

GRASS ROOTS REPORT



SEPTEMBER 2013

The Official Newsletter of the ND Township Officers Association

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Township Voting Procedures Changed *by Secretary of State Al Jaeger*

For the past twelve statewide elections beginning in 2004, state law has required that individuals be requested to provide identification (ID) at a polling location.

This law applied to all state and political subdivision elections including townships. If the individual was able to provide the appropriate ID, he or she was given a ballot. The ID shown had to include the voter's name, residential address, and birthdate.

The law allowed several options for acceptable IDs providing these three required pieces of information. Most voters provided their North Dakota driver's license.

If a voter did not provide an acceptable ID at the polling location, the voter was allowed to complete a voter's affidavit on which the voter entered his or her name, residential address, and birthdate sworn to be true under penalty of law.

Then, the voter was supplied with a ballot, allowed to vote, and the ballot was deposited into the same ballot box as ballots cast by every other voter in the polling place.

If it was later learned that a voter falsely provided the required information, it was no longer possible to retrieve the ballot to subtract the counted votes of the ineligible voter.

During the 2012 general election, 10,519 or 3% of the voters statewide executed affidavits to be allowed to vote. Of that total, 6,758 or 64% of the affidavits were executed in the counties of Cass (4,589); Grand Forks (2,169).

To ensure ballots in future elections would only be cast by individuals qualified to vote, *the 2013 Legislative Assembly eliminated the voter's affidavit. Now, every voter must provide ID before he or she is given a ballot.*

The way the law reads is that the voter must provide identification at the polls. It cannot be brought in later after the polls close. This should not be viewed as denying anyone the right to vote. It is to ensure that only qualified electors of the Township, in this case, have the right and privilege to vote and cast a ballot.

At the state level we plan to undertake an educational effort to inform voters prior to their arrival at the polls. I would encourage the Township clerks to do likewise. That is, to convey that information to Township residents in whatever manner the notice and information is given for the annual meeting.

As we will be doing with statewide voters, I think it is important that an effort be made to inform Township residents ahead of time that qualified electors of the Township intending to vote at the annual meeting will be required to provide ID showing their name, their residential address within the Township, and their date of birth.

The legislation retained the same three ID information requirements and the many acceptable ID options that have been in law for the past ten years.

In addition, the bill authorized the North Dakota Department of Transportation to issue an ID card at no cost to any resident of the state who does not have a driver's license.

The Secretary of State's office is also partnering with groups and institutions to ensure that all eligible voters will have acceptable ID options available to them for voting purposes.

Workshops Set by the ND Planning Association

by Joe Quanbeck

A free Planning and Zoning Workshop will be provided by the ND Planning Association in Minot, ND on September 23, 2013 in the Minot City Hall Council Chambers, 515 2nd Avenue SW.

The workshop will begin at 5:00 p.m. CDT and will be about two hours long. Primary topics include zoning ordinances, comprehensive plans, and procedures. For more information contact Zerek Kroll or Donna Bye at 701-857-4100.

A second free Planning and Zoning Workshop will be also provided by the ND Planning Association in Manning, ND on September 24, 2013 at the Dunn County Courthouse, 205 Owens Street in Manning.

The workshop will begin at 5:00 p.m. MDT/6:00 p.m. CDT and will be about two hours long. Topics to be covered include zoning ordinances, comprehensive plans, and procedures. For more information, contact Sandy Rohde at 701-573-4609.

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President's Comments



Hello Township Officers!

Well it seems the legislative session just got over with and we barely had a chance to report on that and now it has started all over again.

The legislative interim committees have begun their work and again we have to be there to watch out for township interests. We have attended several meetings in the last three months.

These are the ones that we have been involved with so far: Government Finance Committee, Energy Development and Transmission Committee, Economic Impact Committee, Taxation Committee, and the Advisory Commission on Intergovernmental Affairs (ACIR).

For the most part, these committees are in their early stages, gathering information about the state economy, tax collections, oil development, and transportation projects underway, completed or planned. We have been there to make sure that township concerns are included and at the same time prevent any added burdens.

The ACIR was given a study resolution to look into ways to make local government more efficient and thus reduce costs to the taxpayer. A study that shows that North Dakota has the most elected officials per capita of any state in the union was again brought up.

