

GRASS ROOTS REPORT



WINTER 2016

The Official Newsletter of the ND Township Officers Association

WHAT'S INSIDE

| | |
|----------------------------------|-------------|
| President's Comments | Page 2 |
| Time to Tighten our Belts | Page 2 |
| Country Lawyer | Pages 3 & 4 |
| NDIRF | Page 3 |
| 49th Annual Meeting Report | Page 5-7 |
| Legislator of the Year | Page 7 |
| Treasurer's Report | Page 7 |

NDTOA Plans 2016 Workshop

NDTOA is again holding educational workshops for all North Dakota Township Officers. The new 2016 Edition of the Township Officers Handbook (the Green Book) will be distributed at these workshops.

This new edition includes the law changes that came out of the 2015 Legislative Session. So please bring your handbook along to get the update.

If your handbook has an official green NDTOA imprinted cover it will entitle the bearer to a \$5 discount on the registration fee.

These workshops bring the NDTOA to association members at locations and times which should allow the members to drive to a session and return home within a day.

Each workshop lasts about two hours and they are scheduled during the second and fourth weeks of February. The itinerary is listed at right.

The agenda will include a report from President Roger Olafson on association activities.

Larry Syverson, Executive Secretary and Lobbyist for the NDTOA, will introduce the new handbook and review the law changes that relate to townships.

Mark Verke, Risk Management

Specialist of the North Dakota Insurance Reserve Fund will speak on risk reduction for townships.

Tom Moe, our Country Lawyer, will hold an open forum on the legal responsibilities of Township Officers.

LTAP will do a presentation on road topics such as: What is Good Gravel, Roadway Basics, Signing and Truck Weights. This will be mainly in the non-oil area workshops. Note the [LTAP] on the itinerary at right.

At the workshops in the oil producing area, Brent Bogar, with the Association of Oil and Gas Producing Counties, will hold a discussion on the Uniform Load Permitting System, which that association operates.

The registration fee is \$15 per person, however each person that brings in his green handbook with NDTOA Handbook imprinted on the cover will get a \$5 reduction off that registration fee; one discount per attendee.

This educational workshop is for all township officers and the meeting expenses, including travel, per diem and the \$15 registration fee is a legally acceptable expense for reimbursement from your township general fund.

2016 WORKSHOP ITINERARY

- February 9: Newburg**
Senior Citizens Hall: 1-3 PM
- February 9: Minot** – Grand Hotel - Norse Room: 7-9 PM
- February 10: Stanley**
Fairgrounds - Community Hall 1-3 PM
- February 10: Williston**
Grand Williston Hotel: 6-8 PM
- February 11: Bowman**
City Hall 1-3 PM (MST)
- February 11: Regent** – The Enchanted Castle 7-9 PM (MST)
- February 12: Steele**
Vets Club 1-3 PM [LTAP]
- February 22: Larimore**
American Legion Club 1-3 PM [LTAP]
- February 23: Park River**
City Hall 1-3 PM [LTAP]
- February 23: Langdon**
Courthouse - meeting room 7-9PM [LTAP]
- February 24: Devils Lake**
Courthouse - basement meeting room 1-3 PM [LTAP]
- February 24: Jamestown**
Gladstone Inn 7-9 PM [LTAP]
- February 25: Lisbon**
Eagles Club: 1-3 PM [LTAP]
- February 25: Casselton**
City Hall 7:30 – 9:30 PM [LTAP]
- February 26: Fessenden**
Fairgrounds – Festival Hall 9:30 – 11:30 AM [LTAP]

