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The Official Newsletter of the ND Township Officers Association—NATaT Member

2009 Legislative Session Continues

Your legislative office/apartment has been established at 1115 North 1st Street in Bismarck, ND 58501. The phone number is 701-258-6391 and we do have voice mail. You can e-mail us there by using ken@ndtoa or larry@ndtoa. The office has been open every day since the beginning of the Legislative Session.

Many of the resolutions passed at the 2008 Annual Meeting requiring legislation to implement were introduced through Interim Committees.

SB2027 This city extraterritorial zoning bill was introduced through the ACIR. This has had many amendments proposed to it. Doug Goulding, Attorney for the Grand Forks Citizens Coalition, has proposed a lengthy amendment which is being considered by the committee. Representative Dwight Wrangham has introduced HB1554 on this same subject.

<u>SB2012</u> The request for a 32% increase in township funding was included in the Department of Transportation's budget. <u>SB2177</u> on the same subject was introduced by Senator Gary Lee, Chairman of the Senate Transportation Committee. These bills are the result of the eight statewide meetings on transportation that many of you were a part of last spring.

SB2300 This is a bill introduced by Senator Curtis Olafson from Edinburg for the NDTOA. This bill would increase the coverage for small governmental entities from 25% of the money they handle to an amount at least equal to the amount of money or property actually handled or \$10,000

whichever is less. This bill was to be amended by the attorneys from the State Insurance Commissioners Office. We didn't like what their amendment would do so we insisted that the original wording prevail. The Committee agreed with us and voted 6-0 Do Pass. On February 10, the Senate voted 43-0 to pass SB2300. It is now on to the House for their consideration.

HB1495 This bill was introduced by Representative Chuck Damschen and will implement our resolution on the townships having the right to cut trees that hang over in the right of way of any township highway. This bill received a 10-3 Do Pass.

HB1555 Representative Ben Vig from Aneta introduced HB1555 which would have increased the township one cent gas tax to two cents per gallon. We wish to thank him for his efforts. Should all other funding efforts fail, it is clear to me that we should have given him statewide support to get this passed. Larry did testify in favor of the bill in committee and we did lobby in the halls for support for HB1555. We need membership support through the grassroots policy development area before we can put on the right kind of campaign to be successful with this next time. The bill went down to defeat by a 11 to 83 margin.

There have been several bills introduced to deal with road funding:

<u>HB1526</u> This bill would place the entirety of the Motor Vehicle Excise Tax in the Highway Distribution Formula.

HB1373 This bill would have given \$500,000 to each county for road

maintenance. This bill died on the House floor by a 27-60 margin.

HB1366 This bill could increase the percentage governmental entities get from the four tenths of one cent sales tax to five tenths in the State Aid Distribution Formula.

Many bills have been introduced that deal with the Oil and Gas Production Industry. The resolutions passed at our annual meeting are all covered with many proposals.

HB1274 This bill will eliminate the caps on the amount of dollars that can be used for road repairs in the western oil and gas producing counties.

<u>HB1275</u> This bill would raise the caps from 6 million per biennium to 40 million per biennium.

<u>HB1304</u> This bill would split oil and gas production tax dollars between the cities, counties, schools, townships and state government.

SB2382 This bill would give a township the right to approve or disapprove a landfill site in a township. Senator Dwight Cook introduced the bill and Beau Bateman and I were the only ones to support the bill. A huge number of city residents from Grand Forks opposed passage and the committee voted a 6-0 Do Not Pass on the bill. Numbers count in this legislative process. If we are going to win these, we must have membership support. On February 10th, the Senate voted 3-40 to kill it.

These are some of the legislative efforts that your legislative arm has been involved with so far in the 2009 Legislative Session.



