

Good Morning Chairman and members of the Committee

My name is Lisa Schieffer and I am the City Administrator for the City of Summerset and have been in my current position for almost three years. Previous to my job as the City Administrator, I served as the Meade County Auditor for 28 years and officiated over four municipal incorporations new to the State of South Dakota. The City of Summerset in 2005, the City of Piedmont in 2007, the City of Buffalo Chip in 2015 (which brought forth new legislation in 2016 and was eventually overturned by the Supreme Court in 2020) and Black Hawk which was defeated by single digits.

I have witnessed the good, the bad, misinformation, lawsuits, and I have even refused accepting petitions due to validity reasons. I have seen all sides of the spectrum of why territories do not want to incorporate, to why territories want to incorporate and to finally why territories want to incorporate so no one else will annex them in. All having legitimate reasoning for pros and cons. But today I want to visit about the bigger picture of this statewide, and that is the current law under 9-3-1.1.

Currently under 9-3-1.1 states a municipality may not be incorporated if any part of such proposed municipality lies within three miles of the corporate limits of any incorporated municipality, unless the incorporated municipality refuses or fails to annex a territory which is contiguous and said contiguous territory has properly petitioned said municipality to be annexed thereto as provided in 9-4-1.

9-4-1 states that a governing body of a municipality upon receipt of a written petition describing the boundaries of any territory contiguous to that municipality sought to be annexed to that municipality, may by resolution include such territory or any part thereof within such municipality if the petition is signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the community.

So to put this into perspective. Incorporated municipalities are constantly planning for the future. It is reasonable to assume that need for planning with population and anticipated growth factors to consider. The law even states under 11-6-26 (2) An incorporated municipality shall adopt a comprehensive plan and a major street plan that identified the unincorporated area to be governed by municipal platting authority.

A comprehensive plan defines a community's vision and establishes associated goals, objectives and policies that help in the decision-making process. Comprehensive plans are considered a long-range plan that usually encompasses large geographical areas and guides on infrastructure, transportation, utilities, land use and housing needs.

Capital Improvement Project plans are completed and laid out for budgeting purposes in anticipation of future growth, sewer, water and infrastructure. Grants are a big factor when Federal money is up for grabs and regionalization should always be at the forefront in looking at the big picture. Municipalities spend tax dollars for future planning, projects and matching grants.

Ordinances get adopted and shall incorporate a platting jurisdiction boundary or text description of the area to be governed.

By all means this is not to say that territories cannot incorporate because municipalities have these items put in place.

On the other hand territories that want to incorporate want a seat at the table, they want to have a voice, a say in matters.

Communities like to keep their uniqueness or local identity and not be governed by outside forces.

There is resistance and opposition to the thought that another entity may want to annex them and they would prefer to maintain their autonomy and independence.

So what is the solution? I believe it is already spelled out in law. Two entities coming to the table by way of petition. Territories coming before City Commission Boards to visit about cooperative boundaries. To promote good relations.

HB1127 takes away the right for any municipality (within a three-mile jurisdiction) that has a population of five thousand or less to have a say in a territory who wants to become incorporated if it has a post office. The bill does not offer a notification process to those municipalities within the three-mile jurisdiction that this is happening nor a boundary map. It would bypass the process and go straight to the County Commission.

This is not a solution. Local governments should be able to weigh in on the same, have community engagement and transparency. Future strategic planning could be altered and infrastructure that could accommodate potential growth could be put on hold.

In my opinion 9-3-1.1 as it is currently written is sufficient. It allows the municipality within the 3-mile jurisdiction it's due process.

Growth along the I-90 corridor is coming in our area, it is understandable whether you are incorporated or not to be out in front of the same. Future planning is not only a necessity it is a must.

I want it noted that I am not against incorporation of any neighboring community, but I am against HB1127 how it is written and how it bypasses the local government in the three-mile jurisdiction.

Respectfully,

Lisa Schieffer, Summerset City Administrator