



OCTOBER 2007
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The Official Newsletter of the ND Township Officers Association • NATaT Member

41st Annual Meeting of NDTOA Set for Dec. 3 and 4

All North Dakota Township Officers are invited to attend! Come to Minot and celebrate the victories of your organization. The meeting will be held in the **Grand International** at **1505 N. Broadway, Minot, ND.**

Please get your room reservations made soon as a special room rate for the "township block of rooms." The deadline to book one of these rooms at the special rate is November 18th. Call 1-701-852-3161 or 1-800-735-4493.

There will be some great door prizes this year. NDTOA will be giving away a free nights stay at the Grand International. All registered participants will be eligible for this drawing! There will be a Terry Redlin print that is beautiful and the Insurance Reserve Fund also has a very expensive surprise gift for that purpose. Come and find out what it is—you may take it home!

We had a very successful legislative session in Bismarck the first four months of this year. We were successful just

recently in getting our Payroll Exemption Bill introduced in Congress by Senator Conrad and the South Dakota Senators.

Our new treasurer, Barb Knutson, has been pleasing the Board of Directors with her computerized financial reports which tell us what happened to every penny of association funds.

The executive secretary is attending more meetings to defend our policies, has led a successful legislative effort in Bismarck and has been very successful as your National Director to NATaT in Washington, DC.

Tom Moe has reported that many legal questions have been successfully handled and the board has been very happy with his performance as our legal advisor.

We look forward, through the resolutions process, to hear what new challenges you would like to see the NDTOA accomplish for you.

DECEMBER 3

- 8:30 a.m. **Registration**
- 9:00 a.m. **Call to Order**
- Welcome:** Mayor Zimbelman
- Introduction of Guests:**
- Loren Ingebretsen
- Minnesota State President
- Flag Ceremony**
- Business Meeting:**
- Rules Committee Report on Conventions Rules of Operation, Reading of the Minutes-Executive Secretary, Treasurer's Report, Attorney's Report, Committee Reports: Audit, Budget, Nominating, Awards, NATaT, By-laws, Resolutions, Executive Secretary and Others
- Old Business**
- New Business**
- 12 Noon **Noon Luncheon**
- Township Awards
- 1:00 p.m. **Speakers** from Various ND Governmental Agencies
- Tom Moe: Open Legal Forum
- 5:00 p.m. **Adjournment**
- 6:30 p.m. **Banquet** with Entertainment
- Auction** with Don Malcomb, Chairman

DECEMBER 4

- 7:30 a.m. **President's Breakfast**
- 8:30 a.m. **Registration**
- 9:00 a.m. **Reconvene Annual Business Meeting—**
- President Thacker
- Final Budget Action
- Resolutions: Joanne Abel
- Elections of Directors: District 1, 3, 5
- Nominating Committee Report
- Election of Officers
- President and Vice President for 2 year term
- 12:00 Noon **Adjournment**

Resolutions From the Floor?

At a past annual meeting we had a misunderstanding regarding resolutions from the floor. Can we have them? Yes, it is possible. In order to have them brought before the assembly, there must be a motion passed by 2/3 majority of the members present to suspend the rules to handle the proposed new resolutions (those not acted on by the committee).

Resolutions Session to be Held

Vice President Joanne Abel will again hold a resolutions session during the 2007 annual meeting. Please send your proposed resolutions to her by November 15, 2007 to the following address: Joanne Abel, 2964 20th Ave. NE, Arvilla, ND 58214.

NDTOA Officers

CHUCK THACKER, President

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

JOANNE ABEL, Vice President

2964 20th Ave. NE • Arvilla, ND 58214
(218) 779-3062
joanne4mom@aol.com

KENNETH YANTES

*Executive Secretary/Director of
Governmental Relations & NATaT Director*
P.O. Box 104 • Brocket, ND 58321-0104
(701) 655-3513 • Fax: (701) 655-3513
(Please call before sending fax.)
ndtoa@polarcomm.com
ken@ndtoa.com

