

**1999 HOUSE POLITICAL SUBDIVISIONS**

**HB 1317**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1317

House Political Subdivisions Committee

Conference Committee

Hearing Date 1-21-99

Tape Number	Side A	Side B	Meter #
2		x	24.3-59.0
<i>2-dated 1-28-99</i>		x	43.2-51.0
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: BILL SUMMARY: A bill for an Act to enact and enact nineteen sections to chapter 11-05..., relating to methods of restructuring county and city governments. Chairman Froseth called the hearing to order and all members were present.

Rep. Grosz, Dist. 8, : Introduced the bill and supports it.

Curly Haugland, Lincoln : 24.9-41.1 testified in support and handed out examples to committee.

(See attached testimony) This bill was drafted by Legis. Council. This bill will roll back the clock to 1993. He explained sections of the present bill and what would change, etc.

Chairman Froseth : Do you know any cities or counties who have been sued because of the Tool Chest legislation?

Curly : Not aware of any. I feel the original bill was so massive with so many nuances in it, it wasn't fair to anyone.

Rep. Delmore : Don't you think that the county commissioners need some of the tools, even through you may not like them or agree with, in order to take a look at the changes that are



taking place because of population leaving the state, etc. Do you really think that when we passed the Tool Chest bill, we have let county governments usurp the rights of citizens?

Curly : Yes, I really do. Take a look at what the Constitution says about going from elected to appointed.

Rep. Glassheim : 54.3 Why do we need this bill, what does it change? Do you have evidence of bad stuff going on because of the Tool Chest Bill? tape 3, side A

Curly : Yes, there is some bad stuff going on. The advisory studies result in stuff, like Home Rule Charter.

Rep. Severson : 3.9 told of advantage of Tool Chest in his county.

Vice Chair Maragos : My comment is, Curly, you have it wrong. We make the laws and if the people don't like it, they have the right to refer them. Why are you here. Why don't you just take it to the supreme court and have them adjudicate it as unconstitutional?

Curly : The court system is no place to legislate.

Discussion back and forth continued.

Connie Sprynczynatyk, N.D. League of Cities : testified in opposition of 1317 and explained where the Tool Chest Bill came from.

Chuck Peterson : I am here on my own behalf and am owner of Chucks Moving and Storage. I oppose this bill. We need the tools of the Tool Chest Bill to upgrade the state. (See attached testimony) Bismarck and Mandan works together better to develop a better economy. 30.7-35.0

Wm. Kretschmar, N.D. Assoc. of Counties : 35.5 testified in opposition of the bill. The constitutional provisions was approved by the voters in 1982, and approved in the Legislature in the 1981 session. I worked on that provision to see that it got through the legislature and got on

the ballot. I have to argue with Curly on his interpretation. The Tool Chest is one of the methods that the legislative assembly provided. In 1993, I worked on the Tool Chest Bill, and also with the Consensus Council. It allows local governments greater flexibility in how they run their governments. It will be a step backward to pass this bill.

Terry Traynor, N.D. Assoc. of Counties : 43.7 testified in opposition of bill. (See attached testimony)

Ken Yantes, NDTOA : 46.3 testified in opposition of bill 1317. We in the townships support the Tool Chest and oppose this bill.

Dale Anderson, GNDA : 49.1 testified in opposition to HB1317. We asked 7,000 citizens is N.D. dying? They said, yes, unless we change the way we do things. Our group, the Consensus Council, came up with six proposals. I strongly urge defeat of this bill.

Chairman Froseth : 54.4 read a letter from E.Ward Koeser, President of Williston City Commission, opposing the bill. This is put into record. (See attached testimony)

Hearing no more testimony, Chairman Froseth closed hearing.

ACTION TAKEN: 1-28-99 tape 2, side B - 43.2-51.0

Curly did not bring forth any amendments, so committee decided to take action.

Rep. Delmore made a motion DO NOT PASS and Rep. Ekstrom seconded the motion.

ROLL CALL VOTE: 13 YES and 1 NO with 1 ABSENT. Rep. Glassheim will carry bill.

Please type or use black pen to complete

Date 1-28-99

Roll call vote # \_\_\_\_\_

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1317

House POLITICAL SUBDIVISIONS Committee \_\_\_\_\_

Subcommittee on \_\_\_\_\_

Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do NOT Pass

Motion Made By Rep. Delmore Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N					
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B		/			

Total 13 1  
(Yes) (No)

Absent -1-

Floor Assignment Rep. Glassheim

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)  
January 28, 1999 4:51 p.m.

Module No: HR-18-1410  
Carrier: Glassheim  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1317: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1317 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1317

House Political Subdivisions Committee  
House Bill 1317  
January 21, 1999

Mr. Chairman and members of the committee, my name is Curly Haugland, a resident of the city of Lincoln and of Burleigh County. I am here today to testify in favor of House Bill 1317, a bill intended to accomplish a total repeal of House Bill 1347, also known as the Tool Chest bill, enacted by the legislature in 1993.

