

# GRASS ROOTS REPORT



FALL 2021

The Official Newsletter of the ND Township Officers Association

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## NDTOA 55th ANNUAL CONVENTION

Will be held at the: Ramada Inn, 1400 East Interchange Avenue  
Bismarck, North Dakota, in the Heritage Ballroom.

**DECEMBER 6th & 7th 2021**

Registration at the door begins at 7:30 AM each day; the programs begin at 8:30 AM.

Early Pre-registration (must be received by November 26<sup>th</sup>): \$10

The \$10 Early Registration fee will be refunded when you attend the convention!!!

**Registration after November 25th and at the door: \$25 (No refund for this one!)**

**Mail to:** Barb Knutson  
2600 236th St NE  
McKenzie ND 58572

The reservation number for rooms at the Ramada Inn is **800-922-5548** or **701-258-7000** Tell them you are with NDTOA to get the price. To get the block rate, rooms must be reserved by November 18th.

### THIS MEETING IS FOR ALL TOWNSHIP OFFICERS

We are putting together a program with state officials and others.

**ND DOT Director, Bill Panos** will be talking about the grant program for townships his department will administer.

**Justin Messner** and **Brent Kahl** with **ND Department of Emergency Services** will discuss disaster programs for townships.

**Dale Heglund** and the **NDLTAP** team will be on hand to give us the benefit of their roadway expertise.

**Tom Moe**, our Country Lawyer will give his report and presentation and then be ready for your questions, so bring them.

During the business meeting Monday afternoon, a President, Vice President and three directors will be elected.

Other points of interest: (look for separate articles on these topics)

We are working on a training program for Township Clerks and Treasurers to be part of the Tuesday program.

We will be collecting email addresses, those that submit them will be entered into a drawing for five \$50 prizes.

**We hope to stream the meetings on Zoom for those that cannot attend in person.**

**For the latest information about the 55th Annual Convention go to:  
NDTOA.COM/CONVENTION**

## NDTOA Officers

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## President's Comments



Happy Fall Township Officers,

As I write my Fall letter for the Grassroots Report, one item of great importance comes to mind that officers of each township need to be reminded of...ROAD SIGNS! If you have been at meetings put on by NDTOA you should have heard someone discuss the importance of proper and legible road signs. As we prepare for winter, take the time to drive around your township and make sure your road signs are still in place and readable. Every year road signs are damaged, and the absence of a sign could cause an accident that may have been prevented if the township officers had made sure that all signs were in place.

NDTOA is currently working on receiving email addresses for all current township officers. You may ask why we would need your email address. In the past, we have sent out postcards to the clerks of each township to notify them of important meetings that were to be held. The clerk in return needed to contact all township officers in their township. However, this procedure has not worked 100% like we believe it should have. Some officers were still not notified of meetings. By having all township officers' email addresses, we would have contacted many more of you. Also, during legislative session we will have the ability to contact you on short notice if an issue arises that NDTOA needs to rely on township officers to contact their House or Senate Representatives. Please watch for further details on how to submit your email address.

I would like to take this opportunity to remind everyone that we are looking for someone to nominate an outstanding township officer for the Grassroots Leadership Award. We know that there are township officers throughout the state that have put in endless hours of work and dedication for their township and are deserving of this award. If you know of someone that should be nominated for this award, please fill out the nomination form in the *GrassRoots Report* and return it to Larry Syverson, 465-150<sup>th</sup> Ave NE, Mayville ND. (or email Larry at larry.ndtoa@gmail.com).

Your annual meeting will be held in Bismarck at the Ramada Inn, December 6<sup>th</sup> & 7<sup>th</sup>. We are planning to hold an actual meeting this year and also give you the opportunity to attend virtually. Remember this is your annual meeting, please take the time to attend. We try to offer important information to all officers, and this gives you the opportunity to express your opinion.

Hopefully we will see you in Bismarck on December 6th and 7th, further details within the Grassroots Report.

Thank you for being a township officer,

President Lee Brandvold



**WORKING FOR YOU!**

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! As I write this I've heard that there has already been quite a bit of snow that fell in Western North Dakota, so I guess that means that there is no future for my green tomatoes still left in the garden.

We finally got some good rains, so now we'll start to see some actual mud on our roads from trucks coming off the fields. Hopefully the operators will help in cleaning up the mess that the mud leaves--after this hot dry summer, I thought I would never have to use the word "mud" ever again!