BARB KNUTSON, Treasurer

2600 236th St. NE • McKenzie, ND 58572
(701) 673-3198
knutsons@bektel.com

DONNY L. MALCOMB, Past President

4000 338th St. SW • Berthold, ND 58718
(701) 453-3285

FLOYD MILLER, District 1 Director

14954 57th St. NW • Williston, ND 58801
(701) 875-4280

RALPH OLSON, District 2 Director

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

LARRY SYVERSON, District 3 Director

Rt. 2, Box 44 • Mayville, ND 58257
(701) 786-2697
las@polarcomm.com

KERRY SCHORSCH, District 4 Director

Rt. 2, Box 15 • New England, ND 58647
(701) 579-4703
kerry@globaladvertising.com

BARB KNUTSON, District 5 Director

2600 236th St. NE • McKenzie, ND 58572
(701) 673-3198
knutsons@bektel.com

STEVE GINSBACH, District 6 Director

16290 91st St. SE • Hankinson, ND 58041
(701) 242-7291
ginsbach@cpinternet.com

STEVE GINSBACH

Alternate NATaT Director
16290 91st St. SE • Hankinson, ND 58041
(701) 242-7291
ginsbach@cpinternet.com

Legal Counsel

THOMAS R. MOE, Attorney-At-Law
39 1st Ave. NW • Mayville, ND 58257
(701) 786-2442
trmoe@polarcomm.com



President's Message *Chuck Thacker*

Greetings Township Officers!

Looking back, it sure doesn't seem like two years have gone by since I became president. We made a lot of changes these past two years.

One was getting a Executive Secretary and setting up an office where you can call to get help with township problems. It has been working very well.

Another big improvement was our new treasurer, Barb, has gotten things straightened out and has a good handle on our financial affairs.

It has been a busy year with the legislative sessions and keeping abreast of the bills concerning townships. I would like to thank Ken, Larry and Barb for testifying on behalf of all townships. Thanks also to the township officers who also came to Bismarck to help out.

This summer we had a very well attended meeting at Fort Ransom. We also went to Watertown, SD to a five-state NATaT meeting. I came away with a

wonderful feeling to think that others are working and thinking the same way. I also took in taxation meetings in Bismarck as well as ACIR meetings.

Ken had been very busy attending a NATaT meeting in Washington, DC which was very successful in getting our township payroll tax exemption bill introduced. Senator Conrad and SD Senator Johnson introduced it to Congress in early October.

The by-laws of our state association had some changes made and will be read and voted on at our upcoming annual meeting, December 3-4, 2007.

We have a very good program planned and some nice door prizes this year. You can even sign up for a chance to win a free room at the Grand International.

Don't forget the President's and Past President's breakfast! Be sure to nominate your township officer for the "Mr. Township Leadership Award."

Bring along your manuals so they can be updated. ***See you in Minot!***

Secretary's Corner

Ken Yantes, Executive Secretary

In the first week of October, Senator Kent Conrad and SD Senators Johnson and Thune jointly introduced legislation in the Senate that will exempt township officers from filing and paying payroll taxes on the first \$1,300 of income from their township. This will cover almost all North Dakota Township Officers.

A big thanks to the ND township officers that filled out the survey form that was on the front page of our September issue of the Grassroots newsletter. I carried 182 of these survey forms with me to Washington, DC and presented them in person to Senator Conrad.

He was very delighted to receive this input from his constituents. He looked at me and said this is very compelling testimony and I will work to correct this problem.

While I was in Washington, DC another 186 filled out survey forms came in to the Brocket office.

These were sent to Senator Conrad from his Bismarck district office. We have got the ball rolling now and hope to keep it rolling as the bill moves along its way in Washington, DC. I will keep you informed as to the progress in future newsletters.

I must tell you that I believe that our NATaT organization is doing what its forefathers intended it to do:

***Be an implementation tool
for our federal policies.***



Treasurer's Notes

Barb Knutson

Happy Fall!

I don't know where the summer went! I am pleased with the way that dues have been coming in. There are still a few out there and I want to remind you that our fiscal year ends October 31, so it would be good to get the 2007 dues in before that date.

Once again, the due date is December 1 and delinquent on April 1. We are trying to get back to that and have, for the most part done well. Thanks to all of you!

The convention is coming up in December in Minot. We have tried real hard to put together a program that will be helpful to us all.

It is important to have representation from all parts of the state so we can find out what challenges are out there and do our best to find ways to address them. Hope to see a lot of you there!

Always feel free to call me if you have any questions.

Always end the name of your child with a vowel, so that when you yell, the name will carry.

—Bill Cosby

"There are good days and there are bad days, and this is one of them."

