



Dave Askins <dave@bsquarebeacon.com>

PRESS RELEASE: City Submits Final Batch of Remonstrance Waivers to Auditor

4 messages

Andrew Krebs <andrew.krebs@bloomington.in.gov>
To: Andrew Krebs <andrew.krebs@bloomington.in.gov>
Bcc: dave@bsquarebeacon.com

Tue, Feb 8, 2022 at 9:14 AM



FOR IMMEDIATE RELEASE

February 8, 2022

For more information, please contact:

Michael Rouker, City Attorney
roukerm@bloomington.in.gov or 812-349-3426

Andrew Krebs, Communications Director, Office of the Mayor
andrew.krebs@bloomington.in.gov or 812-349-3406

City Submits Final Batch of Remonstrance Waivers to Auditor

Bloomington, Ind.—On Friday, February 4, the City of Bloomington submitted its last responses to Monroe County Auditor Cathy Smith detailing which annexation remonstrators own properties subject to remonstrance waivers.

With this final set of waiver reviews, the City has reviewed 3,641 unique signatures and identified 1,880 as having an applicable waiver preventing remonstrance. The City's review process is ongoing and will involve closely scrutinizing all details surrounding signatures including notarization, timeliness, circulation of petitions, and more.

"Though early, speculative reports have offered certain remonstrance numbers, the careful review and tallying of remonstrance signatures is a long and detailed process under state law," said Bloomington Mayor John Hamilton. "Friday marked the conclusion of one more step in the process of annexation, and in the interest of transparency, as we have embraced throughout, we are sharing this current status. But the process is not over. We look forward to seeing the numbers provided by the Auditor after her review concludes later this month. Once that step is completed, it will be appropriate to consider whether the numbers need further reconciling or review, either administratively or through any court proceedings."

A remonstrance waiver is a voluntary contract negotiated between an unincorporated property owner and a city wherein the property owner agrees not to challenge a future annexation, and the city agrees to extend sewer or water service to the unincorporated property. Bloomington, like municipalities around the state, negotiates waivers as a routine part of its operations to allow services to be established before formal annexation. The city believes that counting all such waivers is appropriate despite a 2019 state law that purports to negate those agreements older than 15 years. The state legislature passed that 2019 law after a 2017 law, later declared unconstitutional by the state supreme court, interrupted and delayed Bloomington's annexation for four years.

The chart below gives by annexation area the current status of review reporting the number of unique signatures received from the Auditor and subject to waivers, including those both over and under 15 years old:

Annexation Area	Remonstrance Signatures Received from the Auditor	Signatures Subject to Waiver	Waivers Over 15 Years	Waiver Under 15 Years
1A	1141	522	378	144
1B	970	590	553	37
1C	83	79	79	0
2	1185	617	509	108
3	86	20	17	3
4	78	15	9	6
5	98	37	22	15
Totals	3641	1880	1567	313

Under Indiana's annexation statute, individuals opposed to a proposed city annexation have a 90-day period to file remonstrance petitions with the County Auditor, which period ended on January 6th in the Bloomington process. The Auditor has five business days after she receives a petition from a property owner in an annexation area to transmit the petition to the city. The city then has fifteen business days to send a response to the Auditor documenting the existence of any applicable remonstrance waivers.

Over the last three and a half months, the Auditor sent hundreds of petitions to the city, and the city replied to each petition, identifying any property with an applicable waiver. The Auditor delivered her final batch of petitions to the city on January 14, and on February 4th the city sent its last set of responses.

Under state law, the Auditor has up to fifteen business days from February 4 to report her remonstrance count.

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Today's press release is also available online at bloomington.in.gov/news/2022/02/08/5103.

ANDREW KREBBS *he/him/his*

COMMUNICATIONS DIRECTOR | OFFICE OF THE MAYOR

401 NORTH MORTON STREET, SUITE 210, BLOOMINGTON, IN 47404

OFFICE: 812-349-3406 | CELL: 205-541-6098 | DESK: 812-349-3855

EMAIL: andrew.krebbs@bloomington.in.gov

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Dave Askins <dave@bsquarebeacon.com>

Tue, Feb 8, 2022 at 10:24 AM

To: Andrew Krebbs <andrew.krebbs@bloomington.in.gov>, Mike Rouker <roukerm@bloomington.in.gov>

Hi Mike and Andrew!

The table looks pretty much what I expected, based on the county auditor's raw totals I got back in mid-January—except for 1B.

The last information I had from the auditor was 1,342 signatures received with some checking done to eliminate dupes and waivers under 15 years old. But today's news release from the city pegs the raw signature total at 970. That's not dribs and drabs of a difference, like in other annexation areas.

I know that there were a lot of 1B signatures submitted on the final day. So that make me think maybe the 1B total in the city's news release is from an earlier point in time? Or maybe there's some already known reason why the city's signature total for 1B is so dramatically different from the county's?

Thank you for any insight you can give me into this!

--Dave

734.645.2633
dave@bsquarebulletin.com
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Mike Rouker <roukerm@bloomington.in.gov>

Tue, Feb 8, 2022 at 11:56 AM

To: Dave Askins <dave@bsquarebeacon.com>

Cc: Andrew Krebbs <andrew.krebbs@bloomington.in.gov>

Dave:

Thanks for pointing that out. We just identified a typo in an excel formula that was causing an inaccurate number for Area 1B. We have audited the formulas in each of the other areas, and they were all constructed correctly. The error affected only the 1B numbers and, consequently, the total numbers. We just put out a corrected press release that updates the numbers.

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Michael Rouker
City Attorney
City of Bloomington
(812) 349-3556

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Dave Askins <dave@bsquarebeacon.com>
To: Mike Rouker <roukerm@bloomington.in.gov>
Cc: Andrew Krebs <andrew.krebs@bloomington.in.gov>

Tue, Feb 8, 2022 at 12:09 PM

Got it, thanks.

--Dave

734.645.2633
dave@bsquarebulletin.com
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