



OCTOBER 2010



Grass Roots Report

The Official Newsletter of the ND Township Officers Association

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44th Annual Meeting Set in Bismarck

The 2010 annual membership meeting of the North Dakota Township Officers Association has been scheduled for December 6 & 7 at the Doublewood Inn located at **1400 Interchange Avenue in Bismarck.**

A block of rooms has been set aside at a special rate for ND Township Officers if you **make your reservations before November 15th.** When you call in for reservations be sure to mention that you are a member of the NDTOA. The phone number to call is (701) 258-7000 or 1-800-554-7077.

All township officers including supervisors, clerks, treasurers, assessors and any other appointed or elected township officers are welcome at this meeting.

Our by-laws state that only two (2) 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.

This year's pre-registration fee is \$35 which includes a noon lunch and the evening banquet on Monday, December 6th. This is an allowable expense for your township to reimburse you for.

The Annual Meeting is set to begin

on the morning of December 6th with registration. A special workshop on **The Do's and Don'ts of FEMA in Your Township** will be on Tuesday, December 7th.

December 6 is also the first day of the pre-session scheduled for all legislators. This may be a good time to meet and greet your legislators, as many know of our meeting, and may drop in to say hello.

Mark Verke, Risk Management Specialist for the North Dakota Insurance Reserve Fund, will speak on risk reduction for townships.

Cory Fong, ND Tax Commissioner, and Senator Dwight Cook, Chairman of the Senate Tax Committee, will discuss the newly proposed changes in property tax assessment.

Questions and comments from the floor will be welcomed after opening comments from the Tax Commissioner and Senator.

ND Secretary of State, Al Jaeger, will give a brief report on the importance of following the ND Century Code as you perform your duties as township officers.

The Awards Luncheon will feature the presentation of the Grassroots Government Leadership Award for 2010.

Cont'd on page 3

AGENDA for DECEMBER 6	
7:30 AM	Registration
8:30 AM	Welcome /Introductions Loren Ingebretsen, President Minnesota Assn. of Townships
	Rules of Operation
9:00 AM	Mark Verke, NDIRF Risk Management Specialist
9:30 AM	Improving ND's Assessment Process Cory Fong, ND Tax Commissioner Senator Dwight Cook
10:45 AM	Western Oil Producing Counties Vicky Steiner/Greg Boschee
11:45 AM	Steve Spilde, CEO NDIRF Proposed Section Line Legislation
12 Noon	Lunch Grassroots Government Leadership Award
1:00 PM	Business Meeting
	Call to Order by President Larry Syverson
	Reading of the Minutes by Executive Secretary Ken Yantes
	Treasurers Report by Barb Knutson
	President's Report by Larry Syverson
	Executive Secretary's Report by Ken Yantes
	Attorney's Report by Thomas R. Moe
	Committee Reports:
	Audit by Larry Syverson
	Budget by Larry Syverson
	Legislative by Ken and Larry
	Nominating by Floyd Miller
	Old Business
	New Business: Final Budget Actions
	Resolutions
	Elections: Directors for Districts 2, 4, 6
5:30 PM	Adjournment
6:30 PM	Banquet Legislator of the Year Award Entertainment—"On the Brink"
AGENDA for DECEMBER 7	
8:30 AM	Workshop "FEMA Do's and Don'ts" Greg Wilz & Associates
12 Noon	Meeting Concludes

NDTOA Officers

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Grand Forks, ND 58201
(701) 741-2120

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2600 236th St. NE, McKenzie, ND 58572
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16290 91st St. SE, Hankinson, ND 58041
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Legal Counsel

THOMAS R. MOE
Attorney-at-Law

President's Comments

Hello Township Officers,

I hope you are having a safe and successful harvest and that all of your landowners are getting the right-of-ways mowed. That can be a real challenge if your area has been burdened with heavy rains.

In the last issue I mentioned some proposals we are watching. The first is the transportation funding. The bill draft we have supported has been forwarded from the interim committee to be considered by the coming session of the legislature.

It calls for channeling more of the motor vehicle excise tax into the highway distribution fund. This would result in additional funds being distributed to townships, counties, and cities as well as to the ND DOT.

This is a very important financial step for townships. Should inflation continue, the added cost of vehicles will result in more tax collected and distributed for road maintenance.

The old gas tax just collected one cent per gallon of gasoline sold regardless of the price of a gallon. That did not provide any adjustment for the increased road costs.

Be sure to let your legislators know that North Dakota should devote all of the motor vehicle excise tax to transportation funding like nearly every other state does!

