



OCTOBER 2009



# Grass Roots Report

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

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## 43rd Annual Meeting set in Jamestown

by Ken Yantes, Executive Secretary, NDTOA

All ND Township Officers are invited to attend the 43<sup>rd</sup> NDTOA Annual meeting on December 7 & 8, 2009 at the Gladstone Inn at 111 2<sup>nd</sup> St. NE in Jamestown. A block of rooms have been set aside through November 22 for this event at the state rate. Be sure to mention this when making your reservations.

**Remember township officers—Ladies and Gentlemen—this meeting is for you, whether you are a supervisor, clerk, treasurer, assessor or any other officer of your township.**

Our by-laws say that only two votes per dues paid county association may be used in the voting process, but you may enter into the discussion of any and all items of business when recognized by the chair.

Highlights of this meeting will be an update by Greg Wilz, Director of ND Homeland Security, on emergency actions taken in North Dakota due to the flood of 2009.

Dave Levi, Program Manager for The NDLTAP and The Upper Great Plains Transportation Institute, will update us on the sign reflectivity law passed by Congress which will cost ND townships \$60 million.

Cory Fong, ND Tax Commissioner, will explain the new form for townships on which we must report road funds spent as required by the passage of SB2012.

Margaret LeClair, CEO of the LeClair Insurance Corporation, will provide us with information on a program that could lead to a successful funding tool for the NDTOA and its membership.

Governor Hoeven has been invited to attend, as well as, Senator Byron Dorgan to address the association. We again look forward to hearing from Minnesota Association of Townships President, Loren Ingebretsen.

Members present will honor outstanding township leaders and recognize the 2009 Legislator of the Year. Included in this newsletter is an application form for your nomination of a deserving township official for the Township Grassroots Leadership Award.

The business meeting will start on the afternoon of December 7 and will include a Grassroots Policy Development session, the election of directors for Districts 1, 3, 4 and 5 and the election of NDTOA President and Vice President.

Anyone interested in serving on the NDTOA Board of Directors should contact nominating committee members: District 2 Director Ralph Olson or District 6 Director Steve Ginsbach.

The evening banquet entertainment will feature "Better Than Therapy" an excellent female vocal entertainment group.

Tom Moe will present a workshop on December 8 starting at 8:30 a.m. on "How to Run an Annual Township Meeting and When to Hold it." Is your township complying with North Dakota Century Code? Many townships are not and we need to get on board with the right way and the reasons why.

Make your room reservations at the Gladstone Inn by calling (701) 252-0700 or toll free at 800-641-1000.

### AGENDA for DECEMBER 7

- 7:30 AM **Registration**
- 8:30 AM **Welcome /Introductions**  
Loren Ingebretsen, President  
Minnesota Assn of Townships  
**Rules of Operation**
- 9:00 AM Greg Wilz, Director  
ND Homeland Security
- 10:00 AM Dave Levi, Manager  
NDLTAP / UGPTI
- 10:45 AM Cory Fong  
ND Tax Commissioner
- 11:15 AM Margaret LeClair, CEO  
LeClair Insurance Corp.
- 12 Noon **Lunch**  
Grassroots Government  
Leadership Award
- 1:00 PM **Business Meeting**  
**Call to Order** by President Kerry Schorsch  
**Reading of the Minutes** by  
Executive Secretary Ken Yantes  
**Treasurers Report** by Barb Knutson  
**President's Report** by Kerry Schorsch  
**Executive Secretary's Report** by Ken Yantes  
**Attorney's Report** by Thomas R. Moe  
**NATaT Director Report** by Ken Yantes  
**Committee Reports:**  
Workshop 2010 by Tom Moe  
Audit by Larry Syverson  
Budget by Kerry Schorsch
- Old Business**
- New Business:** Final Budget Actions  
**Resolutions**
- Elections** Directors -- Districts 1-3-4-5  
President / Vice President
- 5:30 PM **Adjournment**
- 6:30 PM **Banquet**  
Legislator of the Year Award  
Entertainment
- AGENDA for DECEMBER 8**
- 8:30 AM **Workshop**  
**"How to Run an Annual Township Meeting and When to Hold it"**  
by Tom Moe
- 12 Noon **Meeting Concludes**

