

GRASS ROOTS REPORT



WINTER 2018

The Official Newsletter of the ND Township Officers Association

WHAT'S INSIDE

President's Comments	Page 2
Country Lawyer	Pages 3 & 4
Legislator of the Year	Page 4
President's Award.....	Page 4
W2's	Page 4
Workshop Schedule	Page 5
Treasurer's Report	Page 6
TLN	Page 6
New NIDIF CEO	Page 6
Grassroots Award	Page 7

Report on the 51st Annual Meeting of NDTOA

President Roger Olafson called the 51st Annual Convention to order, led us in the Pledge of Allegiance and introduced guests then began a full morning of guest speakers.

Our first speaker, **Wayne Stenhjem, ND Attorney General**, talked about the changes in the open meeting, open records law. He mentioned the efforts of his office against the "Waters Of The US" rule. EPA is now withdrawing that rule and re-writing it.

He also spoke about Robo calls and the work being done to limit or stop these scam artists. He said ND just reached a settlement with Western Union for \$565 million, that money will be put in a fund and used for victim recovery if the fraud involved Western Union money transfers.

He said his office is involved in the battle against opioid addiction and action is being considered against the pharmaceuticals for encouraging the over prescription of these dangerous drugs.

Tom Sorel, the new Director of NDDOT introduced himself to the group, he said he had been with US DOT for 30 years. He was with the Federal Highway in Minnesota in 2005, worked on the I35W bridge collapse then served 5 years as Commissioner of MN DOT.

Following that he worked in the private sector until Governor

Burgum appointed him to this position.

He said NDDOT will use innovation to help deal with the reduced funding stream. He also said the department is looking at using driverless vehicles to "shadow" (to protect the workers) behind moving work zones. Also a possible use of drones for bridge inspections.

Transportation funding needs to be studied and a dialogue started, he said most studies point to fuel tax increases as the simple solution but electric vehicles are a disrupter to transportation funding.

ND State Treasurer, Kelly Schmidt described how to find the Township Road and Bridge fund payment amounts on the website. This year the township road mileage is up for certification so if there are any changes to the miles you maintain it should be reported on that form the county will send out. She said amendments can be filed for any major changes between the biannual certifications.

Lt Governor Brent Sanford thanked township officers for their public service. He said cutting 1.7 billion from a 6 billion dollar budget was done but not without creating some hardships as townships are well aware. He was questioned about the veto of Section 4 of Senate Bill 2013, this veto stopped the \$10,000 payment to each township. He said

the Governor's objections were that this section came from a conference committee without the full legislative public hearing process.

There was too much risk in reducing the disaster fund by \$8.1 Million. The \$10,000 to every township was not a demonstrated focused need when every state agency was facing cuts. The Lt. Governor said such payments should be based on a study such as the one UGPTI did.

The discussion needs to start earlier and be part of the Governor's Budget before the session begins.

We will be part of that discussion

Jeff Diemert, with Dwyer Law, went over the changes to tile drainage law from the 2017 Legislative Session.

Al Jaeger, ND Secretary of State presented a review and discussion on election laws.

After the Awards Luncheon the annual business meeting was called to order.

Officer's reports of activities and finances were given and the budget for the ensuing year was approved.

The membership passed three resolutions.

The first would allow that congressional townships would not have to touch in order to merge into a civil township and form a government together. This would help

(Continued on page 7)

NDTOA Officers

ROGER OLAFSON, President

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

LEE BRANDVOLD, Vice President

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

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,

A couple nasty cold spells which is pretty normal for North Dakota. At least, so far, this winter has been much easier on snow removal budgets than last year. But, as we all know, this can change in a hurry!

A big THANK YOU to the convention committee for putting on a very good and informative annual convention of NDTOA held recently in Bismarck. We had a very good lineup of speakers that included high level state officials and officials from other organizations, all with timely and important messages.

Elsewhere in this issue you will find information on our upcoming workshop tour which we put on in February of every even numbered year. A lot of effort and expense go into putting on these workshops so we hope there is a good turnout.

A new feature has been added to the home page of our website, ndtoa.com. It is a hot topic alert button that redirects to a page giving information about a topic of immediate concern that can not wait until the next newsletter is published. Be sure to check that occasionally for any new messages pertinent to the time. For example, January alert pertained to IRS forms that need to be sent out by end of January.

