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

2009 Legislative Wrap Up *by Ken Yantes*

The 61st Legislative Assembly completed their work on the 79th day of the Session. The House of Representatives passed their last bill at 11:48 PM and the Senate finished their last bill at 10:20 PM on May 4, 2009.

Your lobbyists attended over 90 bill hearings this session some of which were conference committee meetings. We attended and testified at as many hearings as we could that pertained to township policies and were very successful in our attempts to implement NDTOA's policy stands.

The big bill for the session was our funding bill SB2012 which was part of the Department of Transportation's Budget Bill. We had decided at our 2008 annual meeting that the one cent gas tax was just not enough to continue to be our financial mainstay as gas sales appeared to be declining.

NDTOA policy indicated we should try to share in the Highway Users Fund as it was steadily growing and we could get 2.74% of this pot of money. This fund was estimated to bring in \$508 million this next two years. \$508 million x 2.74% would equal \$13.9 million. The One Cent Gas Tax had been bringing in about \$5.1 million per year so this meant that we would be getting about a 32% increase per biennium if we would join the Highway Users Fund recipients. We went forward with our plan and were included in the DOT Funding Bill SB2012.

As the bill moved forward through the Senate it lost the .04% off of the 2.74% but it passed unanimously. The House of Representatives cut it to 2.03% or only \$10.3 million remained in

the bill for us. Senator Gary Lee, Chairman of the Senate Transportation Committee, recognized the Houses action and Hog Housed HB1407 and included \$2.7 million to go directly to townships due to the house cutting our funding in SB2012.

The Senate Appropriations Committee passed this bill unanimously. The Senate held off passing this bill and held it in reserve in case the House killed our main Funding Bill SB2012.

The winter snow storms began and two-thirds of our states roads were buried in 8-12 ft snow banks. Snow plow efforts drained most township budgets and in some cases left huge unpaid snow removal bills at the counties and private contractors. When these snow banks began to melt, the biggest flood in our states history occurred and flood damage seemed to

be everywhere.

A National Flood Disaster was declared by the President of the US and the citizens of ND wondered what would happen next. Yet, we all knew that rebuilding was the next step and without money that would be very difficult if not impossible.

The counties, townships, cities, and other transportation providers organized a Transportation Day at the Capitol for 4-15-09. About 250 township officers, county and city commissioners came to Bismarck to share a bowl of chili and an update of what legislative efforts had been done and what should be done next to support transportation in ND. These grassroots leaders then took their concerns up with their Senators and Representatives.

Continued on page 6



ND Governor Hoeven visits with NDTOA Executive Director Ken Yantes and District 3 Director Larry Syverson at signing of the Transportation Bill.

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President's Message by Kerry Schorsch

Hello Township Officers,

Well, The winter of 2009 is winding down. The effects on township roads of the winter snowfall and spring flooding could be a concern for many years to come. At the state level, we tried to obtain financing for township road needs as best we could. Hopefully, these additional State and FEMA funds will soften the financial blows we've been dealt.

It was a pleasure working with our legislative team of Ken Yantes and Larry Syverson in Bismarck. These two men put in a lot of hours and did great work to serve the best interests of townships as the legislature conducted its business this winter.

I would like to personally all of the

township officers from around the state who took the time to attend the Transportation Rally at the Capitol in April. Thanks also for contacting your district legislators on behalf of townships!

In the upcoming weeks, your state board will be planning the December convention. Let us know if you have any suggestions or concerns about the convention.

I hope you have a safe spring and good fortune for the remainder of 2009



Executive Secretary's Corner by Ken Yantes

I wish to thank the members of the North Dakota Township Officers Association for allowing me to serve as your lobbyist again this session. I would like to thank Larry Syverson for serving... when he could...as my assistant in this process. He has learned a lot the last two sessions and I look forward to his future efforts in the legislative arena.

