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My Turn

Transparency loses in Taos as some meetings go private

Ken Manning

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On June 14 the Taos Town Council voted 3-2 to amend the town code regarding public meetings. Meetings that had been open for more than seven years.

As a result of this action, the public is deprived of the opportunity to obtain timely information about upcoming commercial developments in Taos. This was done under the guise of amendments to the town code spelling out the procedures of the Development Review Committee (DRC). This obscure staff committee meets regularly with developers to discuss how proposed developments can be approved.

During the course of the Couse Pasture rezoning it was revealed that the code was being violated by failing to inform the public of these meetings. On rare occasions, a member of the public would attend a DRC meeting. Occasional public involvement was evidently too much. Town Manager Rick Bellis was adamant that the public be cut out.

The public would no longer be able to attend meetings, nor be made aware that such meetings were to occur. No agenda for the meetings would be posted, nor would minutes of the meetings be taken. The town attorney astutely commented that such a closed meeting violates the New Mexico Open Meetings Act. The council ignored the advice of their attorney.

An argument put forth for shutting the public out was that public attendance would somehow create a chilling effect on the negotiations that take place between developer and staff. The contention that a developer would be intimidated by the presence of a couple of members of the public seems farfetched at best.

Bellis' assertion that public attendance would somehow prevent staff from doing their job was never explained.

I suggested several compromises. Do away with the public hearing component of the meetings but let the public observe. Rejected. Publish the agenda so citizens could research the files independently. Rejected. Require permit applications be filed electronically and post them to the web. Rejected. Regularly post a listing of new permit applications. Rejected.

The source of the fundamental disagreement is whether taking the DRC meetings private entails any loss of transparency. It is absurd to suggest there is no loss of transparency. A rationale offered by Councilman George "Fritz" Hahn for rejecting all of the suggested compromises, was that the public already gets adequate notice of items on the Planning and Zoning Commission (P& Z) agenda. True, property owners within 300 feet of a development going to P& Z receive a mailed notice of the meeting two weeks prior.

But there are many undeveloped commercial properties with no residences within 300 feet. The only people being notified are property owners who are undoubtedly interested in developing their property. Those owners will not be raising objections.

Notices of public hearings before P& Z are also published in the legals section of *The Taos News* and posted on the bulletin board at Town Hall.

These are not effective ways to let the public know that another Dollar Store or a new and bigger Smith's is fixing to pop up. The posting of P& Z meeting agendas takes place only three days before the meeting, hardly enough time for the public to get up to speed on the issues.

Bellis led the argument to adopt the amendments, that ran for more than one-and-a-half hours on something that should have been uncontroversial. No council member who voted to shut the public out was willing to accept any of the suggested compromises. The council members who voted to exclude public involvement were Hahn, Mayor Dan Barrone and Councilman Nathaniel Evans. Thanks to Councilwoman Judi Cantu and Councilman Darien Fernandez for voting in favor of more sunshine in the workings of local government.

Manning is a resident of Taos and an advocate of open government and good planning.

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