NDTOA Officers

KERRY SCHORSCH, President

6358 111th Ave. SW New England, ND 58647 (701) 579-4703 kerry@ndtoa.com

JOANNE ABEL, Vice President

2964 20th Ave NE, Arvilla, ND 58214 (218) 779-3062 joanne4mom@aol.com

KENNETH YANTES

Executive Secretary/Director of
Governmental Relations & NATaT Director
P.O. Box 104, Brocket, ND 58321-0104
(701) 655-3513 Fax (701) 655-3513
(Please call before sending fax.)
ndtoa@polarcomm.com
ken@ndtoa.com

BARB KNUTSON, Treasurer

2600 236th St. NE, McKenzie, ND 58572 (701) 673-3198 barbk@ndtoa.com

CHUCK THACKER, Past President

10269 140th Ave. NE, Neche, ND 58265 (701) 265-8981 Cell: (701) 265-2831 cthacker@polarcomm.com

FLOYD MILLER, District I Director

14954 57th St. NW, Williston, ND 58801 (701) 875-4280 pbfmiller@hotmail.com

RALPH OLSON, District 2 Director

5054 47th St. NE, Maddock, ND 58348 (701) 438-2344

LARRY SYVERSON, District 3 Director

465 150th Ave. NE, Mayville, ND 58257 (701) 786-2697 las@polarcomm.com

District 4 Director
POSITION OPEN

BARB KNUTSON, District 5 Director

2600 236th St. NE, McKenzie, ND 58572 (701) 673-3198 barbk@ndtoa.com

STEVE GINSBACH, District 6 Director Alternate NATaT Director

16290 91st St. SE, Hankinson, ND 58041 (701) 242-7291 sginsbach@yahoo.com

Legal Counsel

THOMAS R. MOE

Attorney-at-Law 39 1st Ave. NW, Mayville, ND 58257

President's Message by Kerry Schorsch

Hello Township Officers,

February 2009 finds us in a new legislative session and we have some bills that are affecting townships. Your township legislative team of Ken Yantes and Larry Syverson is very much a part of what is happening at the Capitol.

Increased road funding for townships and the adverse effect on townships of extra territorial zoning by cities are two of the primary bills that we are focusing on. You can click on www.ndtoa.com to see a list of the bills we are monitoring. Come to Bismarck and testify on a bill if you can.

This winter has been a corker so far and many township road funds are being hit hard. Make sure you keep track of your expenditures. Hopefully, state government is going to provide some assistance to townships. You will

probably be required to provide proof of how much you spent on snow removal.

I would like to thank everyone who helped make our annual meeting in Bismarck worthwhile



Numerous speakers, public officials, legislators, state board members, township officers, friends and guests expended a great deal of time and effort to help township officers with their task of providing Grassroots government. It was very informative.

Thank you for a job well done!

If you are trying to make a logical point, anything is possible if you don't know what you're talking about.

Executive Secretary's Corner by Ken Yantes

The third Tuesday in March is approaching...the day of the annual meeting for most North Dakota townships.

It is advisable for even the most experienced and knowledgeable township officers to take out your green 2008 township manual, turn to page 184 and continue to review it through page 187. This is the township meeting section of North Dakota Century Code.

This covers the meetings and elections laws for townships. It deals with the when, where and how to hold your annual meeting. However, it does not cover one of the important areas dealing with how township officers get on the mailing list so they can get our state newsletter, the Grassroots Report. Here's how!

County auditors usually include a change of address and/or a change of officer notice along with your township budget forms. The budget forms are important so your township gets its tax

dollars. The other change of address or change of officer forms are needed to be sure a new officer or a present office that has changed address gets the



state newsletter. Please get these changes to your county auditor as soon as possible after the conclusion of your annual meeting.

Due to a change in the US Post Office procedures, it is essential that your mailing address includes your name, complete mailing address including zip code with not only the first five digits but the last four.

In our last newsletter mailing, we had 92 undeliverable letters due to office changes and address inaccuracies.

In order to improve future newsletter deliveries to you, a year long effort must be maintained by all involved.

NATaT Report

by Ken Yantes, NATaT Director

I will be attending the next meeting of the NATaT in Washington, D.C. in March. This meeting will key on getting our bills on the Township Payroll Exemptions reintroduced in the Senate and the House of Representatives.

I will be paying a visit to Senators Kent Conrad and Byron Dorgan and to Representative Earl Pomeroy with this as my main concern.