NDTOA is just a month or so away for the annual convention in Bismarck the first part of December. See elsewhere in this issue for a short listing of the agenda items. There will also be a proposed change to our organizational rules that will need approval by the convention, so it is important that we have a good turnout.

I'm always surprised when visiting with township officers across the state that many have never been to a state meeting, or worse, thinking that they are not allowed to attend. The Convention is for all township officers, and is quite educational. And for me, it is always good to place a face with a name or a voice heard only on a phone call. Please make plans to attend!

February workshops are also around the corner as well, so we'll finalize the locations and agenda at the December Bismarck meeting also. We'll probably experiment with one or two of the workshops being connected via "zoom", so one could attend virtually without having to physically attend at one of the

locations we visit. These workshop sessions are another good way to get the word out, as we review the actions of the past legislative session, go over new handbook revisions, visit about how to resolve various township problems, plus we always end with a question and answer session with not only myself, but will all of the travelling team.

And, I admit it can be discouraging to find out that many township officers fail to attend these workshops because once again they think that they are not allowed to attend, or "someone else from my township will go". And remember, both the state convention and the workshops are official township business, so expenses for attending can and should be reimbursable by the attendee's township, plus it should also qualify for daily pay.

I think many township officers forget that the residents of their township-plus absentee landowners as well for that matter-would rightfully expect that their supervisors and officers would avail themselves of every opportunity to learn about proper township procedures. Please mark your calendars for these upcoming events—I expect to see you there!

Try to get a road and sign survey accomplished yet this fall, before the snow flies much more. Check the reflectivity of signs after dark, and remember to document your trip for your records. Such a road survey trip is a "meeting" under our state open meeting rules, so make sure to post notice with the county auditor of your intended trip.

Here's hoping the rest of the

harvest goes problem-free, and done safely as well.

I hope to see you all in

Bismarck in December. Following are a few questions received in the office over the course of the Summer. TRM

**QUESTION:** We had a supervisor who passed away recently. I say we can appoint a replacement and the clerk says we have to have a new election—Who's right?

**ANSWER:** You both are. The two remaining officers can appoint a replacement under Section 58-05-16 in our handbook, or, you can also choose to call a special meeting of the township residents under the provisions found in Section 58-04-02 to hold an election to fill the vacancy. The advantage of the appointment process is that is quicker, and the advantage of the special meeting election is that everyone gets to have input on choosing the new person.

**QUESTION:** We provide snow removal for resident's driveways, but we have a couple of "snowbirds" whose driveways we don't plow after they have left for the South. One of them thinks we should continue to remove the snow even when no one is there. Do we have to continue?

**ANSWER:** First of all, using public funds to clean private driveways is probably not a proper use of those monies. I know of several townships which do this kind of work, but charge a small fee for work done on

*cont'd on page 4*

## The Country Lawyer cont'd

each residential driveway—so that no public funding is theoretically used. At the very least, whichever method is used (charging a fee or not); the practice must be approved by the residents at each succeeding annual meeting. And, the decision of whether to do the snowbird driveways should also be left up to the annual meeting participants.

**QUESTION:** Our long-time clerk has passed away, and all the township records, meeting minutes, paid vouchers, etc., are all still at her house, and we are afraid the family will just throw away these documents, not knowing they are public records. Her family all live out of state and no doubt will sell the farmstead and everything in it. Any ideas?

**ANSWER:** Under the state law, the successor of the office (the new clerk) can make a “demand of the personal representative of the deceased officer.....and the personal representative shall deliver.....all records”. See section 58-05-14. Hopefully, you don’t have to be quite so formal with the family, and I would hope a simple phone call or letter to the family would suffice to inform them that they should be on the lookout for the box(s) of township materials when they show up at the farm to clean out the house. If there is a personal representative of her estate that has or will be appointed by the Court, then that is the person—or the estate’s attorney—to contact. Not all deceased persons require a probate file to be opened, however, so that is why the family should be contacted informally as soon as possible.

**QUESTION:** Our clerk resigned due to a controversy, but refuses to give up the township records. We

have sent him letters, e-mails, made phone calls, and knocked on his door, all to no avail. Any ideas?

