



*The Official Newsletter of the ND Township Officers Association*

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# Joint Meeting Held in Belfield by Ken Yantes

The NDTOA Board of Directors met with representatives of the Western Oil and Gas Producing Counties on June 19, 2010. The meeting was held at the Great Plains National Bank meeting room as the rainy weather restricted our outdoor meeting plans at the Pavilion.

Greg Boschee, President of the Western Oil And Gas Producing Counties and their Executive Officer, Vicky Steiner, both addressed the group after being introduced by NDTOA President Larry Syverson.

As a group we discussed what is happening to the transportation infrastructure in Western North Dakota.

President Boschee who is an officer in Fertile Township and a Mountrail County Commissioner spoke of the successful united efforts of our two organizations during the 2009 Legislative Session.

He urged continued cooperation in the 2011 Legislative Session. He told us of the amount of damage to roads in his township and county from the oil exploration and production efforts and that two days of heavy truck traffic can ruin a township road.

Vicky Steiner informed us of the taxation derived from oil production and how little actually was retained on a local level for transportation infrastructure stabilization.

The local government leaders from the East and the West agreed that they had benefited from the sharing of experiences at this gathering of grassroots leaders.

We look forward to having Greg and Vicky present at our annual meeting in Bismarck on December 6, 2010 to discuss further avenues of cooperation with our membership.



*Pictured at top: Greg Boschee and left is Vicky Steiner.*



**2010 NDTOA Annual Meeting Set**  
 The 44<sup>th</sup> Annual Meeting of the North Dakota Township Officers Association will be held at the Doublewood Inn in Bismarck on December 6-7, 2010.

**The registration fee will be \$40.**  
 Registration fee includes lunch and an evening banquet with entertainment. Watch for more details in the October newsletter.

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## President's Message

by Larry Syverson

Hello Township Officers.

As the summer winds down we are getting ever nearer the next legislative session and at this time there are a couple of proposals we are following, one good, and the other probably not so good.

First the good, our involvement with the transportation workshops earlier this year seems to be paying off. The recommendation coming out could mean that the state funding, per mile of certified township roads, might as much as double, this is an increase to the new funding that took the place of the old one cent gas tax after 2009.

We are continuing to watch and support this development in the interim committee.

The other proposal is coming from the Chairman of the Interim Tax Committee, State Sen. Dwight Cook, (R), Mandan. As part of his committee agenda for "property tax reform and reduction," he is developing a proposal to eliminate township assessors.

Ken and I will be meeting with Sen. Cook and the Tax Commissioner on August 5 to discuss this proposal; we will maintain that township assessors and equalization boards are important steps in the evaluation process, applying local conditions and knowledge to the assessments.

Township involvement also allows taxpayers a first step at a local level to question or protest their assessments.

I believe Sen. Cook will be bringing a draft of this proposal to the full Tax Committee meeting on August 24. We will work to maintain local control at the township level.

**I hope we will have resolutions on this matter from the county associations brought in to our**

**annual meeting  
December 6 and  
7 in Bismarck.**

Good or bad these are only proposals in their early stages, they have a rough and rugged road before they would become laws signed by the Governor, but we must continue to work from beginning till the end for the best deal we can get for township government.

We need your support, tell your Legislators how you feel on these and other issues that impact township government.

The "waffle plan" is again being discussed as a means to lessen the severity of flooding, especially along the Red River. The Energy and Environmental Research Center (EERC at UND) claims that it would be cost effective to pay farmers to retain water on their land during years of heavy flooding, and as far as that goes it is good and well, however they totally ignore the township roads and ditches that would be used to implement this water retention scheme.

No mention is made of the potential for added damage to roads that are already suffering from the demands of modern loads on a system that was built 50 or more years ago.

When most of our township roads were built, the total ag product of North Dakota was 17 billion pounds, now that figure is closer to 60 billion pounds. When the spring runoff occurs before the ground thaws little damage is done to road beds.

However delaying the runoff could result in saturated roadbeds that would suffer greatly for months after the waters finally are permitted to



*cont'd on page 6*

# Dues Increase

## Proposed for 2011

By Ken Yantes

A motion was made, seconded and carried at the 2009 Annual Meeting to increase the annual township dues to the NDTOA by \$25—from \$100 to \$125.

