

Commissioners call for tax rollback election

By Ron Maloney | Posted: Tuesday, January 3, 2006 11:00 pm

Comal County commissioners voted Tuesday to accept a petition calling for a tax rollback election, setting the election for May 13.

In a pair of votes at a special meeting, the petition was approved as valid and an election set at the next state uniform election, which is in May.

The 2006 primary election will be conducted March 7. State law precludes setting rollback elections on party election dates.

The rollback petition was submitted Dec. 14 by Doug Kirk, a Comal County newspaper publisher.

Kirk, a former Comal Independent School District trustee and past unsuccessful candidate for county judge and commissioner, mounted the campaign in October after commissioners adopted in September a \$27.5 million budget, setting a new tax rate of 35.3747 cents per \$100 of assessed value.

The new rate is 2 cents higher than last year's rate of 33.3747 cents — and, at 12.5 percent above the effective rate, is 4.5 percent above the state-set rollback rate of 8 percent.

Under state law, voters can petition for a special election in which they decide whether to support the budget or force commissioners to scale back the tax increase to the rollback rate.

Kirk said he needed 4,533 signatures, and volunteers who circulated the petition secured nearly 5,900.

Commissioners have expressed concern that petition signers did not realize that the county property tax is only 17 percent of their overall tax bill — and that any cut in the county's tax rate could result in heavy cuts in county services in areas such as law enforcement (52 percent of the county budget) or recycling.

“We can't spend air,” County Judge Danny Scheel said Tuesday.

The problem, commissioners say, is that much of the county's spending is mandated by the state and passed on to local governments, giving them very little discretion and few areas to make cuts.

Tuesday afternoon, commissioners reported that more than 1,900 of the signatures on Kirk's petitions were questionable because they were missing information required by state law, such as an address, voter registration number, city name or ZIP code.

Commissioners decided to accept the petition anyway on the basis that there was caselaw that came down on both sides of the validity question — and that the signers who sought the rollback had made their intentions very clear.

“This isn't about the petition — it's about the people who signed the petition,” said Precinct 4 Commissioner Jan Kennady, who voted with Scheel, Precinct 1 Commissioner Jack Dawson and Precinct 2 Commissioner Jay Millikin to accept it. “I didn't even think of it from a legal standpoint. All we can do now is do our best to inform the public about the county budget and what the needs are.”

Precinct 3 Commissioner Greg Parker, in voting against accepting the petition, did consider the legal aspect.

“There were 1,900 signatures that were invalid according to state law,” Parker said. “They shouldn’t have been counted.”

Accepting the petition nonetheless, Parker said, was unfair to those who considered and chose not to sign it.

Scheel said meetings would be scheduled, as were the county’s budget hearings last summer, to show why the county felt like it needed to raise taxes this year.

“We’ll take the opportunity after the primary to educate the public and let them know exactly what they will be voting for or against,” the county judge said.

Scheel said the rollback, if successful, would ultimately cost taxpayers much more than accepting the tax increase.

“The old saying is, be careful what you wish for because it might come true,” Scheel said. “There is no doubt that if this election is successful, you’ll be looking at reduced services.”

The rollback, Scheel said, could also cost the county in the not-too-distant future when it seeks a bond election to build a flood control dam or fund building projects. If the county is forced to drop its plans to put \$500,000 back into its reserves, its bond rating could go down, he said.

“This could cost triple or quadruple the amount of money supporters want to get back from the county,” Scheel said.