—Lawrence Welk

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NATaT Report

Ken Yantes, National Director

I attended the NATaT Annual Legislative Conference in Washington, DC as a representative of the ND Township Officers on September 4-7, 2007.

A National Board of Directors meeting preceded the membership meeting. This meeting featured a review of our national policy that required federal legislative effort to implement. After discussion it was decided that our #1 issue was to have a bill introduced to exempt township officers from paying and filing federal payroll taxes. Plans were developed to accomplish this. (Go, do it Kenny!)

Other national issues were to be addressed while we were so close to our Congressmen and Senators. A great deal of concern was shown about Bill No. 2421, The Clean Water Revitalization Act of 2007 introduced by Representative Jim Oberstar from Minnesota. Jim Fisher, NATaT Director from Minnesota, set up a meeting with Rep. Oberstar and Ken Yantes to discuss the bill's affects on township road ditches. The meeting went well but please keep your eye on Bill No. 2421 in the future.

The opening session found 456 township members seated as voting delegates. This was an increase of 150 members from last year. The return to concentrating on being the legislative arm of our membership states seemed to spark new interest in attendance.

Steve Johnson, Administrator of the Environmental Protection Agency (EPA), our main speaker was escorted to the podium by NATaT Board Member Ken Yantes and NATaT President Keith Hite introduced Steve Johnson to all. The administrator pledged to have an open door policy with our nations Grassroots Government Officials...the Township Officers. He discussed past and present issues with the township officers present. This was a very interesting discussion for all.

Several concurrent sessions were held. I chose to attend a session on homeland security which was chaired by Wisconsin's Executive Secretary, Rick Sadelman. Edward Cash from the Homeland Security Bureau told us of the expenses required to run the programs of the Bureau.

Rep. Craig Sharmon, a member of the House Committee, explained the balance of

the members on the committee. He looked forward to seeing a greater shift of dollars to go to local government in the future.

The next speaker, Andy Weis, stated the same shift was apparent to him.

The next session that I attended was led by Connecticut's Executive Director, Bart Russell. This session dealt with volunteerism of our nation's citizens. Many speakers voiced the need to keep this alive and well. The NATaT has caused to be introduced a bill that will give tax incentives to volunteers and this was appreciated by all who spoke to us.

We had a federal affairs report from Matt Ward, The Ferguson Group's Director of Governmental affairs for NATaT, on our legislative platform and designated NATaT board members were to meet with specific congressmen and senators tomorrow to further implement the policies of NATaT.

Matt Ward led a long session on how to lobby members of congress. He used past activities of North Dakota's Ken Yantes as examples of how to do it and why each step is important to secure support for your organizations policies.

The next day we all went to Capital Hill. Each of us had designated different congressmen and senators to visit with and a list of policies to talk to them about. This list had policy #1 on it and that was to get a bill passed to exempt township officers from paying and filing payroll taxes.

The Minnesota State President, Loren Engebretsen, invited Ken to attend their early breakfast with the Minnesota congressional delegations. Senator Amy Klobuchar, Representatives Collin Peterson and Jim Oberstar were among those that spoke to the Minnesotans. Ken attended a meeting in Representative Oberstar's office immediately after the breakfast.

Ken went to the Senate Hart building to meet with ND Senator Kent Conrad, Minnesota State President, Loren Engebretsen, Gene Dufault, Special programs coordinator for Minnesota Association of Townships, Andrea Koczur, Minnesota Township Officer of Clay Co., Highland Grove Township and Andrew Seth with the Ferguson Group all accompanied Ken to Senator Conrad's office.

cont'd on next page

Ken presented Senator Conrad with 182 completed survey forms from ND Township Officers from all over the state and indicated that another 180 had come in the mail since he left home to come to Washington and they would be mailed to the Senator as soon as possible.

These surveys indicated the need to introduce a bill that would relieve township officers from paying and filing payroll taxes. Ken just happened to have a bill drawn up to do that very same thing in his briefcase which was presented to Senator Conrad for his consideration. Senator Conrad read the bill, smiled and said I will do this for the township officers. He held out his hand and Ken shook it. (A hand shake still means more than a stack of papers to a couple of North Dakotans).

I led this delegation to Senator Dorgan's office in the same building and introduced them to him. We discussed our needs with him and asked him for his support on the payroll tax bill as introduced by Senator Conrad. He looked it over and he agreed to support it.

