



**What's Inside**

President's Message ..... Page 2  
 Secretary's Corner ..... Page 3  
 TransAction II ..... Page 4  
 The Country Lawyer ..... Page 5  
 Highlights of Annual Meeting ..... Page 6  
 Order of Business for Annual Meeting ..... Page 6  
 Treasurer's Report ..... Page 7  
 Report from District 3 ..... Page 7

*The Official Newsletter of the ND Township Officers Association*

**NDTOA Plans 2010 Workshop Tour of ND**

NDTOA is again holding workshops for all township officers: supervisors, assessors, clerks, pound masters, highway overseers, zoning officers or any other office holder in a township in North Dakota.

Workshops are scheduled during the second and fourth week of February. These workshops bring the NDTOA to you, at a location and a time which allows you to drive into the session and return home that same day. Each workshop will last approximately two hours.

**Please bring your green township officers handbook to this meeting.**

We will be distributing and discussing an update package which will incorporate the new law changes that occurred during the 2009 Legislative Session.

All county presidents, or their designee, should be prepared to pick up a supply of the new inserts for distribution to the townships in their county.

The program will include a report of organizational activities by the newly elected President, Larry Syverson. Executive Secretary, Ken Yantes, will lead in the distribution of the new updates for the green handbooks and review the township law changes made in the 2009 Legislative Session. Mark Verke Risk Management Specialist for the North Dakota Insurance Reserve Fund (NDRIF) will present a slide show on how to reduce potential liability in your township.

***A representative from the ND Tax Commissioners office will be present to explain how to fill out the new form on township transportation incomes and expenses as required by the new law.***

Tom Moe, our legal counsel, will hold an open forum on the legal responsibilities of township officers.

**This educational workshop is for all township officers and the meeting expense including travel, per diem and the \$15 registration fee is a legally acceptable expense for reimbursement from your township general fund.**

**2010 Workshop Schedule**

- Tuesday, February 9: Newburg**  
Senior Citizens Hall, 1:00 PM
- Tuesday, February 9: Minot**  
NCR Extension Center, 7:00 PM
- Wednesday, February 10: Stanley**  
Extension Building 2:00 PM
- Wednesday, February 10: Williston**  
Airport International Inn, 7:00 PM
- Thursday, February 11: Bowman**  
city Hall, 1:00 PM
- Thursday, February 11: Regent**  
Regent Café, 7:00 PM
- Friday, February 12: Steele**  
Steele Vets Club, 2:00 PM
- Monday, February 22: Larimore**  
American Legion Building, 2:00 PM
- Tuesday, February 23: Park River**  
Park River City Hall, 2:00 PM
- Tuesday, February 23: Langdon**  
Court House Meeting Room, 7:00 PM
- Wednesday, February 24: Devils Lake**  
Court house Basement Meeting Room, 2:00 PM
- Wednesday, February 24: Jamestown**  
Gladstone Meeting Room, 7:00 PM
- Thursday, February 25: Lisbon**  
Eagles Club, 2:00 PM
- Thursday, February 25: Casselton**  
Casselton City Hall, 7:00 PM
- Friday, February 26: Fessenden**  
Festal Hall, 1:00 PM

## NDTOA Officers

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POSITION OPEN

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## President's Message by Larry Syverson

Hello Township Officers,

I hope the New Year is treating you well and that this year your troubles and snow piles will be smaller than in the last.

The first order of business is to say thank you: to all those that took the time to attend our December annual meeting in Jamestown, your interest and participation are what we need to keep our organization relevant and our legislative effort credible; to Tom Moe for his presentation and open forum on conducting township annual and other meetings; to Chuck Thacker for his many years of dedicated service to NDTOA as a board member and president; to Kerry Schorsch for his leadership as President during the last two years and for his continuing service as Past President on our board in the future.

Thank you to Ken and Darleen Yantes and Barb Knutson for the work they did to make the convention a success. To each and every one of you—thanks for pitching in, and I am sorry if I have neglected to mention anyone.