This motion will be discussed and voted on again by the voting members present at the 2010 Annual Meeting on December 6, 2010.

Efforts in the 2009 Legislative Session by the NDTOA resulted in:

- \$43 million set aside that townships could/should have applied for;
- \$13 million was set aside to be used for reducing the 6% of your FEMA project costs to only 3%;
- \$10 million was sent to townships to help cover weather related road damages;

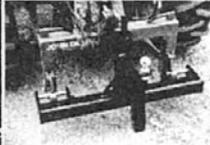
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- \$10.4 million was sent to townships from the State Highway Distribution Fund in lieu of the declining one cent gas tax funding.

This year NDTOA has invested time and dollars in attending nine Transportation Coalition meetings across the state creating a united

stand between organizations concerned with transportation needs. This effort will need to be continued throughout the 2011 Legislative Session.

If NDTOA is to continue to work to increase your township's funding, the association will need to have increased funding to provide that service.

## Executive Secretary's Corner by Ken Yantes

### What can you expect for Township funding in the next two years?

One of the duties of the Executive Secretary/Director of Governmental Relations is to serve as your representative on the North Dakota Transportation Coalition.

This is an assembly of organizations concerned with transportation needs in our State.

During the 2009 Legislative Session we worked together to get an increase in funding that included a new source of funds for North Dakota townships. We share in the State Highway Distribution Fund.

This committee has submitted an increased funding request to

Governor Hoeven for inclusion in his budget for the next biennium.

The request is for a dedication of 50% of the state's Motor Vehicle Excise Tax for deposit in the State Highway Distribution Fund.

This would restore that portion which was removed from the fund when the state's general fund was facing a shortfall.

The request asks for the remaining 50% of the Motor Vehicle Excise Tax to be placed in the State Highway Distribution Fund, but only as a one-time appropriation for the 2011-2013 biennium.



This would enhance the township share of the Highway Distribution Fund by \$3.24 million or about \$57.00 per mile of road in your township.

The Coalition members see this proposal as an appropriate rededication of a **user fee concept** which is a fair and proper funding source for transportation.

# **The Country Lawyer** by Thomas R. Moe, Attorney-at-Law

Greetings to all! Summer is fast leaving us and I don't know where the time goes. Seems like just yesterday the baseball season started and now we are already talking about who is going to be in the World Series.

Did you know that baseball is the only game where the team which is on offense never touches the ball?

We had a great meeting out in Belfield with the NDTOA Board of Directors and some of the local township officials from that area.

It really is an eye opener to hear about all the oil activity and the huge problems that creates for the local township roads. I learned about the oil impact funding sources and some of the proposals by the Association of Oil Producing Counties for some legislative work next session to work to increase those funding sources.

All of us should be tuned in to this issue, as I suspect NDTOA will be asked to help out in promoting this legislation, and, it behooves us all to speak to our local legislators about increased funding for not only the western roads but for all of our township road needs.

With harvest soon upon us, that also means "ditching" season is close behind. Visit with the various operators in your township and see if they have some projects in mind after harvest.

Remind them that they should only work in township road ditches with your permission—which you will probably freely grant as long as they speak to you before the scraping and ditching begins.

Many townships have created a permit form, which they have the operator fill out before the work starts. The important part of a

permitting process is that it allows good communication between all parties, and it forces the township to inspect the work after completion to make sure everything was done correctly.

I've seen too many township road ditches with straight vertical drop-offs after the ditching job is finished.

It puts the township in a precarious position, because the township will retain the liability for accidents, even though the work was done without a permit and not authorized by the township officials—because the township has the ultimate responsibility in seeing to the safety of the roadway on behalf of the traveling public.

Along those same lines, when graveling your roads this summer, make sure the contractor is operating safely as well.

The contractor is responsible for erecting warning signs, etc., but the township is ultimately responsible for making sure the contractor is doing his job.

Once again, I've seen many pictures of dangerous conditions during gravel operations, plus photos of equipment left out on the roadway overnight without any warning signs or precautionary measures being taken.