I told the commission that a big number of elected officers working for little or nothing does not add up to a great expense. Many township officers work for \$20 or less for each day of necessary township duty. Perhaps the rest of the government should adapt this method.

I also told the commission that most of township expenses are road expenses, and those are up because the price of diesel is up, it increases the blading cost and the price of gravel. If we are to reduce costs we would have to leave the snow on the road and have our residents and taxpayers drive on rutted dirt/mud roads.

I said one thing we do that is not a road issue is zoning and that we are encouraging our townships to work

together on that and perhaps hire one zoning administrator to serve several townships. Besides that, I said we would gladly look at any proposals that might bring any more efficiency.

The commission members are asked to suggest areas for the commission to consider for developing legislation for the coming legislature. There was some discussion about townships with natural disasters that don't seem to qualify for FEMA funding, or if they do, the township cannot afford the match.

We will ask that the ACIR consider developing some kind of emergency levy that the townships could elect to use. Mayor Katie Anderson of Jamestown cited several townships in Stutsman County that have roads threatened or covered with water, she said that the townships have no way to deal with these huge expenses.

One other area of possible interest is the requirement that if a road authority (that includes townships) places or replaces a culvert it must meet the stream crossing standard.

That even applies if a rusted or damaged tube is replaced with an identical culvert. Supposedly a township can deviate from the standard but must file for approval of the State Engineer and the ND DOT.

Here is the problem, if the State Engineer approves the deviation he becomes liable, so it is doubtful any deviations would ever be approved. Some of this problem is based in law and some of it comes from administrative rules.

I have asked the ACIR to look into this matter and determine if they could come up with a solution.

Many of you will recall that Darleen Yantes had to give up her job of maintaining our mailing list back in 2011

President's *cont'd from pg. 2*

because of her health. Now that challenge has returned and she has been again undergoing chemo therapy, just finishing one regimen and having to start another stronger one.

Please keep Darleen and her husband Ken, our Executive Secretary, in your prayers.

Thank you for being a part of Grassroots Government.

Executive Secretary's Corner

by Ken Yantes



ND Multi-Hazard Mitigation Plan

Gregg Wilz, Director of The Division of Homeland Security and The ND Department of Emergency Services, opened the third and final meeting at 8:30 a.m. on July 16th in the Bismarck Comfort Inn.

This committee was set up to meet the requirements of the Federal Disaster Mitigation Act of 2000.

This act sets up the grant funding to be used by the ND Department of Emergency Services for our FEMA funding to townships. Seventy-five North Dakota residents were part of the July 16th meeting.

Your Executive Secretary, Ken Yantes, was present to represent ND Townships, as such, he is a member of the Dam Failure and Flooding Subcommittee.

All committee reports were given and this meets the requirements of the Federal Disaster Mitigation Act of 2000. North Dakota townships will therefore be qualified to meet the FEMA regulations for participation in their programs.

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July 24, 2013

Dear Township Board:

As the North Dakota Department of Agriculture, we develop a balanced approach to the multiple facets of agriculture when advocating and regulating for the agriculture industry. One of the areas we have oversight on is the Apiary "Bee" industry. The Apiary program regulates beekeepers and enforces beekeeping law. We are becoming increasingly aware of certain problems and are working to resolve those issues, such as; hives being placed without landowner permission and too close to section lines or roads. If you have a concern with beehives or beekeepers in an area you can go to our website: <http://www.nd.gov/ndda/program/apiarybees>. On the site you will find a list of licensed beekeepers, registered locations, the beekeeping law, and a map of all registered locations. The locations on the map are registered to the nearest quarter section and the dot may not represent actual hive placement. If you have additional questions or are unable to access the website please contact our new State Apiary Inspector Samantha Brunner at (701) 328-4765 or by email sbrunner@nd.gov.

The goal is to implement and enforce current beekeeping law by registering all locations and placing their name and contact information at the entrance of all apiary locations. If you are aware of unregistered locations please feel free to send us the legal description, including the quarter section of the property that the hives are located on (NE, NW, SE or SW corner).