After visiting with them I plan to see each of the South Dakota delegation with the same thoughts in mind. I have already laid the ground work for this at our last NATaT Capitol Hill visits in October of 2008. When the new bill numbers are available, I will let you know in the next newsletter.

NATaT is considering a national board meeting in Medora this summer. This is on the agenda for discussion at the March meeting in Washington. I will let you know the results of these discussions in the next newsletter.

The NATaT organization is actively working on the Stimulus Package in Washington. The amount of dollars that should come back to the ND Department of Transportation should amount to over \$200 million.



Common sense is a genius dressed in its working clothes.

Ralph Waldo Emerson

A true friend never gets in your way unless you happen to be going down.

Arnold H. Glasow

Self-discipline is when your conscience tells you to do something and you don't talk back.

♦ W.K. Hope

If you never budge, don't expect a push.

♦ Malcom S. Forbes

Treasurer's Report by Barb Knutson

As I am writing this article, we are again receiving more moisture—in several forms. To those of us who have been deluged with snow this winter, here's hoping it means green grass and May flowers.

It is time again for the dues to be sent in. Those of you who have paid, good job! It has been getting better each year for the last couple of years. Congratulations to you!

Once again, be sure to list the townships that you are paying for so we know who are members and who are not.

Ken and Darleen Yantes have put a great deal of effort into getting the mailing list up to date

They do, however, need you to let

by Barb Knutson

them know if you change officers. Get their names and addresses to Ken and Darleen as soon as possible. Thanks for your help on that!

The Legislature is taking a lot of time for Kenny and Larry. Lots of bills that relate to us and affect us all. The report can be found on our webpage at www.ndtoa.com. Follow this and if there is a way for any of you to participate, it would be great. Numbers do matter on these bills.

With the discussion going on about extra territorial and the counties taking more and more of the rights of the townships, it is imperative that we all keep abreast of this.

Your dues are at work on the web page, weekly reports from Ken Yantes.

Use them!
You can also
contact Ken
Yantes and
Larry Syverson at the
office in



Bismarck. The number is 701-258-6391. They are doing a great job, they need your input and support!

You may have noticed that my email address has changed. My new email is barbk@ndtoa.com. Someone always finds a way to mess up a good thing, so I had to change.

Until next time—**Together We Stand!**Barb Knutson, *NDTOA Treasurer*and District 5 Director



Order of Business for Annual Meeting by Floyd Miller

The Township Clerk calls the meeting to order at (<u>time</u>) on the third Tuesday in March (<u>March 17, 2009</u>). Three Judges are chosen and listed and a Moderator.

The Moderator states the business and order to be transacted on as follows:

Elect one (1) Supervisor and/or one (1) Clerk and/or one (1) Treasurer and/or one (1) Assessor.

Any other proper business to be discussed.

Robert Rules of Order shall be followed:

- 1. The election of township officers by ballot. The polls are to be kept open until (time).
- 2. Election. Ask three times for any nominations.

- 3. Read previous year's minutes of annual meeting.
- 4. Treasurer's report
- 5. Old or unfinished business
- New business: set the budget, mowing, blading, graveling, and other misc.

Count the ballots and announce the results.

Adjourn meeting at (time).



At the annual meeting, the residents of the township decide how township affairs will be handled during the upcoming year. State law specifically sets the time and place of the annual meeting.

"The electors of each township annually shall assemble and hold a township meeting on the third Tuesday in March at such place in the township or in an adjacent township as the board of township supervisors thereof shall designate.

Notice of the time and place of holding the meeting must be given by the township clerk at least ten days prior to the meeting by publication in a legal newspaper published in the township or, if there is no such newspaper, then in the county's official newspaper." (ND Century Code 58-04-01).

A few things to keep in mind at the annual meeting are:

- The annual meeting is open to the general public and anyone can participate.
- Only qualified township residents can vote at your annual meeting.
- A moderator is selected to conduct the annual meeting. In many cases, the chairman of the supervisors conducts the meeting, but any qualified township elector can serve as moderator of the meeting.
- IT is not necessary that the township supervisors attend the annual meeting.
- ♦ The clerk calls the meeting to order.