With the North Dakota Senators in support of it we continued to lobby many more legislators until quitting time.

At days end, when I crawl into bed and shut off the lights, often my mind asks me, "Well, what did you do today for the NDTOA?" I was happy to say to myself, "As a representative of the North Dakota Township Officers Association, we have succeeded in working with the leadership of NATaT to establish our payroll tax problem as the No. 1 issue on a national level. With the support of our North Dakota organization and the support shown by the

membership responses to our mail survey, we have been able to be a big part of a successful campaign to convince Senator Conrad to introduce a bill that will be of benefit to all North Dakota Township Officers."

I wish to express a special thanks to the North Dakota State Board and President Chuck Thacker for building a fire under me and insisting that I carry the ball for our team as your National Director to Washington, DC.

"Let us live so that when we come to die even the undertaker will be sorry." —Mark Twain

"Always and never are two words you should always remember never to use."

—Wendell Johnson

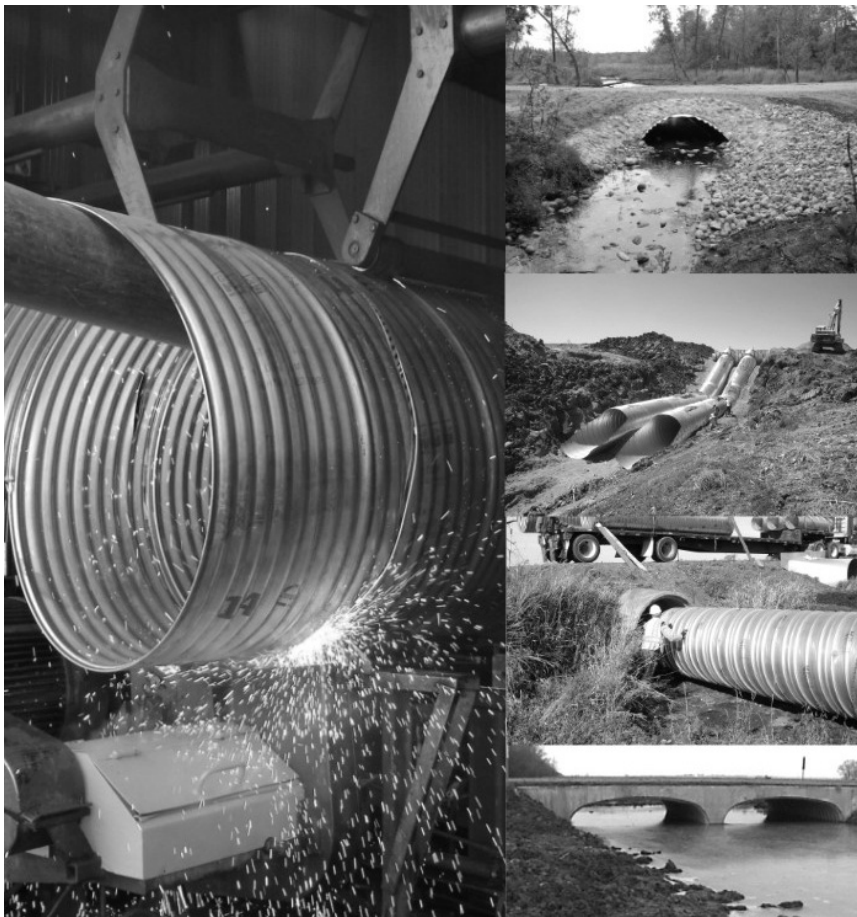
Auction Items Appreciated!

The NDTOA auction will be held again this year. Donations are needed to make this activity a success. Please bring crafts, Pride of Dakota regional manufactured products, ethnic foods and any other items that are unique to your area to the annual meeting.

Thanks for your support! We appreciate it!



www.ndtoa.com



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District 6 Notes

Steve Ginsbach, Director

Greetings from the southeast corner of North Dakota to all township officers. This growing season has truly been a roller coaster ride in our corner of North Dakota this year. The greater part of the season so far has been on the wet side again. Then there are areas that had the faucet shut off for the last half of summer and the crop outlook is from feast to famine across our district. It just depends if you were under the right cloud as it emptied itself or if the cloud was empty when it passed over your field.