North Dakota ranks #1 for honey production in the Nation. I believe that the cooperation between honey producers and compliance with state law will benefit everyone. On July 31, we are hosting a pollinator summit, where stakeholders can provide feedback that helps us identify "Best Management Practices" (BMP's) assisting us in developing a pollinator protection plan. Our rural, apiary and ag community is encouraged to participate, it will serve all of our best interests to avoid a national policy or law on pollinators that supersedes our rules and regulations with a one-size-fits-all approach. We are attempting to develop a plan that could serve as a model for other states as USDA and EPA work to develop a similar document that addresses apiary issues on a national level.

Please don't hesitate to contact our office if you have any questions.

Sincerely,

Doug Goehring
Agriculture Commissioner

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law

Greetings to all! The fall harvest season is off and running. Hopefully, the weather will continue to cooperate and everyone can finish fall's work. One thing about farmers is that they typically don't 'go' to work—they wake up every morning surrounded by it! Hopefully, township officers can get their annual fall road and sign surveys accomplished before freeze-up. Yes, even though we have enjoyed a pleasant September, the white stuff can't be too far behind!

Also with the end of harvest comes the annual appearance of the most dreaded machine invented—the field scraper! Keep in mind that no one should be cleaning out or otherwise working in the township road ditch without permission! We see too many instances of a ditch cleanout gone bad: Back slopes and inslopes damaged, culverts crushed and damaged, road signs destroyed, etc. Make sure all operators in your township are aware of the policy of obtaining prior permission before commencing cleanouts. Your permission should include an outline of the work to be done, plus the requirement for an inspection by the township after the work is done to see that none of the above damage has occurred. And, because ditch clean-outs usually means the operator is intending to move some water elsewhere, make certain that the operator visits with the county water board as well, for any permits that body may require.

Remember the concept that it is you (township's) road ditch, but it's the water board's water. Both bodies need to cooperate on these issues; otherwise we end up with damage to roads and road ditches, plus potential water problems downstream.

The annual NDTOA convention is soon upon us, and I know there should be an informative program for everyone in attendance. I've spoken with several of you over the Summer and you all promised me you would come to Minot for the convention this year! I intend to hold you to your promise! Remember, any officer can and should attend the state convention, as there is no longer

any requirement for a certain number of delegates. Nor is it necessary that you have to be "selected" to attend—you can just show up. (Although pre-registration is helpful if you don't want to get just a glass of water for lunch!) In addition, your township should help defray your expenses for meals, lodging and fees, as the convention is official township business and should qualify for reimbursement.

I've had several calls over the summer and the problems and questions received from the township officers all across the State have been wide and varied. I have also had some contacts with township residents, who are usually angry with their officers over some personal issue—I always tell them that they must contact their township supervisors and work it out with them, and, that they must be sure to attend their annual township meeting. Seems like a lot of these people are just permanently angry! It reminds me of a wise person who once said "I haven't got the slightest idea of how to change people, but I now have a long list of prospective candidates just in case I should ever figure it out!" Seriously, most questions can be resolved by the officers checking with our handbook, and it sure helps if you have the book handy when making your call. The ND Century Code is also available on the township website: www.ndtoa.com

Speaking of the township officer's handbook, a new version is in the offing. Let me, Ken Yantes, President Larry, or your District Director know if there is anything you would like to see added to the handbook, such as additional sections of the Century Code, or any forms or publications which could be helpful. We'll probably be printing an entire new handbook this time, so watch for its distribution—by workshop time next winter.

Get those road and sign surveys done, and watch out for the ditch clean-out season. It might be a good idea to check with some of the neighbors and have them call you if they see the appearance of the field scraper next door! Following

are some questions I've received in the office. See you in Minot! TRM

Q. We had a landowner close off a township road because of personal problems with the neighbor. Can he do that? The road is on a quarter line.

