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# THE TRUTH A PARTY

## When Laws Become Monstrosities

The ACLU and the RRTP are coming together on the issue of civil asset forfeiture. A couple of things should give us all pause when considering the significance of what is happening right now;

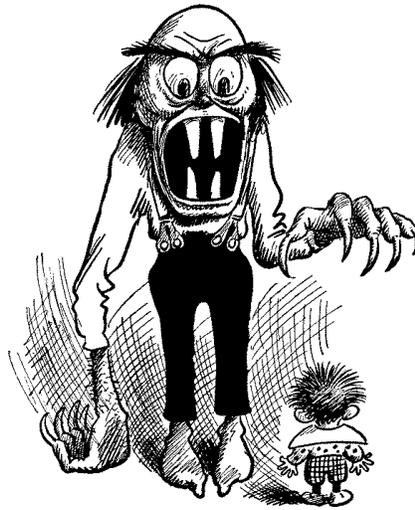
HB 560 was passed unanimously by the State House and Senate. All Democrats and Republicans agreed that a person's property should not be forfeited unless they are convicted of a crime.

Two former Directors of the Justice Department's Asset Forfeiture Office, Brad Cates and John Yoder, are now working together to abolish civil asset forfeiture.

Why the change of heart? In an op-ed in the Washington Post, Cates and Yoder said "it's particularly painful to watch as the heavy hand of government goes amok. The tactic has turned into an evil itself, with the corruption it engendered among government and law enforcement coming to clearly outweigh any benefits."

At the last Governing Body meeting, a Rio Rancho City Councilor asked how the city got "blindsided" by HB 560, which passed just weeks after the Rio Rancho Governing Body approved its new civil asset forfeiture ordinance in a 4-2 vote. The implication seemed to be that there was some conspiracy occur-

ring behind closed doors to push HB 560 through.



Anyone who's been paying attention wasn't surprised by HB 560. In 2014 Las Cruces City Attorney Harry S. Connelly Jr. made national headlines when videotaped at a conference giving tips on maximizing profits; "We always try to get, every once in a while, like maybe a good car," Connelly said at the conference. "... This guy drives up in a 2008 Mercedes, brand new. Just so beautiful, I mean, the cops were undercover and they were just like

'Ahhhh.' And he gets out and he's just reeking of alcohol. And it's like, 'Oh, my goodness, we can hardly wait.'"

And for those who think it won't affect them because they don't drink and drive or deal drugs – pay attention. Around the country civil asset forfeiture laws are buried in the corpses of innocent owners who really were innocent. Property forfeited includes cash, cars and even homes. This is no longer about drunks or drug dealers. This is about the fundamental belief held in our Constitution that a person is innocent until proven guilty in a court of law.

The problem is fueled by city attorneys who want things quick and easy. Yes, it takes extra time, money and inconvenience to give the full due process of law. How much time and money will be wasted on defending this unjust and overreaching law? The Rio Rancho Governing Body can easily amend their new law to comply with HB 560 before the city ordinance goes into effect July 1<sup>st</sup>. It has not hurt anyone...yet.

You know a law has become a monstrosity when so many people on all ends of the spectrum come together to defeat it. The ACLU will be at our Tuesday, May 12<sup>th</sup> meeting to discuss what happens with civil asset forfeiture moving forward. Join us.

*Articles by Renee Wilkins*

# We can't have our cake and eat it, too! (or can we?)

At a recent Governing Body meeting the audience was chastised for wanting roads and services yet not wanting taxes to increase. This is the age-old frustration one feels when

they are between a rock and a hard place. It's difficult to get re-elected with a record of

tax and fee increases.

It's all about the attitude. We don't want a Governing Body that indiscriminately jumps

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into hazards, nor do we want nail-biters who fear to take a step. Consider risk vs. reward and make decisions that create an atmosphere conducive to increasing our tax base without increasing taxes.

The Special Committee on Impact Fees took 6 months to recommend three options: (1) take no action; (2) perform a "short" study; or (3) a "long" study. The committee felt it was unfair they were "boxed in" by the pending lawsuit filed two years ago by Curb, Inc. Unfortunately, the longer we go without a decision, the longer businesses will sit in a holding pattern. Everyone knew the moratorium's expiration date existed at its inception, yet the new majority waited until last September when it ended to begin addressing it. We've had only one commercial building permit since September.

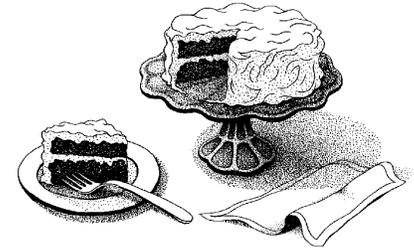
Make lemonade out of lemons. During this week's budget hearings, city staff implemented a modest, but heartening, \$92k development fund to help offset the fact that Rio Rancho's impact fees are 2-3 times higher than Albuquerque's. This spurred Councilor Wilkins' bold idea to create a new development program within the Utilities Fund. This program could be used to match water and sewer infrastructure costs for businesses re-

quired to pay impact fees for that infrastructure. By doing this, the city can keep overall costs down while they move forward with the study on impact fees. For a decade the city has employed some interesting methods of dipping into the Utilities Fund to supplement the General Fund budget, as highlighted in recent months by the Utilities Commission and others. Wilkins' proposed development fund would be a straight forward way of using this vibrant fund to everyone's advantage; incentivizing businesses, providing necessary utilities infrastructure and increasing the city's revenue, with the ultimate goal of keeping taxes lower for citizens.

Staying competitive and a step ahead are crucial to drawing businesses, gross receipts and jobs. The councilors who implemented the moratorium did not sit around blaming the previous governing body for giving the impact fee credits to Curb, Inc. for installing infrastructure in Cabezon beyond ordinance requirements. They assessed the situation, sought legal advice and made a decision that the reward was greater than the risk. During the moratorium, Rio Rancho saw the 3<sup>rd</sup> highest rate of commercial permits in the history of our city. Curb was given concessions as part of the moratorium: extending the period of time they could sell their im-

pact fee credits by two years and softening the reduction of residential impact fees to 50%, so Curb could continue to sell their credits during the moratorium. I'd say Curb made out just fine.

From 2012-2014 the city's revenue, road maintenance fund and savings account increased, all while reducing fees and easing restrictions on businesses and residents. They proved that we can have our cake and eat it, too.



For the newest Governing Body members, the challenge is listening to people who are able to think outside that "box" to end the 2015-2016 trends of increasing expenditures and decreasing revenue that inevitably lead to tax hikes.

## Good Guy Award

Professional  
Courteous  
Energetic

Knowledgeable  
Unbiased

Friendly  
Fair

The  
Nicest  
Guy  
at  
City  
Hall!

Rio Rancho  
City Clerk

Steve Ruger

## Raffle!

**1 Conceal/Carry  
Course**

**\$150 Value!**

*Donated by  
Mike Campbell*

**\$2/ticket or \$5/3 tickets**

Must be present at the 5/12/15 RRTP  
Meeting to win!

Subject to change