NDTOA Officers

ROGER OLAFSON, President

12945 84th St. NE, Edinburg, ND 58227
(701) 993-8765
rlolaf@polarcomm.com

LEE BRANDVOLD, Vice President

20100 317th Ave. SW, Ryder, ND 58779
(701) 758-2456
ljbranch@restel.net

LARRY SYVERSON

Executive Secretary

Director of Governmental Relations

465 150th Ave. NE, Mayville, ND 58257
(701) 430-1735
larry@ndtoa.com

BARB KNUTSON, Treasurer

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

LARRY SYVERSON, Past President

465 150th Ave. NE, Mayville, ND 58257
(701) 786-2697
larry.ndtoa@gmail.com

THOMAS WHEELER, Dist. 1 Director

6561 115th Ave NW, Ray, ND 58849
(701) 641-1073
wheelert@nccray.com

MARK SHIPLEY, District 2 Director

PO Box 493, Devils Lake, ND 58301
(701) 739-8263 or (701) 662-6896
mark.ndtoa@gmail.com

AL BEKKERUS, District 3 Director

1890 12th Ave. NE
Grand Forks, ND 58201
(701) 741-2120

LEON MONKE, District 4 Director

5645 B 106th Ave. SW
Regent, ND 58650-9119
(701) 563-4498

BARB KNUTSON, District 5 Director

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

STEVE GINSBACH, District 6 Director

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

Legal Counsel

THOMAS R. MOE

Attorney-at-Law

39 1st Ave. NW, Mayville, ND 58257

President's Comments



Hello Everyone!

It was nice to get some moderate weather over Christmas/New Year, but we all knew it wouldn't last didn't we. Another annual convention of NDTOA is history with another very good line-up of speaker and topics arranged by the convention committee. A big thanks to the committee as we received many compliments on the convention.

Officer elections at the convention resulted in a couple changes. Lee Brandvold moved to the position of Vice President and Thomas Wheeler of Ray, ND was named to replace Lee as District 1 director.

Lee was a very capable and active director during his stint at that position and I'm sure he will serve us well as VP also.

As you will notice elsewhere in this issue, another workshop tour is on the horizon. The convention and workshop committees put in a lot of time and effort to put on informative programs at these events so it's important to see a good turnout to support their efforts.

Hopefully everyone got their annual payroll reports and related forms filed in a timely fashion. Next up is the annual Transportation Funding Report which is required by law and helps legislators determine needs of townships.

Let's do our job diligently and keep our form of Grassroots Government alive and well!

Time to Tighten our Belts

I know we have all enjoyed the lower numbers when we stop at the fuel pump with our vehicles and in areas that were over-run by oil trucks the traffic has become more bearable. But all silver linings come with a cloud. The drop in crude oil prices of course slowed the pace of the industry resulting in fewer trucks on the road, fewer trucks buying fuel. Much of the funding for transportation in the state, including townships, comes from the fuel tax.

To compound this reduction in truck miles driven the other vehicles on the road now are more efficient than they were just a few years ago, they don't buy as much fuel. What does this mean to townships? At the end of the session the forecast for our share of the highway users fund was \$16.8 million, for 2 years, that forecast is now closer to \$14.5 million, roughly a 15% reduction, this is close to the funding received in 2011-13. This would drop the per mile annual total from roughly \$150 to about \$130. Not too bad yet, but this could mark the beginning of a trend that could leave us very short of funds in a few years.

There is also the speculation that the Governor may have to announce an across the board cut to general fund expenses. Should that occur we might see the \$5,000 per non-oil township, we were scheduled to get shortly, reduced by 2 or 3 %.

The next session could be really tight with the funds. We may know more on these issues by the time of the workshops. I hope you got your problem spots fixed back when we had money!

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! Happy New Year to all, and I hope this finds you in good health. Every January we all make resolutions which most of us forget within a week or so.

I always vow to lose weight, and I must say I was glad that my doctor said I was the perfect weight—but he says that my problem is that I'm too short for my weight and that I should try to gain a couple feet of height. So much for that resolution!

We had a good session at the NDTOA annual meeting in Minot, and I was glad to meet and greet several of you that attended.

I always wish that more of our township officers would make it to the convention, because it sure helps me to be able to place faces with names.

Speaking of attendance, I hope that many of you will be able to attend one of the regional workshops during February.

We do this every other year, when the legislature doesn't meet, and it's a great time to get together and "talk townships"!

We have an informative program planned, including going over the new changes to our handbook from the last legislative session. And, I'll come along to preside over a question and answer period with the officers present.

