

MEMORANDUM

JMD: Dept memo
CC
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MKA
Dave V
John S.
GT

TO: Mayor and City Council
FROM: Gerald J. Ashby, City Attorney
DATE: December 17, 1986
RE: Connection to the City/County Sewerage System
as it relates to Annexation Policies

5/6/93

As I have previously indicated to some of the members of the Council, when the City relinquished its position on the fund application list to the County so that the County might benefit through a better sewerage system, the one condition determined as mandatory was that the County would require either the annexation to the City of anyone connecting with the system who was immediately eligible for annexation or the giving of a power of attorney for annexation at appropriate time for a connector who was not immediately eligible. Section 25-45 of the City's Code of Ordinances states the same thing. We are also permitted to require annexation or powers by State statute. I am writing this in the hope that I may convince you not to give up that right in your discussions with the County. It is my belief that giving up the right might seriously effect the City's future growth and position in the County as the primary non-County force.

Historically, people who live outside of cities do not wish to be in cities unless the city can offer them something they want. In the case of the City of Grand Junction, early annexations to the City were accomplished because the City had the water supply. Sewage treatment was incidental. With the Ute, the City did not control the only water supply and people did not have to annex to the City to get water. All that remained to encourage annexation was sewage treatment. At the time of the City/County sewer considerations, this was recognized by both the City and County. We have continued to require annexation or powers since that time. The Mall would still be in the County producing no revenue for the City had we not had the sewage annexation policy.

I am not suggesting to you that you alter whatever policy of annexation you have. If you choose to have a policy of annexation only where those who want to be annexed are annexed, that is your right. If you do not want to annex areas which would cause increased expenditures not compensated for by tax or other revenues, you may act accordingly.

What I am asking is that you continue the annexation requirements so that you control who is annexed and who is not, rather than having the control lie in the hands of others. The time may come when a council, for whatever reason, determines that a more aggressive policy of annexation should prevail: They would not have lost the ability to produce this condition. A time may come when an area that might not profitably be annexed is needed to annex an area beyond which might greatly benefit the City.

To conclude, I hope that you will retain the present policy of requiring powers-of-attorney before sewer connections as part of a way for the City to control its own destiny.

GJA:jc
c.c. City Manager