

# Using Stasis Theory to Examine Rhetoric Surrounding the Incorporation of Millcreek

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## Background

Millcreek Township is located in Salt Lake County, UT. It is a suburban area with a population of around 63,000, making it the most populous unincorporated area in the county (1). In the November 2012 election, residents will be asked to vote on the issue of incorporation, which would create the city of Millcreek. Groups for and against incorporation have been created, each with websites aimed at persuading voters. Many homes in the area are displaying yard signs showing support or opposition to incorporation. Reports about this issue have appeared in the local media, often accusing one side or the other of spreading misinformation.

Salt Lake County has created a website that attempts to answer many of the questions about incorporation. In its FAQ, it provides the county's response to these questions, along responses from the For Incorporation and Against Incorporation groups (where available). The county's responses are neutral, often citing Utah laws, or referring to data from a feasibility study that was conducted in 2011 with regard to this issue.

Many of the questions surrounding incorporation concern the possibility that all or part of Millcreek may be annexed by a neighboring city if it does not incorporate. This paper will use Stasis Theory to analyze the rhetoric for and against incorporation, specifically focusing on questions related to annexation. Responses from Salt Lake County, the For Incorporation, and the Against Incorporation groups will all be compared to determine the stases where there is consensus or disagreement, whether either side has presented misinformation, and whether concerns over the possible annexation of Millcreek are well founded.

## Annexation

Confusion may exist regarding how the annexation process works, whether any neighboring cities plan to annex all or part of Millcreek Township, and what effect annexation would have on taxes and revenue. Examining these questions and the associated responses at the relevant stases should provide clarification.

**Definition: What steps are involved in the annexation process?**

Salt Lake County describes the annexation process by saying that "before a city may annex any portion of a township an annexation petition must be filed, certified and approved. *Any annexation petition can only be started by the property owners of Millcreek Township.* The annexation of a township in its entirety requires the dissolution of the township. If a dissolution petition is certified, dissolution requires a vote of the township approving the dissolution. *Millcreek citizens are in control over annexation, not neighboring cities*" (2). (Italics added for emphasis).

The county also provides the following details about annexation:

- The annexation process begins with a notice of intent by the person or persons who wish to annex into a city as outlined in Utah Code 10-2-403.
- The area proposed for annexation must be abutting the city and consist of a contiguous area.
- Once notice is sent out to all property owners in the proposed area and within 300 feet of the proposed area, a petition is prepared that must include an explanation that if annexation is granted the area will be withdrawn from the township.
- The petition must also include in bold and conspicuous terms that under Utah law there is no public vote for annexation and that by signing the petition you are approving annexation and withdrawal from the township.
- The petition must be signed by property owners representing 1/3 of the value of private real property and over 50% of the total land area of private real property in the proposed annexation area.
- Subsequent sections of the Utah code 10-2-405 -417 provide the details for the next steps in the annexation process, including but not limited to:
  - required public hearings
  - process to protest
  - possible feasibility study
- The city may approve or deny annexation.
  - If approved, the county may approve or deny withdrawal from the township.
  - If the county denies withdrawal, the petition goes to a three member committee to approve or deny the township withdrawal.
    - If denied the area cannot be annexed, if approved the area is annexed (2).

The For Incorporation group provides the following response describing annexation:

"By law, residents will not get to vote on annexations. Annexations only require property owners' signatures representing 1/3 of the private property value and just over half of the acreage within the area of the proposed annexation. Thus a minority of residents can force an annexation. If the County protests their annexation, the decision goes to a three-member appeal committee of elected officials where majority rules. The County appoints one member, the annexing city one and those two pick a third. None has to be from Millcreek. Our community could be broken apart (2)"

For the most part, this response seems to be in agreement with Salt Lake County's description of the annexation process, though it is unclear where the details about the appointments to the three member committee are from.