We've already had more snow than the last several years, so townships will no doubt need to dip into their funds for snow removal.

If it looks like you may need to borrow funds for this process, remember townships, as political

subdivisions, can issue certificates of indebtedness to their local lenders and pledge future taxes for repayment of these loans.

If it's January, that means our township annual meetings in March are soon upon us as well. Review the annual meeting process in Title 58 of our handbook, and it's also probably not too early to start 'arm twisting' if you anticipate supervisor or other officer vacancies.

Once again, please check the February workshop schedule elsewhere in this issue, and try to attend one of the sessions when they are in your area.

Hope to see you there! Following are some questions I've received in the office. Stay warm and stick with your resolutions! TRM

Question: We had several of our signs shot up during hunting season. Anything we can do?

Answer: It always amazes me how all those deer can figure out to stay out of sight by hiding behind stop signs! Unfortunately, this is one of the areas where we don't get much help unless we have some eyewitness evidence.

It's difficult to prosecute the offender unless we can state with certainty who did the vandalism. But if you do have that kind of proof, then by all means prosecute and ask for restitution from the Court for the cost of the sign.

Question: Can we put a "Minimum Maintenance" road sign on a road during the winter months, and then take it down during the summer? It's a good, well used road in season, but we don't need to plow snow on

it in the Winter.

Answer: I'm assuming the road meets the requirements

for minimum maintenance—not a school bus or mail route, and no one lives along the road—then I believe you can sign it by season. I would be careful, however, if you don't do snow removal on an otherwise good road that your signs are properly placed and in plain view.

Question: We're thinking about putting in an excess levy. Can the notice for that be included in the notice for our annual meeting?

Answer: Yes, but the question must be stated in the notice and the effective years must be specified in the newspaper ad and the ballot. See Section 57-15-20 and 57-15-20.1; the recommended steps are outlined in the appendix of our handbook.

The requirements were changed by the 2015 session. It now requires a simple majority of those voting at the annual meeting for approval and it can be in place for a maximum of five years.

Question: We have a road that leaves the section line to go around a slough—its been there for at least 50 years. How wide is the right of way for the road around the slough—is it the same 66 feet as on a section line?

Answer: Probably not, unless the landowner at the time gave the township that additional right of way along with the permission to go around the water. Most of the time, these were oral or verbal easements given to the township for the road

The Country Lawyer

cont'd from page 3

and probably not much thought given to the additional width.

The 66 feet on our section lines was of course granted to the public as part of the original Homestead Act. If the existing landowner is cooperative, your township should at least get a written easement now for the "slough" road, so you won't have problems with new land-

owners in the future.

Question: We have our snowplow clean out private driveways—is that legal?

Answer: Probably not, as the driveways are not "public roads" and townships are the custodians of public funds. However, if you want to continue the practice at the very least I would suggest that the annual meeting grants its approval for the expenditure of these funds.

Or, charge a very nominal fee to those who desire the service.

Question: Who can vote at a township annual meeting?

Answer: One more time—ONLY people who live there. (Not those who moved to town, or to Arizona, or to the lake, and not those in Minneapolis who come out to check their land in the township every summer, etc.!)

Reality Sets In—It's January *By the CEO, NDIRF*

Growing up near the international boundary, it seemed that our Canadian friends celebrated more national holidays than we did. I don't know if that was ever technically true but it seemed that way.

A case in point was "Boxing Day", the day after Christmas, which traditionally included presentation of gifts to those who had been of service in the prior year.

We have, unfortunately, developed some different traditions on the southern side of the border. For example, a resident who slips and falls on the steps outside the township hall on December 26th, might present the township with a summons and complaint instead of a nice fruit basket.

If there's snow on the ground or on the way, it's likely that an article from NDIRF discussing winter safety issues will appear on this page. That's because, every winter season, we experience a jump in the number of claims from injured persons alleging improper maintenance of public walkways, buildings or grounds as the cause of their misfortune.