## 2 NDTOA Officers

### **KERRY SCHORSCH, President**

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

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rlolaf@polarcomm.com

### **KENNETH YANTES**

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

### **BARB KNUTSON, Treasurer**

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

### **CHUCK THACKER, Past President**

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

### **FLOYD MILLER, District 1 Director**

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

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

### **LARRY SYVERSON, District 3 Director**

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**District 4 Director**  
POSITION OPEN

### **BARB KNUTSON, District 5 Director**

2600 236th St. NE, McKenzie, ND 58572  
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Legal Counsel

### **THOMAS R. MOE**

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

## President's Comments by Kerry

Hello Township Officers,

Our annual convention is just around the corner and I hope to see you in Jamestown this year.

One of the items on the agenda at the convention will be discussion and hopefully a decision made on whether or not this association shall continue to support the agenda of and be a member of the National Association of Towns and Townships (NATaT).

Among other things, your state board of directors is extremely disappointed at the lack of success that NATaT has had in passing township officer payroll tax legislation.

Please be present at the convention to be informed and participate in this important discussion.

We also plan to have someone of authority from FEMA on hand to give us an update on the status of our spring flooding requests.

There will be a workshop on how to conduct your annual meeting in March. The annual meeting is set by law and really is the mechanism which authorizes nearly all of your township affairs for the year. Be on hand to learn the "do's" and "don'ts" of conducting your annual meeting. Learn how to make your township decisions carry the weight of the law.

State board of director and officer elections will also be held at the convention. The position of State Director for District IV in the southwest is open.

I hope that someone from that area will step up to represent the township officers in southwestern North Dakota.

It will take a few days of your time during the year, but, I think you will find it a gratifying and educational experience.

My two-year term as President expires at the convention and I will not be seeking re-election.

I believe the last two years have been a great success for North Dakota townships.

I am grateful to all of you for allowing me to be a part of that endeavor.

Sincerely,

Kerry Schorsch, President  
North Dakota Township  
Officers Association



## 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**  
**Brouket, ND 58321-0104**  
**(701) 655-3513**  
**ken@ndtoa.com**

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.

**Thank you for your cooperation!**

## Road Funds Must Be Reported

by Ken Yantes

The ND Tax Department must be given an accounting of every dollar that has been used for road work in your township. This is one of the requirements (or strings) attached to the extra funding you got last June from the state government.

Cory Fong, the State Tax Commissioner, has appointed Ken Yantes to serve as a member of a committee to establish a reporting form needed for each township to use to comply with the new law.

On September 17, 2009, the committee met and suggested the criteria needed to accomplish the job. Ken suggested that a copy of the Annual Statement of the Township Treasurer which has all the township receipts and expenditures listed be used in developing the new form.

This document may be a blessing in disguise. If this form is filled out by all township officers it will prove that the tax dollars paid to townships are actually used in the township to provide transportation services to our township residents. It will not be that difficult to do and very likely will be a very useful tool in future legislative efforts.

Cory Fong, ND Tax Commissioner, has agreed to be present at our annual meeting to discuss the new form with us.

## Group Life Insurance for Township Officers?

by Ken Yantes

Could an insurance sales program help support your State association? It is working in Minnesota for their township association. In 2008 they received over \$75,000 in commissions for the business done by the LeClair Company.

Margaret LeClair, CEO of the LeClair Corporation out of St Paul, gave the NDTOA Executive Board of Directors a presentation on how it is done in Minnesota. She distributed brochures on the coverages and plans available from The LeClair Insurance Company.

Margaret LeClair has been asked and has accepted an invitation to attend and speak at our 2009 NDTOA Annual Meeting in December.

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## Transportation Steering Committee Meets

by Ken Yantes

On August 21, 2009 representatives of the ND transportation providers met in Bismarck and discussed the future actions required to inform the citizens of North Dakota of our needs.