The Tool Chest needs to be shelved because it is not delivering government reform as promised and is, to the contrary, only succeeding in creating confusion, mistrust, and animosity among and between the citizens and local government elected officials.

Proponents of the Tool Chest promised that it contained no mandates; only options that may or may not be exercised by local government.

Well, as it turns out some of these options began to become not so "optional" as time passed by and the delayed implementation features began to kick in.

Most notably, counties and cities began to default on their "optional" requirement to convene advisory study panels. Some counties did organize study committees under the encouragement of the Association of Counties through some kind of arrangement in which paid consultants were used to "facilitate" the study process. This was, of course, a somewhat expensive process as the consultants expected to be paid for their services. And, needless to say, all such payments were made at the expense of taxpayers.

Additionally, elected county office holders now face the uncertainty of losing the jobs they have been elected to do by their fellow citizens.

As you know, the county sheriffs successfully initiated a Constitutional amendment to insure that the office continued to be an elected position as a result of the Tool Chest law, an undertaking that required a great deal of sacrifice of their personal time and money.

The material you have before you is intended as a sort of documentary that speaks better than I can to the need for this bill.

The first two pages are portions of a Tool Chest supporter's testimony offered to show how emphasis was placed on the "optional" feature.

The next three pages show additional individual testimonies which all characterize the Tool Chest as "optional" and without "mandates".

The next page is a collage containing two parts of the Tool Chest overlain by Article Seven, Section 9 of the North Dakota Constitution.

As you can see here, the Tool Chest is in conflict with the Constitution in two major ways. One, the Constitution specifies one and only one way in which elected offices may be made appointed. And, two, the number of signatures required to submit the question to a vote of the people is much greater in the Constitution. (Discussion)

The next page depicts what happened in one county when the Tool Chest met the public for the first time. (Discussion)

On the next page; another Tool Chest fan discusses the options made available through the Tool Chest.

The general election ballot on the next page illustrates some of the nonsense citizens are forced to deal with and campaign against as a direct result of the Tool Chest. (Discussion)

The Tool Chest bill is a child, if you will, of the now famous 1989 tax referrals. As a result of the citizen rejection of the several major tax increases at that time, several of the disappointed supporters of those tax increases created the Coordinating Council for Consensus, later called the Consensus Council.

As you can see, this project was conceived as a top down effort to force government reform through "consensus".

Heavily funded with out of state foundation money, this group has had quite an influence on public policy in North Dakota, and, as you can see, takes full credit for the creation of the Tool Chest. (Discussion)

I hope that my testimony has helped you to understand that facilitated negotiation is no substitute for legislative deliberation. I strongly urge you to send a message that the legislature is the only appropriate place for the development of public policy by adopting this bill and sending the Tool Chest to the trash can. I recommend a do pass on House Bill 1317.



GEORGE A. SINNER  
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR  
BISMARCK, NORTH DAKOTA 58505  
(701) 224-2200



NORTH DAKOTA  
CENTENNIAL

March 12, 1990

Ms. Terry Saario  
Northwest Area Foundation  
West 975 First National Bank Building  
St. Paul, Minnesota 55101-1373

*Handwritten:*  
HB 1317  
from Curley  
Haugland

Dear Terry:

Since you met with me, my staff and others have been working frantically to put a grant proposal together, to get the approval of the consortium members, to make contacts with various dispute/conflict resolution people in centers throughout the United States and to touch base with some other foundations.

The initial results of that effort are included in the grant proposal. I believe it is a significant proposal and that both the short- and long-term aspects of it have an outstanding chance of succeeding.

As you know, I have already announced the Cost Reduction Commission and the Primary and Secondary Education Commission. I have done so, without secure funding, because I thought it was essential that we begin as soon after the December 5 elections as possible so as not to lose the opportunity and momentum presented. Although the election was a disaster for North Dakota, I am trying to make it work for us.

Therefore, those two commissions will continue whether or not we receive Northwest Area Foundation funding. Certainly, the product will be something less than it would be with a good staff and funding. Nevertheless, we are committed.

Whether or not we can continue with the remainder of the proposed commissions without foundation support is questionable. But, if we can arrive at a good product from the first two commissions, I will certainly consider going on with the remainder of them even without help.

I am aware of the expectations these commissions will create and of the risks we are taking. If they do not succeed or if the recommendations cannot be implemented, we may be worse off for the effort.



