

# GRASS ROOTS REPORT



JANUARY 2012

The Official Newsletter of the ND Township Officers Association

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## NDTOA Plans 2012 Workshop Tour

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

Workshops are scheduled in February and March and will last approximately two hours.

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.

**Bring your green township officers handbook to this workshop.** We will be distributing and discussing an update package which will incorporate the new law changes from the 2011 Legislative sessions.

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 President Larry Syverson. Ken Yantes, Executive Secretary, will review the township law changes made in the 2011 Legislative Sessions.

Mark Verke, Risk Management Specialist for the North Dakota Insurance Reserve Fund, will present a slide show on how to reduce

potential liability in your township.

Tom Moe, Legal Counsel, will hold an open forum on the legal responsibilities and open meetings open records requirements 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.

**Good for one per attendee!**

*A \$5.00 discount on your registration fee will be given if you bring in your NDTOA green handbook.*

## 2012 WORKSHOP DATES, TIMES AND LOCATIONS

**February 13 ... Newburg** Senior Citizens Hall, 1-3 PM

**February 13 ... Minot**  
North Central Research Extension Center, 7-9 PM

**February 14 ... Williston**  
Research Extension Center, 1-3 PM

**February 14 ... Stanley** Extension Building  
located at the Junction of US 2 & ND 8, 7-9 PM

**February 15 ... Dickinson** Ramada Grand Dakota, 1-3 PM

**February 15 ... Bowman** City Hall, 7-9 PM

**February 16 ... Steele** Vets Club, 1-3 PM

**February 27 ... Larimore** American Legion Club, 1-3 PM

**February 28 ... Park River** City Hall, 1-3 PM

**February 28 ... Langdon** Courthouse meeting room, 7-9 PM

**February 29 ... Devils Lake**  
Courthouse basement meeting room, 1-3 PM

**February 29 ... Jamestown** Gladstone meeting room, 7-9 PM

**March 1 ..... Lisbon** Eagles Club, 1-3 PM

**March 1 ..... Casselton** City Hall, 7-9 PM

**March 2 ..... Fessenden** Festival Hall, 9:30-11:30 AM

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## President's Comments



Hello Township Officers,

I hope you and your township are faring well this winter. So far it seems *Old Man Winter* is agreeing that last winter was bad enough for two so he is taking it a bit easier on us this time. Perhaps some townships will get to heal up their treasuries with less demand for snow moving.

We have been very busy getting the NDTOA Township Officers Handbook 2012 revision ready for print.

I have had time for little else for several weeks and I thank Ken and Tom for their assistance, and for reviewing the work and advising. This book will be a total replacement so there will be no page swapping to do.

Just snap open the 3-ring binder, pull out the old book and put in the 270-page new book. We thank Steve Spilde and the North Dakota Insurance Reserve Fund for arranging for the printing and for funding it.

You noticed on the front page of this newsletter that we are trying something a bit different with the cost of the workshop registration. We are offering a special price, you might say that we are using the Green Handbook as a coupon, it has to be the official folder with the NDTOA logo imprinted on it to receive this discount, limit one discount per attendee.

Why are we doing this? Because we believe that township officers need the most current version of the laws for their reference.

We want to be sure the books provided will be used, not just left in some officer's pickup cab or in a pile in the corner of his shop. The best way to be sure they are used is to put them in a recognizable folder.

Why is there a charge for workshop admission if NDIRF is paying for the books? For many years it has been the Policy of NDTOA (as printed on the Policy page of the handbook) that

the "Handbook Committee shall determine registration fees which will defray all expenses of said workshops".

There are a lot of expenses involved in a workshop tour. My vehicle alone will put on at least 1,280 miles between Monday and Thursday of the first week alone. There will be at least one more vehicle required to haul people and books to the 15 workshops. Those people need hotel rooms and food.

We pay dues to the state association. Why do we have to pay admission and what do the dues go for? One could say that dues go for the words and laws that are in the handbook.

They are mostly invested in our legislative efforts, thousands of hours and miles are put into this. Whenever the Legislature is talking about transportation funding, you have someone in the room; when they talk about property taxation, you have someone in the room.