Another issue we are watching with some concern is termed the *New Assessment*. This is an initiative that is coming from the Tax Commissioner's office. The stated goal is to make the assessment of property more fair.

Taxpayers are also supposed to have better access to the information upon which their

assessments are based.

There were complaints that in some cases there were no records or that they were just scraps of paper in a notebook.

Computerizing the records is also being discussed and the possibility of some help from the state in doing that.

A statewide data base of assessment records may be developed.

There would also be penalties for failure to comply with directives from the ND Tax Commissioner and State Board of Equalization in the new system.

The penalty to a township would be to revoke the certification of an assessor. The county would then have to hire someone else that is certified to do the assessment and the cost of which would be charged to the township.

The county tax director could also lose his/her certification.

A ruling from the ND Supreme Court also poses a problem for townships. They struck hard at the "recreational immunity" law under which we have been protected from liability if someone using a right-of-way for recreation is injured.

An additional problem is that they ruled that even on an unimproved section line any unusual hazards must be marked if the supervisors have knowledge of them.

You don't have to fix every washout on every prairie trail but if you know about them you have to mark the hazard.



Cont'd on page 3

Presidents Comments

Cont'd from page 2

We are working with the North Dakota Insurance Reserve Fund, and several other entities that have roads and trails that are used by the public for recreational access, to rewrite the immunity law to eliminate the court's objections. Be sure to get those washouts marked; it may save a life.

We sometimes hear the comment that a township should just dissolve and let the county take over. That is what Mitchell Township of South Dakota did in 2002.

They have now voted to re-organize their township because the county just wasn't providing the level of service they needed and they also had no voice in a funding issue.

In Minnesota some of the cities are de-annexing areas they had taken from townships because they find they can not afford to extend the needed services to those areas.

Do townships have a place in 2010? I think these situations in our neighboring states show that townships are still relevant and important. The ability to have local control over the place you live is worth a little extra work.

Thank you for being a part of grassroots government; thank you for being a township officer.

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Multi-State Township Officers Meet

President Larry Syverson, Vice President Roger Olafson, District 6 Director Steve Ginsbach, Executive Secretary Ken Yantes and his wife, Darleen, attended a joint multi-state township meeting in Mahanomen, Minnesota in August.

Both North and South Dakota Township Officer Associations were invited to participate even though we are no longer members of NATaT. We both have dropped out of the national association due to the inactivity by the Ferguson Group in lobbying for our grassroots policies.

Executive Secretary Ken Yantes firmly addressed the assembly and explained the reasons for our grassroots policy developed at our 2009 Annual Meeting. Our membership voted to disassociate with NATaT until a lobbying firm that would represent us in Washington was employed.

Annual Meeting cont'd from page 1

The business meeting will start in the afternoon and will include reports from all standing committees, a Grassroots Policy Development session and the Election of Directors for Districts 2, 4 and 6 for a full afternoon program.

Anyone interested in serving on the NDTOA Board of Directors should contact Nominating Committee members: District 1 Director Floyd Miller, District 3 Director Al Bekkerus, District 5 Director Barb Knutson.

The evening banquet will begin at 6:30 p.m. and will feature the presentation of the Legislator of the Year Award and local entertainment by "On The Brink" singers.

A workshop on *The Do's and Don'ts of FEMA in Your Township* is scheduled for Tuesday. Greg Wilz, Director of ND Homeland Security and ND Emergency Services, and his associates will inform us of what we should know about the most current FEMA rules and regulations. They will hold a question and answer period. This workshop will conclude before noon.

Executive Secretary's Corner by Ken Yantes



At the 2009 Annual Meeting, newly elected president, Larry Syverson, pledged that NDTOA would take a more active roll in the 2010 interim committee process.

Larry and/or I have attended all Interim Tax Committee and Public Safety and Transportation meetings in addition to the Transportation Coalition, the ACIR and LTAP meetings.

We have played a part in signing a request letter to Governor Hoeven to increase his budget funding for the Highway Distribution Fund of which townships now share 2.7% of that fund.

We asked that the funding be increased from 25% of the excise tax to 100% for the next legislative budget period.

The letter was signed by all Transportation Coalition members. This could mean \$3.24 million of funding enhancement for townships.

During the last Transportation Interim Committee meeting, a

motion that would have increased funding in the Highway Distribution Fund by \$100 million was considered but failed.

The legislators didn't want to pass a funding proposal that was not enough to cover the costs incurred in the transportation infrastructure system.

The Upper Great Plains Transportation Institute is in the process of studying the problem and the committee thought it to be prudent to wait until the study was complete.