A: I was going to answer "No", until I read the last sentence. Quarter line roads are typically not public roads and could be closed by the landowner upon whose property the road lies. However, some quarter line roads are indeed public because they have been used as such for years, and the section line a half mile away is not useable, i.e. under water, or the topography is such that a safe road would be impossible. Unfortunately, most of these quarter line roads have no written easement on file, as the landowner and the township years ago agreed to it verbally—I call that a 'handshake' easement. If the township wants to establish a public road on this quarter line, it can, with the evidence that it has been used by the public for more than twenty years, and that the township has expended money for maintenance, gravel, etc. over the years. If the offending landowner still resists, then a court action will need to be filed, and a judge's order will be required to establish the quarter line public road. (**Note:** All this because the township supervisors and the landowner all those years ago didn't get anything in writing!)

Q. We have the owner of a farmstead that wants us to put a culvert under his driveway where it connects with the township road. Do we have to provide him with one?

A: It depends on your policy. Some townships provide culverts under approaches, some do not. There's nothing in the law that governs either way. I would want to know if anything has changed: i.e. has there been some manipulation of water upstream causing more flows? Why wasn't a culvert placed there in the first place? Was there one there originally and now it's been crushed or damaged? Is the approach a new one? If the township doesn't have a culvert policy (i.e. 'who pays?'), then decide

Country Lawyer Cont'd

what it should be, because with the advent of the larger field equipment and the use of semi-trucks, a lot of operators are asking for more and larger approaches, so the culvert question won't go away.

Q: Our county roads are in tough shape. The commissioners don't seem to be very concerned. Do we have any authority?

A: Not as a township. But as a land-owner/resident you must make your concerns known, preferably in writing. The township could also write a letter of support, and especially regarding unsafe intersections between the township road and the county road. In that case, the written notification of potential safety hazards would go a long way towards reducing the township's liability and expanding the county's responsibility for accidents.

Q: We have two different rural fire departments that could serve our township. The supervisors chose to go with one of the departments, but a lot of us in the township think we should go with the other department. Can the supervisors make that choice, or is it up to a vote of the people?

A: The "powers of electors" is listed at Section 58-03-07 of the Century Code.

Specifically, # 20 says that it is the electors (not the supervisors) that can "direct the transfer of township funds to a rural fire protection district or rural fire department, for fire protection within the township." This should be brought up at the next annual meeting, or at a special meeting of the township if something needs to be decided before next March's meeting.

Q: We are in the western part of the state where all the oil activity is. Several of the companies want to put temporary water hose lines at the bottom of our road ditches. We have no problem with this practice, but one of the companies wants our written permission to do so. Should we do that?

A: I think that would be a good idea. I imagine having temporary water lines in the ditch is a lot better than a bunch of heavy water trucks on your roads. They probably want written permission for their insurance purposes. One of the items I would put in your permission agreement would be a clause regarding their responsibility for clean-up/damage in case one of the lines burst causing road bed erosion or other damage to the road because of the break.

Road Condition Survey Needs Your Input

The Upper Great Plains Transportation Institute will be sending a survey to all township officers asking different questions about your road systems. These questions will have a great effect on future township funding from the ND Legislature and it is important that the Institute receive your input on your road and bridge conditions in your township.

The legislature has relied on the input from the Great Plains Institute as an unbiased source of accurate information on ND road systems. This is part of the reason townships have seen quite an increase in funding.

Please take the time to answer their survey as it will play a big part in the next legislative funding bill.

**2013 NDTOA
Annual Meeting
December 2 & 3, 2013
Minot, ND**

Go to **www.ndtoa.com** to find information and websites for the following:

- ◆ Officers and Directors information
- ◆ Calendar of Events
- ◆ The *GrassRoots Report* Newsletter
- ◆ The Officer's Handbook
- ◆ Workshop Information
- ◆ Discussion Forums
- ◆ How to Access the ND Century Code
- ◆ North Dakota Insurance Reserve Fund (NDIRF)
- ◆ Legislative Updates
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Are your newly elected township officers receiving this newsletter?
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Send your information to:

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Treasurer's Report

by Barb Knutson Dist. 5 Director and Treasurer



Where has summer gone? They say we have two seasons in ND: "Road Construction" and "Winter" and I'm thinking we need longer road construction season. Hope you have been able to get some of the extra funds put on the roads. Everywhere you look, they need it!

The fiscal year is winding down and I want to remind you again, that dues are due May 1, and delinquent the first of October as the fiscal year ends the 31st of October.

