

GRASS ROOTS REPORT



FALL 2016

The Official Newsletter of the ND Township Officers Association

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Notice of the 50th Annual Meeting of NDTOA

by Larry Syverson
Executive Secretary

The 50th Annual Meeting of the North Dakota Township Officers Association will be held December 5 and 6, 2016 at the Ramada Inn, 1400 East Interchange Ave, Bismarck, ND.

Convention registration is \$50 per person at the door or \$40 if pre-registered and paid by November 18, 2016.

Mail the completed registration form and payment to: Barb Knutson, 2600 236th St NE, McKenzie, ND 58572.

Your registration covers the cost of the Monday luncheon and evening banquet. It should be noted these are not just meals but are part of the program with informative speakers.

Hotel reservations can be made at 701-258-7000. Call by November 18 and tell them you are with ND Townships to receive the convention rate.

All township officers are urged to attend—this is your meeting! Costs such as convention registration, hotel charges and mileage are allowable township expenses.

Monday morning registration will begin at 7:30 a.m. The sessions will begin at 8:30 a.m. The convention

will break at noon for the provided awards luncheon with the Grassroots Leadership award presented to this year's selected Outstanding Township Officer.

The convention will resume at 1:00 p.m. with the annual business meeting. Reports of finances and association activities will be given at that time. Elections for three (3) directors will be held. (*see list in separate section*).

While all township officers are welcome to participate at the meeting, the by-laws limit each dues-paid county to two (2) votes.

After the adjournment of the business meeting, there will be a "no-host social" (cash bar) at 5:00 p.m.

The evening banquet will begin at 6:00 p.m. At that time the Legislator of the Year Award will be presented followed by the banquet speakers.

Tuesday morning registration will begin at 7:30 a.m. The sessions will begin at 8:30 a.m. There will be presentations by several speakers to fill the morning.

The 50th Annual Meeting of the North Dakota Township Officers Association will adjourn by 12 Noon on Tuesday, December 6, 2016.

Registration form is on page 4. Take a look at the two day's list of guest speakers as follows.

MONDAY, DECEMBER 5 GUEST SPEAKERS

Pamela Sharp, ND Office of Management and Budget Director, will speak on the changes we have seen in state finances and where it is headed.

Grant Levi, Director of the ND Department of Transportation, will cover the shrinking fuel tax revenues and the challenge to road and bridge funding. He will also report on the truck size and weight harmonization study.

Julie Fedorchak, ND Public Service Commission Chairman, will speak on the procedures the commission goes through for siting powerlines, wind turbines and cell towers, also the roll the PSC has in pipe line monitoring and safety.

EVENING SPEAKERS

President Roger Olafson and Larry Syverson, Director of Intergovernmental Relations, will present this year's Legislator of the Year Award.

Alison Ritter, Public Information Officer for the Department of Mineral Resources will give a presentation on the changes in petroleum production and forecast, progress on flaring reduction and pipeline monitoring and safety.

Cont'd on page 3

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President's Comments



Hello everyone,

Did I say something in the last newsletter about having extremely wet conditions? Well, it is even worse now, a lot worse! And of course, ground doesn't dry very fast this time of year.

Reports of possibly hundreds of acres of potatoes that won't get harvested due to wet conditions in addition to hundreds of acres that were destroyed or seriously damaged by a couple hail storms this summer.

Edible beans are similarly suffering, or maybe I should say "in the same boat."

Township roads are hurting also due to excessive moisture making them softer and a lot of mud being brought up on them by trucks and equipment.

As you will notice elsewhere in this issue, plans are getting finalized for the NDTOA annual convention. Since this convention will be observing 50 years of NDTOA serving township officers across the state, it would be great to see a good turnout to help recognize this milestone.

Since we are meeting in Bismarck we plan on inviting several legislators to drop in to see what we're all about. There were a few that attended our Monday evening social hour and/or banquet the last time we met in Bismarck.

This makes a good turnout even more important as most legislators will tell you that numbers mean something to them.

The question of how to deal with obstructions, especially trees, in the public right of way (33' each side of all section lines) has been coming up quite frequently lately.

See the Discussion Forum section

on our website, ndtoa.com, for a couple of examples. Chapters 24 and 63 in the Township Officers Handbook have information on how to avoid and/or deal with these problems.

