

Testimony Presented on SB 2208 to the

Senate Agriculture Committee

Senator Larry Luick, Chairman

Brenda Derrig, City Engineer for City of Fargo

January 27, 2021

Mr. Chairman and Members of the Committee,

The City of Fargo strives to provide our citizens with the most efficient, reliable and affordable infrastructure. A significant component of our overall infrastructure is the storm sewer system, which consists of over 500 miles of pipes that ultimately outlet into either the Red River or the multiple Southeast Cass Water Resource District's (SE Cass) Legal Drains that pass through the city. Without SE Cass's Legal Drains, our storm sewer system would be exponentially larger and costly, which is why I am providing this testimony to the proposed SB 2208.

SB 2208 in its current form appears to impact the affordability to the City of Fargo citizens by not allowing SE Cass to use maintenance funds to make improvements to their Legal Drains. Unfortunately at times within an urban setting, the options to complete repairs necessary to SE Cass's Legal Drains can be limited and may not allow for them to restore the Legal Drain to its most recent permitted design. Historically, SE Cass has been able to utilize their maintenance levy collected for a specific Legal Drain to complete these repairs. This is beneficial to our residents due to SE Cass not having to create an improvement district to assess the benefiting properties the costs of the repairs.

Recently, the City created a special assessment task force group to review the City's Special Assessment Policy, which consisted of public input. One of the comments heard repeatedly from the public was to reduce the number of assessments they are seeing. The City has worked to finance, and therefore eliminate, what we would call "nuisance assessments" (those assessments that are in a large improvement district and are of little value once spread over the entire district). By tightly defining maintenance, as SB 2208 has done, it appears that it will create these nuisance assessments to the citizens of Fargo, which we have tried hard, and have been successful, to discontinue. As previously stated, projects that SE Cass would have historically used maintenance levy funds on would now have to be special assessed. Due to the size of the benefiting areas of these Legal Drains within the city, I would anticipate that property owners would see multiple assessments and potentially see these assessments in consecutive years.

I seek your support of City's ability to provide efficient, reliable and affordable infrastructure and I seek your opposition to SB 2208 due to its current version's definition of Maintenance and its associated amendments in Section 32.