

GRASS ROOTS REPORT



SUMMER 2018

The Official Newsletter of the ND Township Officers Association

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Important Budget Deadline Nears

Taken from a notice provided by the Cass County Auditor

In 2017 the North Dakota Legislature made some important changes to budget deadlines and the notice process which the county and other local governments need to comply with this year. ALL local governments need to file a preliminary budget with the County Auditor's Office by August 10th.

Townships: Most of you hold your hearing at your annual meeting in March and file your budget shortly thereafter. For those of you who have not yet filed your budget, do it as soon as you can, but not later than August 10th or you will be limited in the amount you can levy this year to what was levied last year.

If you levy over \$100,000 in taxes, you will need to hold another hearing between September 7th and October 7th, and even if you have already remitted your budget, your County Auditor will need the date, time, and place of this additional budget hearing. They will put the notice of that hearing on the Estimated Tax Statements for your township.

Once you have held your final budget hearing and your Township has approved the 2019 budget, you will need to file your final budget

with the County Auditor. Remember the tax levy for the final budget cannot be greater than for your preliminary budget. The last day your Township can make changes and approve the 2019 budget is October 10th. We will need that final budget as soon as possible after that date so we can begin computing levies for the 2018 taxes.

The new notice law also allows the County to share in the direct costs of the Estimated Tax Statement. So

your Township may receive a billing for that mailing.

**ATTENTION
TOWNSHIP OFFICERS**

Bakken Tour

Check out details on page 4

District 2 Director Mark Shipley Passes Away

Mark Wayne Shipley, 59, of Devils Lake, ND passed away on Wednesday evening, May 16, 2018 at CHI, St. Alexius Hospital, Devils Lake surrounded by his family.

He was very involved in the community and for many years he served as the chairman of the Poplar Grove Township Board and as the North Dakota Township Officers Association District 2 Director. Mark was also very active in the Lake Region Snowmobile Club and served as a State Director for Snowmobile North Dakota Board (SND).

Mark was a very dedicated state board officer; he always put a lot of effort into doing every job well. He will be deeply missed in his community and by our association.



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President's Comments



Hello everyone,

Seems it was not long ago many were wondering if spring would ever arrive. Now it seems we had spring for a short period and now the month of June giving us temps more like July and August.

As many of you may have heard, NDTOA is mourning the untimely passing of District 2 Director Mark Shipley. Representing NDTOA at the funeral in late May were my wife Marilyn and I, Lee and Julie Brandvold, and Mrs. Leon Monke. Also noted in the large crowd were former District 2 Director Ralph and Louise Olson and Mark Verke of NDIRF. At our Board of Directors meeting coming up soon we will discuss our options on filling the position.

Lots of thank yous to begin this column. First, to the workshop committee and travelling crew putting on the workshops in February: Barb Knutson, Larry Syverson, Tom Moe, Mark Verke, and Dale Heglund.

Thanks also to: Bruce Krabseth for treating the crew to supper in Williston, Marilyn Olafson for serving the crew a home cooked meal in between our Park River and Langdon stops, and Dale Heglund for treating us to supper in Jamestown.

Others deserving of a thank you are NDTOA board members and locals at each stop for making arrangements for meeting rooms and refreshments.

Let's not forget to acknowledge efforts of spouses and friends of board members in helping make some of these arrangements and running errands, which of course goes on year around.

If you were not able to attend a workshop or haven't obtained the 2018 handbook update there are ways you can still do that. Check with a NDTOA board member near

you. Some county auditors and county extension agents may also have a supply on hand.

If your county has a township officers association that has not been very active for some time, it might be a good idea to try revive it.

We have had a couple counties call us to come to a meeting to help them get reorganized. Having an active TOA helps keep township officers informed and educated on their responsibilities by way of annual meeting gatherings, etc.

Your county auditor should be able to help with this as they will have a list of township officers in your county. Believe it or not, there are quite a few new township officers around the state and many of these people are interested in learning about the duties and requirements of their job as well as connecting with other township officers that have some experience in doing these jobs.

