

BCC Meeting - February 22, 2011

Dear Santa Fe County residents:

Our last Board of County Commissioner (BCC) meeting was an administrative meeting. It was the most efficient meeting of this year so far, and it was nice to get home at a reasonable time. (The meeting "only" lasted from 9:00 a.m until around 6:00 p.m.)

I will highlight five topics which I think might be of interest to you. One of the most important is that we received an update on the upcoming process for writing the Sustainable Land Development Code. This Code will be an ordinance that puts into law the vision that was expressed in our Sustainable Growth Management Plan. The Code will not fully implement the Plan, but rather will concentrate on that part of it that is related to land use issues. The Plan itself contains much more than just land use concepts, and there will be other ordinances and policies in the future to fully implement it.

Please let me know if you have any comments or suggestions about any of the topics below -- or about anything else that you think is important.

Sincerely,
-Kathy

Resolution on Inhumane Animal Traps:

I sponsored a resolution that supports banning inhumane animal traps in New Mexico on public lands (which passed by a vote of 4 to 1, with Commissioner Anaya opposed). These would include such traps as steel-jaw, snare traps, and any variations of those. These traps generally grab an animal by a limb or other body part. They do not kill an animal outright. The animal is left to either die slowly and painfully or to chew off a body part to escape. These are very cruel devices. I would like to point out that generally we -- as a society -- do not support animal cruelty. In fact, we have laws that make it a crime.

Another problem is that these traps are indiscriminate. They do not necessarily target the actual species of animal that the trapper is after. And, in fact there are studies that show that our wildlife numbers are being affected in a significant way. Since our wildlife are in decline as it is, it does not make sense to stress their numbers further in such an indiscriminate way.

In addition, these traps are dangerous to humans and pets. They can be placed in our National Forests and on other public lands relatively close to trails, campgrounds, and picnic sites. Many people have reported their dogs getting caught in one of these things. I heard one story about a horse whose leg was snared causing him to throw his rider. In

fact, after I sent out an e-mail message about this issue, I received quite a number of personal horror stories. These kinds of traps should be banned from our public lands.

Resolution on Sunshine Public Information Portal:

Commissioner Mayfield sponsored a resolution to create a web-based County sunshine information portal. This will provide access for the public to information about County government budgets, contracts, expenditures, revenue, and employee data.

One good thing about this endeavor is that it should actually be more efficient for staff.

Requests for information by members of the public have to be processed by someone on staff, and often, it takes quite a bit of someone's time to complete such a request. If information is automatically put onto our portal when it is generated, then no future staff time for public information requests should be required.

This resolution passed unanimously.

Property Assessment Bill (Tax Lightning Issue):

Property tax lightning occurs when a property is sold and is then instantly reassessed at a much higher value (thereby causing a sudden jump in property taxes). Properties that are not sold can only increase in assessed value by 3% per year. Over the course of the last decade, with the rapid inflation of home prices up until about 2007, the assessed values of homes that remain occupied by the same owner have not kept up with inflation. So, when those houses are sold, the assessed value can go up dramatically. This has created huge disparities in certain neighborhoods (and feelings of injustice on the part of new homeowners).

The Legislature would very much like to solve this problem, and there are a number of bills that have been introduced. According to Gary Perez, the County's new Deputy Assessor who is very knowledgeable about tax lightning, the bill that has the greatest likelihood of passage is Senate Bill 108 (introduced by Senator Eichenberg).

The way that Eichenberg's solution would work is as follows. All properties built after 2004 and all properties that have sold since 2004 will be reassessed. Their value will first be rolled back to what it is estimated to have been in 2004. There is a complicated formula that will be applied to homes that have been built since then to try to estimate what they would have been valued had they existed in 2004. Then, the 3% per year increase will be applied to the 2004 value to bring it to a value for 2012.

For all of the properties that have been built or sold since 2004, it is almost certain that their assessed value will go down. This will lower the overall property tax bill for those properties.

