

GRASS ROOTS REPORT



JANUARY 2014

The Official Newsletter of the ND Township Officers Association

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NDTOA Plans 2014 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 beginning on the 11th and finish on the 28th of February. They 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 the workshop. We will be distributing and discussing an update package that will incorporate the new law changes from the 2013 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 President Roger Olafson. Larry Syverson, NDTOA Lobbyist and Past President will review and discuss the new changes from the 2013 session as they pertain to your duties and responsibilities as township officers.

Mark Verke, Risk Management

Specialist for the North Dakota Insurance Reserve Fund (NDRIF) will speak on ways to reduce risk in your township and limit potential liability.

Tom Moe, NDTOA Country Lawyer columnist and our attorney-at-law, will hold an open forum on the legal responsibilities to township officers.

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

*A \$5.00 discount on your registration fee will be given if you bring in the original NDTOA green handbook with the gold imprint on the front cover. **One discount per attendee.***

2014 WORKSHOP DATES, TIMES AND LOCATIONS

February 11 **Newburg** Senior Citizens Hall, 1-3 PM

February 11 **Minot** Grand Hotel meeting room, 7-9 PM

February 12 **Williston** Earnie French Center, 1-3 PM

February 12 **Stanley** South Community Hall, 7-9 PM

February 13 **Bowman** City Hall, 1-3 PM

February 13..... **Regent** The Enchanted Castle, 7-9 PM

February 14 **Steele** The Vets Club, 1-3 PM

February 24 **Larimore** American Legion Club, 1-3 PM

February 25 **Park River** City Hall, 1-3 PM

February 25 **Langdon** Courthouse meeting room, 7-9 PM

February 26 **Devils Lake** Courthouse meeting room, 1-3 PM

February 26 **Jamestown** Gladstone meeting room, 7-9 PM

February 27..... **Lisbon** Eagles Club, 1-3 PM

February 27 **Casselton** City Hall, 7-9 PM

February 28 **Fessenden** Festival Hall, 9:30-11:30 AM

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President's Comments



Hello everyone! Hopefully winter is beginning to wind down by the time you get this.

As your newly elected NDTOA President I'd like to introduce myself. I am from Pembina County where I am in a family partnership that has grain and cattle operations, as well as, an earth moving construction business.

My wife's, Marilyn, works from home as an all around go-fer. We have a son, Darren, who works with us and is establishing a few ventures of his own. I also have two step-sons that live nearby and eight grandchildren with another forthcoming.

I have been clerk/treasurer of my township for over 30 years. The name of my township—Thingvalla—is derived from the area in Iceland (Thingvellir) where the world's oldest parliamentary form of government (Althing) was established in the year 930. Yes, that is 930, more than 800 years older than the U.S. Constitution.

I would like to begin by pointing out that we all owe Larry Syverson a huge THANK YOU for his efforts as President for the last four years.

One of my first comments after taking over as President was to inform Larry that his work load may only decrease slightly as I will be leaning on him for advice and support.

Under Larry's guidance the NDTOA has been raised to a new level of prominence and cooperation at both the local level and the legislative arena. It is my opinion that it was a very wise move by NDTOA to team Larry up with Ken Yantes to be in the legislative halls everyday during the past two legislative sessions.

They both have also been very diligent in attending interim committee meetings during the off season.

A thank you is also in order for the committee (Ken, Barb, and Larry) that put on the annual convention last December in Minot.

There was a good array of topics on the agenda. There was a good turnout considering the weather that moved in Sunday evening and Monday with many first time attendees which is always a good sign.

On the last day of our annual meeting last December Governor Dalrymple announced the establishment of his Task Force on Property Tax Reform. I first saw a news article on this when I got home that night. I noticed that he had representation from cities and counties but not townships.

So my first real action as President was a letter to Governor Dalrymple expressing my dismay at this omission. I received a call a few days later from a representative of the Governor's office.

She explained that they did not forget about townships but the Governor was trying to get a good cross section of citizens on this committee without getting too large in number.

She went on to say that they discussed this with the counties representative (Mark Johnson, whom we have worked with a lot in the past) and he said he would try to watch out for the townships' interest also.

The workshop committee has been putting the finishing touches on

Cont'd on page 3

District 1 Director



Hello Everyone,

My name is Lee Brandvold and I am your new District 1 Director for the NDTOA. I live in Cameron Township of Ward County. My wife, Julie, and I farm, ranch and o rive school bus. We have two children, daughter Shelsey is 8 and a 2nd grader, our son Stetson is 5 and in preschool. Both attend Max Public School.

I have been involved in the township government for years and believe that we need to continue our position as township residence to make sure our townships are a safe place to live and have well maintained roads for everyone's safety.

NDTOA has helped my township in the past and I am looking forward to working with everyone involved.