The organizations represented were: The Association of Counties, ND Motor Carriers Association, Associated General Contractors, ND Wheat Commission, Petroleum Council, ND Senior Services Providers and Dakota Transit Association, North Dakota Department of Transportation, Upper Great Plains Transportation Institute, League of Cities and North Dakota Township Officers Association.

Members present agreed on a plan of joint action which closely parallels the action taken in 2007 and 2008 with some minor changes. The group pledged to provide statistical data and co-operate to secure adequate funding in the next Legislative Session in order to provide safe roadways for the traveling public.

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## 4 Executive Secretary's Corner by Ken Yantes

I serve as your representative on the Board of Directors of the National Association of Towns and Townships. Four years ago (in 2005) the NDTOA joined the National Association hoping that we could have an organization that would work to implement our national resolutions.

We passed a resolution that called for the exemption of township officers from filing and paying payroll taxes, which I carried to the National Annual meeting in Washington, DC. It asked to have a bill passed in Congress to alleviate this burden.

In 2008 this resolution became the #1 priority legislative issue with NATaT. North and South Dakota worked to have our Congresspersons introduce bills to support our stand.

SB2154 was introduced in the Senate and HB6003 was introduced in the House of Representatives. We expected the Ferguson Group to lobby for our bills on a regular basis as they are headquartered in Washington, DC and it was one of their duties and responsibilities of them to work to implement our policies.

The Ferguson Group **did not** even contact the sponsors of our bill much

less work to get more co-sponsors for our bills as they should have. The bills died without so much as a committee hearing.

North and South Dakota directors again, in 2009, worked to get bills re-introduced to support exemption of payroll taxes for township officers. SB492 was introduced in the Senate by South Dakota Senator Johnson and the ND Senators agreed to co-sign the bill however, the Ferguson Group **did not** contact our Senators with a copy of the bill for them to co-sign.

North Dakota's Representative Earl Pomeroy said he would introduce the bill in the House of Representatives if the Ferguson Group could find a single co-signer. They **did not** forward even one name to Earl. He failed to introduce the bill due to the Ferguson Group's inactivity.

The NDTOA Board of Directors were told, by a representative of The Ferguson Group at the July 20, 2009 multi-state meeting in Medora, that they would begin work on getting the IRS to change their rules so as to allow a

exemption of township payroll taxes. He promised a full report on the

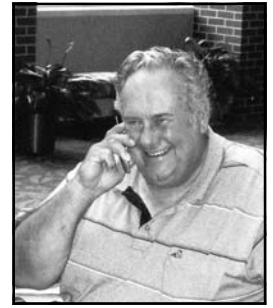
activities and progress to get the job done by the September 9, 2009 NATaT Legislative Conference in Washington, DC.

At this meeting, when asked by the Dakotas, he told us that we should contact our Congresspersons and Senators and ask them to contact the IRS and urge them to consider a rule change. **He had done nothing**, but stood ready to take the credit for our work and accomplishments as they had done in the past.

At the September 26, 2009 NDTOA State Board Meeting it was agreed to bring an action to the membership to consider the future of belonging to NATaT.

We have been paying over \$4,000 per year for dues and it has been costing about \$1,800 per quarter to send a representative to the national meetings. NDTOA has paid dues for four years and we ask ourselves what have we received in return?

Please come to the December 7, 2009 annual meeting in Jamestown and let us know what your wishes are.



**Happy Fall! Or is it winter? Hope we have some warm weather yet.**

**DUES, DUES, DUES!!** It is coming down to the end of our fiscal year, once again. At this time, there are still some counties and townships that have not paid their dues for 2009.

As you know, these were due *last* December. Thanks to those that have paid and paid on time. I would like to restate the importance of giving us a list of those townships that have paid.

That is the only way we have of knowing which townships have paid and are eligible to vote at the state convention.

Please, if you pay for partial counties, let me know which ones you are paying for. This has been improving, but has a way to go yet—October 31<sup>st</sup> is the end of the fiscal year.

It is my greatest hope that each one of you that is out there spending time on township work instead of spending time with family or doing fun things or just plain relaxing, realize the importance of your contribution.