Several townships have called and inquired about zoning and zoning procedures. My only advice is that if your township is zoned; make sure you read through your zoning ordinances so you can become familiar with them, because you can be sure that the person challenging you has read them—cover to cover

If your township is not zoned; consider getting it done this winter, because most townships that have run into trouble have told me that

the biggest mistake they made was not getting zoned sooner.

Hope everyone has a safe harvest. **Let's go Twins!** (Can the Vikings be far behind?) Here's a few questions I've received in the office this summer. TRM

**Q.** You have suggested that townships have more regularly scheduled meetings. What kind of notice is required for these meetings?

**A.** I'm assuming you are talking about supervisor meetings, and not full township meetings, as the full township meets only annually (in March), or at special meetings requiring newspaper notice with agendas listed, etc.

Supervisor meetings only require "reasonable notice" which must include notification to the county auditor, posting the notice at the place of the meeting, and providing notice to anyone who has requested to be sent a copy of the meeting notice.

This is why I suggest supervisors meet monthly, especially during the summer season—one notice to the county auditor listing the entire schedule will suffice. Newspaper notice is not necessarily required for supervisor meetings, but it is never a bad idea to do so, especially if there is a controversial topic on the agenda.

Also, there is no minimum time limit for supervisor meeting notices, but once again, reasonable notice should be several days at least. Emergency meetings can be held, but make sure it's a bona fide emergency, not just a ploy to get around the notification requirement!

*Cont'd page 5*

## The Country Lawyer *cont'd from page 4*

**Q.** After the March election, the newly elected supervisor refused to sign the oath of office. Can he still serve?

**A.** No. The oath is a requirement under the law, and without a signed oath of office, the clerk can declare a vacancy, and proceed accordingly—the other two supervisors either appoint someone who will serve, or the township can call a special meeting and have another election.

**Q.** One of our supervisors claims we have to do our banking in the county. We are on the extreme edge of our county, yet only four miles from a town with a good bank but it is in the next county. Can we use that bank?

**A.** No requirement that I know of in the law that says you must bank in your home county. In fact, I know of several townships that are with the Bank of North Dakota in Bismarck. This is an item for the annual

meeting; however, a resolution from the township (not just the supervisors) will probably be required by the new bank before you can open an account there.

**Q.** We have a fellow in our township who keeps taking down a stop sign as he says it's in his way when he turns at the intersection with his big trucks and equipment. What can we do?

**A.** If he admits to doing the removal, forward a complaint on to your state's attorney, as tampering with a road sign is quite serious and can be prosecuted. You should also have the county sheriff have a "discussion" with him as well. Take some pictures, too.

**Q.** Our School district wants to change some bus routes and now it looks like they will be using some minimum maintenance roads. Can they do this?

**A.** When the minimum maintenance law came into effect several years ago, no one really talked

about how to make changes to the road's status in the future. Since a no minimum maintenance road can be a school bus route, a mail route, or a road with a residence, the law is pretty clear. But, as times change, apparently the road's status can change, too. Work with your school and map out the routes together.

You'll probably have to give and take as maybe some of your minimum maintenance routes can stay, yet others may have to change due to residence changes, etc.

I imagine your biggest problem will be snow removal because you probably haven't been doing much snow removal, if any, on your minimum maintenance roadways. Perhaps the school could have a snow route and a non-snow route?



**Thank you** to those of you that have paid your dues. There are some that are still out there and need to be taken care of. Please pay these ASAP so that they can be credited in the correct year.

Recently I have been receiving "Dues Authorization" forms. These are to be sent to your County Auditors so they have the authority to withhold those funds from monies that are due your township. They, in turn, will send the dues on to the state association. That is why the Treasurers address is on that form. I am happy to see that you are intending to do this, but the form needs to go to your respective auditors.

This is a good time of year to get this done, so that when January rolls around and the Auditors are sending out the funds, they will have these authorization requests in place. However, if you do this, please check with your Auditor to make sure they are doing as requested. I am returning the ones I received so you can get them to the Auditor in your county.