The Interim Tax Committee has been studying infrastructure damage and the oil revenue from the western oil producing area since the beginning of the interim period.

The Board of Directors of NDTOA met with the Oil Producing Counties President, Greg Boschee, and CEO, Vicky Steiner, in Belfield and they shared some of their road damage concerns due to oil exploration and extraction. We hope to learn more as both are scheduled to be at our

annual meeting this year.

We have traveled many miles and participated in the decision-making process through our testimony and presence on behalf of our membership.

We hope that this effort will aid in a successful 2011 ND Legislative Session.

Bylaw Change to be Considered

At the 2009 Annual Meeting the following motion was passed. A motion was moved by Williams County and seconded by McLean County to increase the annual state dues from \$100 to \$125 per township to begin with the 2011 business year. Motion carried.

According to NDTOA By-laws it must be reconsidered at the 2010 Annual Meeting in order to become effective.

It has not been feeling like fall the last few days, but we will take it! Thanks to those of you that have sent your dues in recently. This will help us get the end of the year figures in order.

The NDTOA Annual Meeting is coming up and we hope to see you all there. It will be in Bismarck and some of the legislators will likely be stopping in.

This would be a good time to let them know anything that you are concerned about.

Those that pay dues for multiple townships, please make sure I get a

copy of the townships that were paid through the county.

This is important when it comes to voting at the convention. If I have no proof that township has paid their dues, they are not eligible to vote. If they, in fact paid, they should have that right.

Just a reminder to use the web page that is being provided for you. With the legislative session coming up, this is a good way to keep up to speed with that.

I cannot stress enough that we need you all to know what is going on at the Capitol that affects us all.

In the past we have made differences by working together and can continue to do so by standing together.



Thanks for doing what you are doing out there. It is important to our country! Don't forget to exercise your privilege to vote.

Barb Knutson
Dist. 5 Director and Treasurer

The Country Lawyer by Thomas R. Moe, Attorney-at-Law

Greetings! The harvest season is in full swing and I hope this finds all in good health and everyone is practicing good farm safety.

I saw a copy of the old military recruiting poster the other day—the one where Uncle Sam is pointing out to the viewer with a most serious face and commanding “I want you!” That’s kind of the same message your NDTOA Board of Directors is directing towards all township officers in the State.

The Board “wants you” to attend the annual convention of NDTOA to be held in December! I’m always amazed when visiting with many of you over the phone to find out that so many have never attended a convention or one of our many regional workshops. It seems that many feel that they are not allowed to go, or that someone else must be the official delegate, or that there will be nothing there to learn.

Wrong on all counts! We have no delegates or “official” members, and there is usually something to be learned by everyone. It is official township business so expenses for travel, motel rooms and meals ought to be a bona fide expense of the township.

There’s always a good program plus the typical business carried out by any convention body. And, most importantly, it is the time for Resolutions to be brought forward which provide the foundation for NDTOA’s legislative policy agenda for the upcoming 2011 State Legislature.

It’s a good time to do a Fall road and sign survey, checking for any last road maintenance to be accomplished before freeze-up, and checking for reflectivity of your road signs plus noting any damage which may have occurred over the

summer. You may also want to give a call to those operators that need reminding about removing hay bales.

I’ve had several calls this summer about supervisor meetings and the need to give notice to the public of those meetings. Remember, any time you have a quorum, (2 out of 3 in most townships), the law treats that get-together as a “meeting” and all the rules for notice and open meetings come into play. Social gatherings are of course exempt, but don’t try and get cute and call the other supervisors over for coffee, and “Oh, by the way as long as we are together let’s decide to”

What an easy way for an open meetings violation to happen! I still think supervisors should just plan on having a regular monthly meeting.

Just one letter to the County Auditor for the entire year’s meeting schedule should suffice for notice, even if you later decide not to have a meeting in any given month due to lack of agenda items. It is surprising, however, that there is usually some item of business to handle every month under this arrangement. TRM

Q. We had a supervisor move to town over the summer. Does he have to resign his position right away? He is still farming.

The technical answer is yes. He no longer qualifies as a township officer if he had changed his residence which by the way, is a matter of his intent.

Perhaps he may still claim his residence at the farm house? Either way, my guess is that he will have to declare his town residence when he votes in the general election in November and eventually will

change the address on his drivers license, and mail delivery to town. Upon his resignation, the remaining supervisors can appoint a replacement to serve until the March annual meeting.

Q. Our township receives some oil royalties—enough to meet our budget requirements. Do we still have to put on a tax levy?