Consortium Members

Gereld F. Gerntholz	Route 1, Box 40 Sanborn, ND 58480	646-6085	Republican Representative
Ralph J. Erickstad	Supreme Court 600 East Boulevard Bismarck, ND 58505	224-2221 Fax: 701-224-3000	Chief Justice, North Dakota Supreme Court
George Sinner	Governor's Office 600 East Boulevard State Capitol Bismarck, ND 58505	224-2200	Governor
David L. Kemnitz	1323 East Front Ave. Bismarck, ND 58504	223-0784	President, North Dakota AFL-CIO
James C. Yockim	P.O. Box 2344 Williston, ND 58801	572-6761(W) 572-9591(H)	Democrat Senator
Dale Anderson (Eddie V. Dunn)	GNDA Box 2467 808 Third Ave. S. Fargo, ND 58108	237-9461 Fax: 701-237-9463	President, Greater North Dakota Association
Dennis Hill	ND Assoc. of RECs Box 727 Mandan, ND 58554 Home: 3613 Hackberry Bismarck, ND 58501	663-6501(W) 258-8974(H) Fax: 701-663-0707	Executive Vice President and General Manager, ND RECs

1 page

From Terry Saario

# Northwest Area Foundation

Terry Tinson Saario  
President

April 20, 1990

AB 1317  
from Curley Haugland

Mr. Michael O'Keefe  
Executive Vice President  
The McKnight Foundation  
410 Peavey Building  
Minneapolis, MN 55402

Dear Mike:

The Foundation's Board of Directors approved a three-year grant of \$600,000 to the North Dakota Freedom of Enterprise Foundation (the 501(c)(3) arm of the Greater North Dakota Association--the state Chamber) as fiscal agent for a consortium of government agencies and organizations in North Dakota that have agreed to address the issue of how to reorganize government. This is clearly an incredibly ambitious effort on the part of leaders within the state. We are optimistic about its outcome, yet realistic as well. It will require a number of funders who are willing to run enormous risks in terms of probable outcomes and the success of the project.

I have enclosed for your information a copy of the proposal that was submitted to us, as well as the write-up that went to our Board of Directors. I would appreciate it if you would treat these somewhat confidentially.

Obviously, it should go without saying that I am seeking partners in this enterprise. I'm certain that those in North Dakota most directly involved in this activity know of my interest in assisting them in finding other sources of support for this ambitious undertaking. This is the only time, at least to my knowledge, that a state has had to face such a significant downsizing. It's a novel experiment and one that truly lives up to the American promise.

I would like to know what your reaction to this is and would be more than happy to meet with you and those who will be working on this. Please be in touch with me directly or with Richard Gross, who is the legal counsel in Governor Sinner's office.

ACHIEVING GOVERNMENT REORGANIZATION

IN

NORTH DAKOTA

( A Consensus Building Model )

March 1990

## Background

North Dakota, together with many other upper-Midwestern states, is experiencing considerable uncertainty about its future economically and organizationally. The state's future is dependent upon many factors. The downturn in agricultural income coupled with depressed oil prices affected the state in ways that North Dakotans have not experienced since the Great Depression. It is estimated that the drought alone cost the state nearly 629 million dollars in 1989.

The condition of the state's economy, in conjunction with population trends, is perhaps the prime determinant of the state's ability to provide for the education, safety and care of its citizens. Indicators of the economy, such as per capita personal income and gross state product, reflect the fact that change needs to occur.

In 1988, North Dakota's per capita income was 22% below the U.S. average. The state has been below the national average since 1976 and was above the U.S. average only during 1973-1975. These lower per-capita incomes reflect declines in wages and farm incomes. The state's gross state product, a measure of economic health and development, was estimated at 9.7 billion in 1986, which represented a decline of 4.3% from 1985.

These trends have impacted greatly on the status of the state's population. Since 1984, the population of the state has declined by nearly 20,000 from a high of 686,700 to just under 667,000 in 1988. This drop in population is also accompanied by a shift in the location of the population. The number of North Dakotans living in urban places (2500 or more) is, for the first time in history, greater than that of the rural places. In 1988, it was estimated that 50.4% of North Dakota's population resided in urban places. Thirty-nine of the state's 53 counties experienced net outmigration between 1987 and 1988.

As a result of these economic hard times and changes to the population, the citizens of the state have had to retrench and become more efficient in order to survive. Their expectation is for state government to do likewise.

Therefore, on December 5th, 1989, in a referral election on revenue enhancements enacted by the 1989 Legislative assembly, state voters successfully repealed modest increases in sales, income and gasoline taxes. As a result, the state's general fund budget has been reduced by 91 million dollars or 8.1% to 1.028 billion dollars for the 1989-91 biennium. The greatest impact of this successful referral will not be realized until the 1991-93 biennium when the state's general fund budget could be reduced as low as 978 million dollars. This will further reduce the state's ability to meet the education, health, welfare, infrastructure and economic development needs of the population. This demands a total restructuring of state and local government to effectively maintain North Dakota's ability to provide necessary services.

Over its one hundred year history, state and local government in North Dakota has evolved into a decentralized, disproportionately representative number of entities for the population of the state. In 1987, North Dakota ranked number one among the states in number of governmental units at 41.4 per ten thousand citizens. North Dakota has approximately 2800 local governments. Of these, 1360 are townships; 366 are cities; 53 are counties; 296 are school districts and the rest are miscellaneous districts.