Now a special thanks to Steve Spilde and the North Dakota Insurance Reserve Fund, they paid for the coffee and cookies at the annual meeting and have agreed to pay for the publication of the updates to our Township Officers Handbook (the Green Book) and again this year they will send Mark Verke out on our workshop tour. Your continuing support is much appreciated.

We are now editing the updates to the handbook and hope to get them to the printer very soon so they will be ready to distribute at the workshops and

county meetings this spring. The workshop schedule has been set; I look forward to my first state-wide tour and a chance to meet some of you.

We are also getting involved in a new series of workshops on transportation needs in our state, the last round held before the 2009 Legislative session proved to yield significantly better funding for townships.

We will continue to work with the other transportation providers in the state to make transportation a high priority for state funding.

At our annual meeting in Jamestown, Representative Robin Weisz of Hurdsfield was named as our Legislator of the Year. I could not have been more pleased with the choice as Rep. Weisz has long been a dedicated supporter of transportation in the state, and he knows just how important it is to our economy and our rural way of life.

He was hugely instrumental in getting the improved funding for township transportation in this last session. Thank you, Representative Weisz!

In closing, I encourage you to take the time to attend one of the workshops in your area and also your participation in a transportation workshop would be appreciated. If you can't do those at least try making your county association meeting and bringing your green handbook along so it can be properly updated. Handing out the updates at meetings is the most efficient and cost saving way of getting them out.

May each and every one of you have a good year and thank you for taking part in grassroots government.

### ***New Policies Developed at Annual Meeting***

1. Wording be added to Section 24-06-28 and Section 4-06-29 of NDCC to include **mud and snow piles**.
2. Construction and maintenance of access to a commercial or industrial facility **need not be the responsibility of a township**.
3. NDTOA shall **discontinue membership in NATaT**. (*see letter on page 3*)

The resolutions will be implemented when the 2011 Legislative Session begins and bills are introduced and passed.

12-30-09

Ms. Debbie Driskell  
President NATaT  
Indiana Township Association  
PO Box 611  
Fishers, IN 46038

Dear Ms. Driskell,

The North Dakota Township Officers unanimously passed a resolution at our 43rd Annual Meeting on December 7, 2009 which directed the NDTOA Board of Directors to discontinue our membership in the National Association of Towns and Townships.

We expected help with a simple little bill on the exemption of payroll reporting forms for township officers. We expected to be able to prove to our membership that the national system of policy implementation really does work. Instead, we were treated with inactivity by the lobbying arm of NATaT.

When and if NATaT finds a lobbying force that can and will seek to have bills introduced and will lobby for town and township grassroots developed policies, please let us know. We would like to belong to such an organization.

Sincerely yours,

The North Dakota Township Officers Association

Ken Yantes  
Executive Secretary/Director of Governmental Relations

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## Executive Secretary's Corner by Ken Yantes

In our green township handbook, on page 1, the philosophy established by our founding fathers speaks out loud and clear. This statement embodies the philosophy and goals of the NDTOA and is worth your thoughtful consideration . . .

**We believe in the democratic ideal of government of the people, by the people and for the people. Towards this ideal, we feel that the best and most responsive government is that government closest to the people... the township.**

The 2009 Annual Meeting of the North Dakota Township Officers Association was a fine example of this grassroots leadership policy in action. The questions asked by our membership during the informational speakers part of our annual meeting reflected local concerns. Greg Wilz, Director of ND Homeland Security and Director of the ND Emergency Services had a lot of answers to the questions asked pertaining to FEMA funding and our states emergency action capability.

ND Tax Commissioner Cory Fong passed out copies of the new form

that all townships must fill out regarding their road funding incomes and expenses.

The grassroots leaders asked, "Why do we have to do this?" Cory's answer was because it's the law . . . the law that brought just under \$200 per mile in weather related funding in May of 2009 to all townships.

Throughout the 2009 business meeting, the members present spoke out and gave absolute direction to their grassroots run organization by amending and then approving a budget, developing policy, and electing new leaders.

