

GRASS ROOTS REPORT



SUMMER 2014

The Official Newsletter of the ND Township Officers Association

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Interim Committee Action

By Larry Syverson

Director of Intergovernmental Relations

The Governor's Taskforce on Property Tax has met several times since December. While we were not given a seat on this committee, NDTOA has let it be known that we are going to be in the room when property tax and the ability of township electors to levy for the funds required for maintaining roads and services is the topic of discussion.

Now after months of work the task force has finally produced a bill draft. The draft is 77 pages long, but along with that, a print-out of the sections of existing law it would repeal is 97 pages long, that adds up to a lot of material to study. A lot of devils could be hiding in all those details.

For townships the bill would allow the usual 18 mil general levy with the option for the electors to add an additional 18 mils—the excess levy. It seems to make the excess levy easier to do and it would be good for 10 years. But the small levies like the snow removal and mowing levy would be eliminated; we would be limited to the 36 mil total general levy.

Then I found one of those devils: townships would be required to publish notice if they intend to spend general funds for mowing or

snow removal. I pointed out to the committee that the township electors already approve the general levy and that requiring publishing a meeting notice to spend general funds on mowing and snow removal is redundant.

The Governor agreed that since all funds are now general funds, townships should be able to spend them as needed. The entire township section is being redone so we will have to wait until the next meeting on August 7th to see where they will move the “devils” to this time.

The Advisory Commission on Intergovernmental Relations, where NDTOA has a seat on the commission along with counties, cities, parks, schools and four legislators, has been working on some topics that will greatly affect townships. The two biggest impacts concern assessors and zoning authority.

The assessor qualifications bill would require that all assessments in the state be done by certified assessors. Becoming a certified assessor would take 180 hours of training and 20 hours of continuing education every two years to maintain certification.

A township or city that doesn't employ a certified assessor must reimburse the county for the assessment expenses. If passed, the

bill would become effective July 31, 2017.

Suddenly requiring seven weeks of schooling to be a certified assessor is going to make it difficult to find qualified people to fill the jobs. I asked the State Supervisor of Assessments if they have any idea how many counties would not be able to find enough local people to qualify and would have to fall back on out-of-state commercial assessing services. *She said they have no way of knowing.*

I also asked if they have any idea what this is going to cost townships since the law allows a blank check for the counties to spend on assessing. *Again, she said they have no way of knowing.*

I asked if credit would be given to experienced assessors that have attended the annual seminars over the years they have served. Her answer was: *only if there was a test given to prove knowledge, credit would not be given for just attending.*

Unfortunately we don't seem to have any friends in the room on this bill, the ACIR voted to recommend it to be taken up by the legislature with only my vote in opposition. It has also been given the recommendation of the Taxation Committee.

Cont'd on page 6

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President's Comments



Hello everyone!

Hopefully a little drier weather pattern is setting in, but be careful what you wish for. As I write this in mid July we just had a few days in a row of sunshine for the first time in months. I believe that is how the last drought started!

Things have quieted down somewhat for NDTOA once the spring county association meetings were done. We (mostly Larry) are still attending meetings and monitoring activities of legislative interim committees, ACIR, and Governor's Task Force on Property Tax Reform.

You may remember Larry mentioning during the workshops a proposal afloat to require township assessors to have considerably more stringent qualifications than are currently required. Larry's latest report on this issue says this could very well come about as NDTOA is really the only group trying hard to keep any changes at a sensible level.

We are trying to promote the use of the township record keeping program developed by a fellow township officer to simplify recording and reporting financial information. Many of you have seen information on this program at the state convention, workshops, or in the last issue of this newsletter.

If you are interested in this program urge your county auditor and county commission to look into this as the seller wishes to deal with this on a county by county basis. It is only necessary for each county or county township officers association to buy one program and provide each township (give or cost share) in the county with a copy.

