CHAPTER 40-01.1
LOCAL GOVERNANCE ADVISORY STUDY

40-01.1-01. Advisory study of local governance options.

An advisory study committee may be established under this chapter to provide local citizens and leaders with the means for fully and adequately studying options available for positioning their local governments for effective, creative, and efficient service in the future, in a manner suited to the economic, social, geographic, demographic, and other circumstances influencing the needs and resources of local communities. An advisory study committee is encouraged to prepare a comprehensive program for the performance of local government functions and the furnishing of local government services within the jurisdiction of the governing body or cooperating governing bodies that established the committee. In its study, the committee may consider:

1. The need for maintaining citizen access to, control of, and participation in local government;
2. The existing land use within the area, including the location of highways and natural geographic barriers to, and routes for, transportation;
3. The need for organized local government functions, services, and controls; the present cost and adequacy of local government functions, services, and controls; probable future needs for those functions, services, and controls; and the probable effect of alternative courses of action on the cost and adequacy of local government functions, services, and controls;
4. The trends in population density and distribution, and the potential or likelihood for significant growth or decline;
5. The tax base and other factors bearing on the capacity for local government to provide essential functions and services necessary to the general welfare of local citizens;
6. The boundaries of existing units of local government;
7. Data necessary for analyzing the strengths, weaknesses, challenges, and opportunities that are unique to the community; and
8. Other factors that may affect the provision of local government functions, services, and controls.

40-01.1-02. Local advisory study committee.

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
   a. By a majority vote of the governing body; or
   b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
3. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
   a. Employ and fix the compensation and duties of necessary staff;
   b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;

c. Establish advisory subcommittees that may include persons who are not members of the study committee;
d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
f. Do any other act consistent with and reasonably required to perform its advisory function.

40-01.1-03. Cooperative advisory study committee.

1. The governing bodies of any two or more political subdivisions, including any combination of counties, cities, city park districts, townships, school districts, or other political subdivisions, may establish an advisory committee to study the potential for cooperative or combined efforts for providing local government functions and services. A cooperative advisory study committee is established:
   a. By execution of a joint powers agreement between participating political subdivisions or by joint resolution pursuant to separate majority votes of each participating governing body; or
   b. By petitions signed by ten percent or more of the total number of qualified electors of each affected political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing bodies.
2. The composition and duration of the advisory study committee is as prescribed in the joint powers agreement, resolutions of the governing bodies, or petitions. However, the governing bodies may agree, by joint resolution, to limit the duration or composition of the advisory study committee created by petition pursuant to subdivision b of subsection 1. Any vacancy may be filled as prescribed in the agreement, resolution, or petitions or, if not prescribed, by the governing body that was represented by the person vacating the position.
3. A governing body may agree to provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
   a. Employ and fix the compensation and duties of necessary staff;
   b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
   c. Establish advisory subcommittees that may include persons who are not members of the study committee;
   d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations; and
   e. Do any other act consistent with and reasonably required to perform its advisory function.

40-01.1-04. Advisory recommendations.

A local or cooperative advisory study committee established for one or more political subdivisions may recommend that a local governing body or the electors pursue any course of action permitted by law or home rule charter for that political subdivision. The committee may recommend:

1. With respect to a county:

a. Execution of a joint powers agreement between the county and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the county and a tribal government pursuant to chapter 54-40.2.
b. Exercise of the county's general authority to contract pursuant to section 11-10-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
c. Combination or separation of any elective or appointive county office and corresponding functions, or redesignation of any county office as elective or appointive, pursuant to chapter 11-10.2.
d. Change in the number of county commissioners pursuant to chapter 11-12.
e. Establishment of a county home rule charter commission for initiating the adoption of a home rule charter or the amendment or repeal of a home rule charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of ordinances for implementing a home rule charter. The recommendation may include a specific nonbinding proposal or draft for a home rule charter or amendment to a home rule charter.
f. Adoption of the consolidated office form of county government pursuant to chapter 11-08.
g. Adoption of the county manager form of county government pursuant to chapter 11-09.
h. Use of other statutory tools relating to social and economic development, land use, transportation and roads, health, law enforcement, administrative and fiscal services, recording and registration services, educational services, environmental quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals, public buildings, or other county functions or services, including creation of cooperative county job development authorities pursuant to section 11-11.1-03, multicounty health units pursuant to chapter 23-35, regional planning and zoning commissions pursuant to section 11-35-01, boards of joint county park districts pursuant to chapter 11-28 or a combination of boards of park commissioners with a city pursuant to chapter 40-49.1, or human service zones pursuant to chapter 50-01.1.
i. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
j. Sharing of elective or appointive county officers with other counties, cities, or other political subdivisions pursuant to chapter 11-10.3.
k. Initiation of the multicounty home rule charter process or the amendment or repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a multicounty home rule charter.
l. Initiation of the county-city home rule process or the amendment or repeal of a county-city home rule charter pursuant to chapter 54-40.4, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a county-city home rule charter.
m. Transfer of a power or function of another political subdivision to the county pursuant to chapter 54-40.5.
n. Creation of a county consolidation committee pursuant to chapter 11-05.1.
o. That any other action be taken that is permitted by law.
p. That no action be taken.