I see excavators heading down the roads already. Be vigilant of anyone working in the township right-of-way and be sure they have permission to be there along with some guidelines on what they are allowed to do.

Hopefully they are going to remove some of those trees that could have/should have been taken care of many years ago with a mower.

Another multi-state township officers conference is in the planning stages. This year Minnesota is hosting this conference in Duluth. The NDTOA board is working on plans of its' own to have good representation at this conference.

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

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! I see the 4th of July sales are already being advertised, so that must mean the summer has come and gone. I think I missed it!

Several township officers called about their duties at equalization meetings and the appeals process afterwards.

We've heard of several counties that seem to be a little overbearing on their directives, and your association has been trying to intervene in several instances.

Remember, however, that the appeals process regarding land taxes is *landowner driven*, rather than township officials attempting to argue the case with the County & State Boards of Equalization.

Township officers can assist, but the best arguments for lowering a parcel's tax burden can only come from the landowners themselves.

In addition, several townships wanted to carry out extra business on equalization day, because everyone was there anyway, and it seemed a good time to get things done.

I had to caution those townships that the correct way to take care of additional items on equalization day is to also schedule a special meeting of the township on that same day, along with a proper notice and agenda published for the items to be discussed.

In other words, close one meeting—the equalization meeting—and then open the next meeting, (the special township meeting).

Remember that it is two separate bodies meeting, with two separate areas of responsibilities by law.

Townships that are laying down new gravel should remember to have the contractor utilize proper signing

during the process, especially if the job isn't finished by day's end or if equipment is left out overnight on the roadway. Even if the county does the work for the township, the same signing rules apply. There have been insurance claims over the years which had to be paid out because improper signing, or worse, no signing was evident at the work site.

Later this Fall in that newsletter I will no doubt remind townships to complete a sign survey, but that could easily be done now as well.

One good idea I heard was about a township officer who was having a family reunion. He took his city cousins on an evening drive around the township and he made one of them do the driving.

Needless to say the township officer was surprised to see the city driver not stop at the stop sign (which had been knocked down earlier and was still laying in the ditch!); nor could the city driver see the curve sign at night until almost too late, because all the reflectivity had faded away.

The point is, sometimes a 'new set of eyes' helps to open your own!

I'm looking forward to our late July meeting of the Four State conference of township governments.

I always learn quite a bit from my attorney counterparts from the other states, and it is helpful to know that the other states have just as many frustrations with the Federal government and the accompanying federal regulations as we do! I'll have a report for you in the next issue.

Following are a few questions I've received in the office. Have a safe rest of the Summer, and see you down the road. TRM

Question: Our township owns a couple of platted lots in a village in our township. The county turned the lots over to us because of unpaid taxes by the former owner. I see in the statute that there is a \$1000 minimum for a public sale—what happens if we don't get that high of a bid?

Answer: The statute you speak of is 58-03-16 of the Century Code in our handbook. The \$1000 figure merely triggers the necessity of a public sale, rather than a private sale; but that wouldn't mean that the parcels would necessarily have to be ultimately sold for \$1000.

It's just that in the opinion of the supervisors they thought \$1000 was the value of the land, rather than what it is required to sell for. Two words of caution, however: Any sale of real property must first have the approval of the township electors—probably at the previous annual meeting—authorizing the supervisors to make the sale; and, those electors might very well have indicated in their authorization that a certain minimum bid would indeed be required, in which case the supervisors would have to obey that directive.

Question: Our township is zoned, and we do issue building permits, etc. as a part of our zoning duties. We have a resident who wants us to place speed limit signs in front of his residence to get people to slow down. Can we do that via our zoning rules?

Answer: Probably not, as road signing, maintenance, and other road issues is within the purview of the

The Country Lawyer cont'd

township supervisors, and especially in one of the officers is designated as the road overseer. See 58-03-15.1 of the Century code which is the paragraph right after the zoning section: “.....(the zoning laws)...do not include any power relating to the role of the board of township supervisors in the establishment, repair, or maintenance of highways or roads.” The speed signs you speak of could be placed as the resident suggests, but as an action by the supervisors, and not by the zoning body.