The states of North Dakota, Minnesota, and Wisconsin were invited to Watertown, SD for a multi-state summer meeting on July 30 & 31, hosted by the South Dakota association. Our NDTOA accepted the invitation and several board members attended. This was very convenient for me as it was just across the border.

Each state had a state meeting and other states were invited to sit in. I chose the South Dakota group to sit in on. It was a very business like meeting, but still down to earth as the grassroots government that is the first rung of the ladder tracks its members, its neighbors right down the roads, governing their local needs of the community.

The South Dakota association is trying to get more members so as to be more effective with a greater voice. They presently have 508 townships and 80 small towns totaling their membership. A proposed pipeline route through South Dakota was discussed and the many aspects of how it will affect townships.

It was as though I was sitting in a North Dakota Township meeting as many issues

were the same as we have been battling ourselves. To wet in the east, roads, culverts, illegal drainage and dry in the west and everything associated with that and how the townships are dealing with these acts of Mother Nature on a very slim budget.

On Tuesday there was a group meeting and a conference call with the Ferguson Group in Washington, DC. We found out that each state there that day has been told a different story about Emergency Management, First Responders, government officials and what qualifications are required for them. As each state was different NATAT board members at Watertown instructed the Ferguson Group to check in to this for us.

By the end of the meeting on Tuesday we all had conversation with different state township officers and found our common problems to be very similar in the upper midwest. We must work together so all can improve these problems that are so common to our four states.

The second Tuesday in August according to NDCC is the date for the ND State Board of Equalization. It was held on August 14, 2007 at the State Capitol in Bismarck. It was directed by the NDTOA state board to attend this meeting on your behalf. The Governor is the chairman and the State Supervisor of Assessments presents to the state board what has been done at the Township Board of Equalization and the County Board of Equalization. This is step number 3 in our taxation process in North Dakota.

Marcy Dickerson reported to Governor Hoeven and the board that only one

county was not in compliance of plus or minus five percent of 2007 true and full value.

That county asked the board to accept this as this land would be changed in valuation by the end of the year because of different ownership.

The commercial values had only three counties not in compliance. These counties also asked to remain as is for reasons of assessments in these counties are still in the assessing process.

The residential values had seven counties not in compliance. These counties also asked to remain as is as their assessments are also in the process of being completed. The board will take these requests into consideration as they make their final decisions.

Only a couple taxpayers came forward to present their concerns with the 2007 assessment put on their property. I'm not sure if taxpayers are content with these valuations or just do not have the time to go to Bismarck to attend this meeting to show their disapproval of the current tax laws in North Dakota.

Your District 6 director reiterated to Governor Hoeven our position that some form of tax restructuring is needed in North Dakota. He told me that we started some work this year and will look again at this issue next session. I stated to him that the North Dakota Township Officers Association will gladly work with him on this next session.

In conclusion I wish all township officers a safe and prosperous harvest season.

NDTOA 2007 Annual Meeting Registration Form December 3 & 4, 2007 • Grand International • Minot, 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

Total Amount Enclosed \$ _____

Please complete and **send this registration form** along with your check payable to: NDTOA
by **November 16, 2007** 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.

ACIR Interim Committee Meets on Extraterritorial Zoning by Cities

The Chairman, Representative Lee Kaldor, called the October 3, 2007 meeting of the ACIR to order in the Roughrider Room of our state capitol building. We heard from Mr. Paul Murphy, Foster County State's Attorney on State's Attorney services in rural areas.

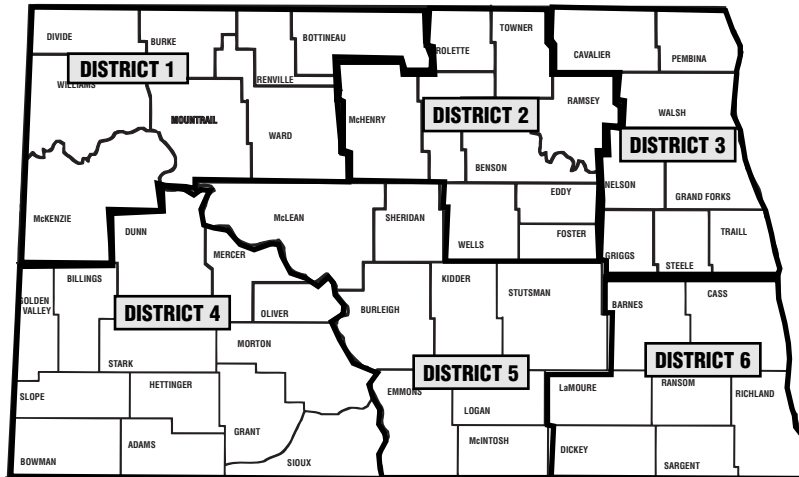
Jon Mielke from the Upper Great Plains Transportation Institute gave a talk on what they are doing with spreading the word that we need to get increased funding to local political subdivisions. He was asked if his plans for meetings included an agenda item of the funding for 56,000 miles of township roads in North Dakota. He responded that it would.