We have occasionally heard of someone complaining about one supervisor making most of the decisions regarding township business. Don't allow this to continue.

All township boards have, or should have, at least three supervisors, so the other supervisors should be able to keep this in check. Major decisions should be made at board of supervisor meetings and documented in the minutes.

The Road Overseer and one supervisor might be able to make minor maintenance decisions, but then this should be recorded in the Road Overseer's annual report and in the minutes of the next meeting of the board of supervisors.

Be sure to familiarize yourself with Title 58 in the Township Officers Handbook as it deals specifically with township operation and duties of township officers.

In addition, it is a good idea to be aware of Title 24 in the handbook as it pertains to roads and has many references to townships. Many answers to questions we get are found in Title 24.

Hopefully everyone is coming up with a workable solution to the assessor situation. If you can't get your current assessor or a possible successor to go through the training to become certified, try working with your county tax director as they should have a good idea of who might be able to handle this need.

The township assessor may be elected at the annual meeting (must be resident of township) or, if the majority of voters present at the annual meeting approve, the board of supervisors may appoint an individual or contract with an entity or individual to perform the duties of assessor.

Let's do our jobs diligently and keep our form of Grassroots Government alive and well.

**CHECK OUT THE NEW FEATURE
ON OUR WEBSITE...**

www.ndtoa.com

HOT TOPIC BUTTON

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. It's been terribly cold already, so I hope the temperatures are not a forerunner for the rest of the Winter!

New Year's has come and gone and I'm sure every resolution I made has already been broken. Eating lite & fat-free/gluten free food is just not for me. So much for that resolution!

We had a good session at the NDTOA annual meeting in Bismarck, 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. Mark Verke from the Insurance Reserve will come along, and the two of us will concentrate on section line and road closing issues.

And, I'll preside over a question and answer period at the end of the session.

Not sure yet if townships' snow removal expenses will become excessive, but 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.

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 try to stick with your resolutions! TRM

QUESTION: Is there any thing wrong with both a husband and wife serving on the township board? We just don't have many people left living in the township.

ANSWER: There is no specific prohibition under state law—but it's probably not good policy. But on the other hand, as you state, with fewer rural residents in our State, we will be seeing more and more officers from the same family.

QUESTION: Our township is going to sell our old township hall, and we will advertise for bids like the state law says. Do we have to have a motion at the annual meeting for this, or can the supervisors just make the sale. We hardly ever have any people other than the officers at the annual meeting anyway.

ANSWER: I note the statute says that if the supervisors feel the hall is worth more than \$1,000, then advertising for bids at a public sale is proper.

Further, the supervisors have to be authorized to accomplish the sale "upon the approval by the township electors at the annual meeting....." See 58-03-16 N.D.C.C. in our hand-

book.

Remember, even if it's just the supervisors at the annual meeting, it is a different body that is meeting that day—a meeting of the 'residents' rather than a meeting of those residents who also happen to be supervisors for the rest of the year.

QUESTION: We had a supervisor who resigned on December 31st. We told him his term runs until the annual meeting in March, and is not a calendar-year term, but he quit anyway. Do we have to fill his position right away, or can we wait until March.

ANSWER: The two remaining supervisors can appoint a person to the vacant position, and they can do that at any time. The appointment would be for just the interim between now and the annual meeting in March, at which time that person (or someone else) would stand for election to complete the remainder of the unexpired term of the one who resigned.

Or, probably no prohibition on leaving the position open until March (which is just a few weeks away), and then holding the regular elections at the meeting.

Once again, if the one who resigned had a year or two left on their term, then you will elect someone to complete that unexpired term, plus elect another supervisor for the regular rotational 3 year term which comes around every year regardless.

QUESTION: Can county commissioners dictate which of our township roads get maintained or snow removal?

Cont'd on next page

Country Lawyer *cont'd*

ANSWER: My guess from your question is that your county maintenance crew is 'hired' by the township for maintenance of township roads. Many counties and townships do this, because there are no private contractors nearby which the township can use.

So, by utilizing the county for your road maintenance needs, you are at somewhat of a disadvantage by not having complete control over the maintenance crew, as they are county employees.