Thanks to those who have already taken care of their dues. Thanks, also, to those that have been sending address changes and officer changes. I would ask you again, to check with your board members to see if they are receiving the *GrassRoots Report* newsletter. If they are not, make sure you get the correct officers and addresses to me.

A few other reminders. From the phone calls I have been getting, I hear that there are still townships out there that

are not posting their meeting dates with the county auditor, or at all. This is one place where we are completely in control of the outcome.

There will be no room for fault finding in that department, if we just notice the meeting. If it is necessary to have an emergency meeting, there are ways to handle that also, but they are not all emergency meetings.

The annual meeting is coming up December 2 and 3 in Minot. Mark your calendars and reserve your rooms! We hope to see many of you there.

Thank you for what you are doing in your own communities. It is important to our state!

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Road Closures by NDIRF

Water covering the road, bridge or culvert washed out, road construction, the road blocked with snow or any other condition that makes the roadway impassable are all reasons to temporarily close a road. When roads are closed, they need to be properly signed as closed.

Start with a road closed ahead, *road closed to thru traffic, road closed -local traffic only* or some other approved version of this sign with a similar message, at the intersection preceding the road closure.

This warns drivers that they will add time to their trip unless they are sight-seeing. Hopefully local residents will know from which side of the road closure to access their property.

Next signing is needed at the actual road closure. This is where the ROAD CLOSED sign is installed. A road closed sign alone may not be adequate.

A type III barricade may also be necessary to protect people from themselves. To some a road closed sign is just too easily avoided and we know what happens then, call the ambulance and tow truck.

As you are installing road closed signs on the one side of a work area or damaged roadway, don't forget about the other side of the closed area.

You need to install a set of signs on the other side of the road closure as well. We have had claim where on side of a washout was properly signed however the drive approached the washout from the other direction.

Needless to say the cost of this loss

made the cost to install proper signage seem to be a pittance.

After the signs are in place document what you have done. Remember the old saying "If it's not documented it didn't happen". Just because you were diligent in installing proper signage, it does not mean they will last forever.

Rechecking of the signs needs to be done on a regular basis. Documenting

these checks is just as important as your initial documentation when installing the signs.

If any signs are moved, tipped over or missing on inspection be sure to document the finding. Then be sure to notify the proper individuals if the signs need to be replaced or repositioned.

Almost as important, when the roadway is reopened remove the signs.

Multi-State Meeting Held in Bismarck, ND

Representatives of the state organizations from Wisconsin, Minnesota, South Dakota met with representatives of the ND Township Officers Association in the Ramada at Bismarck on July 8th and 9th, 2013. These four states have been meeting annually for quite some time and discussing what has been successful in each state and sharing how to implement future joint efforts.

Grant Levi, Director of the ND Department of Transportation, reported on the conditions of ND roads and the extensive damages to our roads caused by the oil boom traffic and several years of excessive rainfall. He presented a plan of attack on repairing the severe damage which included state and federal road projects.

Steve Spilde, CEO of the ND Insurance Reserve Fund, reported on the financial successes of the fund. He pointed out the low level of loss ratio experienced by townships and other ND governmental entities and the numbers of entities that carry the Insurance Reserve Fund coverage. The group toured Bismarck State College's Energy Center of Excellence.

At the dinner Alison Ritter, Public Information Specialist of the ND Department of Mineral Resources, reported on the present and future state of North Dakota's oil formations. Tuesday morning's meeting allowed each state's representative to speak on future joint efforts.



L to R: Loren Engebretsen, Kent Sulem, Gary Petderson, Larry Syverson, Ken Yantes, James Puffer, Rick Stadelman, and Lee Engelbrecht.

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ken@ndtoa.com
Co-editor: Kathy Holte

Check out our website: www.ndtoa.com

NOTICE TO COUNTY COMMISSIONERS

If your county includes unorganized townships:

Is your county paying dues for each unorganized township?

The per mile funding each township gets is a result of NDTOA effort.

If your county doesn't pay dues, someone else is paying your freight!

Your county has benefited from NDTOA for many years.

Have you calculated the benefit your county

has received from the efforts of NDTOA?

WON'T YOU PLEASE PAY THE DUES?



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