



THE TAOS NEWS

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Town to pursue appeal of court ruling on annexation attempt

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The town of Taos may appeal a court ruling that invalidated its “shoestring” annexation of the Taos Regional Airport.

The town council unanimously voted Tuesday (Jan. 7) to hire an outside attorney who will review the case and offer options on how best to move forward.

The council formally voted to annex in March, arguing that it needed tax revenue from the property to pay for an runway expansion project. About \$22 million of the project is to be funded by a federal grant, but the town has to come up with a \$1.4 million match to receive the funding.

Taos County was adamantly opposed to the annexation, and responded by filing two separate lawsuits challenging the move.

In a Dec. 18 ruling, Taos District Court Judge Jeff McElroy found that the town missed several procedural steps and violated the due process clause of the state constitution when it petitioned itself for annexation.

Among his findings, McElroy said he could not conclude the airport was in any way contiguous with the current town boundaries — a requirement for annexation under state law. McElroy said the 6-mile highway right of way meant to connect the town to the airport property was “not a reasonable solution” to the town’s contiguity problem.

Còrdova said right after the ruling that the town had a “solid plan” to fund the airport and would not appeal the decision. “Going to the Court of Appeals would just prolong the whole thing, and we can’t afford to lose the airport funding,” Còrdova told *The Taos News* immediately after McElroy announced his ruling.

Instead, Còrdova said the town would take go to the municipal boundary commission, which acts as a arbiter in approving or denying annexation proposals.

But that plan appears to have changed.

At the meeting Tuesday, Còrdova said the town council was directing town staff to “pursue the appeal” and hire Santa Fe attorney Jane Yohalem to review the case and offer advice.

Còrdova told *The Taos News* the town will hire Yohalem because she has more experience with appeals than town attorney Brian James. He said the town does not yet know how much it will cost to hire Yohalem.

Before the town went forward with its annexation plans, the county offered to turn over tax revenue generated by the expansion project to the town so it could cover its match requirement. The town declined the offer, saying it could not trust the county to follow through.

Còrdova said Tuesday that the town is “very open to any formal offers from the county” on ways to pay for the airport project while avoiding the annexation.

County manager Stephen Archuleta told *The Taos News* the county commission would have to decide whether to continue with the case after the town files its appeal. He said the county had no plans to bring an offer to the town.

The uncertainty over the annexation will likely affect the timeline for the runway expansion project, which both the town and county call key to economic development in Taos.

The project is now in the planning stages. As recently as November, the town had hoped to put the project out to bid by March. It's unclear if it will be able to meet that goal.