At the state level, there are more than 275 offices, boards, bureaus, agencies, and commissions (Appendix A). Over time, efforts have been made to consolidate or restructure segments at the state level, with limited success. A primary reason for this reluctance is the system of "checks and balances" which is intended to create an atmosphere of competition between the legislative, judicial and executive branches. All of this is amplified in North Dakota because of the strong prairie populist tradition. In essence, therefore, we have a system of checks and balances and a population reluctant to consolidate a proliferated government...but a population which is unable to support that proliferation.

#### Statement of the Problem

In short, North Dakota government is extremely fragmented and over-represented given the size of the state's population. State citizens are now demanding that governmental services be provided on a more effective and efficient basis. Unless the State of North Dakota, given it's difficult economic condition and the mandate of the citizens to minimize taxes, is to abdicate its role in addressing the needs of its children, elderly, and poor, a major reorganization and restructuring of state and local government must occur. The population must be involved in the process and accept the product.

These problems are not unique to North Dakota. Many states in the upper midwest and elsewhere are faced with dwindling resources and the need to reorganize in order to maximize service delivery. At the present time, there is no available model or process on which to base such an ambitious undertaking.

#### GOAL STATEMENT

The Goal of this project is:

To establish and implement in North Dakota, for replication by other states particularly in the upper great plains region, a process to reorganize state and local government in a manner which results in a more efficient and effective management structure and delivery of services.

## Project Design

In early February, a broadly-based consortium of agencies and organizations agreed to sponsor and foster discussion of issues critical to the future of North Dakota. Members of the consortium include:

- The Office of the Governor;
- The Greater North Dakota Association;
- The North Dakota Association of Rural Electric Cooperatives;
- The North Dakota AFL-CIO;
- The North Dakota Legislative Council; and
- The North Dakota Supreme Court.

The consortium has been charged with overseeing a multi-year process resulting in a restructured government in the areas of:

- Cost Reduction
- Elementary and Secondary Education;
- Local Government;
- Executive Branch;
- the Legislative Branch; (upon approval by the Legislative Council)
- the Judicial Branch; and
- Higher Education.

Commissions have already been established in the areas of elementary and secondary education and cost reduction. Commissions will be appointed for the remaining areas of government reorganization listed above. We anticipate that the activities of the Cost Reduction Commission will be completed by May of this year.

The preliminary work can be completed, and recommendations for elementary and secondary education can be made to the 1991 legislative assembly. The depth and quality of the recommendations and the ability to implement them will be dependent, to a large degree, on quality of information gathering, development of alternatives and the scope of public participation and consensus achieved through the process. Critical to all of this will be the assignment of qualified staff on a full-time basis.

## Process

In reviewing the need for governmental changes for the areas listed above, the seven reorganization commissions will essentially follow the process described below for purposes of conducting their respective reviews:

1. **Identification of Stakeholders.** This step involves identifying those entities, organizations, or individuals who may have a vested interest in the outcomes of reorganizing in the respective areas. Unless those who have a vested interest in the reorganization process and product outcome are involved, the process itself will lack credibility. These stakeholders also can serve as a valuable research resource in developing plan alternatives and identifying eventual outcomes.
2. **Research and Public Input.** The research phase involves staff compiling information, resource material, and data relevant to the current conditions and relative to what other states are doing in regard to the respective area of reorganization. This information will be used for preparation for the public information hearings and commission deliberations.

The Public Input phase will involve staff and commission members conducting public hearings and meetings at which overview information will be presented and public input solicited for use by the commission in formulating the preliminary definition of issues and alternatives. The hearings will be conducted throughout the state with each commission holding 4 to 8 hearings and meetings at the local level at convenient times.

3. **Preparation of Interim Report.** Following the public hearings, the consortium staff, with concurrence of the commissions and consortium, will prepare an interim report which summarizes the research findings, public perceptions and attitudes, and identifies possible alternative options for presentation to a consensus building summit of stakeholders.
4. **Convene a Consensus Building Action Summit.** The entire process involves and will move toward the conducting of a consensus building summit which includes representatives of all identified stakeholders. The summit will be facilitated by a contracted, disinterested third-party consulting organization with expertise in consensus building/conflict resolution. The summit is expected to prioritize the identified issues, develop a consensus on those issues and ultimately to develop a singular reorganization design.
5. **Development of an Implementation Plan.** Following the summit, an implementation plan will be developed by the consortium staff, under the direction of the respective commissions and the consortium itself, which delineates the steps and resources necessary to achieve the recommended outcomes.
6. **Public Education & Statewide Discussion.** This step is intended to generate additional broadly-based statewide citizen awareness and support for recommendations contained in the implementation plan. Following statewide dissemination of the implementation plan, it is expected that commission members, commission staff, consortium members and stakeholders will convene local public briefing sessions.