A note for the District 1 township officers: If you have any questions or comments, call 701-758-2456 or send an e-mail: ljbranch@restel.net

Thank you for the opportunity to serve you as District 1 Director.

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Executive Secretary's Corner

by Ken Yantes



Could Your Township Use a Grant for Road Repair?

The North Dakota Land Board is accepting applications for specific needs supporting infrastructure impacted by oil and gas development.

Specific North Dakota political subdivisions will be allowed to submit applications from now until February 28, 2014. Townships were not given consideration in earlier rounds of the grant programs but we are included now in this round.

The ND Land Board has \$4 million to distribute in this round of grants and townships might should apply if you have the need for this infrastructure funding. The ND Land Board has already approved \$117 million for infrastructure grants that we were not included in. We have the opportunity to take part in this one and I hope you will take advantage of your inclusion as there will be \$4 million up for grants this time.

You can obtain an application form and a list of other qualifications necessary from the North Dakota Energy Impact Office located at 1707 North 9th Street or mail correspondence to P.O. Box 5523, Bismarck ND 58506-5521, Attn: Mr. Gerry Fisher, Administrator.

President's Comments *cont'd from page 2*

On the scheduling and arranging the workshop tour coming up in February. Larry has been busy updating changes needed to the township officers handbook as a result of the 2013 Legislative session. More detailed information will be found elsewhere in this issue.

December 31st is the deadline for several reports that need to be filed by townships-Form 944, 1099, W-2, Transportation Funding Report, etc. If you have not already done so, filing these late is probably better than not at all.

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 to all! What a brutal January we had with the all the sub-zero temperatures. I bet we'll get a decent and warm spring—however, probably around township workshop time—at least that's my prediction! Elsewhere in this issue you will find the workshop schedule.

The workshops are your state association's opportunity to meet with member townships. It fulfills our obligation stated in our by-laws to provide education and training for our members. Please make an effort to attend, as it is a good time to get together and learn some new things and review the old.

It's frustrating sometimes to go to all the work and expense of sponsoring the workshops and then have poor attendance.

Quite a rigorous schedule has been set, with workshop sites located throughout the state. One should be able to easily attend a meeting at a location fairly close to home.

A legislative update by our lobbying team plus information from the North Dakota Insurance Reserve Fund with Mark Verke will be on the agenda. Of most important note will be a new edition of updates for the handbook taken from actions of the 2013 Legislature.

In fact, NDTOA is having a whole new handbook printed this year, so everyone can start fresh. Bring your green handbooks, with the gold imprinted NDTOA logo, to the workshop and we'll replace the whole thing.

Picking up the handbooks at the workshops will also save us quite a bit on postage rather than us sending them all out.

I'll round out the workshop agenda with some thoughts on legal obligations for townships, allowing plenty

of time for questions and answers.

Baseball spring training is just around the corner, and that also means that township annual meetings are on the horizon as well. *Review the section in your handbook (see Section 58-04) about the meeting procedure—you might be surprised what you find!*

Clerks should review the minutes from last year's meeting just to refresh yourself. *Remember to give the annual meeting proper notice in the newspaper.* A few phone calls or reminder postcards to patrons about the upcoming meeting, while not qualifying as official notice, is still a good idea to try to get a few more people to attend. And, it's not too soon to begin recruiting if there will be a vacancy at the election!

Several townships have called about vacancies in office, or that an officer has moved to town and can no longer serve. You can appoint right now to fill the vacancy if you choose, or, you can run an officer short and wait until the March meeting to elect.

The advantage of making an appointment now is that you can tell the appointee that he/she only has to serve until March, and then someone else will get elected. (Ha! Ha!)

I sometimes get asked if telephone notice is enough for the annual meeting. Until, and if the law ever changes, ***townships are still required to publish notice in the local newspaper.*** You may want to consider going together with neighboring townships and share the cost of the newspaper ad.

Or, I know of one county township association that collects the meeting times and locations from all the townships, and places just the one ad in the paper on behalf of all the member townships.

Following are some questions I've received in the office. Stay warm and see you at the workshops! TRM

Q: We have fewer and fewer people in our township. In our neighboring township, one person serves as both clerk and treasurer. How do you go about getting that approved.

A: Have this as an item at the annual meeting—a resolution to combine the clerk and treasurer position. If the people at the meeting approve, then you can go ahead and elect one person to fill the position. (No double-dipping, however on the compensation for the newly combined job!)

Q: Our local telephone cooperative dug in a new line this last fall right on the top of a township road. Can we remove this line? It will give us problems if and when we do some re-shaping of the road.

A: Of course. I'm assuming you did not give the phone company permission to do this. And, you hit on the problem as this line placement will give the township great headaches in the future. Give the phone co-op notice to remove the line or else you'll do it for them. You may want to give notice to the folks using the line before you do this!