When the townships of North Dakota need a law introduced, fought for or changed, they have the people that know how to go about getting that done.

Out of the proceeds of the last workshop tour we also purchased a microphone and speaker system as many of the halls we have to rent are very lacking in equipment and it has been very difficult to hear the presentations.

One of the resolutions presented to our annual meeting in Minot was that NDTOA actively oppose Initiated Measure #2 which seeks to ban taxes based on value (property tax).

This resolution passed overwhelmingly and we are now working with other government subdivisions in partnership with parties from the



## Executive Secretary's Corner

by Ken Yantes

### Township Funding from 2011 Special Legislative Session

The newspapers announced, at the close of the Special Legislative Session that townships would be getting \$10,000 each from the disaster bill that was passed. **They were right ... some will.**

In Section 27 of SB2371 (the disaster bill) it says that **if** the Tax Commissioner certifies that the total oil and gas tax revenue collections from July 1, 2011 through February 29, 2012 exceed total estimated projections by \$48 million, there will be an appropriation in the sum of \$23 million out of the state general fund to go to transportation funding distributions. The state treasurer shall distribute these funds on April 1, 2012 as follows:

A. One million seven hundred thousand dollars will go to counties and townships in the non-oil producing counties. This will be included in their quarterly payments from the Highway Users Fund.

B. Fourteen million five hundred thousand dollars will go to the counties and townships in the non-oil producing counties through a distribution of \$10,000 to each organized township and to the county in which the unorganized township is located.

Should their be any funds remaining after the distribution, then 80% of it shall go to the counties and cities and 20% to the Township Highway

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Distribution Fund and distributed on a per mile of road serviced by each township.

C. The remaining \$6.8 million goes to the cities and counties in the non-oil producing counties.

#### SB2371 also has the following provisions:

A. Increased the percentage of dollars that could be used for the costs of unpaved road projects in the Western oil producing counties from 25% to 90%. This is to come out of the \$142 million set up in the regular 2011 Legislative Session.

B. \$30 million to go to the commissioner of university and school lands for providing infrastructure development grants to flood impacted political subdivisions.

C. \$5 million to go for counties experiencing new oil and gas activities.

D. \$29.5 million to be the states share of matching FEMA costs.

E. \$6 million to go for road raising projects like the roads around Devils Lake.

The above sections of the bill are only part of the entire document. A

complete copy of Senate Bill 2371 can be obtained online by typing ND Legislative Branch in the address bar.

On the left side of the page click on 2011 Special Session. Scroll down to Senate Bills on the right hand side of the page and click on Senate Bills. Go to SB2371 and click on the bottom Bill text number.

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# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



**Greetings!** Our January thaw has turned into a freeze, but still not much snow.

Workshop season is soon upon us, and there is a schedule elsewhere in this issue. Please make an effort to attend one of these sessions when it is in your area of the State, as we go to a lot of work and expense to bring these informative and educational programs to you.

We always leave time for questions and answers at each gathering as well, so I hope to see many of you in February.

Plus, there will be a whole new handbook this year, so bring your green binders and we'll replace all your old materials with a brand new edition of everything.

Annual meeting time is also close on the horizon as March is not too far off, either. Review the meeting rules in Title 58 of the handbook and check the minutes from last year's meeting and see if there is any business left undone.

If you have someone retiring or leaving the board, it's not too soon to begin recruiting, either! Remember, only residents can vote, and check the process for using the voter affidavit forms if someone wishes to vote whose residency may be in question.

With annual meeting planning also come questions about additional levies that townships can adopt. Many have called and inquired about the excess levy procedure. Review that portion of the law which you will find in two separate portions of your handbook.

Contact your county auditor for information about the process and review the excess levy procedures in these two areas of the handbook: Section 57-15-20.1 and the chapter on balloting for the levy in Section 57-17-01 thru 07.

Generally, townships, by adopting an excess levy, can double its tax revenues. It takes 60% of those voting at the annual meeting for approval and can be in place for a maximum of five years.

Hope to see you at one of the workshops. Following are some questions I've received in the office.