**I take my hat off with the deepest respect and pride and say "thank you" to those members of the NDTOA who served at this year's annual meeting and by their actions insured that NDTOA is a grassroots run organization made up of township officers, by township officers and for township officers.**



*What does it take to make a hero?  
What gives them their magic touch?  
Certainly, in their bag of talents,  
They must have been given much!*

*Let's take a look at American heroes ---  
The builders of the fence,  
Thomas Paine indeed had talent,  
With his writings of "Common Sense"!*

*George Washington grew up in Virginia,  
He farmed and he surveyed,  
And a nation was formed in detail,  
From the frameworks he carefully laid!*

*Betsy Ross, had not great strength,  
But, from duty she did not lag,  
As she stitched and sewed the emblem,  
That would become our nation's flag!*

*Leaping forward through the history book,  
At, nearly every page,  
We find heroes, of every creed and color,  
Of every gender and age!*

*Were they all people of physical strength?  
What about Franklin Roosevelt, serving from  
his chair?*

*Our nation chose him to be our President,  
To clear the great depressive air!*

*And does it take wealth to make a hero?  
My dad, at times, scratched for every dime,  
But each day of his life for as long as he lived,  
He shared, unsparingly of his time!*

*Each and every hero, gave, and gives,  
Of the very essence of their self,  
Knowing that the true trophies of life,  
Are lived out, and not sitting upon a shelf!  
We are town and township leaders!*

*Elected to do our part,  
And the greatest gift we have: Our gift of time!  
Comes straight from an American's heart!*

*We have time to raise our families,  
And time to smooth roads rough,  
Taking care of our roots of grass  
Makes us all a part of that, hero stuff!*

**Thanks for taking and giving the time!  
Written by Loren R. Ingebretsen, President  
Minnesota Association of Townships**

## **Local Road Conditions Needed** By Ken Yantes

TransAction II is a committee consisting of counties, cities, townships, NDDOT, Legislative leadership including the Governor, and all other transportation providers in our state. We have come together to form a united front on transportation needs for the future.

Our plan is to hold eight information gathering meetings across our state beginning on April 12th in Dickinson and finishing up on April 21st in Grand Forks. A tentative schedule of these meetings is listed below. Please plan to attend a meeting near you or come to one at a convenient time and place. We need to know what conditions exist in YOUR township in order to seek adequate funding to repair the township road systems. The schedule below is only tentative, so please check your local papers for the meeting times and places.

### **TransAction II Tentative Schedule**

#### **Monday, April 12**

Days Inn Grand Dakota Lodge  
and Conference Center  
532 15th Street W  
Dickinson, ND 58602

#### **Tuesday, April 13**

Airport International Inn  
Highway 2 and 85 North  
Williston, ND 58801

#### **Wednesday, April 14**

Grand International  
1505 N Broadway  
Minot, ND 58702

#### **Thursday, April 15**

Kelly Inn  
1800 North 12th  
Bismarck, ND 58501

#### **Friday, April 16**

Hilton Garden Inn  
4351 17th Avenue South  
Fargo, ND 58103

#### **Monday, April 19**

Gladstone Inn & Suites  
111 2nd Street NE  
Jamestown, ND 58401

#### **Tuesday, April 20**

Spirit Lake Casino & Resort  
7899 Highway 57  
Spirit Lake, ND 58370

#### **Wednesday, April 21**

Hilton Garden Inn  
4301 James Ray Drive  
Grand Forks, ND 58203

**Time of the event  
In your area  
and updated  
information will  
be published in  
the news media  
at a later date.**

#### **State Conference**

Week of May 17, 2010 - Bismarck-Mandan

## **TOWNSHIP FORMS**

Available at Lowe's Printing, Inc. in Minot, ND. Please call (701) 852-1211 or 1-800-760-2529 ND toll free and ask for Shelly.

Available are Election Ballots, Meeting Minutes, Treasurer's report, Mileage forms, Income sheets, register of township warrants, T2, T3, and Poll and Tally sheets.