The local public briefing sessions will seek to involve the local and statewide news media and may be conducted in the same locations as the initial public input hearings in order to provide the public feedback on the process outcomes.

7. **Plan Implementation.** With the continual oversight of the consortium, the reorganization plan will be implemented utilizing one or more of the most appropriate mechanisms available as follows:

- Policy Changes;
- Executive Orders;
- Legislation;
- Judicial Directives;
- Constitutional Changes; and
- Initiated Measures

#### Expected Results

We anticipate that implementation of the project will result in:

1. A more streamlined governmental structure at the state and local levels with definitive lines of authority which will afford greater opportunities for more efficient administration and improved coordination.
2. Fewer governmental entities at the state and local level which will increase public confidence that government in North Dakota is structured and operating as economically, yet as effectively, as feasible.
3. Opportunity for reallocation of scarce financial resources from supporting administrative structure and toward benefits, services and economic development for North Dakota citizens.
4. The establishment of a replicable process for governmental reorganization, incorporating sponsorship, direction, and participation by non-governmental entities, for application by other states (particularly rural midwestern states).

#### Project Schedule

We anticipate that the work of each of the six commissions will cover six-month to one-year intervals and continue into 1994. Implementation of the plans developed by commissions will continue by staff under the sponsorship of the consortium through 1995. A general time line depicting the entire project is contained in Appendix B.

#### Project Budget

The projected budget assumes a five-year time line for successful project implementation. It includes funding for a minimum of seven core staff who would research, write and assist the commissions in preparation of their recommendations to the consortium. The staff would work directly for the consortium and would provide ongoing, broad-based and long-term support for this effort. The core staff would include:

- An Executive Director, the lead person, with skills in public relations, would direct the staff and set the course for the studies. He or she will have significant process expertise and will be accountable for the overall effort.
- Three Analysts/Technical Assistants with extensive knowledge about North Dakota and excellent writing and computer ability.
- Three Secretarial/Clerical support staff who will provide for meeting arrangements, logistics, hearings, typing and bookkeeping support.

The staff salaries assume a 25% fringe benefit rate and a 3% salary increase each year.

Included in the budget are travel expenses associated with the commission meetings, public hearings, and public briefing/feedback meetings. The budget also includes contractual fees associated with procuring consensus building/conflict resolution services. The following is the anticipated line item budget for the proposed project over the five year period:



Projected Line Item Budget

Item	Year 1	Year 2	Year 3	Year 4	Year 5
Personnel:					
1 Executive Director	\$ 60,000	\$ 61,800	\$ 63,654	\$ 65,564	\$ 67,531
3 Analysts/Tech. Asst.	105,000	108,150	111,395	114,736	118,178
3 Sec./Clerical	54,000	55,620	57,289	59,008	60,778
	219,000	225,570	232,338	239,308	246,487
Fringe Benefits (25%)	54,750	56,393	58,085	59,827	61,622
Total Personnel	273,750	281,963	290,423	299,135	308,109
Staff Operating Expenses:					
Rent	17,000	17,000	17,000	17,000	17,000
Travel	15,000	15,000	15,000	10,000	10,000
Supplies	1,000	1,000	1,000	1,000	1,000
Communications	1,000	1,000	1,000	1,000	1,000
Printing	5,000	5,000	5,000	1,000	1,000
Other	500	500	500	500	500
Total Operating:	39,500	39,500	39,500	30,500	30,500
Total Commission Expenses				\$ 67,200*	
Equipment:	35,000	5,000	2,500	500	500
Contractual (Consensus Building):	40,000	80,000	80,000	40,000	0
Project Total:	\$352,250	\$406,463	\$412,423	\$370,135	\$406,309

Five Year Project Total: \$1,947,580

\*We anticipate in-kind services and expenses of consortium members, commission members, consensus-building event members and state and local employees to total a minimum of \$587,410. However, we have included commission expenses here in hopes that it can be funded because it would be expecting a great deal of commission members not to fund their travel and per diem. But, if we are unable to get adequate funding, those expenses would be in-kind. (See Appendix C)

### Closing

In addition to the significant assistance for North Dakota, this project presents a unique opportunity for a foundation to focus public dialog on the organizational capacity of government and the need to establish a process which will prove useful to other midwestern states and, perhaps, states throughout the country, attempting to streamline state and local government. Because North Dakota is a low population state with a largely homogeneous population, it is an excellent state to act as a "laboratory" for government reorganization and restructuring and the application of dispute resolution techniques to these areas of government.