Township government is the most efficient form of government and it is becoming more and more important that we have a place at the table when important decisions are being made.

For instance, the work that was done at the legislature this past session that dealt with increasing the dollars that townships receive for road work would never have happened if it had not been for the diligent work of our lobbyists and township officers that came to testify. We must not lose sight of that!

The state convention is coming up in Jamestown in December. We are

looking forward to having a change of place. We have been working hard to put together a convention that will be both informational and have some fun stuff, too. Be sure to take notice of the pre-registration forms and get them in as soon as possible. We look forward to seeing many of you there.

Thanks for all the work you are doing out there. Keep those dues coming in and we will see you in Jamestown in December.

*Barb Knutson, Treasurer*



Greetings to all! As I write this we're having our first snowfall of the year—it's way too early for this! It's supposed to warm up, however, so farmers should be able to complete a dry harvest, and township officers should be able to complete a fall road and sign inventory, without mudding up the roads.

Now if we could just get the hunters to watch where they're going! I did see a good bumper sticker the other day, though—it said "Watch out for the driver in the car following me!"

NDTOA's state convention is coming up in December in Jamestown. Look elsewhere in this issue for the schedule, etc. All township officials are invited, including supervisors, clerks, treasurers, zoning officers and dog catchers. It's bona fide township business so your township should spring for some financial assistance for you to go as well.

I'll be on the program not only with a Question & Answer Session, but **the Board has asked me to put together a session on the correct and proper way to run a township meeting.** That should be interesting, because my suspicion is that with over 1,000 townships in North Dakota, there are probably over a thousand ways to run a meeting! **Regardless, we'll review the meeting and notice procedures in Title 58 of our handbook regarding township meetings and have a good discussion.**

Speaking of open meetings and notices, the Attorney General has issued several opinions in the last several months regarding this topic, and I'll bring along some of those to share and discuss as well.

As I stated above, Fall is a good time to do a road and sign survey in your township. A lot of signs get knocked down over the course of the Summer and we often don't notice them being down, because we drive by the spot every day and fail to notice the obvious. That's why a ride with some other sets of 'eyes'—your fellow supervisors—really can be helpful. Document your trip by using the forms supplied by the ND Insurance Reserve office, or just make up a form yourself.

Remember, don't call my office in the first part of December, because I'll be at

Jamestown for the State convention, and you should be there too! Following are some calls I've received in the office this Summer. TRM

**Q.** Our REA power company wants to put in a new line with poles at the 30 foot point of our road right of way. Can we do that?

**A.** Yes you can allow it, but no doubt you may have problems in the future with snow catching and grass cutting around them. The biggest issue is the potential liability should someone strike these poles in an accident where the car driver had to 'take the ditch'. He will allege the obstacle (the pole) should not be in the right-of-way, and the township obviously has allowed this hazard to exist. You should make sure the power company signs a "hold harmless" agreement which states that they (the REA) will be responsible to and be liable for lawsuits stemming from such accidents. Additionally, if you are zoned with set-back requirements, you will have to consider variance for these poles as well.

**Q.** We've got a culvert under the township road which is blocked by silt and build-up over the years. We've asked the offending landowner to clean it but he says it's our responsibility?

**A.** Since you have called him the "offending" landowner, I'm betting that you can point to some of his ditching practices or poor soil management practices on his part which has caused the blockage. You can force a landowner to clean a ditch due to "improper conservation practices on that party's adjoining land (which) have led to unreasonable wind and water erosion" and charge the cost of cleaning to his land taxes. See Section 24-06-26.2 of our handbook. Or, if you're not sure of the culprit, then the township may have to foot the cost itself—maybe the landowner will go half?

**Q.** Who pays for culverts under road approaches—the landowner or the township?

**A.** Every township is different on this one. Some townships pay for all approaches and culverts, some townships pay for only one approach per half mile or mile, some townships pay for the culverts and the landowner pays for the

dirt work, and still other townships pay nothing for approaches. There is no set rule in state law. There is one item of concern, however. Regardless of who pays, the culvert should be set at the bottom of the ditch, and the township has full control over the placement of both the approach and the culvert.