Question: Our clerk passed away this Spring, and the surviving spouse won't give the books back to the township. She thinks the clerk's job should stay 'in the family', but we don't think so. Any ideas?

Answer: Unfortunately, we hear about similar instances of this from time to time. It is pretty clear in the statute (58-05-13/14) that all township records are to be delivered to the person's successor.

You may want to make a copy of the law and give it to her; and, you may ask the Sheriff to give you a hand as well. Interestingly, if a 'Personal Representative' has been appointed by the Court, you could also make a claim to the probate court for assistance—even if the spouse is the one who has been so appointed.

Question: We elected a new supervisor at the annual meeting who refuses to sign an oath of office. Is it really necessary that we have an oath on file? He is a good supervisor, but claims signing an oath is against his religion.

Answer: See 58-05-10 in the handbook. “Neglect to qualify (i.e., failure to file oath) is deemed a refusal to serve.”

Question: We have a fence running down a section line (prairie trail) that has been there for over fifty years. Now the land has changed hands on one side, and the new owner wants the fence to be taken down. Is it grandfathered in?

Answer: The term “grandfathered fence” doesn't occur in the law. The fence was probably there all these years because the adjacent landowners got along, and the township officers at the time didn't see a need to open the section line to travel.

But as always happens, land does indeed change ownership and the new owners make complaints similar to this one. You have the authority and the responsibility to remove the fence at this point in time.

The other landowner will threaten and fuss about it, but a township can always decide to open a section line at any time, because, times and conditions do indeed change!

This is why we encourage townships to always include in any permission to build a fence within the right of way that a provision for future removal of the fence is also included in the agreement, or within the clerk's records.



WORKING FOR YOU!

You're Invited

Please join the North Dakota Petroleum Council and the ND Township Officers Association for a

Township Officers Bakken Tour

beginning in Tioga, ND on July 23 at noon and concluding on July 24 after lunch.

This year's tour will feature visits to a well completion site, a rig drilling site, a gas processing plant, and a rail transload facility. Participants will also visit with local leaders on the challenges and opportunities of the Bakken. *More details will be provided to those interested in attending.*

Space on the tour is limited, so please RSVP to Brady Pelton by 7/12 at 701.223.6380 or bpelton@ndoil.org

North Dakota is now an Associate Member of NATaT

By Larry Syverson

In 2017 The National Association of Towns and Townships offered NDTOA an opportunity to become an associate member at a much reduced cost. While this is a non-voting membership, the NDTOA Board of Directors felt that we can trust the NATaT Board to advance rural interests which should be quite similar to ours. The NDTOA Board of Directors will review this arrangement each December before renewing for another year.

What does North Dakota get out of this? We get the NATaT Weekly Legislative Update, which includes the Congressional Outlook, the planned actions for the coming week; and also the Week in Review which outlines the actions of the past week. More importantly, we also get to have input at NATaT Board meetings and during the frequent conference calls. They ask “How will this affect North Dakota?” or “Do you have any concerns about this?” So, what do we get? Simply put, we get included in the discussions.

What does NATaT get out of North Dakota being members? For one thing, when they are advocating for an issue important to rural America we are one more state they can list in support. Also when NATaT is seeking signers or supporters for a bill they stand a better chance of getting the North Dakota congressional delegation to join in because we are listed as members.

Washington is not that much different than Bismarck in this one respect, there are not all that many of us on the rural side of things; we have to stick together and work together.

Right now a matter that is getting a lot of attention from NATaT is the legislation regarding the 5G network, this bill is an amendment

to the Communications Act of 1934. The 5G network is the next step in mobile data; it will use many “small cells” with the antennas on utility poles, water towers and tall buildings. The bill was written with a lot of input from the industry and tips the regulation in their favor. There have been several conference calls about this as NATaT seeks to make adjustments to the language. There are concerns with the “shot clock” which limits the number of days a township board or other government would have to approve or disapprove a site permit or the application would be “deemed approved” because of lack of action. In dense areas, a board could be swamped by scores of site applications dumped on them all at once, would they have time to process all of them before they would just become “deemed approved” because the board didn’t get to them? Also of concern is a section that limits the regulations of a state or local government. A regulation must be (a) reasonable; (b) objective and (c) non-discriminatory. Now, who can dispute those requirements? We would all believe that our township regulations are “reasonable” but unless reasonable or un-reasonable are defined, it is left up to the lawyers of the FCC to determine, not too many of us want to leave it to them. Those are just a couple of the issues that have arisen with this bill that have to be worked out.