**ANSWER:** Similar to the question above, the successor is to make a demand of the prior officer and the prior officer is required to deliver the records. See Section 58-05-13. See also Sections 44-04-12/13 of the Century Code dealing with the same topic of delivering public property to a successor officer. In addition, 44-04-03 provides for prosecution of this type of activity (Note: these sections of the law found in title 44 are not in our handbook). Apparently, you have made several demands, both verbally and in writing. You may have to visit with the State’s attorney about this section of the law, and perhaps the sheriff could make a ‘friendly’ visit to the home and remind prior clerk of the requirements of the law. Perhaps a family member could also be contacted and see if some assistance could be found there?

**QUESTION:** One of the farmers in our township has a hired hand who lives on one of the farmer’s houses. The hired person doesn’t own the house and doesn’t pay rent. We would like him to serve as a supervisor. Can he?

**ANSWER:** He certainly can. As long as he is a resident of the township, he (and his family) can not only vote in the township, but is also then eligible to hold office. Land or home ownership is not a qualification for voter/office holder eligibility (we fought a revolution back in 1776 for this!!!)—one needs only 30 days of residence prior to any election in our state in order to qualify.

## **VIRTUAL MEETING OPTION** **for NDTOA 55th Annual Meeting**

*By Larry Syverson*

We intend to stream the 2021 annual convention on Zoom for those unable to attend the meeting in person. If you wish to use the virtual option please email: [larry.ndtoa@gmail.com](mailto:larry.ndtoa@gmail.com) by 5 PM Friday December 3rd to request the link and login information. We check requests against the NDTOA mailing list to ensure that only verified township officers will be admitted. Requests for the link will not be processed after Friday, December 3rd, and certainly not on the day of the meeting. We found out last year that late requests kept coming in causing a long delay in starting the meeting.

It was noted that last year’s convention was virtually attended by township officers from more counties than we have seen in actual meetings in remembered history, so this is an important tool to reach more officers and we will try to incorporate it going forward.

As streaming this convention will involve using the hotel Wi-Fi network, we cannot guaranty that the stream will be available. We also cannot guaranty that virtual attendees will be able to vote in any election. You chose this option at your own risk.

# NDTOA Elections to be Held

**Officer Elections to be held at this annual meeting:**

**PRESIDENT:** currently held by Lee Brandvold, Ryder. *(Lee is eligible for re-election.)*

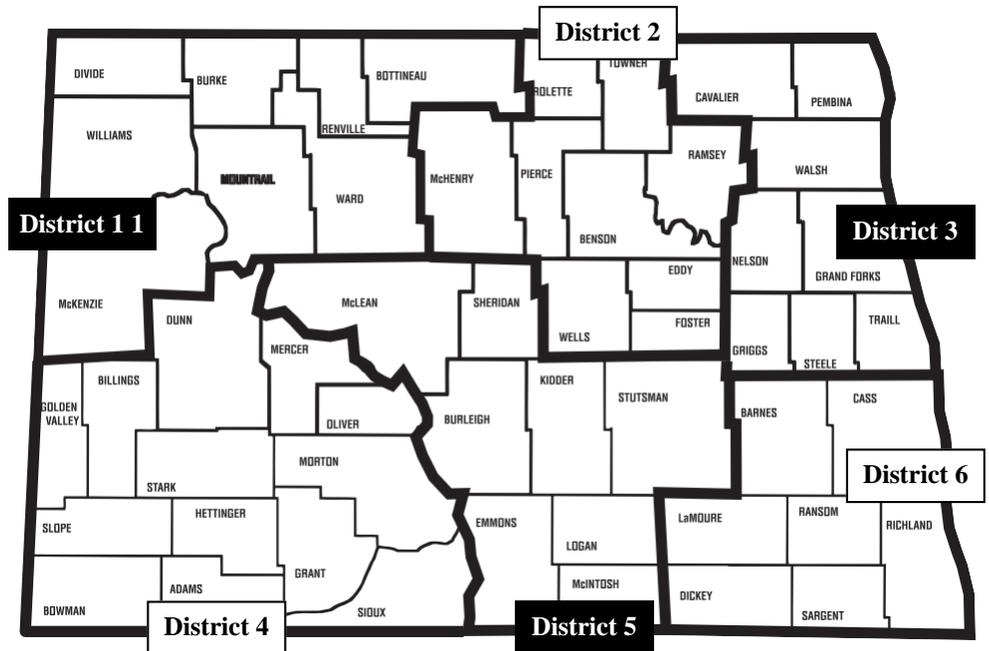
**VICE PRESIDENT:** currently held by Todd Weber, Wheatland. *(Todd is eligible for re-election.)*