But the townships should have a priority system in place on which

roads get done first, which second, and so on. And, townships should appoint one of the supervisors as the "road overseer" who is the sole contact person with the operator.

Finally, make sure the county commission understands that the county really is in the shoes of a private contractor, in that you the township should have final control over your own roads, just as you would if you hired a private contractor.

QUESTION: Our township is zoned, and we had a request by a landowner for a building permit. He claims we need to act on the permit

application within two (2) weeks, or else he will start building anyway. We haven't even seen his full plans, yet, and all of our supervisors are not available. Can't we have more time?

ANSWER: See section 58-03-19 of the state law in our handbook, which outlines a 60 day time frame for building permit application action.

And, that sixty days wouldn't start until the application is complete, and the lack of plans, site placement, etc., would be required for a completed "application"!

Senator Rich Wardner Legislator of the Year

Senator Rich Wardner of Dickinson was named NDTOA Legislator of the Year for 2017 in recognition and appreciation of his long time support of Townships.

Senator Wardner served in the House from 1991 to 1998 and has been in the Senate since 1999; President Pro Tempore of the Senate for the 62nd Session; Senate Majority Leader since the 63rd Session.

He is a retired educator with a BS from DSU and a MS from Northern State University. He and his wife Kayleen have two children.



Mark Verke Receives President's Award



Mark Verke, Risk Management Specialist with the North Dakota Insurance Reserve Fund, was the recipient of the 2017 NDTOA President's Award. (Pictured with President Olafson.)

The President's Award is given each year to someone that is not a Township Officer in recognition of outstanding service to Townships.

Mark has been an indispensable part of our education program, from the planning of the workshop tour to physically hauling the updated handbooks into the workshops, lining up meeting halls, helping set up our gear, making presentations to the members at workshops and county meetings and answering questions from individual townships.

He helps Township Officers do their job right, reduces the risk and keeps premiums down.

Important Considerations for Townships

W2's are still the law! The IRS ruling has not changed and is not likely to. The rule is, a board member is an employee of that board and compensation is to be reported on IRS forms 941 or 944(if notified) and a W2 given to each employee. This does not qualify for using the 1099MISC non-employee compensation; there is no minimum reportable income either.

The penalty for failing to file can be \$530 per W2 not done. The deadline for giving W-2 to employees and filing the IRS 941 or 944 is January 31. Jan 31 is also the deadline for filing 1099 MISC to unincorporated entities/individuals that the township paid \$600 or more for services during a calendar year.

Does your Township levy \$100,000 in property tax? Don't laugh, there are several that do, some have several thousand residents, some have high value industrial properties. The law on taxpayer notices has changed; Townships used to be exempt from the budget hearing notice requirement but now the exemption is for taxing districts that levy less than \$100,000. Townships that levy \$100,000 will be required to establish a budget hearing date within the timeline of the August 31 notices. If this applies to your Township, check with your county auditor for guidance. NDCC 57-15-02.2.

North Dakota Township Officers 2018 Workshops

No Registration Fee for Dues Paid Townships!

If your Township paid the dues last year, 2017, there is no registration fee for this workshop.

Treasurer Barb says that almost every township that pays through their county organization is paid. (However the dues have not come in from Burke, Divide or Griggs Counties, hopefully those will be in soon.)

The registration fee will also be waived for County Auditors and Commissioners in recognition of the valuable service they provide for the Townships.

If your Township has never paid dues, or it has been a while since it paid dues, come on in to a workshop anyway, get the latest handbook update and we can talk about going forward, working together, and we won't worry about the past.

Since there will not be any significant revenue generated some of the workshops have been moved to different locations to reduce the cost, so pay attention to the locations listed in your area.

We have also asked the county associations, where the workshops are held to find sponsors for the coffee and cookies, again to keep costs down.

The NDTOA educational workshops are for all North Dakota Township Officers.

The new 2018 Edition of the Township Officers Handbook update will be distributed at these workshops; this new edition includes the law changes that came out of the 2017 Legislative Session. So please bring your handbook along to get the update.

These workshops bring the NDTOA crew 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 first and fourth weeks of February. The itinerary is listed below.

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 focus on section line issues.

Tom Moe, our Country Lawyer, will hold an open forum on the legal responsibilities of township officers; he will also continue the discussion on section line issues, fences and section line law. So bring your section line and fence line questions to the workshop near you.