Q: Does the chairman have to run the annual meeting?

A: No. In fact, the law calls for an election of a moderator by the members attending. The moderator, while traditionally is oftentimes the chairman, can be anyone, and is not

Cont'd on page 5

Meet the New Vice President



Hello Township Officers!

I am Ron Tuft, your newly elected NDTOA Vice President. I am the Chairman of Clara Township which is located north of Lakota in Nelson County.

I have owned a U.S. Mail contracting business for 33 years and a member of the National Star Route Mail Contractors Association and

currently serve on the Nelson Co. N.D.S.U. Advisory Council.

My roots run deep in the soil as my family has lived and farmed here for 128 years. I presently own farm land in Nelson and Ramsey Counties. I am dedicated to the improvement of township government through our association.

My philosophy in life is to do

things the right way.

Please stand up for your township when other entities or outside interests threaten our rights.

Thank you for the opportunity to serve you.

The Country Lawyer *Cont'd from page 4*

required to be an officer. See section 58-04-05.

Q: The residents of a subdivision in our township want to pave the road inside the subdivision and have requested we set up a special assessment district. How do we go about doing that?


A: Section 58-18-xx of the handbook spells out the procedure. Generally, the residents have to make out a petition which 60% of the homeowners have to sign and make the request. Then plans and specifications for the project have to be prepared, along with several explanatory public meetings held on the proposal. The homeowners eventually have an up or down vote on the project, and if approved, only the people in the subdivision are taxed to pay for the project (along with all the preliminary costs and expenses of the project, including the township's expenses in running the meetings and administering the election).

Q: We usually don't have very many people at our annual meeting. Do we have to elect officers by secret ballot? Why can't we just have a show of hands?

A: The law is pretty clear on the secret ballot procedure (*see 58-04-10 of the handbook*.) And, the secret ballot is a bedrock principle in our

country; we fought a revolution in 1776 for the right have the secret ballot! I can't tell you how many times we've heard (after the fact) of election challenges in townships when there had been some controversial topic on the agenda which then

brought out more than the normal number of attendees—and almost always one of the challenges stems from an improper voting procedure in place. Do it right all the time regardless of the number of voters, and you won't have problems!



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The 47th Annual Meeting of the NDTOA Held by Ken Yantes

Representatives from 27 different townships were present at the opening of the annual meeting held in the Grand Hotel in Minot, ND on December 2-3, 2013.

A huge winter snow and ice storm prevented the attendance of our State Tax Commissioner Cory Fong and State Treasurer Kelly Schmidt, as well as many other statewide members.

Of those dignitaries who did make it were Past Presidents Ken Yantes and John Oxtan.

After introduction of all present, State Board members Loren Ingebretsen, Minnesota's National Director lead us in the pledge to the flag and singing "America the Beautiful."

Kathy Holte, Lebanon Township in McHenry County, explained the new requirements of township assessors that was developed by the ND State Tax Department. She also explained useful information found on the tax department's website.

Steve Spilde, CEO of the NDIRF, gave a very comprehensive report on their financial position of the Fund from the beginning in 1986 to present. The fund has shown sound financial growth and stability.



Bradley Pelton, Executive of the Oil and Gas Producers, reported on the combined legislative efforts by and with the oil producers and the township officers in past legislative sessions. He also updated us on the conditions in oil patch.

Mike Nanson, a Ward Co. Sheriff's Department representative, explained the huge increase of law enforcement required as the oil

exploration and extraction moved into Ward County.

Denise Brown, NDLTAP, explained safety programs that are being offered out of Bismarck and Fargo.



Mark Verke and Denise Brown

ND Secretary of State Al Jaeger presented a 12-page document to all officers present on holding township meetings and elections. He explained why the township electors must give proper voter identification before they can receive a voter ballot.

Marty Visto gave us an overview on a computer accounting software program for townships he has developed.

A Walsh County, Sauter Township officer, Ron Pishtek, was the recipient of the Government Leadership Award. He was credited with his exceptional effort in bringing back safe condition of the storm and water damaged township roads in Sauter Township. He was not in attendance at the meeting.

Following the luncheon, the business meeting included reports from all standing committees, a grassroots policy development, and the election of district directors.

Ken Yantes, Executive Secretary, reported on the business activities of the state office and the death of his wife, Darleen. He thanked all that had offered there kind condolences during the difficult time experienced by his family.

NDTOA attorney, Tom Moe,

reported on the legal advice he had given our members during the last 12 months. He also gave us his recommendations for future risk management procedures for our members.

The Resolutions Committee surfaced two new resolutions for consideration. One on drainage and another on weed cutting on township road sides. These resolutions were attached to the minutes as they both passed into our policy.