- Supervisors, clerk and treasurer must be elected by ballot. All other officers and issues may be decided by simple neas and yeas or by a division as the electors determine, unless otherwise set by law.
- You need to allow everyone who wants to vote, to do so.

If there is any question about whether any voter is a qualified elector of the

township, have the voter complete and sign the voter affidavit found in the back of your green township officers manual.

Keep a good, official record of everything that happens at the annual meeting. It will help you in compliance with the law and can resolve questions that might arise in the future.

TOWNSHIP FORMS may be purchased at Lowe's Printing, Inc. in Minot, ND. Please call (701) 852-1211 and ask for Shelly. Available are election ballots, meeting minutes, treasurer's report, mileage forms and more. A complete listing and specs were printed in an earlier issue of this newsletter.

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The Country Lawyer by Thomas R. Moe, Attorney-at-Law

Greetings to all—and Happy New Year! The new year is like a new baby—many changes will be necessary, some of which will be neglected. I know everyone likes to make resolutions at this time of year, but I think resolutions are overrated, because resolutions are just promises to stop doing everything you enjoy the most! But I do enjoy writing this column for township officers even though I blew my first resolution of the year by not getting this in to our editor on time!

I trust everyone is having a safe winter, and that townships haven't blown their snow removal budget already! Many townships have called about putting on excess levies this year so you may want to alert your residents about your financial needs when they call to complain about the slowness of the snowplow driver.

It's not too early to start thinking about township annual meetings. Review the procedures in Section 58-04-1 thru 20. If you are contemplating an excess levy, contact your county auditor for information about the process and review the excess levy procedures in Section 57-15-20.1 and the chapter on balloting for the levy in Section 57-17-01 thru 07.

Annual meeting notice procedures are listed at Section 58-04-01. The law states that notice of the meeting should be in the newspaper, so no other type of notice-i.e. a postcard-will not be enough. I do think mailing a postcard to residents is a very good idea, but the newspaper ad is still required. Several townships could go together and share the cost of one advertisement. Or, the county organization of townships could sponsor the ad for all its member townships.

Several of you have asked where the workshops will be held this year. As this is a legislative year, there will be no regional workshops this winter, but should you have some questions, don't hesitate to call or write. We'll plan a workshop tour for February of next year, so let us know what you would like to see at those meetings in addition to our biennial handbook update. Check

with your district representative on NDTOA's board of Directors, too.

Following are some questions I've received in the office. Stay warm! TRM

- **Q.** How is the chairman of the supervisors selected? I say the voters at the annual meeting elect the chairman, but my wife says it's the supervisors who elect the chairman. Who's right?
- **A.** Never argue with your wife! The supervisors select their chairman at the first meeting of the supervisors after the annual meeting. See Section 58-06-07 of our handbook.
- **Q.** Does the chairman have to run the annual meeting? Ours has such a soft voice and nobody can hear him.
- **A.** The chairman is the leader of the supervisors, not of the township. The law states that on annual meeting day, the members assembled may choose a moderator. This is usually the chairman of the supervisors, but it doesn't have to be. Anyone can be the moderator, including patrons at the meeting.
- **Q.** We have a landowner that wants to build a driveway on the section line leading up to his farmstead about a quarter mile. The section line is only a field road now, and eventually hooks up with one of our township roads two miles farther on down at the end of the field road. Any problem with him doing
- **A.** Your landowner will be creating a public road for the quarter mile because it is on the section line. I would get him to sign an agreement, (at the very least put this arrangement in your meeting minutes) that says he acknowledges he's building on a section line, and that the public very may well recognize it as so, and that in the future the township may have to continue the road farther on down as usage potentially increases. You may also want to come to an agreement about future maintenance of this driveway, as my guess is that the township is not going to want to maintain it. But, because it is on a section line, the township does have an obligation to make sure it is built properly and is safe

for travel.

Q. Do we have to have our annual meeting on the third



Tuesday in March? How about a week later as we have several people who can't make it on the regular day?