NDLTAP - sign policy, truck weight calculator, gravel basics.

This educational workshop is for all township officers and it qualifies as a paid meeting day for you; the expenses such as travel are legally acceptable expenses for reimbursement from your township general fund.

2018 WORKSHOP ITINERARY

February 5	Newburg – Senior Citizens Hall	1-3 PM
February 5	Minot – North Central Research Center—5400 Hwy 83 S	7-9 PM
February 6	Stanley – Fairgrounds—Community Hall	1-3 PM
February 6	Williston – Williams Co. Highway Dept.—5218 141st Ave NW	7-9 PM
February 7	Bowman – Bowman Lodge & Convention—207 US-12	1-3 PM (MST)
February 7	Regent – The Enchanted Castle	7-9 PM (MST)
February 8	Steele – Vets Club.....	1-3 PM
February 26 ...	Larimore – American Legion Club.....	1-3 PM
February 27 ...	Park River – City Hall.....	1-3 PM
February 27 ...	Langdon – Courthouse—Meeting Room.....	7-9PM
February 28 ...	Devils Lake – Courthouse Basement Meeting Room.....	1-3 PM
February 28 ...	Jamestown – Legacy Place—419 5th St NE (Lower West Door)	7-9 PM
March 1	Lisbon – Veterans Home “Town Hall” - 1600 Veterans Drive	1-3 PM
March 1	Tower City –Community Hall—507 Broadway St.....	7-9 PM
March 2	Fessenden – Fairgrounds—Festival Hall	9:30 – 11:30 AM

Free Video and Webinar Trainings On Demand Any Where, Any Time

By Tim Horner, TLN Program Director
NDLTAP and TLN Offers Training for You

Did you know that the NDSU has a program through Upper Great Plains Transportation Institute (UGPTI) called the Transportation Learning Network (TLN)?

TLN was created for DOT staff or the states of Montana, North Dakota, South Dakota and Wyoming but many of the presentations are for personal development and local road management.

North Dakota LTAP helps with developing and delivering the program so there is often a local roads twist to the presentations.

Training without Travel: The majority of the presentations made over the past 8 years have been archived for replay so many of you

can view these past presentations as well as many self-paced training modules from your home or office computer. Over 150 past events are recorded along with about 100 self-paced training modules.

Live Training If You Want It: If you want to catch presentations live, you can see what's available in the coming months by going to the NDLTAP or translearning.org websites.

Some of these will be held at NDDOT district offices, Bismarck LTAP office or the UGPTI conference room at the NDSU campus. Webinars can be viewed live from your personal computer. To register you will need to have an account.

Easy to get an account: It is easy to access the account making process by going to the NDLTAP

website or the translearning.org website and then clicking on the (LEARNING MANAGEMENT SYSTEM) button.

That will open the link to creating an account – it may take 48 hours or more to get your account verified if you try on a weekend or late on Friday. TLN has a help-desk if you have trouble.

For More Information:

www.ndltap.org (click the blue LMS icon or check out the training calendar). Call NDLTAP at 701-328-9855.

Never Stop Learning!

Transportation Learning Network
A Partnership of DOTs and Universities

NDIRF Appoints New CEO

The North Dakota Insurance Reserve Fund (NDIRF) has announced the appointment of Brennan Quintus as CEO, effective January 1, 2018, following the retirement of long time (25 years) former CEO Steve Spilde.

Steve will be providing assistance to the NDIRF, in a consulting role, until March 1, 2018.

Mr. Quintus holds both an undergraduate degree and an MBA from the University of Mary. Brennan has earned several insurance designations, including the Chartered Property Casualty Underwriter (CPCU) and Certified Insurance Counselor (CIC) designations, and has prior experience in various facets of the insurance industry.

Brennan most recently served as the NDIRF's Risk Services Manager for the past three years.

NDTOA—VISIT OUR FACEBOOK PAGE

Treasurer's Report by Barb Knutson

Happy New Year!

There are still some townships that have not sent in dues for 2017 and won't be long till the invoices will be going out this year. Actually, I have received some dues for this year. Great!

Just a reminder, when sending in multiple townships but not all for your county, please list the ones that you are remitting for. Also townships that are in counties that have associations, be sure you send your dues to the county association so they can retain their portion of the dues.