District Directorships to be filled this annual meeting are as follows: *(All are eligible for re-election.)*

**DISTRICT 1** consists of the following counties: Bottineau, Burke, Divide, McKenzie, Mountrail, Renville, Ward, and Williams. *Directorship currently held by Bruce Krabseth, Alamo.*

**DISTRICT 3** consists of the following counties: Cavalier, Grand Forks, Griggs, Nelson, Pembina, Steele, Traill and Walsh. *Directorship currently held by Al Bekkerus, Grand Forks.*

**DISTRICT 5** consists of the following counties: Burleigh, Emmons, Kidder,



Logan, McIntosh, McLean, Sheridan and Stutsman. *Directorship currently held by Gerald Miller, Bismarck.*

At the time of election, a candidate to be an officer or director of NDTOA must be a currently elected township officer of a township that is a dues paying member of NDTOA.

Anyone interested serving on the NDTOA Board of Directors for those districts or as an officer should contact a nominating committee member: District 2 Director Richard Lynne, District 4 Director Leon Monke, or District 6 Director Tim Geinert. (Contact information can be found on page 2.)

# Rail Crossing Safety Issues

The North Dakota Department of Transportation (NDDOT) is requesting your assistance to identify locations within your jurisdiction where rail/highway crossing safety could be improved.

The information provided should contain the location of the grade crossing by street or road name and the distance and direction to the nearest town(s). Please be specific about your concern or suggestion for improvement.

NDDOT has annual federal funds available for safety enhancement projects at rail/highway at-grade crossings. These funds are used for the installation of active warning devices (e.g. flashing light signals with gates), crossing signs, and crossing surface improvements. The funding breakdown for the actual cost of a crossing project is 90% Federal funds and 10% road authority match.

Please remit your concerns or

suggestions before December 31, 2021, so they can be included in the annual review process. Be assured past concerns have been incorporated in the statewide pool of prioritized crossings.

Crossing concerns or suggestions can be forwarded via email to: [jstyron@nd.gov](mailto:jstyron@nd.gov); or by mail to NDDOT, Attention: Jim Styron, 608 East Boulevard Ave, Bismarck, ND 58505-0700,

# Proposed Constitution Change

The NDTOA Board of Directors has recommended the following change to Article 3 of the Constitution. Insert after second sentence: “The Board of Directors shall have the power to allow attendance by electronic means.” And, add as last sentence: “The Board of Directors shall have the power to allow voting by electronic means.”

## Article III

*“The membership of this association shall consist of Township Officers of the State of North Dakota for the townships which have paid the membership dues hereinafter provided for. The association shall meet annually in December. The Board of Directors shall have the power to allow attendance by electronic means. The Quorum for said meeting shall be the number of members present at that time. If a county township association has not designated two members to represent and vote on behalf of the county association, then and in that event those members present at the annual meeting shall meet with and caucus with other members from their same county of residence for the purpose of designating two (2) members to represent and vote on any issue presented at the annual meeting. Each county's caucus shall have two (2) votes. The Board of Directors shall have the power to allow voting by electronic means.”*

This change will be voted on at the Monday afternoon business meeting of the convention December 6, 2021. If passed, the change will empower the Board of Directors to allow Township Officers to attend an annual meeting remotely and to vote in any election at that meeting. Subject to all other restrictions on voting.

## Investing in Infrastructure is Good for North Dakota



*Bill Panos, Director, North Dakota Department of Transportation*

Investment in infrastructure multiplies. The Federal Highway Administration says that for every \$200 million in projects, 2,600 jobs are created and \$764 million in economic growth is realized. This is in addition to improved safety and the simple fact that when projects

are completed sooner, it results in better roads for all of us.

The North Dakota Department of Transportation partnered with the USDOT to increase funding from the federal government. Our aggressive pursuit of federal money for North Dakota puts us in a great position.