Q: We have a subdivision in our township and one of the residents complained that his neighbor planted trees right on the lot's boundary line. Does the township board have any jurisdiction over this complaint?

A: *Only if you have a zoning ordinance that speaks to 'set-back distances' from roads or boundary lines. Or, there may be a 'restrictive covenant' listed on each sub-division owner's deed which states the various restrictions that may have been agreed to when the lot was purchased.*

Q: Can we do township business at the Board of Equalization meeting in April? It seems we sometimes forget to enact some item at the March meeting. Last year we decided we needed an excess levy but we didn't realize we needed extra money until after the annual meeting had come and gone.

A: *Two things to remember about the Equalization meeting: 1. It's not a meeting of the entire township, but rather the Board of Supervisors only. (I realize these are the same people that showed up for the March meeting, but it's two different meeting bodies.) 2. The only business to be taken up at the Equalization meeting is just that--tax equalization issues alone.*

*A special meeting of the township residents could be called on the same day as equalization, but at a differing time slot. And, the notice requirements for a special meeting must be adhered to as well--this would be in*

*addition to the notice for the equalization meeting.*

Q: Can we just call everyone who lives in the township about the annual meeting? We only have eight households and newspaper advertisement seems like such a waste.

A: *The law is pretty clear that a newspaper notice is required--although there is not necessarily any limits on the minimum size of the ad. Calling everyone of course is a good way to remind everyone about the meeting, but the newspaper notice is still needed. Also, remember that although they can't vote at your meeting, any absentee landowner would have the right to attend, and that person probably wouldn't be on your calling list.*

Q: We had a landowner that used some railroad ties for fence posts. They are not in the road right of way (33 feet) but are still close enough that if a car went off the road it could be dangerous. Do we have any liability?

A: *As long as the offending posts are off the right of way, you should be okay--unless you have set-back requirements in your zoning ordinance. Then it could be argued that you may be liable for failing to enforce the zoning laws in your township.*

Q: How do we go about combining the Clerk and Treasurer positions?

A: *Do so at the annual meeting. Notice of the proposed change has to be placed in the notice for the meeting, and the voters at the meeting would first have to approve the offices combining, and then an election for the new clerk/treasurer position could be held after that.*

# Winter Housekeeping

A message brought to you by NDIRF

That temperamental North Dakota winter weather which gives maintenance and janitorial staff headaches is coming soon to a public facility near you!

Icy stairs and sidewalks, along with wet entry areas and hallways, should be dealt with as if they were the enemy trying to infiltrate your risk management lines of defense.

Vigilance is the watchword because, according to the National Safety Council, slips and falls are the number one cause of emergency room visits.

An injury sustained from a slip or fall can be very serious. The term "slip" is included in this category of claim because an individual does not have to actually fall down to incur significant medical expenses.

The twisting motion or torque created when a person slips can cause serious back problems. These types of claims, while often minor, *can* become very costly. The financial impact can also be greater than just the expense of your liability coverage to handle third party claims.

Consider the impact on your

worker's compensation costs if an employee sprains or strains their back and is out of work for a month or more.

Even though worker's compensation coverage pays for the medical charges and wage loss, the work done by that employee must somehow be replaced in your operations.

This could create hardship if that employee is the only one trained for his or her position. Loss of a key employee for an extended period of time can be expensive.

Many NDIRF members also have senior citizens using or visiting their premises on a regular basis.

Increased care should be exercised to ensure that older persons have safe entry and exit. An elderly individual's injuries can be more serious than a similar injury to a younger person due to slower reaction time or ailments that contribute to an increased frequency of slips and falls and extended recovery times.

During the winter season, daily inspections should be conducted of all your entryways, exterior stair-

ways and premises sidewalks. Ice build-up can occur frequently and, in fact, may only be noticeable at certain times (typically, surfaces that are icy in the morning but melt as the sun reaches the area later in the day).

Only entry mats that are designed for the purpose (not carpet remnants, for example) should be used and they should be replaced as needed with dry ones throughout the day.

Special attention needs to be paid when you are hosting an event that attracts a large group. Snow and slush carried in on footwear tends to accumulate and care needs to be taken to mop water from entries and hallways before people leave the building.