All forms with the exception of election ballots and mileage forms are printed on 32# white ledger stock and are drilled 3-hole for standard loose leaf binder.

Election ballots and mileage forms are in pads of 25 sheets.

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# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law

Greetings to all! I hope this finds everyone safe and sound after a vigorous holiday season. It seems that Christmas is a race to see which gives out first—your money or your feet. But then, I always think that one should mail out their Christmas gifts, and very early, in order to give time for the recipient to reciprocate.

We had a good annual convention in Jamestown. I especially enjoy meeting with everyone and finally getting to put a face to a name. There's still room for improvement on our attendance numbers at these annual gatherings.

Next up on the docket is our biennial round of township workshops in February. See the schedule of places and times elsewhere in this issue. We'll have a good program set up plus the new edition of the updated pages to our township officer's handbook will be available and will be explained. The route across the state allows for a workshop to be fairly handily available to most everyone so we shouldn't have to hear the excuse that it's "too far to drive"! Some of the county associations have lined up their annual county meetings to coincide with the NDTOA workshop on the same day, so that should help as well to get better attendance at the workshops. I know we still hear the excuse that "I don't need to go to a workshop, because I know it all anyway"—well, the one who uses that excuse usually is the one who not only doesn't know it all, but usually is the least well versed of anyone! If nothing else, there's usually a cup of coffee and a cookie hiding somewhere in the workshop area!

It's not too early to start thinking and planning for township annual meetings in March. State Law governs the timing of the meetings—"the electors of each township shall assemble...annually on the third Tuesday in March." You can review some of the annual meeting procedures in our handbook in title 58-04 of the State Law in our handbook.

Following are a few questions which have come in to the office. Hope to see

everyone at the workshops—hopefully the weather will cooperate. Lastly, thanks to all for their kind words and sympathies extended for the passing of my mother. She was 96 years old, lived on the farm most of her life, and usually very nicely reminded the road maintainer not to leave such a mess at the end of her driveway! TRM

**Q.** Our township needs to borrow some money while we're waiting for FEMA to reimburse us. What's the procedure for borrowing money?

**A.** After a meeting authorizing it, the township issues a 'Certificate of Indebtedness', which obligates the township to pay back the loan with future tax levies. Of course, you will pay back the loan when the FEMA money comes in, but the bank will need the tax levies as collateral until FEMA pays. See the law about Certificates of Indebtedness in Chapter 21-02 of our handbook.

**Q.** A landowner blocked a quarter line road—i.e. the road between two quarters of land. Does the township have any responsibility?

**A.** Probably not, as the public right of way is usually situated only on section lines. However, some townships have taken over quarter line roads, because the section line (a half mile away) is unavailable due to topography or water problems, etc. And, unfortunately, most of these quarter line situations come about with just a "handshake easement" and nothing is documented, so when a new landowner steps in there is nothing to indicate that the quarter line is a public road. Check your records and see if you can find any documentation. If the township has expended funds to maintain the quarter line road over the years, then it will be argued that the township has created a public road and the various responsibilities for that road are present as well.

**Q.** One of our supervisors contracted for some earth work and tree removal. He did this on his own and the other

supervisors were not involved. Do we have to pay the contractor even if the township didn't approve?

**A.** My guess is that the supervisor held himself out to the contractor as having the authority to make the deal. It's called 'apparent authority' under agency law, where one who is known by the public to be a member of a group (your one supervisor) and that person implies that he is speaking on behalf of the group (the township). Put it another way, the contractor has no reason to believe that the township didn't order the work done either. You'll probably have to pay. Maybe you had better have a long discussion with the three of you plus the clerk about township officer duties, responsibilities and courtesies?

**Q.** I know that if there is a question about the voting eligibility of a person at the annual township meeting we are supposed to have them sign an affidavit. Where do we get the affidavits?

