

FULTON COUNTY TO DECIDE ON COUNTY ASSESSMENT

NOTE: The following is a letter to the Editor for the newspapers covering Fulton County.

History has taught us that, among other grievances, our country's founding fathers signed the Declaration of Independence because it became self-evident that a large, overtaxing government, far removed from its subjects, had, in fact, lost touch with those it was suppose to govern. The U.S. Constitution was not intended to be a blueprint by which one large government would be replaced by yet another large government; rather, the Constitution was devised as a limited license to operate. Clearly, the Reserve Powers clause (those rights not given to the federal government are reserved to the states and people respectively) envisioned that smaller government was more desirable and responsive to the will of the people.

There are those in Fulton County that would like to take a course that swims against this tide of prevailing wisdom. On November 8th, voters will go to the polls to decide if they want to abdicate their right to a smaller, responsive government; more specifically, voters will be asked to abolish the position of city or town assessor and create a county assessment department. One thing should be made clear up front - this is a vote that cannot be reversed. While the current state Real Property Tax Law allows for consolidation at the county level, it does not allow for dissolving a county assessment department and reverting the responsibilities of assessing back to the cities or towns.

The implications of consolidation go well beyond the purported efforts to become more efficient. Indeed, the overwhelming majority of each municipality's financial revenues will be, to one degree or another, influenced by the county. Here's why: Currently, each school board, town board, city council and Board of Supervisors are responsible for developing their respective budget. All of these budgets are divided by the total taxable value of the taxing jurisdiction to come up with a tax rate. It is the local city or town assessor, one who is intimately familiar with the local real estate market, who ascertains just what that market value should be. The tax rate, in turn, is multiplied against the assessed value of each property to produce a tax bill.

Under consolidation, the county would control the apportionment of county, town and school taxes. With respect to the extension of county taxes, the county would not only control the top line for creating a tax rate but they would also control the bottom line. And this is where things really go out of control - literally.

Consolidation of the assessment process at the county level will not relieve the new department of the need to produce local city and town values. Each city and town will still be required to develop a budget for such services as town/city clerk, code enforcement, highway, etc., and each city and town will still need to determine their own tax rate, using their budget and the county-determined taxable value. What was once a local function in the overall budget process would now be in the hands of the county. Conceivably, if the county were to anticipate a financial crunch, it could increase the budget and assessments and point to a tax rate that hadn't changed from one year to the next. The cities and towns will relinquish control of local finances to the county.

Control over who will serve as assessor is also relinquished. The local assessor is either appointed to a six-year term or elected to a four-year term. They are employed by the town and are held accountable to the city or town. The proposed structure of county assessment would reduce the number of assessors from eighteen to just five. They would be hired under civil service, with no term limit, and more troubling, no local control.

There are approximately 33,700 parcels and eighteen assessors in Fulton County; that works out to one assessor for every 1,872 parcels (this does not include clerical staff). Under the proposed referendum, there would be one assessor for every 6,740 parcels. Throw in an additional workload of some 20,000 exemptions that must be renewed every year, countless building permits to be physically inspected, recorded and valued, and you have a recipe for trouble. It is not too hard to imagine that five assessors will only be able to reassess a small percentage of the county in any given year. It will be the owners of these properties that will carry the burden of the rest of the county until such time as they are reassessed. Exemptions that are now accepted locally will be moved to Johnstown. We are told that they will be accepted locally but only on a schedule to be determined by the county, not the town or city.

There will, undoubtedly, have to be a reassessment of municipalities that currently have an equalization rate of less than 100%. Section 305 of the New York State Real Property Tax Law, mandates all properties in an assessing unit to be assessed at a uniform percentage of value. Whether the revaluation is conducted in-house or contracted out, the cost to taxpayers is a conservative \$30 per parcel; the county will be looking at a bill of over \$1,000,000 to bring everyone up to standard.

Service to the taxpayer will also suffer. Currently, all the avenues of appeal are vested in the property owner. If the property owner disagrees with their assessment, they can meet with the local assessor, on an informal basis. They can also take your grievance to the Board of Assessment Review; by law, the members of this board must be residents of their respective municipality. Beyond the Board of Assessment Review, the property owner can take their appeal to a Small Claims Assessment Review hearing. To hear some consolidation proponents describe it, you would think you were restricted in exercising your rights.

We have all heard the cries of county governments statewide bemoaning the endless stream of unfunded state mandates. How does making county government larger make it cheaper?

Patrick J. Duffy, IAO
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