For example, we have received federal grants to improve the resiliency of North Dakota roads (\$22 million), local transit grants (\$15 million) and grants for county bridges (\$6.5 million), and we recently received an Infrastructure for Rebuilding America grant for passing lanes along U.S. 52 between Carrington and Kenmare (\$16.75 million).

Governor Burgum’s *Accelerate ND* plan is yet another great opportunity for North Dakota. The plan proposes investing \$355 million of the federally allocated American Rescue Plan Act (ARPA) funds to

infrastructure projects. This includes devoting \$332 million dollars to address critical road needs in North Dakota and **\$23 million dollars to invest in township road repairs.**

Every month matters. Building roads and bridges isn’t like buying a car. Transportation projects take years to plan, execute and complete. Couple that with increasing costs, North Dakota winters, supply chain issues, high inflation on goods, reduced availability of contractors and labor shortages, and you can see how making the investment today pays off in big ways in the long run.

For more information on transportation infrastructure and how it impacts you, visit [dot.nd.gov](http://dot.nd.gov) and click on Transportation Connection.



# Treasurer's Report

by Barb Knutson



Today seems like jacket weather. What happened to the 70-degree days? The rain was a welcome event!

Coming to the end of the fiscal year for NDTOA. October 31 is the end of the year. There is still time for those of you that have not yet paid your dues for this year. Just got 2 more this week.

I want to remind those that have not given their updated list of officer names and addresses to the auditors, to do so. They have been very helpful in this task of keeping the mailing list up to date, but we have to do our part.

If you know of someone that is not getting the *GrassRoots Report*, please let me know so I can get in touch and get that rectified. There are more and more that prefer the electronic version and that is also

available on our website at [www.ndtoa.com](http://www.ndtoa.com). Just let us know if that is your wish. When you are sending in this information, name, address, phone, cell phone, and email address is very helpful.

In calls that I have received in the past and when working on the mailing list, I see there is an increase in townships that are unable to fill a position in the event of someone moving or passing away. This is good reason for you to look into the possibility of merging with an adjoining township or townships. There is provision for this in the century code. If you are interested call your director or anyone of us on the board and we will be glad to assist in any way we can. Much better option than giving it up to the county.

I would encourage each one of you

to suggest to your county auditor to put the town-

ship officers list on the county web site so that anyone can contact you with that information. There are quite a few that do and it is a very efficient way of making sure people can contact their local officers.

Hope to see a lot of you in Bismarck in December or join us on the zoom if that works better for you! Either way, joins us. Remember, your local board can pick up your expense for attending this meeting.

Thank you all for what you do and know that it makes a difference. Each of your contributions are important. Hope to see or hear from many of you in December.

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## Chance to WIN \$50!

Earlier this year we needed to tell you that you had less than three weeks to apply for a grant program for your township, but there was no fast way we could do it. It went out as a letter from ND DOT that gave a deadline of June 18 to apply for the grant, some of you barely got the letter before the deadline. Are you happy with losing out on grants and funding opportunities for your township because the mail takes a week or more to reach you?

The NDTOA Board of Directors has authorized a drawing to award five \$50 prizes to those that submit their email addresses so we will be able to give our membership more timely notices. The entry form will be emailed to the addresses we do have in our mailing list so they can verify that those are current township officer addresses and they can qualify for the drawing.

Only emailed entries for the drawing will be accepted and there are other rules on the entry form. The form is available on the website NDTOA.COM or may be requested by email from [larry.ndtoa@gmail.com](mailto:larry.ndtoa@gmail.com), please put "drawing" in the subject line.

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## Township Clerk and Treasurer Training Program

By Larry Syverson

As there are numerous new township clerks and also county auditors, there has developed a need for training for clerks because there are so many new people that lack experience.

NDTOA believes that the important offices of clerk and treasurer should not be left to chance; we need to develop a training program for them. We are working to put together a training class for the 2021 convention.

We have requested assistance from the ND Association of County Auditors and the ND Attorney General's office to present an educational session on the morning of Tuesday December 7th. As this newsletter is sent to print we have not gotten those agencies participation nailed down. But we are determined to get this program started.

Watch the website NDTOA.COM for content and scheduling as we work this out. The sessions will be streamed on Zoom and recorded and made available as YouTube videos.



# 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

## 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?

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

**HOT TOPIC BUTTON**

**[www.ndtoa.com](http://www.ndtoa.com)**

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