Hope you have a great rest of summer and thanks for being out there doing what you do. It is important for our country.

*Barb Knutson, Treasurer and Dist. 5 Director*

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# Waffle Plan Opposed By Ken Yantes

The following letter written by Larry and Ken was sent to Chairman Thomas L. Fischer of the Cass Joint Water Board:

*On July 19<sup>th</sup> an article headed "Waffle plan scenario shows cost effectiveness" was printed in the Grand Forks Herald. The NDTOA would like to offer to you and your board members our view of this plan.*

*We certainly have an oppositional view on using rural roads as dikes. NDCC 24-03-06 and NDCC 61-01-07 speak against restricting water flows. Attorney General opinions 2000-L-57 and 96-L-57 confirm that water flows should exist as if no road was present.*

*We strongly believe that The NDCC and Attorney General rulings oppose the use of rural roads to restrict water flows.*

*Rural road ditches are often used*

*as emergency exits off the roadway should major traveling problems arise. There have been several fatalities in the Lake Region since the water levels of Devils Lake have risen to the shoulders of Highway #19 West of the city of Devils Lake.*

*These drownings may not have happened if water was not present in the ditches. Please consider the consequences if a school bus had to leave the road surface and a bus load of students would plunge into a ditch of water.*

*It is our opinion that rural road damage will increase due to roads serving as dikes. We offer proof of this as shown in the 400,000 acres of water unwillingly stored in the upper basin of Devils Lake. Rural roads were largely constructed of field dirt with some clay and gravel on the road surface.*

*When these roads are allowed to*

*have standing water in their ditches it will saturate and soften the road base and surfaces. This will adversely affect the traveling public, farm implements and trucks. Travel in the upper basin is almost impossible due to lack of trustworthy road surfaces.*

*When a saturated road base goes through sub-zero temperatures such as we have in ND, road surfaces tend to breakup. Frost boils and pot holes develop even worse where there is standing water in the ditches.*

*The economic study of a waffle plan cannot be complete without calculating the damage caused to rural roads, drinking water wells, rural sewer and water systems and hampered emergency vehicle travel in the rural area. For these reasons, we ask that the Cass Joint Water Board firmly stand in opposition to the implementation of a waffle plan.*

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## **President's Column cont'd**

drain. Would the townships increase property taxes to repair that damage? The answer is, no. Not that they would not need to, but because most townships are already at or near their taxing authority and can not raise any more funds. In many cases township residents would just be stuck with ruined roads as re-grading is too expensive.

The greatest risk of retaining water along township roads is to public safety, who would be liable should a vehicle slip off of a road and overturn into a water filled ditch that would have normally been dry? Or should one of these roads used as reservoirs wash-out? The answer is, the township; townships have had authority over section lines and have been responsible for the safe travel over them ever since President Abraham Lincoln signed

the Homestead Act of 1862. The authority, and responsibility, of townships predates North Dakota statehood by 27 years. Nobody in the state can take away the authority of townships over section lines nor absolve them of the responsibility for them.

Would parents in Fargo tolerate their children being bussed on a route that travels the top of flood dikes? I don't think so. Yet proponents of the waffle plan seem to totally ignore the safety of rural residents and their families. It is as though they regard the townships as "properties in the country" totally oblivious of the fact that they are communities. Townships may not have population densities like the "cities" of the state but much of the economic engine of the state is in the rural area, we have enterprise and we have residents, people that

depend on the road system to haul their product, deliver the mail, go for groceries and carry their children safely to school.

The proponents of the "waffle plan" must be made to understand that townships are indeed communities, not just properties in the country, that townships have authority over, and responsibility for, section lines (whether or not they are roads). Townships will have to be included in any discussions about water retention and the use of township property as a means to hold water.

These are a few of the issues we are working on, we welcome your questions and comments on these, or other issues that might be important to your township. And again, thank you for being part of grassroots government.

# The ACJR Interim Committee Meets

By Ken Yantes

The ACIR met at the Capital on July 1<sup>st</sup>, 2010 and discussed the following proposed bill drafts:

**Draft #10061.00** which would change the way medical care costs for inmates confined in a correctional facility are handled.

