



THE TAOS NEWS

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Town to file appeal on annexation ruling

By J.R. Logan

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The town of Taos will appeal a district court ruling that quashed an annexation of the Taos Regional Airport last month.

The annexation was meant to help fund an expansion of the Taos Regional Airport. It's unclear what sort of delays continued litigation would cause the project.

Taos County brought two lawsuits opposing the annexation after it was approved by the town council in March 2013. Last month, Eighth Judicial District Court Judge Jeff McElroy ruled against the town, finding that it missed several administrative steps and violated the due process clause of the state constitution when it petitioned itself for annexation.

At a Jan. 7 meeting, the town council unanimously voted to hire Santa Fe attorney Jane Yohalem to review the case and offer advice on how best to move forward. On Tuesday (Jan. 28), the council unanimously voted to take the case to the New Mexico Court of Appeals and try to have an expedited hearing before the state Supreme Court.

Taos Mayor Darren Córdova said in an interview Wednesday (Jan. 29) letting McElroy's ruling stand would "affect the ability of the town, or any town, to ever annex." Córdova said the judge erred in granting standing to an acequia opposed to the annexation, and he said the judge "substituted the council's wisdom for his own."

The town chose to annex the airport, despite the county's objections, because it said it needed to collect gross receipts tax revenue from a planned runway expansion project. Most of the project is being paid for with a \$24 million grant, but the town must come up with a \$1.4 million match. The town doesn't have cash for the match, and planned to use tax revenue from the project to cover its obligation.

Before the annexation, the county offered various ways to help fund the airport project. Town officials declined those offers, saying they could not trust the county.

Córdova told *The Taos News* immediately following McElroy's ruling the town would find an alternative method to annex rather than file an appeal. "Going to the Court of Appeals would just prolong the whole thing and we can't afford to lose the airport funding," Córdova said at the time.

Córdova said in an interview this week that after reviewing the options, the appeal seemed to be the best route to find funding for the airport. Córdova said the appeal is expected to take "months, not years."

The Taos News made a public records request seeking all quotes, invoices and payments related to the expense of hiring an outside attorney to review and prepare a case for the court of appeals. Those records were not provided before press time.

Because of the broader implications of the decision, William Fulginiti, executive director of the Municipal League, said in an interview Wednesday that the organization would file an amicus brief in the case supporting the town. Fulginiti said the league did not plan to provide any funding to the town to help fight the case.

Taos County Manager Stephen Archuleta told *The Taos News* Wednesday there have been no discussions between the town and county regarding the airport annexation or funding the expansion project.

"I feel comfortable that Taos County has good standing, and I am confident that we will prevail at the New Mexico Supreme Court," Archuleta said.