Keep in mind that proper action taken by current township officers can prevent these issues from becoming problems for future officers many years from now, along with the fact that it is the job of the supervisors and/or road overseer to be vigilant of any developing problems and then act accordingly if any problems are detected.

The annual meeting of the township may seem to be a long ways off but it is not too early to be looking for new officer candidates if you know you have someone planning on retiring from their position or if there has been a recent vacancy that needs to be filled.

Let's do our jobs diligently and keep our form of Grassroots Government alive and well.



State Revenue Distributions

The Office of State Treasurer is responsible for a number of distributions to political subdivisions across the state. To help you identify these distributions and the dollars affecting your community go to our website at www.nd.gov/treasurer

For questions or assistance, please contact the Office of State Treasurer by calling 701-328-2643.

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TUESDAY, DECEMBER 6
GUEST SPEAKERS

Dale Heglund & Denise Brown, ND Local Technical Assistance Program, presentation on road issues.

Sandra DePountis, Assistant ND Attorney General, will give a presentation on open meetings and records.

Marty Visto, Township Software Developer, will demonstrate the township records and reports software (ATLR).

NDDOT Needs Help Identifying Highway/Rail Traffic Safety

The NDDOT is requesting your assistance to identify locations within your area where highway/rail traffic safety could be improved.

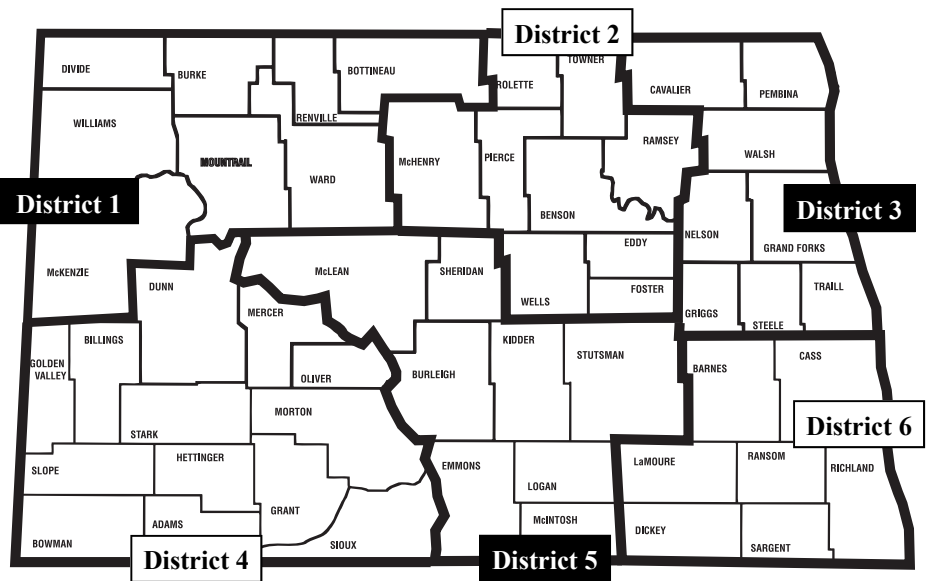
The information provided should contain the location of the grade crossing by street or road name and the distance and direction to the nearest town(s).

NDDOT has annual federal funds available for safety enhancement projects at approximately 15 to 18 rail or highway at-grade crossings. These funds are used for the installation of active warning devices (e.g. flashing signals with gates), crossing signs and crossing surface improvements.

The funding breakdown for the actual cost of a project is: Federal Funds: 90%/Local Road Authority/County: 10% (unless the road authority is a town with a population of less than 5,000 or the crossing is on a township road).

Email concerns to: jstyron@nd.gov before December 30, 2016 or write: Jim Styron, Rail Planner Planning/Asset Mgmt. Div., NDDOT 608 E Boulevard Ave. Bismarck ND 58505-0700.