The rest of the meeting consisted of representatives of the cities showing why they needed the four mile extraterritorial authority and grassroots township residents indicating the loss of controls, tax money loss to their townships and increased costs of living in the extraterritorial zoned areas through huge building permit increases.

The committee decided they had heard from mostly surrounding area citizens and wanted input from other parts of this state. It was suggested and confirmed that the committee meet in Grand Forks or Fargo in the first part of January 2008 to gather input from the eastern part of North Dakota.

It will be extremely important that affected township officers come to this meeting to voice your concerns on this subject.

NDTOA Board Districts



DISTRICT 1: Floyd Miller, Director Williston, ND

Counties included are Divide, Burke, Renville, Bottineau, Williams, Mountrail, McKenzie, and Ward.

DISTRICT 2: Ralph Olson, Director Maddock, ND

Counties included are Rolette, Towner, Benson, Ramsey, Pierce, Eddy, Foster, McHenry, and Wells.

DISTRICT 3: Larry Syverson, Director Mayville, ND

Counties included are Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele, and Traill.

DISTRICT 4: Kerry Schorsch, Director New England, ND

Counties included are Golden Valley, Billings, Slope, Bowman, Adams, Hettinger, Stark, Dunn, Morton, Sioux, Oliver, and Mercer.

DISTRICT 5: Barb Knutson, Director McKenzie, ND

Counties included are McLean, Sheridan, Burleigh, Kidder, Stutsman, Emmons, Logan, and McIntosh.

DISTRICT 6: Steve Ginsbach, Director Hankinson, ND

Counties included are Barnes, Cass, Ransom, LaMoure, Dickey, Richland, and Sargent.

The following districts will be electing their directors to the Executive Board for a term of two years at this year's annual meeting: **District 1** served by FLOYD MILLER, **District 3** served by LARRY SYVERSON and **District 5** served by BARB KNUTSON. All three directors are eligible for re-election.

Variety of Township Forms Available

The described township forms will be available to purchase at the annual meeting on Monday, December 3rd.

If you are unable to attend and are interested in purchasing the forms at a later date, please contact:

Kathy Holte

Lowe's Printing, Inc.

P.O. Box 1116, Minot, ND 58702

E-mail: kathy@lowesprinting.com

Fax: (701) 852-2119

Additional forms can be produced, and printed—call and visit with Kathy.

- INCOME SHEETS
- TREASURER'S ACCOUNT
- REGISTER OF TOWNSHIP WARRANTS

All of the above three are printed two sides on 8-1/2 x 11 32# white ledger stock and are drilled 3-hole for standard loose leaf binder. Package of 50 sheets is **\$14.95** plus shipping.

- ELECTION BALLOTS

These sheets are 4-1/4 x 11 printed one side on 50# white paper in pads of 25 sheets. **\$2.49** per pad plus shipping.

- MILEAGE FORMS

These sheets are 6-7/8 x 8-1/4 printed two sides on 50# white paper in pads of 25 sheets. **\$4.49** per pad plus shipping.

NEW!

- ANNUAL FINANCIAL STATEMENT AND PROPOSED BUDGET OF THE BOARD OF AUDITORS

These sheets are 8.5 x 11 printed two sides on 32# white ledger stock, and are drilled 3-hole for standard loose leaf binder. Package of 10 sheets. **\$9.95** plus shipping.



The Country Lawyer

Thomas R. Moe, Attorney-at-Law



Greetings to all! The Fall harvest season is off and running. It's been kind of rainy the last couple of days, though, and whenever it rains I'm always reminded that modern man has the genius to make it rain, but often lacks enough common sense to come in out of it.

My dad always told me "don't pray for rain if you're going to complain about the mud." Hopefully, the weather will get back to normal and we can finish fall work and township officers can get their annual fall road and sign surveys accomplished before freeze-up.