- **A.** The law is pretty clear—Section 58-04-01 states that the residents "shall annually assemble" on the "third Tuesday in March."
- **Q.** Do we have to remove snow on a minimum maintenance road?
- **A.** There should be no reason to, because by law, such a road can't be a school bus route, a mail route, or where anyone lives. In fact, this is one of the reasons townships designate some of their roads as minimum maintenancethey are excellent, well maintained summer roads, but no maintenance or snow removal is accomplished in the winter.
- **Q.** We have a small village (not an incorporated city) within our township about 20 residents. One of them insists on having several cattle in his shed on the edge of town and several of the village's residents have complained to the township board. What can we do?
- **A.** Without any kind of zoning, not much. Maybe the county health dept./ officer could help if there is an animal waste issue, or water quality problem which creates a human health problem. Ah, the joys of country living!
- **Q.** Are you sure that a landowner who has moved to town can't vote at a township annual meeting?
- A. Again, one more time—ONLY people who live there can vote. (Not those who moved to town, or to Arizona, or to the lake, nor those in Minneapolis who come out to check their land in the township every summer, etc.!) Those folks are surely welcome to attend the township's meeting and ask questions, but they should not cast any votes.



Highlights from 42nd Annual Meeting in Bismarch by Ken Yantes

North Dakota Township Officers held their annual meeting in Bismarck at the Doublewood Inn on December 1, 2008. The meeting began with a patriotic presentation from Minnesota Township Officer Assoc. State President, Loren Ingebretsen.

ND Tax Commissioner Cory Fong and Sara Hewson, Property Tax Specialist, talked about the new Ag Land Assessment Guide. Vicky Steiner, CEO of the Oil and Gas Producing Counties, addressed road funding proposals for this legislative session. Fred H. Meyer of the FHM Equipment updated us on his newest equipment for road maintenance.

Mark Verke, Risk Management Specialist of the NDIRF, spoke about the usage of the Contractor Service Agreement. Steve Spilde, CEO of the NDIRF, spoke of the conferment checks and the stability of the North Dakota Insurance Reserve Fund.

Maurice Pederson, township officer from Valley Township in Barnes County, received a Certificate of Appreciation for his many years of dedicated service. Edmund J. and Edward B. Gumeringer from Alexanter Township in Pierce County received the Grassroots Leadership Award.

A Grassroots Policy Development session was chaired by Steven Ginsbach in the absence of Vice President Joanne Abel.

Terry Traynor, Assistant Executive Director of the Association of Counties, discussed our co-operative efforts to secure \$120 million from the general fund to use for road maintenance funding.

District director elections were held: District #2 Ralph Olson, Maddock; District # 6 Steve Ginsbach, Hankinson—each to serve a two year term. The District 4 position remains open.

Representative Lee Kaldor was honored as our 2008 Legislator of the Year at the evening banquet. Jenna VanHorne and Scott Hohimer entertained with songs from differing generations.

On December 2nd, a zoning workshop was held with over 50 township officers in attendance. Beau Bateman, Brenna Township Chairman, talked about the township prospective on extraterritorial zoning. Ryan Scott, Rye Township resident, informed us of the effects on property values and the quality of life issues involved in a four mile city extraterritorial zone.



2008 Legislator of the Year

The NDTOA presented Lee Kaldor with it's Legislative Leadership Award on December 1st in Bismarck. The award was in recognition of Rep. Kaldor's commitment to rural issues and the needs of townships. It was presented by Association Executive Secretary, Ken Yantes (right,) from Brocket, ND and state board member Larry Syverson (center) of Mayville, ND (Roseville Township). Yantes and Syverson spoke of Rep. Kaldor's help in getting key legislation passed. Representative Kaldor related how he was involved in townships at a early age, riding along with his father when he was performing his duties as township tax assessor.

Doug Goulding, attorney for the Grand Forks Citizens Coalition, told us what was going on with the lawsuit in the Grand Forks area and the reasons for it. Jonathon Garaas, an attorney from Fargo, held a two hour workshop on how and why townships should zone. This was an excellent presentation.



Certificate of Appreciation

President Kerry Schorsch and Ken Yantes presents a certificate to Maurice Pederson, Supervisor of Valley Township in Barnes County.