**A.** There's one in the back of the handbook which can be copied; you can get copies from the county auditor; and I think there is one on the Secretary of State's website which you can download on your computer. (I may be wrong on this one, but I have seen it online somewhere!)

**Q.** I noticed that last year a lot of townships in our area held their annual meetings at night. I thought meetings had stated hours in the law for the daytime. Is that right?

**A.** The only requirement is that the meeting be held on the third Tuesday in March. No explicit meeting times are listed. Many townships across the state are holding their meetings in the evening to accommodate residents who work traditional day-time hours. Whatever times are used, the meeting time be published in the meeting notice.



# Syverson Elected President of NDTOA

By Ken Yantes

The North Dakota Township Officers Association held their 43rd Annual Meeting in Jamestown on December 7 and 8.



Larry Syverson, a long time member of the NDTOA Board Directors, was elected as President.

Mr. Syverson is a Mayville area farmer and a Roseville Township Officer in Traill County.

Roger Olafson, a farmer and businessman from Edinburg and a Thingvalla Township Officer in Pembina County, was elected Vice President of the NDTOA.

District 5 Director Barb Knutson from McKenzie and District 1 Director Floyd Miller from Williston were re-elected to serve two-year terms.

Al Bekkerus from Grand Forks was elected to a two year term as Director for District 3.

Grassroots leaders heard from a series of informational speakers including Greg Wilz, Director of ND Homeland Security and DN Director of Emergency Services, Dave Levi, Program Manager for ND LTAP, ND Tax Commissioner Cory Fong and Kevin Schatz, Supervisor of Motor

Fuel, Oil and Special Taxes from the ND Tax Department.

Other dignitaries attending were Secretary of State Al Jaeger, Tim Horner from the ND Department of Transportation and Loren Ingebretsen, President of the Minnesota Association of Townships.

Melvin Jensen from Osnabrock was awarded the 2009 Grassroots Government Leadership Award. Of his many accomplishments, Melvin has served as assessor for 57 years and as clerk/treasurer for 21 years in Osnabrock Township in Cavalier County.

District 14 Representative Robin Weisz from Hurdsfield was presented the 2009 Legislator of the Year Award for the second time.



He first was awarded this distinction in 2003 for his floor debating skills in the ND House of Representatives and in 2009 for his positive work for funding for ND transportation providers. This is the first time the award has ever been given to the same Legislator more than once.



Legal Counsel Tom Moe presented the "How to Run an Annual Meeting" Clinic

## Example Agenda from District 1 Director Floyd Miller

1. The **Clerk** calls the township Annual Meeting to order.
2. A **Moderator** is chosen to run the meeting.
3. Three (3) Judges are chosen. (No less than two judges acceptable with minimal attendees. Judges distribute, collect and count the ballots.
4. Decide when to close the election polls.
5. Election. Ask three (3) times for nominations in each position.
6. Previous year's minutes are read.
7. Treasurer's Report read.
8. Old Business: Were all projects completed, etc.
9. New Business: Mowing, blading, graveling, road construction projects; Set the budget; Other; Pay bills; Count the ballots at poll closing and give report.
10. Adjourn



### Jensen Receives Township Award

Melvin was nominated by Duane Gronhovid, Chairman of Osnabrock Township in Cavalier County. He served as assessor for 57 years and as clerk/treasurer for 21 years and continues to do so. Attending the luncheon and awards presentation was his wife Della Rae, their son, Ronnie, daughter, Diane Wenzel and her husband Bill.



President Schorsch and ND Tax Commissioner Cory Fong

President Kerry Schorsch introduced Cory Fong who along with Kevin Schatz and Robin Luner, explained the reporting form that can be filled out online on their website. All transportation expenses will need to be filed 90 days after the beginning of this calendar year. The form and instructions will be available in March at: <http://www.nd.gov/tax/>

Go to [www.ndtoa.com](http://www.ndtoa.com) for program highlights from guest speakers at the 43rd NDTOA annual meeting in Jamestown.

## Notes from District 3 by Al Bekkerus, Director

GREETINGS from Northeast North Dakota and your new director for District 3!