Newly elected officers included Roger Olafson from Thingvalla Township in Pembina County was elected as State President.

Ron Tufte from Nelson County was elected Vice President and Lee Brandvold from Ward County was elected to serve on the State Board of Directors for a two year term representing District 1. Directors Barb Knutson and Al Bekkerus are serving another term for their districts.

The evening banquet featured the coveted, Legislator of the Year Award. The Award Committee unanimously agreed that Sen. Larry J. Robinson from Valley City should receive this award. He has been a very strong supporter of township legislation and a long-time member of the Senate Appropriations Committee.

Morning programs on the second day included Joel Quanbeck, from the ND Planning Association, who conducted an hour and a half workshop on township zoning.

He was followed by representatives of the Enbridge Oil Company. They explained the proposed 298 mile Sand Piper Oil Pipeline project expected to be operational by 2016.

This pipeline is projected to cross our state from Tioga, ND to the Minnesota border.

Water Drainage, Water Drains and Right-Of-Way by NDIRF

Nothing can turn neighbor against neighbor or friend against friend faster than water drains.

The essential point to remember when considering installation of water drainage is - don't dig or otherwise create a drain to or on another person's property without written permission (an easement).

This includes constructing a drain into or in a township or county road ditch without the appropriate easement.

We receive periodic calls about drains. With the introduction of drain tiling fields, these calls have increased. The concerns expressed by our NDIRF members relate to potential liability hazards created by the drain.

Typically the in-slope and back-slope of the township or county road ditch become overly steep, creating a liability exposure should a vehicle accidentally or intentionally leave the roadway.

Normally, drains were installed under the direction of the local water resource district with an appropriate easement from the township and/or county when they enter the road right-of-way.

Now, years later, these drains need to be cleaned or reconstructed so as to not obstruct water flow. Before any work is undertaken, refer to the North Dakota Century Code (NDCC) Chapter 61-21 for guidance to ensure the work is done correctly.

Our township members are justly concerned over drains in their roadway easements. They have to work with the local water resource district to determine if proper easements are in place for the drain in question.

Any issues of which party will be liable for maintenance of the drain should be addressed in the easement.

Make sure any easement is signed by both parties. It seems some old easements were entered into with a handshake. If this is the case, draft a new written easement and sign it.

Make sure your township board votes on the acceptance of any proposed easement. Remember that the easement must include every area where the drain crosses a section line, whether there is an established road or not.

NDCC Section 24-07-03 states that all congressional section lines are considered public roads, open for public travel to the width of 33 feet on each side of the section line.

These can be extremely dangerous as a large rain or spring runoff can cause washouts that easily go unnoticed until it is too late.

Drainage situations we have received calls on include a landowner:

- Cleaning out a drain in a township road right-of-way **with the approval** of the water resource district in which good work is done without damaging the slope of the ditch.
- Cleaning out a drain in a township road right-of-way **without the approval** of the water resource district in which good work is done without damaging the slope of the ditch.
- Digging a new drain or cleaning an existing drain without approval from the water resource district or the township board, in which the slope of the ditch is inappropriately modified. This is where the road authority needs to send notice to the landowner to repair and reshape the ditch. NDCC Section 24-06-27 discusses the penalty for anyone who causes damage to a ditch. That person

can be charged double the damages and is also guilty of a class B misdemeanor. Sometimes a landowner needs to use their own land to drain their water.

Improper slope of road ditches greatly increases the liability exposure of the owner of the roadway be it a township, county or a city.

It is important to inspect your roadways and section lines periodically to be sure any work done in the ditches is done appropriately. Document your inspection findings.

If you receive a complaint about any aspect of your roadway, document the complaint, the findings of any inspection and the remedial action taken.

Be proactive, it's your liability.

This is the topic I will be talking about on the North Dakota Township Officers Workshop tour coming up in February. Check elsewhere in this *Grassroots Report* newsletter for the schedule.

If you have any questions, please call NDIRF Risk Services Representative Mark Verke: office 701-751-9113 or cell 701-220-0495.

Will your newly elected 2014 township officers receive this newsletter?

Please contact:
BARB KNUTSON
2600 236th St. NE
McKenzie, ND 58572
Phone: 701-673-3198
Email: barbk@ndtoa.com

Include their name, title, mailing address and phone number.

Tell us your township name and county and the name of the person you replaced on your township board.



Grass Roots Report

North Dakota Township Officers Association
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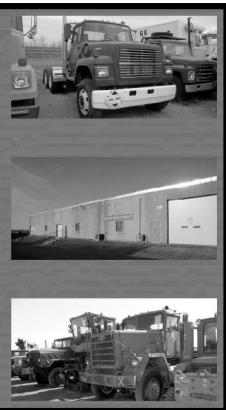
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