The annual NDTOA convention is soon upon us, and I know there should be an informative program for everyone in attendance. I've spoken with several of you over the summer and you all promised me you would come to Minot for the convention this year! Don't fail me! One of the items we'll be discussing will be some By-Law and Constitutional changes which are outlined elsewhere in this issue.

Most are "housekeeping" types of changes, in that you already approved the changes at earlier meetings, but now action is required to amend our governing documents accordingly.

Remember, any officer can and should attend the state convention, as there is no longer any requirements for a certain number of delegates or only those who have been "selected" can attend. Your township should help defray your expenses as it is official township business to send people to our state convention.

I've had some questions lately about resignation of township officers—specifically when should a resignation become effective when an officer moves to town, for example. Our state law tells us that one cannot gain a new residence until the old one is given up. Intent of the person is really the crux of the issue.

I've always felt that once a person has moved away, he/she has given up their old residence and acquired a new one. But, if the person has moved to town, yet still maintains a farm house and receives mail for example, at the farm, then that person probably has not yet given up their residence. It would be up to that person to declare via a Voter Affidavit that the farm is still the "resi-

dence." I guess a person can have many houses, but it really is up to that person to declare which one is the residence.

Obviously, if someone bulldozes down the old farm house, or sells off the farmstead, and then moves to town, the change of residence has probably occurred. Each situation has to be taken on a case by case basis.

The point is, make sure township officers are indeed residents of the township. If there is a question, have the person sign (under penalty of perjury I might add) the Voter Affidavit wherein the residence is listed. These forms are in the Appendix portion of our handbook.

Speaking of the township officer's handbook, a new version is in the offing. Let me or Ken Yantes know if there is anything you would like to see added to the handbook, such as additional sections of the Century Code, or any forms or publications which could be helpful.

We'll be printing an entire new handbook this time, so watch for its distribution—probably by workshop time next winter.

Have a safe fall season. Following are some questions I've received in the office lately. TRM

Q. The phone company is not mowing their phone connection box. It's off the right of way. Can we mow it for them and charge against their taxes?

A. Probably not, because you can only deal with mowing issues (or lack of it) within the right of way. Maybe if you had a zoning ordinance that deals with mowing spaces which are not on the right of way you could do something, but that would have to be very specific and enforced township-wide. Your best bet is to find someone to "volunteer" to do the mowing. A letter to the phone company documenting the problem wouldn't hurt either.

Q. We have hardly any residents left in the township. Those of us left don't want the county to take over. Is merging a good idea?

A. I think so, because that's better than turning everything over to the county. At least you would retain some semblance of local control that way. Up to five townships can merge, and it requires a hearing and an affirmative vote in each township affected. The procedure is outlined in our handbook under Section 58-05.1 Multitownship officers.

Q. Our school board arbitrarily changed a school bus route so that is now across one of our minimum maintenance roads. Can they do that?

A. The word "arbitrary" is key. No, a school board cannot dictate to a township, or any road authority for that matter, which roads it demands to use. Now obviously, if a family has moved into a home which was previously vacant (which originally was the qualifier for your minimum maintenance designation) then the conditions have now changed, and the road now has someone living adjacent to it, and the designation would no longer be appropriate. Conditions do change from time to time and the minimum maintenance designation needs to be reviewed periodically as well.

Q. Do assessors have to be bonded? And what exactly is the purpose of a bond?

A. Yes, assessors are required to be bonded, along with the clerk and the treasurer. See section 58-05-05. A bond will pay the township if any one of these folks absconds with the money! (up to the limit of the bond). The State Bonding Fund usually provides these bonds for the minimum requirements free of charge.

Q. My friend Frank says that as long as there is no road built on a section line, then there is no right of way there. I say that the 66 foot right of way is still there whether there's a road there or not, even if the section line is under water. Who's right?

A. You are right and Frank is wrong. It's been that way since Abe Lincoln signed the Homestead Act of 1863!

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 he or she 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, promoting townships at the national level, establishing new local services or programs, and success in securing public or private funding for local projects.

SELECTION 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 one month prior to annual meeting. If you need an application, contact:

KENNETH YANTES

P.O. Box 104 • Brocket, ND 58321-0104

(701) 655-3513

ndtoa@polarcomm.com

2006 RECIPIENT

Victor Anderson of Benson County received the Mr. Township Grassroots Leadership Award last year for many years of service to his township.

