

**TESTIMONY OF ALAN TOWLERTON
DEPUTY PUBLIC WORKS DIRECTOR, CITY OF BILLINGS
IN OPPOSITION TO
SENATE BILL 158
JANUARY 25, 2005**

My name is Alan Towlerton. I am the Deputy Public Works Director for the City of Billings and I am here today to voice opposition to the impact fee legislation as proposed in Senate Bill 158. While the bill's intent may be well-meaning, we believe it is overly detailed, restrictive, and ambiguous in some areas and is an example where control is either being taken away from or not being left at the local level, where it really belongs.

While we understand there are concerns by the development and building community with these types of revenue programs and their administration, we also strongly believe that the issue can and should be handled at the local level. Local governments are the hub of community resources and activities. As I'm sure you repeatedly hear, they are being asked to do more with less, accommodate continuing growth and provide essential public services, all while keeping tax and fee increases low or nonexistent. Local jurisdictions are in the best position to assess both the improvements needed to provide services and the fiscal means to support the services. We believe that prudent determination of these types of fees using knowledgeable individuals and adhering to industry standards will dictate that most, if not all, of the items identified in the bill will be followed, thus negating the need for the proposed bill and oversight. We believe this can be done at the local level to the satisfaction of all parties, with little or no oversight legislation needed, and Billings has such a success story to point to in this regard!

In 2004, the City of Billings increased their existing system development, or impact, fees and construction fees. As part of this effort, in addition to utilizing a professional consultant to determine these fees, the City established a stakeholder group that was involved throughout the entire process. This group consisted of representatives of the engineering community, downtown business interests, builders and developers, realtor interests and city and county government. The end result of this entire effort was that the stakeholders supported the recommended fees at the public hearing before the City Council. In addition, this group expressed interest in continuing this type of forum and momentum for other issues. We believe this illustrates that these types of programs can be established without considerable rancor and disagreement. However, the local jurisdictions need to have the flexibility to work within the framework of their particular circumstances without the overlying umbrella of "cookie cutter" legislation with undue restrictions as outlined in Senate Bill 158.

Thank you for your consideration of our comments in this important matter and I am available for questions.