It is not known how quickly or how widespread the development of 5G will be across North Dakota as 4G has not yet been fully implemented and in some areas basic cell service is lacking. Will there be a catch-up for those areas or will they just fall further behind?

Coming up July 22nd NDTOA Treasurer Barb Knutson, V.P. Lee Brandvold, Attorney Tom Moe and I

will have a chance to get to know the NATaT board as they will be meeting in Duluth the day before the Multi-State Conference begins.

I am now sharing the “NATaT Weekly Legislative Update” email with the Board of Directors and should you wish to receive it too, just email me to get added to the list.

Treasurer’s Report

by Barb Knutson

Time to start a new year, as far as townships are concerned. In talking to people across the state, I realized there are more and more places that have thinning population, thus making it hard to get board members, or even in some cases impossible.

There is a way provided to merge townships and would strongly encourage you to look at that rather than turning over to the county. This information is in the green NDTOA Township Officers Handbook.

There are some townships that were not satisfied with the caliber of service from the county and have reorganized, putting more than one township together. Seems that has helped in the one case I am familiar with.

Nice to see those people taking responsibility and getting the job done. We are always glad to be of any help in these matters, or any others you may have.

Thanks to those that have sent their dues in. Please be sure to send yours in by October 1, that is the delinquent date.

Thanks again for the help with keeping up mailing list and hope you all have a great year. Thanks for all the work you do! It is important!

GRIT 2.0 - Update Now Available

By Andrew Wrucke, NDLTAP

The Geographic Roadway Inventory Tool (GRIT) is North Dakota's local roadway and street inventory system. GRIT 2.0 became available for users starting the week of May 21, 2018. This upgrade is a major overhaul on the looks and feel of the program, giving it a more intuitive approach to input. The basic information requirements remain with additional information fields added as requested. Online, the new version will replace the original version at the same location so you will not need to update bookmarks. Additionally, all the data that has been previously entered will be moved to the new system and will continue to work with the GRIT map viewers. LoadPass compatibility will also remain.



A training webinar has been posted to the GRIT webpage (<https://www.ugpti.org/resources/asset-inventory/>) to show the updates, new layout and features. As always, NDLTAP also has on-site face to face training available from Leanna Emmer and Andrew Wrucke. If you need further training or help on this system, please contact them or Dale Heglund to arrange a training time.

Records Request (Demands)

By Larry Syverson

I recently received an email from Sandra DePountis, Assistant Attorney General. She was trying to reach an officer in a Township that was not responding to a request for records. She was hoping to facilitate a response to the records request instead of needing a formal opinion on the matter, but she needed to get a hold of someone in the township in order to do that. We found the contact information for the current officers for her. Hopefully a phone call from her got the matter taken care of without reaching the point of a formal complaint. I thanked her for her effort to keep a Township from getting in trouble.

When someone requests a record, that is not something a Township officer can ignore, you must

respond. There are very few legal reasons that you can refuse such a request, and you must state that reason in writing. If such a record does not in fact exist, you must put that in writing. If the record is a communication with your attorney directly about a legal matter your Township is involved in, you must put that in writing. The Office of the Attorney General may be given your statement of refusal and will evaluate the validity of your reason.

The records of a public body, such as a Township, are public property, they belong to the people. That is all people; it doesn't even matter if they are Township residents. The most common demand is for meeting minutes, if minutes are requested copies must be provided (do not give out your book or original records) if it is more than a couple of pages you

may charge a reasonable fee for copying. You may require advance payment. If the minutes have not yet been approved by the board you still need to provide copies but you should indicate that they are "draft minutes".