NDTOA Elections to be Held



District Directorships to be filled this annual meeting are as follows:
DISTRICT 2 consists of the following counties: Rolette, Towner, Benson, Ramsey, Pierce, Eddy, Foster, McHenry and Wells. *Directorship has been held by Mark Shipley, Devils Lake.*

DISTRICT 4 consists of the following counties: Golden Valley, Billings, Slope, Bowman, Adams, Hettinger, Stark, Dunn, Morton, Sioux, Oliver and Mercer. *Directorship has been held by Leon Monke, Regent.*

DISTRICT 6 consists of the following counties: Barnes, Cass, Ransom, LaMoure, Dickey, Richland, and Sargent. *Directorship has been held by Steve Ginsbach, Hankinson.*

A candidate to be an officer or director of NDTOA must be a currently elected township officer. Anyone interested in serving on the NDTOA board of Directors for those districts or as an officer should contact a nominating committee member: District 1 Director Tom Wheeler, District 3 Director Al Bekkerus, or District 5 Director Barb Knutson. Contact information can be found on page 2 in this newsletter.

SUBMITTING RESOLUTIONS TO THE NDTOA ANNUAL MEETING

If your county has an issue that you feel should be addressed by NDTOA, bring it to the annual meeting as a written resolution.

All written resolutions should be sent to the NDTOA office: Larry Syverson, 465 150th AVE NE, Mayville ND 58257 or given to your District Director no later than Friday, Nov. 25, 2016.

They may also be emailed to the office: larry@ndtoa.com no later than Friday, December 2nd.

The Resolutions Committee will meet on Sunday evening, December 4, 2016, after the close of the Board of Directors meeting.

Steve Ginsbach, 16290 91st Street SE, Hankinson, ND is the Committee Chairman.

Open Record and Meetings: Township Responsibilities

By Sandra DePountis, Assistant Attorney General for the State of North Dakota

As many of you are aware, townships are subject to North Dakota's open record and meeting laws and it is therefore advisable to have a basic understanding of these laws.

As a general overview, any "record" in the possession of a public employee or township supervisor regarding "public business" is considered an open record, unless a law says otherwise.

A "record" is defined as recorded information of any kind and includes audio and visual recordings, text messages, and emails.

Any person can make a request for a public record and you would need to point to a specific law in the North Dakota Century Code, or a federal law, to withhold the information.

Please be aware that there is a duty to respond to an open records request within a reasonable time.

As for meetings, anytime there is a quorum, that is, one half or more, of

the township supervisors present and public business is discussed, it is a meeting subject to open meeting laws which requires proper notice and public access.

The same is true for any committee. If the supervisors delegate any part of their public business, even if it is just gathering information, to any two or more people, a "committee" is created that is subject to the same open meeting law requirements.

Notice of a supervisor or committee meeting must be posted prior to the meeting at the township's main office, if one exists, on either the township's website or with the county auditor, and at the location of the meeting on the day of the meeting.

For special meetings, notice must also be given to the official newspaper. Although the general open meeting laws do not require this notice to be published, there are several laws that require published notice for certain Township meetings.

The 2016 NDTOA handbook provides reference to such meetings and also contains many of the laws applicable to open records and meetings.

The Office of Attorney General also has several resources available on its website including manuals, fact sheets, summaries, and opinions.

Thank you for this opportunity to briefly discuss a township's responsibilities under the open record and meeting laws and I would urge you to utilize these resources to familiarize yourself with the laws.

DISCUSSION FORUM ONLINE: If you have any questions about situations in your township, please click on the "Discussion Forum" tab at www.ndtoa.com and we will post them. Someone else has probably confronted the same situation and be able to help you.

NDTOA 2016 50th Annual Meeting Registration Form December 5 and 6, 2016 Ramada, Bismarck ND

Name(s) _____ Officer Position(s) _____

City, State Zip _____

Township _____ County _____

Total No. Attending ____ @ \$40 per person PRE-REGISTRATION (\$50 at the door) Total Amount Enclosed
____ @ \$10 spouse attending the Monday Night Banquet \$ _____
____ @ \$ 7 spouse attending the Monday Luncheon

Please complete and send this registration form, along with your check payable to NDTOA by **November 18, 2016** 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.

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! My how time flies! November is here and I'm still working on July projects. We've had a pretty quiet fall, however, and the harvest is progressing nicely. Several townships have called about getting some final roadwork accomplished before freeze-up, so that is good news as well.