What a problem! As long as your needs are met with the outside income, I know of no requirements in the law to levy additional taxes. Your landowners will still receive levies from the County and the public schools of course, so it won’t be a total free ride, unless those other political subdivisions receive enough oil funding as well.

Q. How specific should minutes be? Sometimes all our discussions don’t get written down.

This is a tough question—because if every thought and statement is recorded for posterity, it would take reams of paper. Electronic recording is a good idea of course, but not always practical. My rule of thumb is can a reader of the minutes years later decipher what happened?

For example, my pet peeve is reading, “It was decided that...” Was there a motion? Was there a vote? Was it unanimous?

Here’s another example: “the township will gravel by the Johnson place.” Where is the Johnson place? (because it surely has changed hands by now.) How much did they gravel? What did it cost? Who did the graveling?

When making decisions regarding roads, I would advise always to document the section number and quarter where appropriate.

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 10, 2010.** If additional nomination forms are needed, contact:

Steve Ginsbach

16290 91st St. SE, Hankinson, ND 58041
(701) 242-7291/ 899-2096 cell

2009 RECIPIENT

Melvin Jensen was nominated by Duane Gronhovd, Chairman of Osna-brock Township in Cavalier County. He served as assessor for 57 years and clerk/treasurer for 21 years.

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.

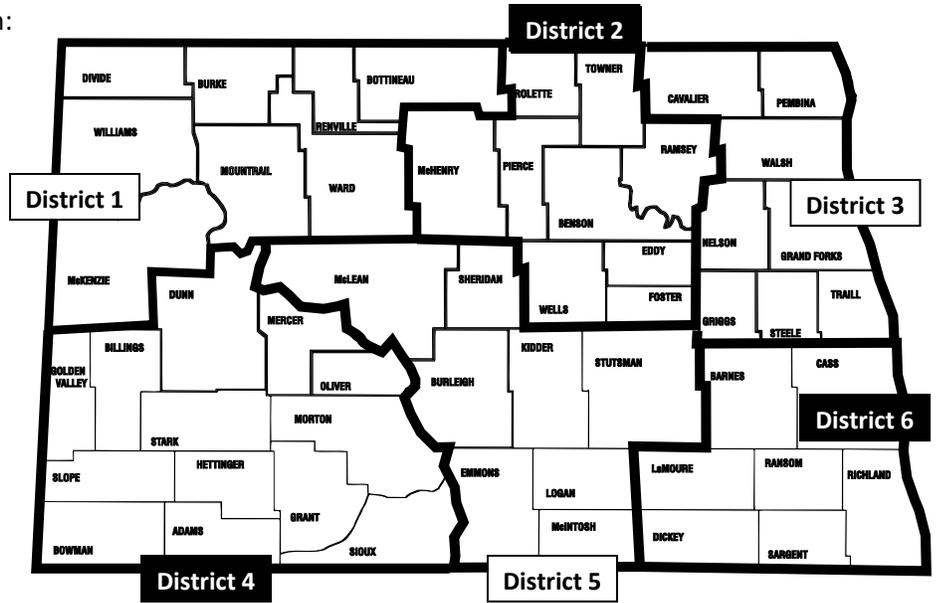
District Director Positions Up for Election

The following districts are up for election:

District 2: Ralph Olson, Director, Maddock Counties included are Rolette, Towner, Benson, Ramsey, Pierce, Eddy, Foster, McHenry and Wells.

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

District 6: Steve Ginsbach, Director, Hankinson. Counties included are Barnes, Cass, Ransom, LaMoure, Dickey, Richland, and Sargent.



Resolutions

Written resolutions should be sent to committee members:

Al Bekkerus
1890 12th Ave. NE
Grand Forks, ND 58201

Steve Ginsbach
16290 91st St. SE
Hankinson, ND 58041

Don Malcomb
4000 338th St SW
Berthold, ND 58718-9154

Or to the NDTOA office: Ken Yantes, PO Box 104, Brocket ND 58321-0104

They will be presented at the Resolutions Committee meeting on Sunday, December 5th.

NDTOA 2010 Annual Meeting Registration Form

December 6-7, 2010

Doublewood Inn, Bismarck, ND

Name(s) _____

Officer Position(s) _____

City, State Zip _____

Township _____

County _____

Total No. Attending ____ @ \$35 per person (\$40 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, 2010** 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
P.O. Box 104
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Articles Due: January 15, 2011

PLEASE SEND NEWS ARTICLES TO:

Ken Yantes, Newsletter Committee Chairman
P.O. Box 104, Brockton, ND 58321-0104
ken@ndtoa.com

Check out our website: www.ndtoa.com

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
P.O. Box 104, Brockton, 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.

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