I retired from the U. S. Air Force a few years ago with almost 4,000 flight hours in the KC-135 tanker aircraft. Assignments were from Vietnam to Saudi Arabia and many places in between. I started my Air Force career in munitions and retired as the In-flight Refueling Superintendent.

At the NDTOA annual meeting in Jamestown this past December I was elected as Director for District 3.

During the annual meeting a lot of very good information was presented by various speakers that will be of benefit to all townships officers. Information on how to conduct meetings, as well as how to comply with the new requirement

for reporting on the extra road funding each township received in June of 2009.

The form for reporting this funding is called the "North Dakota Transportation Funding Report" and can be found on the web at [www.nd.gov/tax](http://www.nd.gov/tax)

All your information can be entered online. It is important that each township complete this form within 90 days after the close of calendar year 2009.

Workshops will be coming to your area in February 2010. Make plans now to attend as good information will be presented which will be of benefit for your townships.

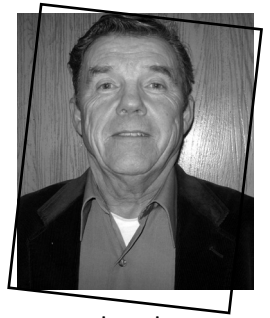
Prior to attending the workshops check the date of your Townships Officers Handbook. The date on the handbook should be 2008.

If yours is dated prior to that date, call, write or email Ken Yantes, Executive Secretary to get the current handbook.

When you start your annual meeting brief all in attendance that **Roberts Rules of Order** will be followed—that way everyone knows what the rules of the meeting are.

Use paper ballots when doing the elections for officer positions and only current residents of the township can vote.

I plan on being at the three workshops planned for the District 3 area. If I can be of service to you please contact me.



## Treasurer's Report by Barb Knutson, Treasurer & District 5 Director

*Happy New Year!* We are starting with a new year and don't know where the last year went.

We had a great convention in Jamestown and were happy to see some new faces along with the familiar ones.

To start with, yes we have to continue to file taxes since we have been unable to get that changed. Not for lack of trying, however.

It is dues paying time again. Just a few pointers. First, if you have an association in your county, be sure to pay your dues through them so the county can keep their portion of dues. Any one that is sending in dues for more than one township, please be sure to include the list of townships, by name, that those dues are for.

I have townships calling asking if they have paid their dues. If I don't

receive this information, I cannot help them. I do realize that some are not accustomed to paying at this time, however the dues are delinquent as of April 1<sup>st</sup>.

Your dues are what makes it possible to put on workshops, provide you with a newsletter, do the legislative work and keep handbooks up to date.

The work that was done at the legislative level this last year is what how you received the increased funding for flooding and for road work in general. It was a long and hard fought session and it paid off. We must stay vigilant at this level! Keep track of what is happening by going to [ndtoa.com](http://ndtoa.com) and receive the latest information.

If you have new officers that are not getting the *Grassroots Report*, send their name and address to

Darleen Yantes. Her address is elsewhere in this newsletter.

Workshops are coming up across the state and I look forward to seeing you all there. This is a good time to bring questions and keep up with changes that have been made in laws that affect the running of our townships.

We had great attendance at last year's workshops and hope to see you all there again. Challenge yourselves to bring at least one board member that has never attended a workshop. Keep up the good work out there in the field.

Your contribution is important to our country. See you in February at the workshops!





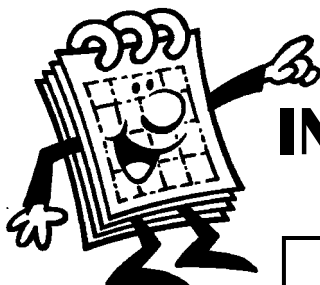
# Grass Roots Report

North Dakota Township Officers Association  
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## INFORMATION CORNER

Articles Due: April 30, 2010

**PLEASE SEND NEWS ARTICLES TO:**

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

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## Protecting the Public Trust.



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