Santa Claus may or may not have become the first risk manager by adopting a policy of making a list and checking it twice but, in any event, it's a good habit for whoever is responsible for building maintenance to adopt.

Certainly, if snow and ice clean-up procedures that are in place are ineffective – or if there are none at all - the NDIRF will sooner or later find out who's been naughty or nice when slip and fall injury claims are reported.

NDIRF members can go a long way toward reducing the chances of injury to the public – and, therefore, avoid the economic and personal costs of these accidents - by providing policies and procedures for winter maintenance of their infrastructure, including snow removal equipment.

Specific responsibilities should also be delegated to ensure the policies and procedures are being followed.

Detailed guidance covering snow and ice abatement methods and safety procedures has been

featured several times in the NDIRF *Participator* in past years.

If your township has filed the back issues of this newsletter in your Member Information binder, they can be reviewed for policy comparison or development.

NDIRF's Risk Services department is always, of course, also available to be contacted if you have questions in this regard. Working together, we can bend the loss curve for these types of claims – to the benefit of all.



NDIRF
PROTECTING THE PUBLIC TRUST

30 years

**NORTH DAKOTA
INSURANCE
RESERVE FUND**

P.O. Box 2258
Bismarck, North Dakota 58502
Phone (701) 224-1988 • Bismarck
Toll Free 1-800-421-1988
Fax # (701) 224-0609 • www.ndirf.com

49th Annual Meeting of NDTOA Held

by Larry Syverson

Township officers from across the state gathered at the Grand Hotel in Minot for the association annual meeting on December 7th and 8th. They represented 24 of the 48 counties that have organized townships.

In commemoration of Pearl Harbor day the opening ceremony was performed by the Minot Air Force Base Honor Guard. Their smart precision and professional manor made it a very fitting tribute to the sacrifices that the day honors.



After the flag was posted President Olafson led us in the pledge of allegiance.

We had guests from other states visiting our convention: Maureen Wegenke, SD Executive Director; James Puffer, SD President; Darwin Bettmann, SD Vice President; and Loren Ingebretsen, MN Director.

After opening remarks and introductions President Olafson introduced the first speaker of the day, Kathy Neset of Neset Consulting, Tioga ND.

Kathy was also a presenter at our 2014 annual meeting and we noticed the crowd interest was so great we had to bring her back

again this year. The geologists from Neset Consulting provide guidance for the drillers to keep them on target to find the oil two miles down.

Kathy explained why there is oil under western North Dakota as it settled into pools in the dips of underlying rock formations. She described how they bore down two miles then turn to drill horizontally another two miles and the steps they take to seal the bore from the aquifers to prevent contamination of drinking water.

When questioned about frack-caused earthquakes she explained that fracking in North Dakota is done at two miles down, earthquakes come from tectonic activity (friction between earth plates) five hundred miles down, not likely connected. But she said there have been minor tremors from produced water disposal injection in some of the other states.

The oil market is of course a challenge to the industry today. When asked what would happen if oil fell to \$20 she indicated that even without such a drop we will see the rig count continue to fall, production will further concentrate in the center of the basin where the return is more favorable.

The industry has become more efficient, cut costs and are holding more than 1,000 DUC's, that is wells that are drilled but uncompleted, in reserve until prices rebound. The industry will slow down but it won't go away.

Mark Verke with the ND Insurance Reserve Fund reminded us that we are responsible for public safety on a section line whether it is a road or

not. He also said we need to be watchful of work done by others in our right-of-ways so they don't create a hazard and not to let tile drainage outlet into the right of way if it doesn't drain away or it will ruin the roadbed.

The federal sign regulations came into effect in 2014 so it is now required that we have a sign maintenance program in place.

LTAP Training Coordinator, Denise Brown, described training programs that are available for township and county personnel. She reported that LTAP has been very involved with their motor grader operator training program so far at the county level.

Denise stressed that even the best grader operator cannot make a good road surface with substandard gravel, the proper mix of stone, sand and fines is required.