The Attorney General knows that Townships do not have full time staff and office hours so they do allow that the records be made available within a reasonable time, say a few days. The open records and meetings laws are in NDCC 44-04 found on pages 108 to 118 in the 2018 NDTOA Handbook.

I have asked Sandra DePountis to do a workshop session on open records and meetings at our convention December 4th in Bismarck.

Good Reasons to Belong

The question has been asked, “*Why do we pay township dues to the North Dakota Township Officers Association?*”

Good question and it is a fair question. Here are a few very good reasons. The North Dakota Township Officers Association hires full time representation at the legislative level to protect the interests of the townships all across the state.

NDTOA was solely responsible for obtaining the quarterly transportation funding (formerly called one cent gas tax) that has been coming your way since the early 1980s.

In 2017 this amounted to just over \$130 per mile, per year, for certified township miles. They continue to protect that today. This is a part of the gas tax that has been designated for township roads.

In addition to that, without the monies to pay these folks, we would never have received the lump sum checks that each township received in the last few years. Without representation there, the powers that be could have easily thought of a different place to put that funding.

The Association hires a full time Executive Secretary/Director of Governmental Relations to assist the Board of Directors in conducting and recording business activities of the Association.

At this time this person also attends legislative sessions full time and testifies for or against, as needed, proposed bills that may affect townships. He also attends many interim committee meetings in the off-session period, especially those committees dealing with transportation funding or taxation issues.

In the cases where you are not at the table when decisions are made, you are on the menu. We do not

want to be in that situation!

The wages for township officers has been increased over the years through the efforts of the NDTOA representation at legislature.

The handbook is edited every other year after legislative changes, and are made available to township officers at workshops that are put on across the state by the NDTOA board.

These workshops are put on to help keep township officers educated and up to speed on the workings and laws that officers deal with every day, to aid in solving any problems that come about. The 2018 workshops were provided at no charge to the attendees.

The *GrassRoots Report* is a quarterly letter that goes out to all officers across the state. This is to keep officers informed of current interests of all townships.

The association also has a website, www.ndtoa.com which is used to get information out to anyone choosing to use that tool.

As members of the association, your township has the option of bringing resolutions to the state convention that is held every year in the first week of December. If your resolution is presented and passed by that body, it is then carried to legislature, presented and lobbied for on your behalf.

The NDTOA Board of Directors participate annually in a four-state township officer conference to share ideas on solving similar and dissimilar issues that each are facing.

This relationship of information sharing goes on year-round and, also involves all parties sharing any news they may have received regarding actions on the national level (U.S. Congress, etc.) that

could affect townships.

None of the above would be possible without the support provided through your membership dues. ***We are all in this together! Numbers count!***

If you have further questions, please feel free to use contact information on page 2 of this *GrassRoots Report* or on the website.

ND Truck Weight Calculator to be Enhanced

Your input is needed and valued!

Brad Wentz and his team at UGPTI are updating the on-line ND Truck Weight Calculator. The calculator, launched in 2015, provides a simple method for calculating vehicle axle weight and gross vehicle weight limits. Go to <https://dotsc.ugpti.ndsu.nodak.edu/TWC/> to access calculator. Any suggestions, thoughts, or ideas that you have to make this calculator even better are welcome. Please contact Leanna Emmer with NDLTAP at leanna.emmer@ndsu.edu or (701) 220-4595

<http://dotsc.ugpti.ndsu.nodak.edu/TWC/>

FREE APP

North Dakota
**TRUCK-WEIGHT
CALCULATOR**

- The **Truck Weight Calculator** helps the motor carrier industry, agricultural producers and others determine the maximum legal weight that any set of axles on a vehicle/vehicle combination may carry on North Dakota interstate and state highways.
- the **formula** for the calculator is a weight-to-length ratio.
- the **app** features simple picture explanations for intuitive use
- the **calculator** generates a printable report with truck-weight calculation results.

Weight calculations for a vehicle traveling on North Dakota's state highways and local roads are slightly different from the weight calculations for vehicles traveling on North Dakota's interstate system.

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Grass Roots Report

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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?**




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