Last summer his house burned down and rebuilding a life time of memories and establishing a future home for his family understandably took away from his lobbying effort. It is important that every one know that he handled the city extraterritorial zoning bills and did a great job of it.

This year's work in the Capitol required a great deal of effort. The fidelity bonding bill action took many hours of study and effort to inform and convince the legislators of the needed action to eliminate the \$20 premium per officer per year and to get the coverage increased to \$10,000.

Their were 59 different entries made in the journals on this subject alone. The funding bill, SB2012, took 26 journal entries and 20 transportation committee meetings, but we came out with more money than the townships have ever gotten from our state government. We also have had more damage to our infrastructure than we have ever had

due to excessive snowfall and flooding. Legislators have warned us that we will not get anywhere near this years funding next year, so use it wisely this year. The two city extraterritorial zoning bills took over 48 journal entries and another 15 meetings to iron out the differences between the warring factions...the townships and cities. Larry negotiated with four lobbyists from the League of Cities and after several meetings an agreement was reached.

At the end of the session, my wife and I finished packing up the office and apartment furniture, took care of the contractual obligations with the apartment, utilities and headed home with our pickup loaded and our van bulging at the seams. We had already sent two van loads home on previous weekend trips.

When I think back on this legislative session, I am reminded of the huge increase in funding townships will get this biennium, how difficult it was and how hard we worked to secure the needed funds to start the rebuilding process of our devastated township road systems.

A bright part of the 2009 Legislative Session was when Governor Hoeven signed the 2009 Transportation Bill which had our funding in it and handed his pen to me with a thank you for all the hard work done to get this bill passed.

What You Need To Know TO APPLY FOR FUNDS!

With the passing of SB2012, \$43 million was appropriated out of the State General Fund and OMB to go to the State Disaster Relief Fund.

\$20 million for Emergency Snow Removal Grants, but in order to qualify your township's snow removal cost must exceed 200% of your 5-year average snow removal costs. You can get 50% of any funding expended over this average as a grant. Just apply with the 5-year figures and your January, February and March bills to your county disaster person.

Do this as soon as possible. The State Flood Disaster Fund has another \$13 million in it to pay half of your township's match in the Federal programs. The last \$10 million requires budget section approval to disperse. Townships can qualify for these programs—**help yourself!**

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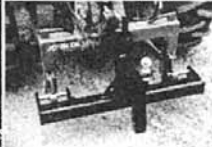
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Gravel Loss Program in the Works!

Watch your news media for word on a \$44.5 million Gravel Loss Program in the near future. The announcement on township gravel loss funding will be done through FEMA. This could mean as much as \$1,800 per mile of township road that has been damaged due to excessive snow plowing this past winter.

Treasurer's Report by Barb Knutson

HAPPY SPRING! This has been one long winter! Besides the weather, we had Legislature going on. All in all, it has been an action packed six months. I am happy to report that your lobbyists, Ken Yantes and Larry Syverson, with the help of some other board members, have been successful at the capital.

This was no small task. There will be monies available, but that means we will have to make sure we keep up on the procedure of applying for and utilizing this money that they worked so hard to procure. Make sure you keep up by looking at the web site for ongoing information at www.ndtoa.com, or by contacting the director in your area if you have more questions.

The dues are still coming in. In fact, we have gotten some new members and some townships have sent me dues

when they didn't even receive a bill. Good Going! I don't know where their bills went, but they were all mailed out at the same time and I have not gotten any back. It may be that if you have a change of officer, or a change of address that I have not received yet, you will need to keep me up to speed on that.

I want to give a BIG thanks to those townships that have sent me a copy of the officers. There have been some changes that I was not aware of and that will be a big help. Also, I want to thank the county associations that have included a list of the townships that they are paying for with that check.

If there are townships that have not paid, we can track that also. Please keep us up to speed on new officers. Just a suggestion, there is an officers list in the

back of your township handbook, make a copy and fill out and we will

be all on the same page. Either get this information to me or to Darleen Yantes at PO Box 104, Brouck, ND 58321-0104 so we can keep the list up to date for *Grassroots Report* mailing.

