earmarked for the ABQ
18 BioPark master plan implementation are expended on projects that best
19 ensure the needs and interests as described within the ABQ BioPark master
20 plan.

21 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
22 ALBUQUERQUE:

23 Section 1. Expenditure of Municipal Capital Outlay Gross Receipts Tax.

24 The entire revenue and interest generated from the one-eighth of one percent
25 (0.125%) Municipal Capital Outlay Gross Receipts Tax increase between July
26 1, 2016 and June 30, 2031 will be expended to administer and fund the capital
27 needs, including design, construction, acquisition, improvement, renovation,
28 rehabilitation and equipping or furnishing of the ABQ BioPark, in accordance
29 with the ABQ BioPark master plan in effect at the time each phase of the plan
30 is undertaken.

31 Section 2. Expenditure Method. The revenue and interest generated from
32 the Municipal Capital Outlay Gross Receipts Tax will be expended through a
33 Pay-As-You-Go process for each Fiscal Year of the tax increase.

Section 3. Appropriations. The City shall appropriate one (1) year of funding at the beginning of each Fiscal Year, with the appropriation amount based on projected tax revenue for that Fiscal Year. Should revenues exceed the original projections, additional revenue shall be appropriated as needed. The following amount, representing the estimated tax revenue for the first year, is hereby appropriated in the new BioPark Tax Fund – 336:

BioPark Tax Projects	\$14,400,000
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Scope: to plan, design, construct, equip and furnish new facilities, repair and renovate current facilities, including utilities, public amenities, electronic equipment, landscaping, life support systems and animal enclosures and remodel existing outdated facilities.

Section 4. Establishment of New Fund. All revenue and interest generated from the Municipal Capital Outlay Gross Receipts Tax shall be placed into a new and separate, Capital Projects Fund designated for the ABQ BioPark master plan. This new fund shall be identified as the BioPark Tax Fund 336.

Section 5. Prohibitions – Bonding. No debt shall be incurred by the City as a result of the Municipal Capital Outlay Gross Receipts Tax increase. The revenue and interest generated from the Municipal Capital Outlay Gross Receipts Tax shall not be bonded against at any time during the period beginning on July 1, 2016 and lasting until June 30, 2031.

Section 6. Prohibitions – Encumbrances During Tax Life. Encumbrance of funds shall not exceed available balances projected through the latest fiscal year appropriated by the Council.

Section 7. Prohibitions – Operations and Maintenance. At no time shall the revenue or interest generated from the Municipal Capital Outlay Gross Receipts Tax be used for operations or maintenance of the existing facility unless otherwise included in the ABQ BioPark master plan.

Section 8. Funding New Projects and Rehabilitation. The City will make every effort to utilize seventy-five percent (75%) of the tax revenue for the funding of new projects and twenty five percent (25%) of the tax revenue for the funding of repair and rehabilitation projects at the BioPark over the life of the Municipal Capital Outlay Gross Receipts Tax. The City will process and

1 track new projects and rehabilitation expenditures on a semi-annual basis and
2 adjust when necessary.

3 Section 9. Staff. The City will create a Project Management Team to
4 include a BioPark Chief Executive contract position and 3 staff positions in
5 order to effectively and professionally administer and implement the revenue
6 and interest generated from the Municipal Capital Outlay Gross Receipts Tax
7 on projects identified in the BioPark master plan.

8 Section 10. Modifications to the ABQ BioPark master plan. The Cultural
9 Services Department, ABQ BioPark Management Team and NM BioPark
10 Society may jointly adjust and modify elements of the ABQ BioPark master
11 plan (attached as reference to this Resolution) as deemed necessary for
12 enhancement or adherence to changing industry standards, available plants
13 or animals, or to accommodate growth sparked by increased attendance or
14 other visitor needs. Phases of the ABQ BioPark master plan will be reviewed
15 on an annual basis by the Cultural Services Department, ABQ BioPark
16 Management and NM BioPark Society to determine upcoming new projects
17 and rehabilitation projects.

18 Section 11. Amendments to the Municipal Capital Outlay Gross Receipts
19 Tax Dedication. Any amendments that change the voter approved uses of the
20 revenue from the Municipal Capital Outlay Gross Receipts Tax to fund the
21 ABQ BioPark master plan Implementation must be done in cooperation with
22 the New Mexico BioPark Society and be submitted to Albuquerque voters in a
23 municipal election.
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1 PASSED AND ADOPTED THIS 7th DAY OF September, 2016
2 BY A VOTE OF: 8 FOR 0 AGAINST.

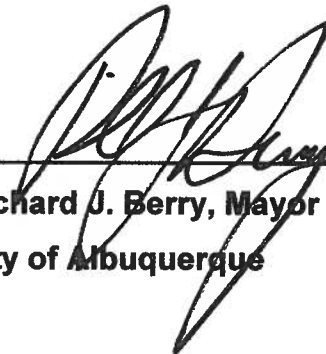
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8 Dan Lewis, President
9 City Council

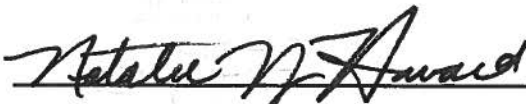
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12 APPROVED THIS 29th DAY OF September, 2016

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17 Bill No. C/S R-16-68

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26 Richard J. Berry, Mayor
27 City of Albuquerque

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29 ATTEST:

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Natalie Y. Howard, City Clerk

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