Another must for successful gravel road maintenance is a 4% crown, there is a crown meter available for mounting in graders, they cost \$200 and will make sure this important angle is achieved. Using a tape measure across the road a 4% crown is ½ inch drop per foot.

Brent Bogar, President of Jadestone Consulting, who worked with the Oil and Gas Producing Counties during the 2015 legislative session as a lobbyist went over the four funding bills that affected oil revenues, county and township funding: The Surge Bill, SB2103; Formula Bill, HB1176; Extraction Tax Trigger Bill, HB1476 and the Bucket Bill, HB1377.

Cont'd on Page 6

49th Annual Meeting cont'd

Between these bills the non-oil townships got \$16 million (\$10,000 each) and the oil townships get a percentage of the Gross Production Tax.

The GPT collections of course depend on production and price so the numbers given are only a forecast; assuming 1.1 million barrels per day production, if the average discounted price is \$35 the oil townships would get \$19.5 million, at \$40 they would get \$23 million.

Tax Commissioner Ryan Rauschenberger talked about actions by the legislature that have reduced the dependence on property tax for schools. The average school levy was cut from more than 190 mills to 68. The state is now funding 80% of K-12 education.

He also spoke about the 12% property tax credit. He said the next step is to have the state take over Human Services funding further reducing the dependence on property tax; this is actively being worked on.

State Supervisor of Assessments Linda Leadbetter talked about the changes to the rules and laws for certifying property tax assessors. She outlined the training requirements and courses that are being offered to be certified. To be certified as Class 2 assessors will require 80 hours of training. To maintain this certification will require 10 hours of continuing education every 24 months.

Assessment done by assessors that have not yet been certified will have to be reviewed by a certified assessor before the township equalization meeting. These requirements are effective for the

2016 assessments. She also went over the new requirements for the notice of increase of assessments to be sent out to property owners.

The session then broke for the Awards Luncheon at which Victor Thomas of East Fork Township in Benson County received the Grass-roots Leadership Award for his outstanding service to his township as a supervisor and road overseer.

When the meeting resumed Secretary of State Al Jaeger discussed election laws and elector qualifications as they relate to townships.

President Olafson called the business meeting to order, reports of officers and standing committees were given.

The following resolutions were passed:

Be it resolved that the North Dakota Township Officers Association supports townships that would seek an injunction to delay the implementation of the new assessor certification requirements until July 31, 2017.

Be it resolved that NDTOA seek legislation in the 2017 legislative session to eliminate the new assessor qualification requirements instituted by the 2015 legislative session.

Resolution to change Sec 58-4-5 to change salary of the moderator, clerk and three judges from \$15 per day to the same rate that the township officers received for the other meetings.

Be it resolved that NDTOA look into defending the farm home exemption.

Elections for officers were held, Roger Olafson of Pembina County was re-elected President, Lee Brandvold of Ward County was

elected Vice-President. Lee was the District 1 Director.

Elections for District Directors were held, Thomas Wheeler from Williams County was elected for District 1; Al Bekkerus, Grand Forks County, was re-elected for District 3; Barb Knutson, Burleigh County, was re-elected for District 5.

Monday evening brought the banquet with Kelly Schmidt, ND State Treasurer, as the speaker for the evening. She spoke about the flow of money from the state to the townships and demonstrated how to access the township payment information on the website.

The Legislator of the Year Award was presented to Senator Jim Dotzenrod from Wyndmere recognizing his support on Township and rural issues in both the Senate Tax and Political Subdivisions Committees.

The Tuesday morning program started out with Brent Bogar, for the Association of Oil and Gas Producing Counties, returning to discuss the Uniform Truck Permit System.

This system allows a trucker to buy one permit online to cover a haul though several counties and each county along the route gets paid their fees. This system is currently active in the 17 oil producing counties in western ND plus Emons County.

Some counties have worked out a system to share payments with the townships. The oil industry and the oil county association would like to see townships get included in this system as it can be difficult to find township officers to make permit arrangements for a load.

Tim Horner with the Upper Great Plains Transportation Institute brought us two presentations.