I have still been receiving some checks that are written to NDTOA that should be going to the county association so they can retain their portion of the dues. It is important that if you have an association, you send your dues to them and they in turn send state dues on to us. Thanks for your help in that regard! Have a great summer and thanks again for your work!



4 **Township Bonding Coverage Changed** by Ken Yantes

NDTOA developed policy in 2006 that called for the amount of fidelity insurance coverage offered by the State Bonding Fund to be increased from 25% of the money handled to a higher amount. The reason for this policy was that most townships could not afford to lose 75% of their funds and still maintain safe roadways for the traveling public.

SB2300 was sponsored by Senator Curtis Olafson and co-sponsored by Senators Arden Anderson and John Andrist and Representatives Wes Belter, Craig Headland and Lee Kaldor. SB2300 indicated that the amount of coverage must at least equal the amount of money or property actually handled or ten thousand dollars, which ever is less.

Insurance Commissioner Adam Hamm sent Bond Manager Jeff Bitz and five department attorneys to oppose the bill but as the vote totals indicate the Senate Industry, Business and Labor Committee stood behind our cause with a 6-0 do pass recommendation. This bill was passed by the Senate 43-0, passed the House 92-0 and was signed by the Governor on 4-9-09.

HB1294 was introduced by Speaker of the House David Monson and Representative Francis Wald which gave the Insurance Commissioner the authority to charge premiums to each state agency and political subdivision that had coverage under the bonding fund if the fund balance slipped under \$2 million.

The Commissioner had the authority to set the premiums and did indicate in testimony to the Senate Appropriations Committee that he would charge \$20 per public employee per year until the fund would exceed \$3 million. The fund level was at \$2,025,000 at that time and headed down due to investments in the stock market.

I talked to the members of the Senate Appropriations Committee and told them of the intentions of Insurance Commissioner Hamm to charge premiums. The committee did not agree with billing all government agencies and political subdivisions on a per employees basis so they moved an amendment to put a million dollars in the state bonding fund, as found in the Insurance Commissioner's budget bill

HB1010, which would bring the fund up to over \$3 million. The Senate Appropriations Committee moved a do pass by 14-0 and the Senate voted to pass HB1010 by 47-0.

When HB1010 was heard in the House Conference Committee there had been \$250,000 worth of business profits made thereby reducing the amount of money needed to keep the fund above \$2 million. The Committee reduced the contribution into the fund to \$500,000 and passed the bill out with a do pass recommendation and the House passed it 94-0. This was another NDTOA grassroots developed policy implemented through legislative action.

Reminder!

Are your newly elected township officers receiving this newsletter? Be sure to let us know when to add and/or delete a name from our mailing list. Send the following information to:

Darleen Yantes
PO Box 104
Brockton, ND 58321-0104

1. Your name, title, mailing address and phone number.
2. Your township name and county.
3. The name of the person you replaced on your township board.

Disaster Loan Program for Political Subdivisions

During the session, there was some discussion about meeting the financial needs of cities, counties and townships that were impacted by winter and spring disasters. For those political subdivisions that need financial assistance in anticipation of receiving federal and/or state funds, they should contact the ND Public Finance Authority. The contact information is as follows:

ND Public Finance Authority
P.O. Box 5509, Bismarck, ND 58504
(701) 328-7120 or (800) 526-3509 tporter@nd.gov

Founding NDTOA Leader Passes By Ken Yantes

We acknowledge the passing of Richard (Dick) Konzak, Past President of Ramsey County Township Officers Association and long time Chairman of Freshwater Township. Dick was 85 years old and left us on March 12, 2009. He served as one of the first founders of the North Dakota Township Officers Association and was instrumental in establishing our Philosophy Statement, Constitution and State By-Laws. Our Philosophy Statement remains unchanged on the first page of the ND Township Officers Manual.