**Q.** We need to borrow some funds for a road project. Can the supervisors do this, or do we need authorization from the township?

**A.** Most banks are going to require the township to issue a 'certificate of indebtedness' (see Section 21-02-02) where the township (political subdivision) promises to repay the loan from future tax levies. This section states the "political subdivision may borrow...." which in the township's case would mean the residents of the township authorizing the loan by resolution at the annual meeting or at a special meeting called for that purpose.

**Q.** We pay our supervisors 100 bucks a year. Do we have to keep track of the days they put in?

**A.** Township officer compensation is based on a daily rate of \$20 per day. If you pay an annual sum (the \$100 is way too low in my opinion!) you should keep track of the days worked—in your case 5 days. My guess is your officers put in many more days than that!

**Q.** With winter coming up and several of our "snowbirds" heading south, we were thinking of having our annual township meeting yet this fall, before everyone leaves. Will that be legal?

**A.** Annual township meetings must be held the 3<sup>rd</sup> Tuesday in March—no exceptions. You could have a special meeting of the township residents this fall, however, for informational purposes. You could even go over your projected budget that the supervisors will present next March—but no official action could be taken on that budget until next March. A fall meeting like this would also be a good time to gather input about the upcoming snow removal process and expected expense, plus get a head start on twisting arms for the upcoming March election!

# 6

# Grassroots Government Leadership Award

To recognize the leadership, creativity, and dedication of township officials, the NDTOA has established a leadership award to pay tribute every year to an individual whose community service exhibits the highest standard of dedication, ability and service.

### ELIGIBILITY

The award will be presented to an individual, locally elected official, currently in office. It will recognize him or her for their outstanding contributions on a sustained basis or from a single performance.

Nominees should have responsibility for accomplishing or causing to be accomplished significant programs or projects within their area of responsibility, to the ultimate benefit of the general public.

Examples of such professional accomplishments include local government cost-cutting, coordination of a major local volunteer effort, and promoting townships at the national level, establishing new local services or programs, and success in securing public or private funding for local projects.

### SELECTING CRITERIA

Nomination should include specific reference to the following features of the nominee's accomplishments as applicable:

- ❖ Complexity of the problem(s) addressed.
- ❖ Measurable improvements resulting from nominee's accomplishments.
- ❖ Use of original, innovative or creative approaches and solutions in difficult situations.

- ❖ Long-term or lasting benefit of the nominee's accomplishments.

### NOMINATING PROCEDURE

Nominations may be submitted by member townships and counties of the NDTOA. Nomination deadline is November 15, 2009. If additional nomination forms are needed, contact:

#### Kenneth Yantes

PO Box 104, Brocket ND 58321-0104  
(701) 655-3513 ken@ndtoa.com

### 2008 RECIPIENTS

Serving since 1954, twin brothers, Edward and Edmund Gumeringer of Pierce County, were given the Grassroots Government Leadership Award.

A nomination form is below for your convenience. Just complete and mail. It's that easy!

## North Dakota Township Officers Grassroots Government Leadership Award NOMINATION FORM

Name, title, local government, address and phone number of NOMINEE:

---

---

Your name, address and phone number

---

---

Please provide name, address, day phone, title and affiliation of two objective references who can evaluate the nominee's accomplishments:

1) \_\_\_\_\_

---

2) \_\_\_\_\_

---

Please attach a brief biography of the nominee summarizing positions held, civic and professional affiliations, and other relevant personal data. (Not to exceed two typewritten, double-spaced pages.) Also attach a summary of the major accomplishments for which the local official is being nominated, keeping in mind the examples and criteria listed above. (Not to exceed four type-written, double-spaced pages.)

The award will be presented at the County Association Annual Meeting and the NDTOA Annual Meeting in December.