The Against Incorporation group provides the following response describing annexation: "Don't let incorporation proponents scare you—a neighboring city cannot force people to annex! Only contiguous group of property owners with a common existing border to a city can start, pay for, and complete an annexation petition. Currently, those who want to be annexed must get 33% of other property owners in the target area to join with them, and then it has to be accepted or rejected by the County as well as the neighboring city (2)."

This response is also in agreement with the annexation process described by Salt Lake County. There seems to be consensus at this stasis.

**Fact: Have any neighboring cities put forth specific annexation plans involving all or part of Millcreek Township?**

In answer to this question, page 4 of the feasibility report states: "Bordering cities were contacted regarding their interest in annexing portions of Millcreek and in providing services to Millcreek. Only two cities responded: Murray and South Salt Lake. Murray City replied that, "At this time there is not an interest to annex any contiguous areas." South Salt Lake responded that it "may consider annexing a portion of the Millcreek Township, upon an expressed interest by Township residents. In such a case, any annexation would likely involve portions of the Township adjacent to the City of South Salt Lake (1)."

In one of their responses, the Against Incorporation group says that "Cities have "annexation plans" as a matter of policy, but no city has put forth a specific annexation plan involving Millcreek Township" (2). This is in agreement with the feasibility study.

The For Incorporation group counters that "Annexations are likely because four cities which adjoin Millcreek have annexation plans for Millcreek and some Millcreek residents want to annex" (2). This statement is not in agreement with the county's feasibility study. The For Incorporation group also does not provide any evidence to support their statement that some residents want to annex. There is disagreement at this stasis, and it seems that the For Incorporation group may be presenting misinformation.

**Cause/Effect: How would annexation of part of Millcreek by another city affect revenue and taxes for the rest of the township?**

Salt Lake County provides the following response: "If some of the properties in Millcreek annex into a city, revenues would decrease. However, the cost of providing municipal services may also decrease" (2). This is not a definitive answer, as it is difficult to predict what may happen in any given situation if a group of residents decides to annex.

The For Incorporation group states: "Should even a few revenue producing properties leave Millcreek, the end result may be less revenue for neighborhood services and higher taxes for you" (2). The For Incorporation group has chosen to focus on the possibility of decreased revenue and higher taxes, although this is only one of the possible outcomes if annexation did occur.

The Against Incorporation group explains, "The proposed area [for annexation] cannot have revenues that exceed 105% of the expenses. In addition to the initiative having to start by property owners, a high revenue generating area would be limited by this rule. These measures were enacted to prevent cities from only annexing a revenue stream" (2). This is an indirect answer, but essentially they are saying that it would be difficult for high revenue generating areas to annex, so there is not much reason for concern.

There is disagreement at this stasis. As seen in the county's response, it is not possible to tell what would happen if annexation were to occur. However, the For Incorporation group seems certain that annexation would lead to lost revenue and higher taxes, while the Against Incorporation group believes that the annexation of properties that produce revenue high enough to have an effect is impossible.

## Conclusion

There is consensus at the definition status regarding what annexation is. However, there is disagreement at the fact stasis regarding whether other cities have plans to annex Millcreek, and at the cause/effect stasis regarding how such annexation would affect revenue and taxes. Based upon this analysis, concerns over annexation are not well founded. The possible use of misinformation at the fact stasis by the For Incorporation group, as well as their emotional appeal ("Our community could be broken apart") could indicate that they are using the possibility of annexation as a scare tactic.

## References

1. Lewis Young Robertson & Burningham, Inc. (6 Jun 2011). *Millcreek Township Incorporation Feasibility Study*. Retrieved from [http://www.millcreekballot.com/wp-content/uploads/2012/08/Millcreek\\_FeasibilitFinal.pdf](http://www.millcreekballot.com/wp-content/uploads/2012/08/Millcreek_FeasibilitFinal.pdf)
2. Salt Lake County, Millcreek Ballot Initiative. (2012). FAQs. Retrieved from <http://www.millcreekballot.com/faq/>