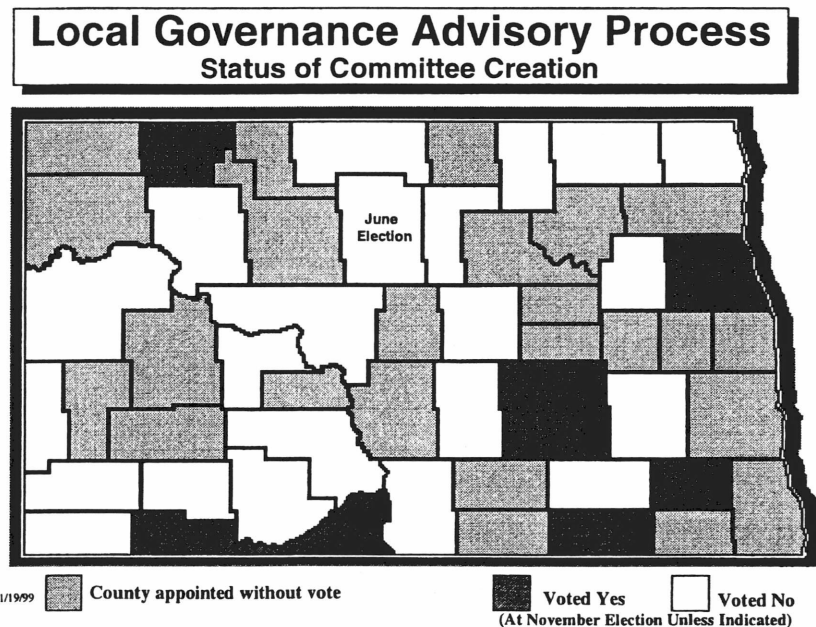
**TESTIMONY TO THE  
HOUSE POLITICAL SUBDIVISIONS COMMITTEE  
Prepared January 21, 1999, by the  
North Dakota Association of Counties  
Terry Traynor, NDACo Assistant Director**

**CONCERNING HOUSE BILL NO. 1317**

Mr. Chairman and committee members, I cannot add anything to Mr. Kretschmar's explanation of our Association's opposition to this bill. I would however, very much like to provide some information for the committee's record and your consideration of this issue.

It has been pointed out that existing law provides county boards and local citizens to request the creation of a "local governance advisory committee", to review and recommend changes to the county commission. This part of the "tool chest" became effective this year, and over half of the counties have either begun or completed such a process.

A map showing those counties that have begun advisory study processes is shown below, and we have attached a more detailed list of recommendations from some the completed advisory studies.



## NOTES CONCERNING A SAMPLE OF ADVISORY STUDY PROCESSES

### Benson County

- Benson County to appoint a committee to review combining offices and entering into other joint agreements with other political subdivisions, that committee will also make recommendations about what course to take in the future in the terms of studies and/or other potential agreement areas to explore.
- Goals: provide local access to services, provide full-time employment, increase revenue to the county, and provide benefits for both full time and part-time employees
  1. Examine combination of county/city auditor positions
  2. Examine combining city/county law enforcement - deputies stationed in small communities
  3. Job sharing for county/city employees which allow benefits
  4. Group insurance for farmers
  5. Bring in industry that pays higher wage
  6. Plan for utilizing empty buildings
  7. Benson County Job Authority could assist feasible studies/improve bus service
  8. Health services – examine district creation
  9. Telecommunications training
  10. Establish an incubation centers – Maddock

### Billings County

- While Billings county's population is fairly stable, those remaining are older, and the education level of those staying in the County has increased significantly. The number of farms and ranches continues to decline and the average size is increasing. The average age of farmers is 50, the same as the statewide average. Economically, Billings County appears to be stronger than surrounding counties, other than Stark, as sales in the past few years have increased faster than inflation and the number of businesses in the County has remained fairly constant.
- Vision is to maintain its independent identity, while welcoming economic development and to continue to emphasize their natural beauty and natural resources. They will also keep the schools and residents competitive through technology.
- Proposed Goals
  1. Improve business through zoning laws that promote and encourage business
  2. Maintain identity
  3. Maintain public & private land use for local economy - zoning & land use plan
  4. Encourage strong leadership and participation in county and civic affairs
  5. Pool county resources to maximize efficiency
  6. Promote technology for advancement of schools, businesses, and individuals
- Action Plan
  1. City and county zoning boards can have public forums to educate the public in regards to the zoning process and how it works.
  2. Use the established committees for the land use plan so all residents are informed on land management decisions.

## **Dunn County**

- Vision Statement: Dunn County will be a thriving county with an increase in business and population while maintaining the values of freedom, safety, family and environment.
- Goals
  1. Create appealing business atmosphere
  2. Develop and train new leaders
  3. Keep the population of Dunn County and stop out migration
- Action Plans
  1. Establish an economic developer or jobs development authority for Dunn County
    - a. Development of tax dollars
    - b. Look at joint arrangements between cities, county, state and possibly CAM Incorporated
  2. Develop a County Management Team
    - a. Team to consist of 2 individuals per community, not necessarily elected officials
    - b. Meet monthly or a team feels is necessary to discuss issues relating to county and communities

## **Ramsey County**

- Goal: Maintain Ramsey County as holistic and proactive, sustainable, continue to provide needed services to the taxpayers and keep quality of life
- Some Issues Identified:
  1. Low county salary;
  2. Maintain tax base;
  3. Maintain education;
  4. Roads;
  5. Water;
  6. Loss of schools;
  7. Underemployment;
  8. Streamline local government