# Districts and Others up for Election

The following districts are up for election:

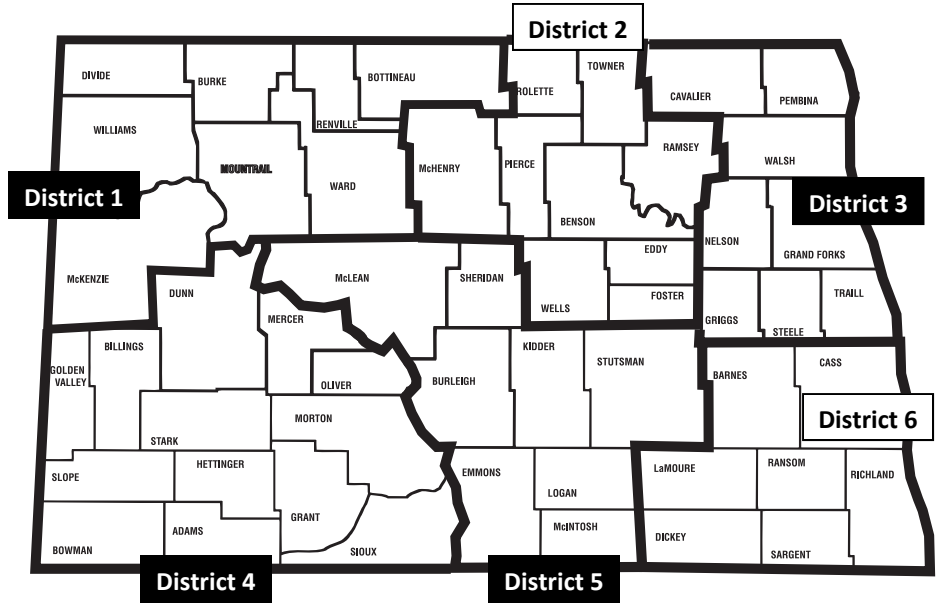
**District 1:** Floyd Miller, Director, Williston  
 Counties include: Divide, Burke, Renville, Bottineau, Ward, Mountrail, Williams and McKenzie.

**District 3:** Larry Syverson, Director, Mayville  
 Counties include: Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele and Traill.

**District 4:** Position Open. Counties include: Golden Valley, Billings, Dunn, Mercer, Oliver, Morton, Grant, Sioux, Adams, Hettinger, Bowman, Slope and Stark.

**District 5:** Barb Knutson, Director, McKenzie  
 Counties include: McLean, Sheridan, Burleigh, Kidder, Stutsman, Emmons, Logan and McIntosh.

Election will also be held for President and Vice President of the NDTOA.



## Resolutions from the Floor

In accordance with a motion passed by the State Board of Directors on September 27, 2008: Resolutions from the floor, that have not been handled by the Resolutions Committee, must be in written form and have a minimum of 100 copies to distribute to the membership present at the annual meeting.

This is a change from the past policy which called for a motion to suspend the rules, which required a 2/3 positive vote by the members present, in order to introduce a new resolution from the floor.

This change makes it all the more important for the grassroots members of NDTOA to send your resolutions to the Resolutions Committee in advance of the Annual Meeting on December 7, 2009.

Send to: Ken Yantes, Executive Secretary, PO Box 104, Brocket, ND 58321-0104

### NDTOA 2009 Annual Meeting Registration Form

December 7-8, 2009

Gladstone Inn, Jamestown, ND

Name(s) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Officer Position(s) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

City, State Zip \_\_\_\_\_

Township \_\_\_\_\_ County \_\_\_\_\_

Total No. Attending \_\_\_\_ @ \$25 per person (\$30 at the door)  
 \$10 spouse attending the Monday Night Banquet  
 \$ 7 spouse attending the Monday Luncheon

Total Amount Enclosed  
 \$ \_\_\_\_\_

Please complete and send this registration form, along with your check payable to NDTOA by **November 15, 2009** to Barb Knutson, 2600 236th St NE, McKenzie, ND 58572.

**NOTE:** Townships may pay from their general fund for officer's registration fees and expenses.





# Grass Roots Report

North Dakota Township Officers Association  
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## *The Editor's Notes*

Articles Due: January 15, 2010

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