By the time you read this, the fall election season will be over and we'll know who the winners and losers are. Hopefully we are all winners!

Make sure to greet your newly elected legislators, especially those who are newcomers. They will all be in Bismarck in the next few months, and they need to know who their respective township officers are within their district.

Transportation funding will be more difficult to obtain this session, but legislators need to be constantly reminded that transportation needs never go away!

Try to get a sign and road survey done yet this fall. Make note of those signs that are deteriorating and those that may need replacing. Use the forms that the Insurance Reserve has, or create your own. Regardless, document your trip around the township.

We are also just a few short weeks away from NDTOA's annual meeting and convention. The planning committee has been hard at work and the agenda and names of our invited speakers are listed elsewhere in this issue of the newsletter.

The state convention is official township business, of course, so township reimbursement of their officers' expenses to attend is proper. I've talked to several of you over the course of the summer who have never attended.

When asked for the reason, a

common answer is that they didn't realize it was a meeting for them; but rather a meeting for someone "more important"! This convention is for all township officers, and there is no one more important than each individual township officer!

As we always say, township government is true grassroots government, and it is from each township officer that we learn new ideas and better ways to do things. Please consider coming to Bismarck for your state convention—besides, I enjoy meeting you and finally being able to put a face with a voice and a name.

Hunting season is also upon us, and remember, that closing roads to just hunters, while keeping them open for everyone else is not allowed. Hopefully, we won't have a lot of muddy roads for hunters to have to deal with and everyone can be happier!

I hope everyone has a wonderful and safe holiday season, and I hope to see many of you in Bismarck for the annual meeting in December. Following are some questions I've received in the office over the summer. TRM

Question: I see by the handbook that when selling township property there should be motion made at the annual meeting allowing the supervisors to make the sale, (which motion we did make last March). The handbook goes on to say that if the property is valued at less than a thousand dollars then the sale can be a private one. Who does the valuation?

Answer: The supervisors do. And if you don't feel comfortable doing that, then I suppose you could get an appraiser's opinion—although that may be too costly. A better way may be for you to have a public sale

anyway, where-in you solicit bids. Even if the bids come in less than a thousand dollars, you will have stemmed potential criticism, and the proof of the valuation will be in the bids that were offered by the public.

Question: We have a boundary road with the neighboring township that is a minimum maintenance road—it's a good road but we just don't do any snow removal on it in the winter. Now, an old farmstead on the road has been bought and people are living there. We think the road is no longer a minimum maintenance one, but our neighbor township disagrees. Who's right?

Answer: You are. A minimum maintenance road cannot be a school bus route, a mail route, or one on which there is a residence. Obviously, the situation with your road has now changed due to the residence. The minimum maintenance designation is no longer appropriate.

Perhaps a friendly reminder to the other township by the sheriff may help. Interestingly as well, although States attorneys can't represent townships, they are allowed to give opinions to townships. Maybe your states attorney, after a request from your township, would give an opinion about this matter which could then be shared with the other township.

Question: We need to replace a culvert because the ends are rusted out and bent. Do we need to notify the water board of the replacement?

Answer: Section 24-06-34 of the Century Code tells us that county water boards need to be notified of culvert replacements—not for their

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Country Lawyer, con't from page 5

approval, but rather for their recommendation or comments only, as to sizing, etc. Be careful, however, that the culvert is not involved with a legal assessment drain, as those culverts are under the jurisdiction of the Drain.

And, this section does not apply in times of emergencies, etc. Usually, the water board agrees with the township's assessment of sizing and placement, so their recommendation is good additional documentation for your township's decision making process.

Question: We had a supervisor pass away this summer, and I see the handbook allows us remaining supervisors to appoint a successor to fill the vacancy.

Unfortunately, the other supervisor and I don't see eye to eye and we can't agree on a successor. Can the clerk break the tie?

Answer: Probably not, as the law is quite clear: "...the Board of Township Supervisors, or a majority of them, shall fill the vacancy by appointment....." (See 58-05-16, Century Code). So the Clerk can't vote here to break the tie.

Looks like your township will either have to run one supervisor short until the next annual meeting, or, call a special meeting of the township now, for purposes of electing a new supervisor. Maybe you and the other supervisor could "bury the hatchet" for this one vote??

