Senate Local Govt. Comm.
Exhibit No. 1
Date 3-9-2011
Bill No. HB 575

March 9,2011

Mr. Chairman and members of the committee;
My name is Mike Wendland I am one of the county commissioners from Hill County
Thank you for the opportunity to address this committee concerning the Annexation Bill HB 575.

Annexation by cities has been given a green light for the past 30 to 40 years with very little checks and balances. Hill County has reviewed much of the past legal arguments concerning annexation and it seems that in the case of Annexation by Petition part 46 or Annexation by Provision of services part 47 cities are annexing properties because they have at least one city service and then leaving these properties to fend for themselves on all other city services or benefits.

The provision of services section requires that a five year plan be established for city services to be offered. 5 years is a defined period of time and has not been enforced on cities that annex properties. I would hope that specific changes could be made to the current laws that help define this 5 year period along with property descriptions, filing dates, zoning requirements and contiguous property requirements. All of these words are very grey in definition and need to be spelled out clearly in black and white terms.

Cities that annex properties need to step forward and help annexed properties receive all city services through proper and basic organization.

Currently RSID's Plan, pay for and maintain all requested improvements and should not be required to pay for additional government services unless there is an additional benefit, like improved roads, lowers maintenance costs, and possibly both public water and sewer service.

This bill is a start in the right direction by requiring direct communication between cities and counties so that public services can be transferred easily.

Rural Fire Districts also need to have a voice in the annexation process. They have a financial stake in the area they serve and if a large portion of their revenue is taken through the annexation process, without planning they could leave a remaining portion of their district without adequate protection.

Please restore Rural Fire Departments right to participate in the annexation process and look more at the long term effects of how annexation is done and define many of the areas that need to be defined more clearly.

Hill County would be happy to participate in a committee that reviews current annexation laws and how they can be more equitable to all involved.

Thank You MR Chairman and Members of the committee

Thank you for the opportunity to address this committee concerning this proposed annexation bill HB 575.

Annexation by cities has been given a green light for the past 30 to 40 years with very little checks and balances. Hill County has reviewed much of the past legal arguments concerning annexation and it seems that in the case of "Annexation by Petition" part 46 or "Annexation by Provision of Services" part 47, cities are annexing properties because they have at least one city service and them leaving them to fend for themselves on all other city benefits.

Cities need to be required to be the organizer and leader in helping those who have been annexed, receive and pay for all available city services. Just because a RSID (rural special improvement district) was established by a county utilizing a city water or sewer service 40 years ago, does not give the city the right to annex these properties and then abandon them for all other services.

The provision of services section requires that a five year plan be established for city services to be offered. In a case of annexation involving the City of Whitefish, the judge allowed the 5 year plan to be "whenever the annexed property owners build it, we the City of Whitefish will maintain it". That could go on for 100 years with no additional city services, even though this is now a part of the city limits. 5 years is a defined time period and it has not been enforced on cities that annex.

I would hope that specific changes could be made to the current laws that help define this 5 year period along with words like property descriptions, filing dates, zoning requirements and contiguous property. All these words are very gray in definition and need to be spelled out in black and white terms.

Cities, if annexation occurs, need to take a step forward and help annexed properties receive all city services through SID bonding and basic organization.

Currently cities need the extra revenue and annex only for the money. Sub dividers of land provide all the upfront capital improvement to subdivide property and cities have done very little to push their services out.

Rural Special Improvement Districts (RSID) plan, pay and maintain all requested improvements and should not be required to pay for additional government services unless there is an additional benefit, like improved roads, lower maintenance costs and possibly both public water and sewer service.

One example of an annexed area around Havre, has public sewer, no public water, no maintenance on either, no road maintenance and no garbage service, but pay all city government taxes. The city does not even try to add additional city services. This is unfair to those paying higher taxes and receiving no additional services.

This bill is a start in the right direction by requiring direct communication between the cities and counties so that public services can be transferred easily.

I also feel that rural fire districts should have a voice in the annexation process. They have a financial stake in the area they serve and if a large portion of their revenue is taken without planning, they could leave the remaining portion of their district without

protection. Cities are again only thinking about the revenue gain and not the long term picture.

Please restore the rural fire departments right to participate in the annexation process and look more at the long term effects of how annexation is done and define many of the areas that need to be defined in more black and white terms. Hill County would be happy to participate in a committee that reviews current annexation laws and how they can be more equitable to all involved.

Hill County
County Planner
Clay Vincent

Hill County Commissioner
Michael Wendland

These are my notes as of this date and the Comm's have not looked at them.
7-2-4504 Contiguous in this somewhere, we need to add that it is vertically across streets and not horizonally unless all property in between is take or allowed to be taken during the annexation process. Patchwork annexation does not work for zoning, addressing, or good planning.
7-2-4606 in the middle of the paragraph---- a (metes and bounds) description of the boundaries of the area to be annexed. Do not just leave it open to a mailing address or generic description.....
7-2-4610 It says that services must be provided according to a plan..... This is not done. A cities plan is to day " When all of you being annexed builds it, we will then maintain it... I think the plan would include a specific date within the five year period that public hearings will be held with the intent to establish an SID for all city services currently not offered within the newly proposed annexed area. The city shall be the primary organizer of these SID's or other services and shall do all the supporting documents associated with these new services. The City must have enough bonding authority or bond indebtedness at the time of annexation to be able to support any new SID's that are to be created in support of this annexation. ---- The cities now just walk away and take the money without worrying about offering any new services. They are the organizing agencies and need to step forward to help.
7-2-4703 .... I would like to see the word "should" Changed to shall in #4. The cities not do nothing but take the money and leave those annexed without some of their services. They may have public water, but no public sewer, or the streets are in bad shape and the cities again just take the new money and walk away. There must be the organization to get things up to city standards.
7-2-4734 Fire Dept's There must be a 5 or more year waiting period that after annexation financial support stays with the rural departments so that they can plan for less money that will be coming into they budget because of an annexation. Most rural departments are on a shoe string now and can not take a big hit in reduced funding in a short period of time. And cities may not be equipt to take on all the additional rural area because of the lack of fire hydrants and man power. And so once again the government raises their taxes and takes the money and does not provide any better service. Their must be a gain to those being annexed and not just an additional level of government.
7-2-4707 " Such resolution shall describe the boundaries (by metes and bounds) of the area under consideration..... This past time we could not ever figure out where some of the properties were, because they were mailing addresses or a portion of a quarter section. If surveyed, there will be a positive description that everyone will know where it is. (unless certain surveyors do it) ha aha
This is all I have at this time. The biggest thing is that if annexed, things should be improved and not just more government for those annexed.

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