

Local Government & Housing

HB 1023

Brief Description: *Revising annexation procedures for cities and towns.*

Sponsors: *Representatives Delvin, Sump, Alexander, Buck and Armstrong.*

Brief Summary of Bill

- *Makes procedural changes to the direct petition method of annexation.*
- *Provides the option of voter approval under the direct petition method of annexation, when requested by a petition signed by 10 percent of the voters in the annexation area, if there is at least one voter residing the proposed annexation area..*

Hearing Date: *1/29/01*

Staff: *Scott MacColl (786-7106).*

Background:

There are three methods for cities and towns to annex territory: the election by resolution method, the election by petition method, and the direct petition method. The direct petition method does not require a vote of the people in the affected area; the other two methods requires an election on the question of annexation.

The direct petition method allows for annexation if ten percent or more of the residents of an area, with at least ten percent of the assessed value, petition the legislative body of a city or town. Proponents of a proposal for annexation must file the petition with the legislative body of the city or town. The petition must be signed by the owners of at least ten percent of real property based on the total assessed valuation. The legislative body must then approve the proposal for petition before the petition may be circulated for

signatures. The petition must be signed by owners of at least 75 percent of the of the assessed value in the area to be annexed.

The council must set a date for a hearing within the affected area and publishes notice of the hearing. After the hearing, the legislative body must then decide to accept all, part or none of the annexation, by ordinance. The annexation becomes effective on the date the ordinance is signed.

Summary of Bill:

Several changes are made to the direct petition annexation method for cities, towns, and code cities. Potential annexation areas must be in unincorporated areas that are contiguous to the city or town to be considered.

Proponents of a proposal for annexation must file a written notice to the legislative body of the city or town. The written notice must be signed by the owners of at least ten percent of real property based on the total assessed valuation. If a proposed annexation area only includes tax exempt property, including school district property, the owners of such property may file written notice of annexation with the city or town.

For cities in a county with a boundary review board, the legislative body must file a notice of the proposed annexation with the boundary review board. An annexation is effective on the date specified in the annexing ordinance, even if the proposal must be submitted to a boundary review board, unless the proposal is altered by the Boundary Review Board. If the boundary review board alters the proposal, the annexation becomes effective on the date fixed by a subsequent ordinance adopted by the city or town approving the modifications.

These annexation procedures are not automatically effective if the annexation area contains one or more registered voters. In that situation, the annexation is potentially subject to voter approval, and the city or town must publish notice of the annexation locally, including a description of the process in which voters residing in the proposed annexation area may file a petition subjecting the annexation to voter approval.

The petition for voter approval must be signed by at least ten percent of the registered voters in the proposed annexation area, and filed within forty-five days of the publication notice. The county auditor must certify that the petition contains enough valid signatures. If so, the question of the proposed annexation is submitted to the voters at the next general or special election, at least forty-five days after the petition is certified.

If the city or town requires that the annexation area assume the city or town indebtedness, the legislative body may decide to put the question of the annexation and the indebtedness on a single ballot or on separate ballots. The question of annexation may be decided by a

simple majority, however the question of indebtedness requires a supermajority with the total number of voters voting equal to at least forty percent of people that voted in the previous general election.

The legislative body of a code city may adopt a resolution withdrawing its support of the annexation and terminating the proposed annexation.

Effective Date: *Ninety days after adjournment of session in which bill is passed.*

Appropriation: *None.*

Fiscal Note: *Not Requested.*