## **Sheridan County**

- Recommended to hold meetings throughout communities in the County to gather input
- An informal meeting was held to discuss the implementation of Step II, no decision was made on a meeting time or date
- A recommendation of "No Change" is necessary at this time in the county government services and that they would meet again at a later date if there is a need to change services

## **Sargent County**

- Recommendations
  1. Economic Development
    - a. Sargent County Commissioners establish a Job Development Authority and provide funding for communities in the county for housing projects. Funding From either property tax increase or existing county funds. Encourage construction of housing units in Sargent County Communities.
  2. Contract Policing
    - a. Work with cities on contract policing and solicit funding from Bureau of Indian Affairs and Dept of Interior.
    - b. Urge cities to apply for grants through COPS program to offset cost of policing.
    - c. Respond to Tewaukon Comprehensive Survey before June 1, 1998 to seek assistance in funding for policing and road maintenance.
  3. Commission Reduction
    - a. Reduce number of commissioners from five to three and place the question before the electors at the next appropriate election
  4. County Coordinator/Administrator
    - a. Hire county coordinator/administrator to write grants and assigned tasks
  5. Combining County Offices
    - a. Consider combining offices in the courthouse and county highway dept.
    - b. Consider combining other counties or governmental entities
  6. Courthouse Accessibility
    - a. Make reasonable accessibility to the courthouse and other county buildings
  7. State/County/City/Township Joint Purchasing Powers
    - a. Continue to work together with State, City and township governments to cooperate in purchasing and using equipment and materials
- Action Plan
  1. City and county zoning boards can have public forums to educate the public in regards to the zoning process and how it works
  2. County commissioners will send the letter to the Association of Counties and will try to maintain the financial resources that are available
  3. Use the established committees for the land use plan so all people are informed on land management decisions

## **Steele County**

- The Advisory Committee held several meetings, asking various county department heads and others to provide information. A list of suggestions and options available to the county was generated.
  1. Home rule with 5 commissioners and county administrator
  2. Combine offices: auditor and treasurer-County Manager
  3. Eliminate county agent
  4. Combine townships
  5. Contract or combine States Attorney with another county
  6. Cap on salaries for time in office
  7. Register of Deeds combined with another county
  8. Social Service Administrator with another county
  9. Job Development Authority raised to 4 mills
  10. Create county consolidation committee to combine with one or two counties

## Williams County

- The Advisory Committee held 4 sessions to get input from department heads regarding the structure of existing county government. An extensive amount of time was spent on some issues. The following are the committee's recommendations for consideration by the Williams County Commission
  1. Process of election of County Commissioners should be left as is until the year 2000
  2. County Commission should study and determine at next budget session whether the position should continue for Superintendent of Schools
  3. A considerable amount of time was spent regarding the function between the Auditor's office and the Valuation & Equalization office. Attempt was made for resolution between offices. The committee expects progress or recommends the County Commission to take action. Both parties agreed to open lines of communication and work together. This needs to be monitored by the County Commission. Commissioner Hanson agreed to work with the 2 departments to separate functions and improve working relations between offices
  4. Contacts should be made with other governmental entities in Williams County and surrounding counties to determine if there is interest in forming a Local Government Investment Pool. A pool could potentially earn a higher rate of return to benefit all involved
  5. A committee be established to study the sharing of dispatching and records between the Williams County Sheriff's Department and the Williston Police
- Department Suggestions
  1. During budget process spend as much time as necessary with department heads.
  2. Recommend a committee be established to do long range planning regarding the County's buildings. Develop short/long range plans in general
  3. Annual meetings among representatives from each of the taxing entities to improve communication and possibly share resources
  4. Study current voucher system
  5. Help develop positive attitudes among employees
  6. Have commissioners establish county-wide yearly goals for supervisors
  7. Have supervisors establish yearly goals consistent with commission
  8. More effective communication with legislators
  9. Identify areas of limited workspace and develop a plan for improvement
  10. Share computer capabilities with other entities

Testimony for the House Political Subdivisions Committee  
Rep. Glen Froseth, Chair

January 21, 1999

Chuck Peterson, Jobbers Moving & Storage, Bismarck-Mandan  
Member, Bismarck-Mandan Chamber of Commerce

Chairman Froseth, members of the committee, my name is Chuck Peterson, I'm a resident of Bismarck and Burleigh County. I testify before you today in OPPOSITION of House Bill 1317, which aims to undo some very important changes in what has become known as the "Tool Chest" Legislation.

Included in my handout is a 22-page booklet that contains information on more than 150 joint powers agreements between the many governmental entities in the cities of Bismarck and Mandan and Burleigh and Morton Counties.

Reference one or two of the agreements on the front page.