His ideals and beliefs will live on in future generations that he has taught through the examples he has set. Dick felt very strongly that the best government and the most responsive government is that government that is closest to the people . . . **the township.**

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The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings to All! Even though the spring season has been slow in coming, it sure is refreshing to be done with all the snow. And even better, the Legislature finally left town, so now we can get back to normal!

Townships should be alert to additional funding sources for emergency expenses which are available. And, our friends from FEMA are no doubt out and about as well, so make sure you document your expenses and costs if you think your township is eligible for funding.

Annual meetings are behind us, and I had several calls relating to meeting procedures. It's always good to review Title 58 in our Century Code regarding our meetings, notices, voting, officers, etc. Sometimes I think people get confused about the difference between meetings of the supervisors and meetings of the township.

Even though the attendees at the annual March meeting are usually the same attendees that are at a supervisor's meeting, remember that they are two distinct and separate bodies under the law. And, equalization meetings are probably not the time to discuss regular township business, unless a special meeting notice has also been posted as well for that same day.

With the late planting season, make sure you don't neglect a road sign inspection this spring. Watch for signs that have fallen down, or were knocked down by the snowplow, or were the signs where the deer hid behind last fall (that's the only reason I can think of why signs get shot at—there must be a deer hiding behind it), as there is nothing more worthless than a sign that is no longer serviceable.

During the course of the summer, I'm sure we will begin the process of updating our handbooks to include changes and additions stemming from the actions of the 2009 Legislature.

If there is something in the handbook that you would like to see added, or changed, let one of us know, so we can include it in the next edition. The new updates will be available next February

at our biennial workshops assuming we stay on the same schedule as in the past.

Keep abreast of the new changes to Zoning laws which were a topic of the recent Legislature, especially the extra-territorial changes. Many townships have begun the zoning process, and we at NDTOA expect many more to do the same.

In fact, it is time for many townships to "step up to the plate," in my opinion, as we've gone too long without any formal structure for growth and development in the various townships. Yes, I know it's a hassle, but we all have to remember "it ain't 1940 anymore!"

Here's hoping the sun will shine and everyone has a safe and productive summer. Following are some questions I've received in the office. TRM

Q. We amended our budget at the equalization meeting in April as we forgot to include some items at the March meeting? Were our actions legal?

A. Probably not, because I'm guessing you didn't call for a special meeting of the township for that day. Equalization day is a good day for a meeting, as everyone is usually in attendance anyway, but it can only be used for tax equalization purposes, unless you also publish a notice of Special meeting.

Q. We had a tie vote for supervisor at the annual meeting. Two people were running. We flipped a coin to decide the winner. Was that the right way to do it? One of the candidates had a paper signed by a resident who couldn't be there but wanted to cast his ballot that way. We didn't allow that vote, was that right?

A. The coin flip procedure was changed a couple of sessions ago to a "drawing of names" from a hat. I guess the Legislature didn't want us to be accused of 'gambling' with a coin toss anymore! You were right about the signed paper "vote" as there are no absentee ballots at township meetings. Remember, it is a meeting where one must attend—it is

not just an election—like we have in November when we vote for Governor and representatives, etc.

Q. We have trees in the road ditch which we would like to get removed this summer. I understand we as the township can order their removal and if the landowner doesn't cooperate, we can do the work and charge back against his taxes. How far from the road can we go? Some of the trees are part of existing farmsteads.

A. Assuming it is a section line, you have a four rod strip, or 66 feet—33 feet either side of the line. Be careful, as sometimes the center of the road is not necessarily the center of the imaginary section line. If the farmstead trees fall into the 33 feet, then yes, you could order their removal—a tough decision. If the road is heavily used, maybe a speed limit would help alleviate some of the risk. Putting the driver on notice of a speed limit (with a proper sign) at least puts more of the liability (not all) on the driver if an accident with the tree happens. Even if you decide not to order removal of the farmstead trees, a letter to the landowner will document your concern and perhaps could also trigger some landowner liability as well.

