

Midwest Environmental ADVOCATES

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Residents and Small Business Owners File Suit to Preserve Right to Direct Legislation

Jefferson, WI – On Monday, Coalition for a Better Jefferson formally requested that the Jefferson County Circuit Court order the City of Jefferson to abide by the law and allow residents to vote on proposed direct legislation. With the action, the Coalition has filed for an injunction to stop the Council’s accelerated efforts to vote on a proposed 22-acre annexation for a Wal-Mart Supercenter before voters would have a chance to consider the proposed legislation.

The proposed legislation would require that the Council review traffic, infrastructure, community and environmental impact studies of the proposed land use before annexing more than 15 acres of land for development. Given that the costs are often tied to the size and potential impact of the proposed development, the Council would have the authority to require that the developers finance these studies as part of their proposed development.

The Coalition for a Better Jefferson is being represented by Midwest Environmental Advocates, Inc., a nonprofit environmental law center, and David Halbrooks, a Milwaukee attorney.

“The idea behind the ordinance is to consider an annexation’s effect, good or bad, on the City’s tax revenue, jobs, traffic and environment. After looking at these impacts, the Council is free to vote either way,” said John Rhiel, the Coalition for a Better Jefferson spokesman. “In denying the residents their right to vote, the Council has refused to consider infrastructure costs, economic effects, traffic and environmental impacts of creating instant commercial centers on the edge of the City.”

“The bottom line is the 456 residents who signed the petition have a right to see the ordinance on the ballot.” said Brent Denzin, attorney with Midwest Environmental Advocates. “The Council cannot simply ignore this right.”

In late October, the Jefferson Common Council was given the certified direct legislation petition. The legislation does not require the City to pay for the studies nor does it alter the Council’s ability to approve or

reject proposals. The legislation would require the Council to receive more information before making a final vote.

On November, 15th, the Jefferson Common Council refused to send the ordinance to the voters, despite the petitioners' clear legal right. On the same day, the Council recognized a renewed proposal to annex 22 acres for a Wal-Mart Supercenter.

“These impact studies are used to promote educated decisions.” Rhiel says. “We would hope the Council would look at these impacts without the requirement, but their response seems to suggest otherwise.”

The Coalition hopes to set aside the rapid annexation hearings until the residents are allowed to vote on the proposal.

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FAST FACTS:

- Midwest Environmental Advocates is Wisconsin's first and only non-profit, public interest environmental law center. Midwest Environmental Advocates provides legal representation and community organizing assistance to groups that are working to protect air and water resources. For more information, go to www.midwestadvocates.org.
- The Coalition for a Better Jefferson is a local citizen group committed to responsible development in Jefferson.
- If approved, the proposed Direct Legislation would require that the City of Jefferson Common Council review traffic, infrastructure, environmental and community impact studies before approving annexations of over 15 acres of land.
- The proposed Direct Legislation allows the Common Council to assign the costs of impact studies to the developers, relieving tax-paying residents of any financial burden associated with the impact studies.
- The Direct Legislation received 456 signatures from Jefferson residents. Only 307 signatures were required to put the ordinance on referendum ballot.