But -- and this "but" is a big one -- the overall revenue from the property tax will remain the same. **This means that the tax rate will go up.** This in turn will lead to higher property tax bills for those people who have occupied their houses continuously over the last decade.

The tax lightning issue is almost impossible to solve in a way that is not going to make somebody unhappy. (Wow, I just managed a triple negative!)

Road Advisory Committee:

As many of you know, the County has a Roads Advisory Committee. The main purpose of this committee is to assess the roads in each of the 15 districts that comprise the County and to make recommendations for repair and improvements. Currently, there is one member and one alternate on the Committee from the 15 different road advisory districts.

The Committee as it stands now will be dissolved via ordinance (to be voted on at the March 29th meeting). Then it will be reformed by a resolution at the same meeting.

The main change in the duties of the committee is that the new committee will also make recommendations on roads that -- for one reason or another -- the County is being asked to accept. These would be roads that are currently being maintained privately or by other entities. (The County is currently working on a Roads Acceptance Policy, but it has not yet been presented to the Commission for approval.)

Staff has also proposed that the new Road Advisory Committee be comprised of only the 15 regular members with no alternates. The reasoning on this is that the alternates often don't keep up on issues in their districts. So, if they need to attend a meeting as an alternate, they cannot provide continuity on the problems in their district. On the other side of the argument, it is often difficult to get a quorum for a meeting. Alternates can help with that problem.

If you have any suggestions for duties for the Roads Advisory Committee, or if you have an opinion on the issue of whether there should be alternates or not, please let me know.

The County will soon be soliciting applications for people who would like to be members of this committee. I am including a map that shows the 15 districts. The ones that are contained wholly or partly in Commission District 4 are Road Advisory Districts 5, 6, and 12. If you live in one of those areas and have any interest in being on this committee, please let me know. Previous members are also invited to apply.

I would like to especially thank all the people in our community who have served on the Road Advisory Committee. It is often a thankless task, and there is always hard work

involved. However, maintaining roads is one of the most important services of the County.

Sustainable Land Development Code:

The County Growth Management Department, in coordination with the County Manager's Office and the Legal Department, is establishing a procedure for the drafting and review of our new Sustainable Land Development Code (SLDC). We received a presentation on the proposed plan for going forward at our last BCC meeting.

There will be a three-tier process:

- 1) Develop draft code,
- 2) Review draft code for technical accuracy, and
- 3) Solicit public comment and review of draft.

These three parts of the process can occur simultaneously. That is, the entire code does not have to be drafted before we proceed to the second and third stages.

One important point is that there are some important decision points for this new code.

Just to give you an example, the issue of how to deal with family lot splits and transfers was never completely nailed down in the Plan. So, our Land Use Department will study the issue, make recommendations as to different ways that we can approach this issue, bring this information to the public for comment, and then make recommendations to the BCC. The BCC will ultimately have to make the final decision. There are a number of other outstanding topics that will have to be resolved.

I very much hope that we can discuss issues as we go forward and not get bogged down with wordsmithing proposed language in the code. The SLDC is an ordinance and, thus, a legal document. In order for a code to express what we truly want to see happen and -- at the same time -- be legally defensible in court, it is crucial that it be written by someone who understands how words are going to be interpreted in law. The important role for the people of the County is to discuss issues and to help the BCC make decisions as to how those issues can be resolved.

To this end, the County is looking to hire someone who can help with the public review process in an objective and productive way. We are planning to spend around \$20,000 for this part of the project. I feel that this is money well spent. Our own staff cannot be completely objective, and they are quite busy as well. It is important to find someone with a good understanding of our community, as well as a person who is effective at communication and community outreach.

Just as a side note, the final version of our Sustainable Growth Management Plan is ready and has been printed. If you would like a hardcopy, it is available at the County for \$20. I believe that you can get a copy on a DVD for free. In addition, there are copies in the libraries around town.