Make sure lighting of the common areas is sufficient to enable people to recognize icy or wet conditions and properly sign wet floor areas.

The best weapons to defend NDIRF members from these types of claims are shovels, de-icing agents, mops, dry mats and a vigilant maintenance routine.

Remember, the slip or fall you save may be your own!

## *Cont'd from President's Comments on page 2*

private sector that are very concerned by this proposal. No public money or dues derived from public money are going into this effort; all funds are contributed by the private partners.

It is my opinion that, if passed, this proposition would put rural North Dakota at an extreme disadvantage. Townships, and counties that do not have home rule, as well as towns that don't have significant retail, cannot benefit from sales tax. The larger retail hubs could expand their sales tax to pay for their projects that don't get funded by the legislature and the rest of us would have to pay.

Because our budgets would be set by the state legislature, we would lose local control; township residents gather to decide for themselves what they are willing to tax themselves for and what they aren't. That right would be lost.

Please don't ignore this issue, think about the serious long term effects. Thank you for being a Township Officer!

## **New By-Law Change for 2012**

A by-law change was unanimously passed by the membership at the 2011 Annual Meeting. Article VIII was changed to read: **The annual fee for membership in the Association shall be \$125 per year per township in counties with a county organization and \$130 per year per township in counties without a county organization. All dues shall be paid by May 1 and if unpaid shall become delinquent on October 1. A township shall be ineligible to vote at the Annual Meeting of the Association if dues are not paid by October 31 or may be allowed to vote at the discretion of the Association President.**

# Treasurer's Report

by Barb Knutson, Dist. 5 Director and Treasurer



## Happy New Year!

Hope you are enjoying “winter”. Starting a new year is always great, because we are starting with a clean slate.

We had a great State convention in Minot and there was an increase in attendance. That was very good!

We had very informative speakers and for those of you who were not there— you just don’t know what you missed. These tools are what we need to have to do a better job of being officers.

As treasurer, I want to remind you that the due date for dues has changed. Look for further information on that elsewhere in this newsletter.

We hope this change makes it less confusing in the future. The amount of the State dues has stayed the same as last year at \$125 per township.

Second, I am glad to say that, mostly, people are sending lists with the townships they pay for when paid by county rather than township.

Thank you for doing that, however, I am still getting dues in for more than one township without a list. Please, send a list with explanation if for more than one township and specify the year you are paying for.

## Now I am putting on my “Mailing List” hat!

I appreciate the notification I have received from those that are new to the board or changes of address.

If your post office has been closed, please let me know when your address changes from a post office box to a 9-1-1 address.

I would rather hear 10 times about your address change than not to hear about it at all. It is so very important to get the *GrassRoots Report* newsletter to all township officers.

Thanks for the help!

We are looking forward to meeting all township officers at our upcoming workshops.

Look for workshop schedule on our website: [www.ndtoa.com](http://www.ndtoa.com) or check out the front page of this newsletter.

I challenge each of you to bring one more person with you this year.

**Bring your NDTOA green handbooks to receive updates and get \$5 deducted from your registration fee.**

Bring your questions as these workshops are for the benefit of learning. Please feel free to contact me if you have questions. I will do my best to get answers. Thanks for the work you do. It is important to our country!



## Meet Bruce Krabseth, Newly Elected District 1 Director

Bruce was born and raised in the Alamo area where he graduated from Williston High School in 1973. He attended the University of North Dakota, Williston Center earning an Associates of Science Degree in Agri-Business in 1975. Bruce and his wife Melanie have a set of twins: daughter Kayla, a drafter with Kadrmas, Lee & Jackson a regional engineering firm in Fargo, ND and son Kendrich a diesel mechanic with Triple B Construction in Williston, ND and also operates family farm with his father. Upon graduation, Bruce returned to the family farm, which he has operated for the past 30 years.

He has been active in the Alamo Fire Department, currently board secretary and district fire chief of there two departments. He is also on the NW Regional Emergency Response Advisory Committee of North Dakota, president of the Hauge Cemetery Association and secretary of Calvary Lutheran Church board. He enjoys snowmobiling, fishing and spending time with his family in his spare time. Bruce has been a township officer in Winner Township for over 20 years.

