

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2017-51**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas

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10 **A RESOLUTION**

11 **DIRECTING THE CITY MANAGER TO EXPLORE THE CREATION OF**
12 **LEGISLATION ESTABLISHING AND FUNDING LOCAL ARTS AND CULTURE**
13 **DISTRICTS.**

14
15 **WHEREAS**, the adopted Culture Connects Santa Fe: Cultural Cartography affirms that
16 Santa Fe values the potential of culture to connect people, places and ideas as a power medium
17 for fortifying neighborhoods, instilling civic pride and shaping collective identity; and

18 **WHEREAS**, the Cultural Cartography identifies the opportunities inherent in
19 recognizing the critical role that unique identities and assets of neighborhoods hold in elevating
20 and reimagining the vitality of the City; and

21 **WHEREAS**, the same document recommends the City take an active role in building
22 cultural capacity in neighborhoods through both infrastructure and cultural celebrations; and

23 **WHEREAS**, in 2007 the New Mexico State Legislature passed the Arts and Cultural
24 Districts Act as a comprehensive economic development strategy designed to capitalize on the
25 expanding creative economy; and

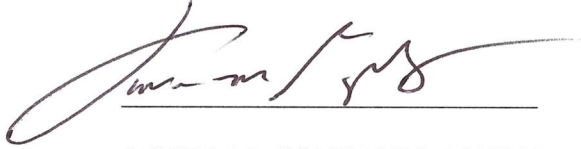
1 **WHEREAS**, the Act provides for municipalities with populations greater than 50,000 to
2 create and designate their own Arts and Cultural Districts by passage of an ordinance stating the
3 requirement for establishing the district; and

4 **WHEREAS**, the establishing Arts and Cultural District legislation allows municipalities
5 to approve districts as a qualifying purpose for Municipal Local Options Gross Receipts Tax Act;
6 and

7 **WHEREAS**, enacting Arts and Cultural District legislation also increases the available
8 tax credits for preservation of cultural properties within the district.

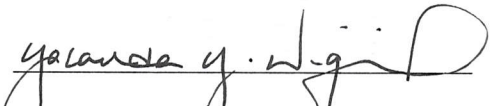
9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that the City Manager direct staff to explore the creation of legislation for
11 the establishment of local arts and cultural districts in accordance with the New Mexico State
12 Arts and Cultural District Act as well as explore the funding of such districts through the
13 Municipal Local Options Gross Receipts Tax Act, and other public and private sources.

14 PASSED, APPROVED AND ADOPTED this 28th day of June, 2017.

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JAVIER M. GONZALES, MAYOR

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19 ATTEST:

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22 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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ARTICLE 5A

Arts and Cultural District Act

Section

- 15-5A-1 Short title.
- 15-5A-2 Definitions.
- 15-5A-3 Main street program coordinator; duties.
- 15-5A-4 Arts and cultural districts; creation.
- 15-5A-5 State-authorized districts.
- 15-5A-6 Municipally authorized districts.
- 15-5A-7 Arts and cultural district fund established.

15-5A-1. Short title.

Sections 1 through 7 [15-5A-1 through 15-5A-7 NMSA 1978] of this act may be cited as the "Arts and Cultural District Act".

History: Laws 2007, ch. 160, § 1.

15-5A-2. Definitions.

As used in the Arts and Cultural District Act:

- A. "arts and cultural district" means a developed district of public and private uses designated by the commission or a municipality;
- B. "commission" means the New Mexico arts commission; and
- C. "coordinator" means the person responsible for coordinating the main street program pursuant to Subsection B of Section 3-60B-3 NMSA 1978.

History: Laws 2007, ch. 160, § 2.

15-5A-3. Main street program coordinator; duties.

A. The coordinator shall:

- (1) review and approve or reject applications from municipalities, citizens and nonprofit organizations to designate state-authorized arts and cultural districts pursuant to the Arts and Cultural District Act [15-5A-1 NMSA 1978];
- (2) administer and promote an application process for the designation of state-authorized arts and cultural districts;
- (3) provide financial grants or contracts for development of a state-authorized arts and cultural district, including planning, designing, construction and renovation costs; and
- (4) develop policies and standards for the designation of state-authorized arts and cultural districts and for the declassification should a state-authorized arts and cultural district not comply with the policies and standards established by the commission as set forth in an approved application.

B. The coordinator shall require annual reports from each state-authorized arts and cultural district for purposes of reviewing the activities of that district, including the compliance of the district with the policies and standards of the commission and with the conditions of an approved application.

History: Laws 2007, ch. 160, § 3.

15-5A-4. Arts and cultural districts; creation.

A. A state-authorized arts and cultural district may be created by the municipality in which the proposed arts and cultural district will be located only if the proposed district is approved by the commission.

B. A municipally authorized arts and cultural district may be created by a municipality with a population greater than fifty thousand in which the proposed arts and cultural district will be located if the proposed district meets the criteria set forth in Subsection C of this section.

C. An arts and cultural district shall:

(1) be in a geographically contiguous area that ranges in size from a portion of a municipality to a regional district with a special coherence;

(2) be distinguished by physical and cultural resources that play a vital role in the life and development, including economic and cultural development, of a community;

(3) focus on a cultural compound, a major art institution, art and entertainment businesses, an area with arts and cultural activities or cultural or artisan production; and

(4) be engaged in promotion, preservation and educational aspects of the arts and culture of that locale and contribute to the public through interpretive, educational and recreational uses.

History: Laws 2007, ch. 160, § 4.

15-5A-5. State-authorized districts.

A. The coordinator shall review applications submitted by municipalities, citizens or nonprofit organizations for the purpose of designating an arts and cultural district and make a recommendation to the commission for action on each application. Citizens and nonprofit organizations that submit an application shall include a formal endorsement of the application by the municipal government in which the proposed district is to be located.

B. After reviewing an application for the designation of an arts and cultural district, the commission shall approve or reject the application or send it back to the applicant with a request for changes or additional information.

C. The commission shall designate no more than five arts and cultural districts in a calendar year. Rejected applicants may re-apply without prejudice.

D. If the commission approves an application for the designation of an arts and cultural district, it shall notify the applicant in writing and shall specify the terms and conditions of the commission's approval, including the terms and conditions set forth in the application and as modified by written agreement between the applicant and the commission.

E. After the commission approves an application for the designation of a state-authorized arts and cultural district, the applicable municipality may pass a local ordinance to establish the state-authorized arts and cultural district pursuant to the terms and conditions specified in the approved application. Municipalities may administer arts and cultural districts through a newly created local commission with a specific mission to oversee the district subject to review by the municipality.

History: Laws 2007, ch. 160, § 5.

15-5A-6. Municipally authorized districts.

Municipalities with a population greater than fifty thousand that choose to authorize their own districts shall pass a local ordinance stating minimum requirements for establishing the arts and cultural district, and any municipally authorized arts and cultural district shall meet the criteria

contained in Subsection C of Section 4 [~~15-5A-4~~ NMSA 1978] of the Arts and Cultural District Act.

History: Laws 2007, ch. 160, § 6.

15-5A-7. Arts and cultural district fund established.

The "arts and cultural district fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations and bequests. The fund shall be administered by the cultural affairs department, and money in the fund is appropriated to the cultural affairs department to carry out the provisions of the Arts and Cultural District Act.

Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of cultural affairs or the secretary's authorized representative.

History: Laws 2007, ch. 160, § 7.