49th Annual Meeting cont'd

The first was the Road Needs Survey; he described how they forecast road use based on things like yields and load destinations such as elevators, they also work with oil traffic routes.

The survey you received in the mail is important to complete this study. It was sent to every super-

Senator Jim Dotzenrod Legislator of the Year



Senator Jim Dotzenrod, District 26, Wyndmere, serves on the Finance and Taxation Committee and the Political Subdivisions Committee and is a proven friend of Townships and rural ND on both committees.

In accepting the award, Sen. Dotzenrod noted, "Township officers are local leaders. A big part of the quality of life that we have in rural ND comes from the work of the townships and their role in zoning, elections, public safety, and providing roads and other infrastructures that are safe and well-maintained."

"As our state and state legislature becomes more urban and less rural we are finding that many of our urban/rural differences stem from a lack of understanding of how things work and the legal responsibilities of local governments in the rural areas of our state."

visor, please complete it and send in.

Tim's second topic was the truck size and weight harmonization study which was mandated by the legislature, UGPTI is conducting this study under contract with ND DOT. They are looking at how practical increasing the maximum gross vehicle weights to as much as 129,000 lbs. on properly configured

trucks would be. Supposedly a properly configured truck hauling 129,000 will do less damage than an 18 wheeler hauling 80,000 and the number of trips will be reduced.

Donna Bye the President of the ND Planning Association was the final speaker of the program. She discussed the importance of land use planning and zoning.

Treasurer's Report by Barb Knutson



Newsletter time again. Hope all are coming to the end of getting W2's, and all the rest of the paperwork that goes with them, in the mail. It is always such a relief to get that done.

Just to share some food for thought, changes are made in the way things are done in every aspect of our life. One of the changes that might make it more convenient for counties or county associations to submit dues to NDTOA, is to direct deposit.

Some of the counties are already doing this and I thought it was a slick way of getting it done. Any questions, give me a call.

I would like to take this opportunity to thank the Counties that are paying for their unorganized townships. That area of the county is getting the same benefit as the organized townships, so we appreciate the fact that these counties realize that, and are willing to help us carry the load of getting funding for townships and being the watchdogs at state legislature for anything that affects all townships.

Notification for dues will be going out in the next few weeks. Dues are due the 1st of May and delinquent

the 1st of October.

Annual dues to the State Association remain the same at \$125.00 per township. For those counties that have associations, be sure the county gets their required dues also.

In the mailing list department, I am still waiting on a few counties that have not sent me new listings for 2015. We greatly appreciate the Auditors that have, so willingly, shared this information with us. We also know that if they do not get the information, they cannot share it.

Once again I am reminding all townships to include all officer's names addresses and phone numbers in your reports to the county. Whether they are newly elected or re-elected or carry over officers, please put it on the list.

Workshops are coming up again next month and want to remind you to bring your green NDTOA handbooks with you so you can receive your free update that goes with the original purchase of that handbook. The dates, times and places of these workshops is on www.ndtoa.com.

Hope to see a good number of you at the Workshops! Happy New Year!



Grass Roots Report

North Dakota Township Officers Association
2600 236th St. NE
McKenzie, ND 58572



PRST STD
US Postage
PAID
Minot ND
Permit No. 266

RETURN SERVICE REQUESTED

Check out our website: www.ndtoa.com

NOTICE TO COUNTY COMMISSIONERS

If your county includes unorganized townships:

Is your county paying dues for each unorganized township?
The per mile funding each township gets is a result of NDTOA effort.
If your county doesn't pay dues, someone else is paying your freight!
Your county has benefited from NDTOA for many years.

**Have you calculated the benefit your county
has received from the efforts of NDTOA?**

WON'T YOU PLEASE PAY THE DUES?



NDIRF
PROTECTING THE PUBLIC TRUST

30
years

**NORTH DAKOTA
INSURANCE
RESERVE FUND**

P.O. Box 2258
Bismarck, North Dakota 58502
Phone (701) 224-1988 • Bismarck
Toll Free 1-800-421-1988
Fax # (701) 224-0609 • www.ndirf.com