Q. I'm a new clerk, and the supervisors told me to get rid of some of the old records that the old clerk was saving. I'm not sure that is a good idea, but there are boxes and boxes of the stuff. Do I have to keep everything?

A. Check section 58-07-05 of your handbook. There's a list there of items which can be thrown after 10 years: old election forms, copies of obsolete insurance policies, etc. You're are to check with the state archives before you throw anything, in case you have anything of historical value. **DO NOT throw old meeting minutes or records of actions taken at past annual or special meetings!**

6 Legislative Wrap Up *Continued from page 1*

Their visit was talked about by the legislators to the very last day of the session. It was a very successful effort and deeply appreciated by the lobbyists. I was very proud of the township officers that came and explained the magnitude of the damage in their townships.

Unanimous votes on funding bills designed to start the healing process required to rebuild our devastated transportation infrastructure were held.

Townships were granted another \$10 million in weather related funding. \$43 million was put aside for county, cities and townships for emergency snow removal and flooding disaster grants.


A new round of negotiation was opened with FEMA on gravel loss due to repeated snowplowing of our 56,756 miles of township roads. At this point it looks favorable that we might get some coverage for the \$44.5 million worth of gravel lost as the snowplows tried to open blocked roads.

Now is the time to speak up for your township if you have losses that fit the criteria of the programs offered. If you do not respond, the programs will be over and you will not be able to take advantage of this rebuilding effort.

Homeland Security Director Greg Wiltz has sent out to all Townships copies of the four-page contracts required to be filled in for the snow removal funding for January, February and March of 2009.

You will need to fill these in **as soon as possible** and submit them to the proper county officials so it may be considered for reimbursement.

Pictured left to right, Secretary of State Al Jaeger, Rep. Dan Ruby of the House Transportation Committee, ND Governor John Hoeven, Sen. Gary Lee, Chairman of the Senate Transportation Committee, a photographer, Rep. Al Carlson who is Majority House Leader, Rep. Dave O'Connell, and Francis Ziegler-Director of ND Dept. of Transportation.



SNOW REMOVAL ASSISTANCE PROGRAM 2009

Ensuring a safe and secure homeland for all North Dakotans

April 30, 2009

To: Township and Officers

Re: Snow Removal Assistance Program 2009

The legislature just approved additional funding for snow removal assistance for cities, counties, and townships throughout North Dakota for the months of January, February and March 2009. The program is available to all counties, tribal jurisdictions and cities that have spent 200% of their established five-year average snow removal expenditures. Your township will be included under the assistance provided to counties.

To participate in this program you must work with and through your county to submit all necessary documentation as indicated on the Snow Removal Assistance Policy to the county. DES requires no later than May 20 the documentation from the counties to meet the requirements of the law.

When completing the Snow Removal Recap Sheet for the months of January, February, and March 2009, you must submit all supporting documentation as well as proof of payment. The recap spreadsheet also requires a historical recap of snow removal expenses for January, February and March in 2004 through 2008. This will determine your five-year average. When completing the five year expenses, you must use the same documents that you will use for reporting expenses for January, February and March 2009.

If your township has already sent in reimbursement forms for January, February and March of 2009, you may want to review the records using the new policy. If you want to make any changes and resubmit your report, please let us know by May 8, 2009. If you do not want to resubmit we will be checking them again and will make the necessary changes if there are any.

Let me recap: County rollups for expense reports for January, February and March 2009 including the five year recap must be submitted no later than May 20, 2009. The legislative deadline for obligating funds is June 30, 2009. Reimbursement requests received after May 20, 2009 will be handled on "as time allows basis" and will not be guaranteed funding. If we do not receive your reports, you will not be eligible for reimbursement. We know this is a short notice; however, these funds must be spent by June 30, 2009. The goal of the program is to reimburse 50% of costs over 200% of the five year average. The total amount appropriated for this program is \$22.5 million; however, if that amount is insufficient, each jurisdiction will receive a proportional amount.