If this proposal passes it would put more financial responsibility for medical or health care on the inmate.

The proposal further defines adequate medical care and insures that inmates will receive this care if they do not have the ability to pay for it.

**Draft #10108.100** would make the State Department of Corrections and Rehabilitations reimburse a correctional facility for an inmates medical or health care expenses paid by that facility which exceed \$10,000.

Three bill proposals were submitted and considered but no action taken that dealt with bids for public improvement project bids.

**Bill draft proposal #10066.0100** was passed by the committee as a first consideration to be reconsidered next meeting.

This proposal would allow a government body in specifying material to be used for a public improvement project to request materials of a specific name if in the existing building the specific article or product of one manufacturer has already been used.

A bill draft dealing with concessionaires was considered. The first change considered was that any governmental entity having controls over a municipal building and adjacent grounds thereof that grants concessions must grant to

the highest bidder—the word responsible was inserted between highest and bidder to allow government entities the flexibility to judge the responsibility aspect of the bidders).

A second change was proposed to insist that a concession must be bid out if it has an estimated gross sales of more than (old language was \$5,000 and the new figure proposed is \$25,000) with the highest responsible bidder language added to this section also.

If you would like to offer input on any of these bill proposals, please contact NDTOA Executive Secretary, Ken Yantes.

I am your representative and a voting member of this Interim Committee.

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## NDTOA 2010 Standing Committees

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### Legislative Committee

Roger Olafson, Chairman  
Barb Knutson  
Larry Syverson  
Ken Yantes  
Steve Ginsbach  
Chuck Thacker

### Budget Committee

Larry Syverson, Chairman  
Barb Knutson  
Roger Olafson  
Floyd Miller

### Audit Committee

Larry Syverson, Chairman  
Roger Olafson

### Resolutions Committee

Al Bekkerus  
Steve Ginsbach  
Don Malcomb

### Nominating Committee

Floyd Miller, Chairman  
Barb Knutson  
Al Bekkerus

### Awards Committee

(term expiring directors)  
Ralph Olson, Chairman

Steve Ginsbach  
District 4 Director

### Legislative Awards Committee

(lobbyist team)  
Ken Yantes  
Larry Syverson

### Executive Secretary Advisory

Larry Syverson, Chairman  
Kerry Schorsch  
Roger Olafson  
Barb Knutson  
Board members in rotation

### Parliamentary Committee

Floyd Miller, Chairman

### Education Committee

Tom Moe, Chairman  
Mark Verke  
Ken Yantes

### Convention Committee

Barb Knutson, Chairperson  
Ken Yantes  
Steve Ginsbach

### Workshop Committee

Tom Moe, Chairman  
Ken Yantes  
Barb Knutson

Mark Verke

### Newsletter Committee

Ken Yantes, Chairman  
Darleen Yantes  
Kathy Holte

### Membership Rolls

Ken Yantes  
Darleen Yantes  
Barb Knutson

### ACIR

Ken Yantes, Designee/Chair  
Steve Ginsbach  
Larry Syverson

### Dues Committee

Barb Knutson, Chairperson

### Rules Committee

Ken Yantes, Chairman  
Floyd Miller  
Ralph Olson

### Newsletter Advertisement

Ken Yantes, Chairman

### NATaT Directors: (inactive)

Ken Yantes  
Steve Ginsbach

To contact any of the above see page 2.



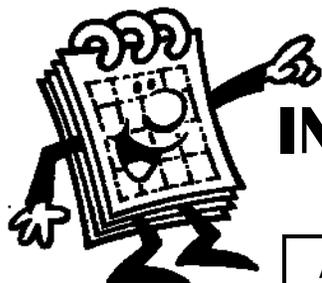
# Grass Roots Report

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## INFORMATION CORNER

Articles Due: October 15, 2010

### PLEASE SEND NEWS ARTICLES TO:

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### DATES TO REMEMBER:

**DECEMBER 6-7:** 44th Annual Meeting  
Doublewood Inn, Bismarck ND  
Watch for details in the October newsletter.

### PLEASE SEND ADDRESS CHANGES TO:

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