Question: Can two townships go together and purchase road equipment?

Answer: Yes. You probably should have approval for the agreement from the respective annual meetings, (or special meetings of the townships called for this purpose).

Then, the townships should enter into what is called a 'Joint powers Agreement' which document outlines the purposes, responsibilities, machine maintenance, and financial arrangements for the purchase. And, make sure liability insurance issues are also covered in the joint agreement.

Question: We have a cell tower company that wants to build a tower in our township. Should we be zoned for that and what should it say?

Answer: Yes, you should probably have some verbiage in

your zoning ordinances that speak to cell towers, and while you are at it, wind towers and other structures as well.

Common items in such ordinances include set-back requirements from roads, number of approaches from roads leading to the towers, and responsibility for potential future removal.

I've also seen language referencing the low priority of snow removal on those roads in the tower's vicinity, due to the tower site's lack of adjacent residences.

We've had several townships adopt tower ordinances in their ordinances, and samples of those are available.

Interestingly, we will be learning about wind tower siting from the ND Public Service Commission at the NDTOA convention this year. (another shameless commercial from me to see if I can get you to attend the meeting in Bismarck this December!)



WORKING FOR YOU!

NDLTAP North Dakota Truck Weight Calculator Training

Request a Training in Your Area!

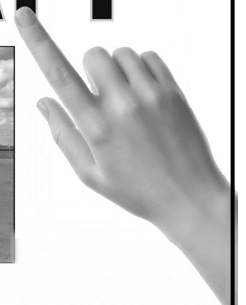
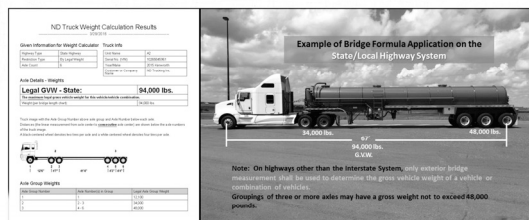
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Great Tool for Agriculture, Producers, Contractors, Roadway Officials, Law Enforcement, Truckers and Suppliers.

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For more information contact:

Leanna Emmer
NDLTAP Technical Resource Representative
(701) 220-4595
Leanna.emmer@ndsu.edu
www.ndltap.org



Grassroots Government Leadership Award

Treasurer's Report

by Barb Knutson, District 5 Director

To recognize the leadership, creativity, and dedication of township officers, 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. The award will be presented to an elected township officer, currently in office.

A nomination form is below for your convenience. Just complete and mail. It's that easy! Nominations may be submitted by member townships and counties of the NDTOA. **Nomination deadline is November 18, 2016.** If additional nomination forms are needed, contact:

Mark Shipley
PO Box 493 Devils Lake, ND 58301-0493
mark.ndtoa@gmail.com

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

HAPPY FALL! Where did summer go? The days are getting shorter, but no snow yet, thankful for that.

Finally got all the counties updated for the year on the mailing list, however, if you have changes, I really appreciate getting those from you. The counties have been very helpful in sharing their information with us, but their list is only as good as the information we give them. Even if you have no changes in officers, let them know. Keep up the good work.

Have been working on some training for the bookkeeping system. I think it is going to be a great thing when we all get it up and running. Very simple and user friendly. We will, in fact be having Marty Visto, the software producer of ATLR, at the Annual Convention in December, so bring your questions.

By the time you get this, it will be too late for getting your dues in to the right fiscal year, but it is not too late to pay. Just a few left.

We are, once again, planning to have an interesting Convention in Bismarck in December and hope that a lot of you will see your way to coming and joining us. Look for information in this newsletter for particulars. On that note, I hope we will see a large number of you at the convention. I get questions all the time that have been answered year after year at the Conventions and Work Shops. It would be worth your while to come and become a part of this so we can go forward a more well-educated group.

Thanks for all the work you do, and hope to see you there!

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.



Grass Roots Report

North Dakota Township Officers Association
2600 236th St. NE
McKenzie, ND 58572



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Check out our website: www.ndtoa.com

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?**

WON'T YOU PLEASE PAY THE DUES?



PROTECTING THE PUBLIC TRUST

30
years

**NORTH DAKOTA
INSURANCE
RESERVE FUND**

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