For additional information please contact Don Van Beek, Jessica Martel or me.

| | |
|---|---|
| Don Van Beek 701-328-8252 E-mail dvanbeek@nd.gov Fax # - 701-328-8184 | Jessica Martel 701-328-8265 E-mail jrmartel@nd.gov Fax # - 701-328-8184 |
|---|---|

Sincerely,
Greg Wiltz
Deputy Director
Department of Emergency Services



Hats Off to ND Grassroots Leaders by Ken Yantes

During this legislative session I searched for a way to show legislators that townships were in a very serious position. I explained the costly snow removal efforts to the legislators and most would nod and agree that it wasn't good.

I felt something else was needed and I didn't know what it was . . . until two Lebanon Township officers, Gerald and Kathy Holte from McHenry County, e-mailed to me four pictures of the plowed out roads in their area.

These pictures showed the depth of the snow, the ruts in the township roads and the water in the surrounding area yet to cause problems. The snow plowed off the roadway indicated where the gravel was and the ruts showed us where the gravel used to be.

I printed these pictures off their e-mail and made 160 copies. As I passed out these pictures to the legislators, I realized what I have always been told and that is a picture is worth a 1,000 words.

I gave copies to Francis Zeigler, Director of Transportation, General David A. Sprynczynatyk, and other state leaders to use when they went to Washington to help in their efforts to secure federal funding for road damage. These pictures are playing a big part in the effort to convince FEMA to consider a program that would fund gravel loss due to excessive snowplowing.

My hat is off to the Holtes for their quick thinking and positive actions to call attention to this very serious problem in their townships and throughout North Dakota.



Many township roads were in the same or worse condition as shown here. These pictures were taken in Lebanon and Voltaire Townships, south and east of the City of Voltaire. The north central region of North Dakota received up to 23" of snow in November and some areas ended up with a total of 113" of snow this winter.



Landfill Bill Needed More Support by Ken Yantes

Senator Dwight Cook introduced SB2382 for NDTOA which would have given a township the right to approve or disapprove a landfill sitting in their township. The bill was heard by the Senate Political Subdivisions Committee with only Senator Cook, Beau Bateman, Chairman of Brenna Township, Grand Forks County and Ken Yantes testifying in support of the bill.

Many city testifiers provided lengthy testimony indicating that if townships had this authority they would not be any more landfills created. Keep it out in the country, not in our back yard, seemed to be the majority feeling of those present at the hearing. Committee members wondered where the township testifiers were on this important piece of legislation.

The bill was soundly defeated due to a lack of township presence.

We need to thank Senator Cook for trying to right what was, and continues to be, wrong with the acquisition of township residential property for landfills.

ACIR Survives Republican Leadership Repeal Attempt by Ken Yantes

The NDTOA has had a long standing policy in support of the continuance of the Advisory Commission on Intergovernmental Relations. This committee brings Cities, Counties, Townships, Park Districts, School Boards, and the Governor's office together to deal with intergovernmental problems during the interim period. Each governmental entity pays for the costs of sending their representative to the meetings to hold down the expenses of the committee. This committee has promoted efficiency and affectivity through cooperative efforts of our states governmental entities.

The House Leadership, consisting of the Immediate Past Majority Leader Representative Wes Belter, the present Majority Leader Representative David Monson and Past Speaker of The House Jeff Delzer, joined together to introduce **HB1462** which called for the repeal of the Century Code that established the ACIR. I had four other bills come up for hearings at the same time that HB1462 was to be voted on in the House. This limited my time to lobby against passage of HB1462 to just a couple of hours.

When the vote was taken the results were 47 for passage and 45 against passage. The House of Representatives has a rule of order that each bill must get 48 votes to pass. HB1462 died but one more positive vote would have killed the ACIR.



Grass Roots Report

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