We are currently making plans to

attend the multi-state conference of state township officers associations in New Ulm, MN on July 21 &

22. Plans include sending a seven member delegation from NDTOA to this conference. It will probably be too late to get a report on this conference in this issue.

If you still need a 2014 version of the handbook update there are still a few available. Contact your district director for this. Also check with your county auditor and county road superintendent to see if they are interested in buying a copy of the handbook. There seems to be quite a few of these officials becoming interested in obtaining these handbooks.

Supervisors need to keep vigilant as to what's going on around them. Many times people do something in the township right-of-way that they shouldn't or don't realize they should get permission before doing something. Once the damage is done it can be quite costly to correct it and can cause hard feelings amongst neighbors.

Until next time, let's do our jobs diligently and keep our form of Grassroots Government alive and well.



WORKING FOR YOU!

How do I submit a claim to the NDIRF?

Questions in this area typically come from NDIRF member officials who have little experience with their entity being involved in a claim.

Nearly all township officers would fall into this category because, although the NDIRF receives a certain number of claims

involving townships each year, due to the large number of townships it is very rare for any particular one to have a claim made against it or be involved in litigation.

The procedures for submitting a claim to the NDIRF are as follows:

The local independent insurance agent through whom your township has obtained NDIRF coverage should be contacted in the event of a claim. Your agent will obtain the necessary information from you and forward it to the NDIRF.

In unusual circumstances (this is particularly important when your first notice of a claim is service upon you of a summons and complaint) you may contact the NDIRF claims department directly because time is of the essence to avoid a default judgment.

An insurance agent who has received notice of a claim from an NDIRF township member and has questions regarding the procedure for submitting a claim should immediately contact the NDIRF claims department for instructions.

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Executive Secretary's Corner

by Ken Yantes



To Be or Not To Be Is the Question

Seven members of the NDTOA Executive Board are planning to attend the Annual Multi-State Township meeting in New Ulm, Minnesota on July, 21st and 22nd. This joint meeting will be attended by the State organizations from Minnesota, South Dakota, Wisconsin and North Dakota.

This gathering will allow the four state boards to share the information that they have learned to be useful and those programs that have failed over this past year.

A further report will be given in our next newsletter on the successful efforts reported to your State board members from the other states experiences.

A question that remains to be answered is: Should NDTOA rejoin the federal organization, (The National Association of Towns and Townships).

IN 2009 NDTOA ceased to be a member of NATaT. Representatives of the NDTOA will ask what has changed with NATaT that would compel NDTOA to rejoin the federal association.

The really happy person is one who can enjoy the scenery when on a detour.

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! How did it get to be July already?! I just hope we haven't had Summer already because I obviously missed it! Some of our farmers out there had a tough spring planting season and I've had several reports from township officers complaining about mud on their roads. Hopefully everything can get cleaned up before harvest.

Several from your State board will be attending the annual multi-state conference of township officers at New Ulm, Minnesota at the end of July. I hope to get there as well, as it is a good learning experience for me to network with my counterparts from the other states.

Our problems and concerns are very similar, but each state's laws can be very different from ours. I especially get a kick out of hearing about some of the different compensation rates for township officers in other states. North Dakota's pay scale for our officers is a lot lower than our counterparts.

Several of you have called about tax equalization problems which surfaced this spring. Our system of real property taxation and its reform is a work in progress and there, no doubt, will be legislation addressing changes to the system at the next session of the legislature.

Please let us know your ideas and concerns, and our legislative team will want to call on all of us for help and assistance—especially when it comes to having township officers and assessors appearing at the Legislature so that we can show a united front. One of the areas of concern that we should remember is that property tax appeals are landowner

driven, not township officer driven. Remind your landowners that they must appear at both the township and the county boards of equalization in order to preserve their rights to further appeal their taxes—the township officers cannot do that for them.