Question for associations that have poor participation in county functions and even in paying their dues. Do you notify each officer of meetings, or do you just notify one and expect them to pass it on? If this is something you are dealing with, the postage you spend on notifica-

tion and possibly sending a notice of membership being due may be the best money you spend. Believe it or not, some folks that I have talked to were not even so new to the board, did not even know that there were dues to pay.

Your dues pay for updating of handbooks, a place at the table at legislature, all state meetings, workshops, a full time executive secretary, and district directors to answer questions are just some of the benefits.

Be sure you update names and addresses with the county auditor when you send in your paperwork for the year. Since so many people are using cell phones and email now, it is a big help if those are included also. The auditors have been very good about sharing this info with us but they can only give as good as we give them.

Report on the 51st Annual Meeting of NDTOA cont'd

sparsely populated townships find willing townships to merge with when they have difficulty coming up with enough officers for a board.

The second, that noise control ordinances should be enforce-able and that NDDOT should allow noise restriction signs to be posted in rural areas. Rural residents in several areas are complaining of noise coming from semis running without mufflers and using engine brakes.

The third, that NDCC 57-02-01.1 (4) should be amended to allow an assessor to be re-appointed by his jurisdiction once the assessor does obtain the required certification even if it is after the two year after initial appointment, or July 31, 2017, whichever is later, deadline. As the law is written now the tax department interprets it as a life-time bar against an assessor that fails to become certified within the time specified.

A question on an amendment to Article 4 of the NDTOA Constitution, which would have eliminated the two term limit for the President and Vice President, was presented to the membership for a vote.

This question was amended to have a lesser effect of allowing no more than three consecutive terms. The question, as amended, passed; now the President and Vice-President are allowed three consecutive two year terms.

Elections of officers were held; Roger Olafson of Pembina County was re-elected for his third term as President, Lee Brandvold of Ward County, re-elected Vice President

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

The speaker for the Monday night

banquet was Cal Klewin Executive Director of the Theodore Roosevelt Expressway Association,

He spoke about the development of the Highway 85 Corridor as part of the Ports to Plains Alliance and its importance to growing the rural economy.

Tuesday morning started out with two NDLTAP presentations: Leanna Emmer explained and demonstrated the online truck weight calculator. Then Dale Heglund talked briefly about the bridge class that NDLTAP has developed "Bridge 101".

Ron Ness, President of the North Dakota Petroleum Council, talked about the infrastructure that has been developed to handle the petroleum products that come from ND.

Ron said the drilling is much more efficient and certain and that is why oil activity in ND is not going away like it has before. He also spoke of the importance of the uniform load permitting legislation HB1320.

Tom Moe, NDTOA Attorney, gave his report, spoke about the history of the section-line law and held a question and answer period.

Geoff Simon, Janet Sanford and Brent Bogar, all with the Western Dakota Energy Association spoke about the online load permitting system which WDEA operates and is preparing to offer state-wide (LoadPass).

Geoff also talked about the funding results of the 2017 legislative session, the change to PSC siting using local zoning/land use restrictions, and the uniform load permitting legislation HB1320.

The last presenter, Tim Horner, Upper Great Plains Transportation Institute, spoke about the big truck legislation HB1255 and the limited network on which trucks up to 129,000lbs GVW might operate.



Rodney Johnson receives Grassroots Government Leadership Award

Rodney Johnson of Epping, ND has served on the Brooklyn Township board for over 40 years, many of those years as clerk and treasurer.

He has served the Williams County Township Association as its secretary. He has been a faithful participant at the NDTOA annual conventions for many years. He has been a dedicated Township official for those many years, always an active advocate for townships in North Dakota while participating in meetings at the county and state level.

When the oil boom hit western North Dakota, Townships were faced with unique hardships with roads that simply were not built to handle the heavy traffic and maintenance was not possible with existing budgets.

Rod worked tirelessly and diligently to ensure that Brooklyn Township got qualified for all possible grants to help them maintain safe and usable roads. He has been an advocate for townships in northwest North Dakota seeking to make sure that funding was allocated to help face the hardships of deteriorating roads with minimal budgets through the peak of the oil activity.

Congratulations Rodney and thank you for the many years of service to Brooklyn Township!



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 the
HOT TOPIC BUTTON
on 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?**




**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