

SANTA FE COUNTY

Resolution No. 2011 - 177

**RESOLUTION SUPPORTING NEW MEXICO ASSOCIATION
OF COUNTIES LEGISLATIVE INITIATIVE FOR THE 2012 REGULAR
LEGISLATIVE SESSION FOR PROPERTY TAX SOLUTIONS**

WHEREAS, in 1998, an amendment to Article 8, Section 1 of the Constitution of the State of New Mexico requiring that a valuation limitation on residential properties be implemented, was approved by the voters of New Mexico; and

WHEREAS, in 2000, Section 7-36-21.2 NMSA 1978 was enacted by the state legislature to comply with the amended requirements of the state Constitution; and

WHEREAS, the statutory limitation placed on the value of residential property that did not have a change in ownership in the last year may not exceed an increase of three percent per year; and

WHEREAS, upon a change in ownership, the value of the property is increased to the current and correct or market value of the property, and in some counties in which market values of property have increased more than three percent per year, the values of properties that have changed ownership since 2002 have increased substantially when valued at the current and correct values; and

WHEREAS, approximately one-third of the residential housing in New Mexico has changed ownership since 2001 and serious inequities have developed in the tax system with similarly situated taxpayers having substantially different tax burdens on very similar properties; and

WHEREAS, several New Mexico district court cases have determined that Section 7-36-21.2 NMSA 1978 is unconstitutional, resulting in increases in the number of taxpayer protests and lawsuits regarding valuations and tax bills in some counties, and a case is pending before the New Mexico Court of Appeals to determine whether Section 7-36-21.2 NMSA 1978 is constitutional; and

WHEREAS, counties have the greatest reliance on property tax revenue, property taxes also provide essential funds to municipalities, state debt service, school districts, community colleges, soil and water conservation districts, conservancy districts, hospital districts and other special districts for operations and capital needs.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Board of Commissioners of Santa Fe County supports legislation that includes:

1. a mechanism to correct inequities between property owners; and
2. a solution to the perceived constitutionality problem.

APPROVED and ADOPTED this 29th DAY OF NOVEMBER, 2011.

SFC CLERK RECORDED 11/30/2011

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

By: _____

Virginia Vigil, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

David Yungiee for
Stephen C. Ross, Santa Fe County Attorney



SFC CLERK RECORDED 11/30/2011

COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of November, 2011 at 11:28:58 AM
And Was Duly Recorded as Instrument # 1652590
Of The Records Of Santa Fe County

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