Take advantage of our nice summer evenings—hopefully we will have some—to do a sign and road survey. If you have family members or other out of town folks visiting, let them do the driving. It's surprising what they see (or don't see) when navigating our roads. For example, you may know a curve in the road is upcoming ahead because you drive the route every day, but the stranger may not know about the road's condition, because the curve sign is no longer visible or has not been replaced after it fell down years ago! And if you dare, have them drive your roads at towards nightfall, because that's when your road signs' reflectivity, or lack of it, really becomes evident.

Our county water boards are in full swing during the summer as well, and township officers should make a point to visit with that agency's members. Let them know that you want notification if a landowner or operator wants to establish a drainage project utilizing your township road ditch.

And, if the county water board wants a township representative to come to their meeting, make sure you comply, it's always better to be involved with water issues before the project starts, rather than after the fact.

I hope everyone has a safe and

fruitful summer. Here are some questions I've received in the office lately. TRM

I'm wondering how long we should keep FEMA records. Some of these projects we completed were over 15 years ago.

My guess is that there are records retention standards within the FEMA bureaucracy itself, but I don't know what that time line would be. However, I think it would be a good idea to keep these records, especially pictures and records of monies spent indefinitely. Like anything else when it comes to archiving records, invariably we always find ourselves "wishing we had saved a copy."

Were we wrong in having a township supervisor meeting during the board of equalization meeting? We were all there anyway and it seemed a good time to take care of business.

It depends on what your notice of the meeting(s) contained. You would need to have a notice for the equalization meeting and a second notice for the supervisor meeting. Remember that even though it's the same three people at the session, they are wearing different 'hats'—at one meeting they act as a Board of Equalization and deal solely with tax issues—and at the second meeting they put on their 'supervisor hat' and deal with regular township business. And your minutes would show that one meeting was adjourned and the other meeting began. It's all part of our open meetings laws and it is really very easy to comply with the

The Country Lawyer *cont'd*

law by having a simple notice for the second meeting and keeping decent minutes of your actions—something which should be done anyway.

We have an operator that wants to clean a township ditch in order to make water from his field flow better. We have no problem with it, but we are concerned that he may be attempting to drain wetlands on his land. Do we have any responsibility to notify NRCS?

Probably, but I would go one step further. After meeting with the operator and outlining his plan, you should follow up with a letter to him which not only lays out your specifications and expectations for completion of the work, but also instruct him to notify not only the NRCS, but the county water board as well. And, send a copy of your letter to both agencies. That way, no one can say that “they didn’t know about this project”—even if the operator fails to notify the others as you instructed.

We have one supervisor that thinks we should put up yield signs at every intersection which would get to be pretty expensive. What’s the rule on yield signs?


My understanding is that yield signs are needed where the intersection is not easily visible from all directions, such as where trees are in the way, or the topography is such that view of the intersection is blocked in some manner. Intersections which have wide open views, and one can see an oncoming vehicle from a very long way away probably don’t need yield signs. Check with the Manual of Uniform Traffic Control Devices, a copy of which your county engineer/road superintendent no doubt has.

Our electric cooperative will be replacing a line of power poles along a mile of our township road. We would like them to place the poles at least 50 feet from the edge of the road—can we make them do that?

Not unless your township is zoned for fifty foot setbacks. If you don’t have that, then 33 feet is the outer limit of your jurisdiction.

Our clerk recently passed away and our treasurer has pitched in and is doing the clerk’s duties. We’re thinking now would be a good time to combine the clerk and Treasurer positions into one. Can the supervisors do that?

Combining the two offices requires a vote of the township members, so you will have to call a special meeting of the township (not just the supervisors) and get approval from the residents. A special meeting requires a 10 day newspaper notice with the agenda item listed. My guess is that very few folks will show up for such a meeting, but this is one of those actions that the law is pretty clear about. However, you could appoint someone to be clerk temporarily until the annual meeting next March which would save the necessity of having a special meeting now, but it probably can’t be the existing treasurer.