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 typewritten, double-spaced pages.)

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

Claims Mediation NDIRF Staff

On average, approximately 1,800 new claims are reported to the NDIRF Claims Department each year. Most of these claims have a financial exposure of less than \$10,000 each and are usually resolved very quickly. Larger dollar-value claims, while far fewer in number, average about 87% of the NDIRF's total open reserves at any given point in time. Approximately 25% of these larger claims are always at some stage of litigation or other legal proceeding—it takes longer to resolve them because of disputes regarding fault or damages and, in fact, it can take several years to conclude the most serious claims.

When a member or covered party is sued, the NDIRF assigns legal counsel who then represents these named defendants. Some litigated claims are subsequently dismissed upon motion, as a matter of law, while others are defended through trial or resolved in some other way during the litigation process. One of the means for settlement of disputes short of trial in these cases is mediation.

Mediation is a voluntary process where the parties to a lawsuit meet face-to-face in the presence of a mediator (usually an experienced trial attorney whose fees are paid equally by both sides), whose function is to promote and facilitate a mutually acceptable resolution of the matter in dispute. Typically, the mediation begins with convening all parties for an explanation of the process and attorneys for each party are sometimes allowed to make an opening statement at that time. The parties then separate and the mediator shuttles back and forth between the rooms, inter-

acting privately with each group while communicating the plaintiff's demands and defendant's responses in an effort to narrow the gap between demand and offer.

Mediation is appropriate only when each party is willing to make a good-faith effort to settle the dispute and the process often produces this outcome. Sometimes, just the fact that mediation provides an opportunity for the plaintiff to tell their story and have someone listen to them is helpful in leading to resolution. The procedure is confidential—anything said or done at mediation cannot be sued in a subsequent trial should the mediation fail.

From the NDIRF's perspective, we believe that mediation allows a plaintiff to better understand the downside risks of litigation versus settlement of their claim. A plaintiff's attorney, for example, may not have fully informed their client of certain legal obstacles or other issues that the plaintiff may be required to overcome in order to prevail at trial. Mediation provides the NDIRF with an opportunity to point out weaknesses in a plaintiff's case, through the offices of the mediator, which may not have been previously considered. This can often result in a plaintiff taking a more realistic view in evaluating their case.

Litigation is a risky and very expensive process that is exhausting for both parties. Studies show that a high percentage of mediated cases are settled short of trial. When appropriate, the NDIRF uses mediation as a cost-effective tool to resolve litigated claims

By-law and Constitution Proposed Changes

The NDTOA By-Law and Constitution Committee met and reported to the State Board of Directors proposed changes in the By-Laws and Constitution.

The Executive Board has approved these changes and will be sending them to the 2007 Annual Meeting to be voted on by the membership.

CONSTITUTIONAL PROPOSED CHANGE

The Constitutional proposed change is found in Article III in the 3rd line from the top following the word December - Insert the following sentence: The quorum for said meeting shall be the number of members present at that time.

BY-LAW PROPOSED CHANGES

1. Article VIII in the first line after the word be - delete the \$50.00 and insert \$100.00;
2. In the second line of Article VIII after the word and - delete \$55.00 and insert \$105.00.

This sentence will then read as follows: The annual fee for membership in the association shall be \$100.00 per year per township in counties with a county organization and \$105.00 per year per township in counties without a county organization.

3. Article XI in the second line after the word appoint - delete Secretary and Treasurer and insert an Executive Secretary who shall also serve as Secretary of the Association and a Treasurer who shall also serve as Treasurer of the Association.

Article XI will then read as follows: At the first meeting of the Board of Directors after the annual meeting, the Board of Directors shall annually appoint an Executive Secretary who shall also serve as Secretary of the Association and a Treasurer who shall also serve as Treasurer of the Association.

4. Delete all of Article XIV.

Delete all of the following: The Executive Board shall establish a full time Executive Secretary/Director of Governmental Relations and have the Executive Board figure out how to fund it. The NDTOA dues shall be raised by \$50.00 per township member to be used for funding of a full-time Executive Secretary/Director of Governmental Relations position.

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Newsletter Editor Notes...

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E-mail: kathy@lowesprinting.com
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Check out www.ndtoa.com

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