2. With respect to a city:
   a. Execution of a joint powers agreement between the city and one or more other political subdivisions or the state for the cooperative or joint administration of any

service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the city and a tribal government pursuant to chapter 54-40.2.

b. Exercise of the city's general authority to contract pursuant to section 40-05-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.

c. Combination of city officers pursuant to section 40-14-04 or 40-15-05 or the sharing of officers with other cities, counties, or other political subdivisions pursuant to chapter 11-10.3.

d. An increase or decrease in the number of members of the governing body of a city pursuant to section 40-06-09.

e. Establishment of a city home rule charter commission for initiating the adoption of a home rule charter or the amendment or repeal of a home rule charter pursuant to chapter 40-05.1, or the adoption, amendment, or repeal of ordinances for implementing a home rule charter. The recommendation may include a specific nonbinding proposal or draft for a city home rule charter or amendment to a home rule charter.

f. Adoption of the commission form of city government pursuant to chapter 40-04.

g. Adoption of the modern council form of city government pursuant to chapter 40-04.1.

h. Adoption of the city manager plan pursuant to chapter 40-10.

i. Sharing an appointive city officer and function with another city, the county, or another political subdivision pursuant to chapter 11-10.3.

j. Initiation of the multicity home rule process or the amendment or repeal of a multicity home rule charter pursuant to section 40-05.1-05.1, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a multicity home rule charter.

k. Initiation of the county-city home rule process or the amendment or repeal of a county-city home rule charter pursuant to chapter 54-40.4, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a county-city home rule charter.

l. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.

m. Use of other statutory tools for social and economic development, land use, transportation, health, fire and police protection, street construction and maintenance, assessment, financing, accounting, legal, environmental quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals, public buildings, or other city functions or services, including the creation of cooperative city job development authorities pursuant to section 40-57.4-03.

n. Transfer of a power or function of the city to the county pursuant to chapter 54-40.5.

o. Consolidation of cities pursuant to chapter 40-53.2.

p. Dissolution of a city pursuant to chapter 40-53.1.

q. That any other action be taken that is permitted by law.

r. That no action be taken.

3. With respect to a township:

a. Execution of a joint powers agreement between the township and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the township and a tribal government pursuant to chapter 54-40.2.

b. Exercise of the township's general authority to contract pursuant to section 58-03-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
c. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
d. Combination of the offices of township clerk and treasurer pursuant to section 58-05-02 or the sharing of officers with other townships or other political subdivisions pursuant to chapter 11-10.3.
e. An increase in the number of board of township supervisors from three to five pursuant to section 58-04-02.1.
f. Contract with the county, another political subdivision, or any individual for assessor services pursuant to section 58-05-02.
g. Consolidation of boards of township officers pursuant to chapter 58-05.1.
h. Transfer of a power or function of the township to the county pursuant to chapter 54-40.5.
i. Creation of an organized civil township pursuant to chapter 58-02.
j. Division or annexation of a township pursuant to chapter 58-02.
k. Dissolution of the township pursuant to chapter 58-02.
l. That any other action be taken that is permitted by law.
m. That no action be taken.

4. With respect to a city park district:
   a. Execution of a joint powers agreement between the city park district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the city park district and a tribal government pursuant to chapter 54-40.2.
   b. Exercise of the city park district's general authority to contract pursuant to section 40-49-04 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
   c. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
   d. An increase or decrease in the number of board members pursuant to sections 40-49-07.1 and 40-49-07.2.
   e. Transfer of a power or function of the city park district to the county pursuant to chapter 54-40.5.
   f. Combination of the city board of park commissioners with other city or county boards of park commissioners pursuant to chapter 40-49.1.
   g. Sharing of officers with other city park districts or other political subdivisions pursuant to chapter 11-10.3.
   h. Dissolution of the city park district pursuant to sections 40-49-07.1 and 40-49-07.2.
   i. That any other action be taken that is permitted by law.
   j. That no action be taken.
5. With respect to a school district:
   a. Execution of a joint powers agreement between the school district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, including the exercise of the general powers to make contract for joint educational endeavors, or an agreement between the school district and a tribal government pursuant to chapter 54-40.2.
   b. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.

c. An increase or decrease in the number of school board members pursuant to section 15.1-09-01.
d. Sharing of officers with other school districts or other political subdivisions pursuant to chapter 11-10.3.
e. School district annexation or reorganization.
f. Transfer of a power or function of the school district to the county pursuant to chapter 54-40.5.
g. That any other action be taken that is permitted by law.
h. That no action be taken.

6. With respect to other political subdivisions, including rural ambulance service districts, rural fire protection districts, irrigation districts, hospital districts, soil conservation districts, and recreation service districts:
   a. Execution of a joint powers agreement between the political subdivision and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the political subdivisions and a tribal government pursuant to chapter 54-40.2.
   b. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
   c. Sharing of officers with other political subdivisions pursuant to chapter 11-10.3.
   d. Transfer of a power or function of the political subdivision to the county pursuant to chapter 54-40.5.
   e. That any other action be taken that is permitted by law.
   f. That no action be taken.