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Interim Committee Action

cont'd from page 1

This will clearly be an up-hill fight and we might count ourselves lucky if we can even win some moderation of the requirements.

The other issue is zoning authority. Over the years quite a few townships have relinquished zoning authority to their counties. Now some have been trying to regain the authority. However, there was an Attorney General's opinion that in some cases, depending on how the relinquishment was done, the township cannot get the authority back from the county.

A bill has been drafted to allow that a township can recover the authority with the consent of the county. There have been some minor alterations to the bill with regards to siting solid waste facilities but it seems this bill will progress.

I told the commission that zoning authority is an increasingly important item for townships as we have seen some counties quit zoning, repeal their ordinances and dismiss their administrators.

That leaves rural residents totally unprotected from many hazards and nuisances that could come from unregulated developments if the township cannot step in to do the zoning.

During the discussion on the draft of the zoning bill the Mayor of Jamestown, who represents the cities on the commission, raised the point that townships should be able to recover zoning rights from the counties with or without county consent, if the township was willing to take on and do the job.

I thanked the mayor for her comments and concurred. We asked that an additional draft be prepared that would allow a township to reclaim zoning authority. It will be interesting to see how these two versions play out.

Of course these bill drafts are a long way from becoming laws, they will each have to go through the legislative process that will start in January. They will then be heard in Senate and House committees where we will have more opportunities to seek to improve, or kill, them.

I believe it is important that we are there to use every opportunity to influence pending legislation so we can maximize any benefit and perhaps more importantly minimize damages from them.

Thank you for your interest and for being a township officer!

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Local Road Infrastructure Bill Proposal Submitted

By Ken Yantes

Interim committees have been meeting in Bismarck to discuss future legislative acts. The Economic Impact Committee met on June 25, 2014 and had some important ideas you should know about.

Grant Levi, Director of the ND Department of Transportation, gave a report on ND roads and bridge projects. He said that 1.5 billion dollars of the available 2.3 billion dollars had been used on projects in the western portion of North Dakota.

He indicated that not much of road funding that was to go to county road projects had been used to date this year but the funds would be distributed to them soon.

Denver Tolliver, Director of the Upper Great Plains Transportation Institute reported that according to their current study the road and bridge work costs in North Dakota have increased 18%. The Institute continues to study these costs as time goes by.

Allen Dybing, Associate Research Fellow, from the Upper Great Plains Transportation Institute was concerned over the increase of costs in the western county area of North Dakota. He indicated the number of new wells being drilled as part of the problem.

Representative Mike Brandenburg submitted a bill proposal #15.0155.01000. This proposal would deal with local road

remediation plans for certain projects that are not part of the county state or interstate road systems.

The bill would require road contractors to follow a local road remediation created by township supervisors in an organized township and in an unorganized township the plan made by the county commissioners in the county wherein the township was located.

Representative Brandenburg indicated that such a plan must be reinforced by a required written document.



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Treasurer's Report by Barb Knutson

District 5 Director, NDTOA Mail List



Don't know where this year has gone! According to my records, we are doing very well with the dues this year as far as punctuality. Happy about that and thank you all for that.

Working to get the mailing list up to date and have really appreciated even the officers calling to tell me who their replacements are. That is dedication!

I do still, however, have some county lists that have townships that have not reported their officers for this year. Even if they stay the same, the county needs an update.

I would appreciate your help on that. I know this time of year is crazy busy, but would only take a minute to update the county on

your officers.

Just a reminder to start thinking about carving out some time to attend the NDTOA Annual Meeting in Bismarck on December 1-2, 2014.

Legislature is coming up, so it is a good time to get your ideas to Larry and Ken—the guys that represent us there. Also a good time to get together and get ideas as to what is working for others in the state. Watch for more info on annual meeting in upcoming *GrassRoots Report*.

Have a good summer! Any questions? Get in contact with your director to get them answered. Thanks for your work out there!



Grass Roots Report

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