Bruce will be attending many of the upcoming workshops. Plan to attend, meet Bruce and invite him to your upcoming meeting!

Resolution Committee Chairman Don Malcomb held a policy development session and the following resolutions were approved.

**1. The NDTOA opposes the Fargo Dam project because it will negatively affect several thousand acres of ND farmland with several feet of water, that before has had no water problems.**

**Alternate options should be explored, such as to store waters on the Minnesota side, until the Red River water levels diminish.**

**2. NDTOA opposes the passage of initiated measure #2**

# North Dakota Township Officers Meet in Minot

By Ken Yantes, NDTOA Executive Secretary

The North Dakota Township Officers Association held their 45th annual membership meeting on December 5-6, 2011 at the Grand International in Minot.

Loren Ingebretsen, President of the Minnesota Ass'n of Townships, opened the meeting with a patriotic presentation and spoke on concerns that North Dakota and Minnesota township governments share.

Greg Boschee, a Fertile Township Officer and Mountrail Co. Commissioner, explained the changes in the road conditions in the 17 Western Oil Producing Counties and led us in an informational discussion of what is needed for future infrastructure stabilization in the oil patch.

Cory Fong, North Dakota Tax Commissioner, explained how the changes from the 2011 Regular Legislative Session affected the property assessment records and the future usage of property record cards by township assessors.

Greg Wilz, Director of ND Homeland Security and ND Emergency Services, led a forum on site based record keeping and held a question and answer period.

Tom Moe, NDTOA's Legal Adviser, presented a forum and slide show on dealing with angry/difficult people and township road repair responsibility.

ND Secretary of State Al Jaeger, gave a report on the right way to hold annual meetings according to the ND Century Code and who is a qualified township elector.

Past President Don Malcomb was presented with the 2011 Grassroots Government Leadership Award at the Awards Luncheon. He has served on the Shealy Township Board for 35 years, the majority of the time as Chairman. He was instrumental in the late 1980s in getting the Ward Co. Township Officers Association active after years of being dormant

and has served as president since that time. Don served on the NDTOA Board of Directors for many years, serving four years as State President.

The CEO of North Dakota Insurance Reserve Fund, Steve Spilde spoke on cooperative legislative efforts between NDTOA and NDIRF. He presented NDTOA with a plaque in appreciation for 25 years of support and confidence in the North Dakota Insurance Reserve Fund.

The business meeting started on the afternoon of December 5th and included reports from all standing committees. A Grassroots Policy Development session and the election of district directors were held.

Those re-elected were Barb Knutson District 5, Al Bekkerus District 3 and newly elected to District 1 was Bruce Krabseth from Alamo.

Larry Syverson was re-elected to a two year term as State President and Roger Olafson was re-elected to a two year term as Vice President.

A by-law change was unanimously passed by the members; article VIII was changed to read: **The annual fee for membership in the Association shall be \$125 per year per township in counties with a county organization and \$130 per year per township in counties without a county organization. All dues shall be paid by May 1 and if unpaid shall become delinquent on October 1. A township shall be ineligible to vote at the Annual Meeting of the Association if dues are not paid by October 31 or may be allowed to vote at the discretion of the Association President.**

District 10 Representative David Monson from Osnabrock received the NDTOA Legislator of the Year Award for his exceptional effort on introducing and lobbying for town-

ship legislation.

To his credit is the passage of HB1232 which gives townships the right to keep their road rights-of-way and traveling surfaces safe from hazardous conditions.

Mary Kelsch, Assistant Attorney General, presented a three-hour workshop on North Dakota's open meeting and open records laws as they pertain to township officers and their meetings. ***A very interesting question and answer forum was held during her presentation.***



District 10 Representative David Monson and President Larry Syverson



District 3 Director Al Bekkerus and Past President Don Malcomb.



Kerry Schorsch receives recognition for serving as NDTOA State President.





# Grass Roots Report

North Dakota Township Officers Association  
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