Plague Presented to Chuck

President Kerry Schorsch and Ken Yantes presents a plaque to Past President Chuck Thacker for his past service to NDTOA.



Grassroots Leadership Award

NDTOA President Kerry Schorsch with the Gumeringer families. Edward and Edmund Gumeringer received the award. (See feature story on page 7.)

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Grassroots Government & Two of a Kind

Stories combined and taken in part from The Pierce County Tribune, Rugby, ND. Written March 2008 by Edie Wurgler.

Two of a Kind

Twin brothers, Edmund and Ed B. Gumeringer of rural Esmond have been trying to get off the Alexanter Township board for years, but with the lack of progress they're making toward that goal, it may be a while before they are replaced.

The twins, who will be 80 years old on March 28, have served on the board continuously in one capacity or another since 1954.

According to Ed B., it has always been hard to find people to serve the township. "Nobody wants the job," he says. "It's lots of running around, and some people tell you off when they think you aren't doing the job right."

Edmund estimates that when they were first elected to the board in 1954, 30 or 32 families lived in the township. There may be eight families now, and if the brothers were to quit, Ed B. isn't sure the township could find even two people who would be willing to run for the board positions.

With the exception of two years spent in the Army, they have lived their entire life in Alexanter Township, located in southeastern Pierce County.

"In Section 14 of Alexanter Township," Edmund says with a laugh, demonstrating a knowledge of the township gained from years of studying the official plats.

Grassroots Government

The annual meeting of the Alexanter Township board last week (2008) was part neighborhood kaffeeklatsch, part family reunion, part comedy hour, and part democracy in action.

The meeting was held at Ed B.'s farm and as is the norm, few residents other than the board attended. It was not conducted using Roberts Rules of Order, and a strict parliamentarian might have been dismayed, but nevertheless, the township business was taken care of, bills were paid, the election was held, reports were filed, and life in the township will go on without a hitch.

Edmund Gumeringer, the long time clerk and treasurer, wasted no time getting right to the point. As soon as everyone was seated around the dining room table, he passed out new manuals from the NDTOA. Brad Bachmeier is the board chairman began the meeting. Edmund read the minutes and the board moved on to the budget.

Money matters seemed to be the major topic of the meeting. The treasurers report, old business, new business, road maintenance, and finally comments and questions.

During the course of the meeting, and with questions, comments and jokes flying, Edmund, the Energizer Bunny of the board, juggles ledgers, record

books, envelopes, maps and sheafs of paper with the skill of someone who has been doing it for more than 50 years.

The last item of business was the election, which was carried out with lots of good-natured joking. Since the same officers are elected every year, it is merely a formality.

Then, as suddenly as it had begun, the meeting was adjourned.

"Lunch is ready," Ed B. says, and everyone digs in. Ed B.'s wife, Mary Ellen, has prepared enough food to do a church potluck proud.

The conversation turns to the beautiful weather outside, crop prices, anhydrous ammonia prices and the neighborhood activities.

The annual meeting is over, but the work of the board will continue. Despite the meeting's lighthearted banter and friendly jesting, local government, real grassroots democracy, is alive and well in Alexanter Township.



Alexanter Township officials (I to r) Brad Bachmeier, Ed B. Gumeringer (standing) and Doug Wolfe review a bill while Edmund Grumeringer (foreground) looks on. Photo courtesy of the Pierce County Tribune.



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Kathy Holte, Editor
975 42nd St. N, Voltaire, ND 58792
E-mail: kholte@srt.com
Please use NDTOA in the subject line.
(701) 525-6795 (please leave a message)

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PLEASE SEND ADDRESS CHANGES TO:

Ken & Darleen Yantes P.O. Box 104, Brocket, ND 58321-0104 ndtoa@polarcomm.com or ken@ndtoa.com

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NORTH DAKOTA INSURANCE RESERVE FUND

P.O. Box 2258
Bismarck, ND 58502
(701) 224-1988
Fax (701) 224-0609
Toll Free: 1-800-421-1988
www.ndirf.com