Another example:

The Bismarck Community Bowl – As a result of the clarification of joint powers agreements in the Tool Chest Legislation, the Community Bowl Coalition was able proceed with their plans a lot quicker.

Equipment Purchases – The cities of Bismarck and Mandan and Burleigh and Morton Counties were able to save hundreds of thousands of dollars in the purchase of heavy equipment, through combined purchasing.

Other Points:

OPPONENTS of the EXISTING LAW contend that it takes power away from the people. I'm say that's not the case. As a business person, I certainly am not afraid that the Bismarck City Commission has too much power. In fact, the Tool Chest Legislation has given more power to the people, because it involves the electorate in much of the decision making.





POST OFFICE BOX 1306  
WILLISTON, NORTH DAKOTA 58802-1306  
PHONE (701) 572-8161  
FAX (701) 572-8880  
TDD (800) 366-6888  
(State Relay)

CITY OF *Williston* NORTH DAKOTA

January 19, 1999

Political Subdivisions Committee  
House of Representatives  
State Capitol  
Bismarck, North Dakota

Dear Committee Members:

The City of Williston stands in opposition to any legislation that restricts or reverses the powers given in the Tool Chest Legislation. We understand that HB 1317 rolls back the flexibility of the Tool Chest Legislation, and we therefore oppose this bill.

The City of Williston has made every attempt to deliver local service at the most reasonable cost. We have done this by combining our county tax equalization office with the city's assessing department. We have combined the local city engineering office with the county engineering office. Lastly, we have combined the city's building department with the county building duties that were being overseen by the County Sheriff and his personnel. While the City of Williston and Williams County have combined these with little or no public opposition, we believe the Tool Chest Legislation allows more combinations which could be enacted as soon as they become practicable, affording our citizens even greater savings. We support legislation that provides an acceptable level of service the lowest possible cost to our citizens. We do NOT support legislation that restricts or takes away the possibility of a future combination of offices that would save taxpayer money.

Please OPPOSE HB 1317 and let efficiency rule.

Sincerely yours,

E. Ward Koeser  
President of Williston City Commission

**TESTIMONY TO THE  
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**

**Prepared January 21, 1999, by the  
North Dakota Association of Counties  
William Kretschmar, Lobbyist**

**CONCERNING HOUSE BILL NO. 1317**

Chairman Froseth and members of the House Political Subdivisions Committee, on behalf of North Dakota's counties and county-elected officials I want to strongly oppose House Bill 1317. This bill would dismantle what is collectively known as the "Tool Chest" for local government, which over the past five years has proven itself a viable method of local government self-examination.

The "Tool Chest," created in during the 1993 session (House Bill 1347), is a body of optional authorities and procedures which political subdivisions, through local choice and citizen consent, can use to analyze and implement structural change in local government. County officials believe that only through local decision-making and citizen input can our political subdivisions achieve changes which will bring about greater efficiency and cost-effectiveness. House Bill 1317 would reverse this legislation and limit the local options to make change that are now available to the voters and their elected officials.

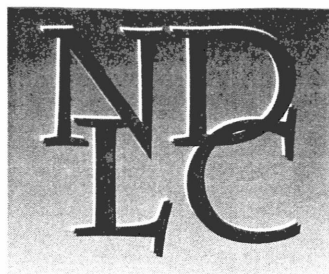
One of the ways the "Tool Chest" has proven itself is through the Local Governance Advisory Process, that this bill repeals. This process provides a means for voters and county or city boards to create an appointed advisory committee to study local government.

Thirty-four of North Dakota's counties have completed, or are currently conducting, this process. A process that gives citizens a way to strategically plan for government services in the future. Ideas such as sharing county and city services or sharing positions with another county, are only two examples of what these groups have advised.

As all Tool Chest items are optional and accessed only by petition of citizens or resolution of the governing board, this cannot be viewed in any way as a state mandate. If anything, when these "tools" were passed, the Legislature removed mandated restrictions, and House Bill 1317 attempts to restore them.

Counties have used these "tools" to consider and create positive change, and the protections in the Tool Chest has prevented changes unwanted by the voters. We have not seen irresponsible use of the Tool Chest legislation. Nothing has happened to warrant its repeal and the re-establishment of the more restrictive county consolidation statutes of House Bill 1317.

Mr. Chairman and committee members, I urge a "Do Not Pass" recommendation on House Bill 1317.



## *North Dakota League of Cities*

### *House Bill 1317 Political Subdivisions Committee*

January 21, 1999

**North Dakota League of Cities - Connie Sprynczynatyk, Executive Director**

The North Dakota League of Cities appreciates the opportunity to testify on this bill to remove statutory flexibility for local governments to restructure in response to local needs. Our organization is opposed to HB 1317 and urges your committee to vote "do not pass."

The following is the resolution which the League passed unanimously at its annual meeting in Minot on September 26, 1998:

#### **98-4. Intergovernmental Cooperation**

Whereas, cities and other levels of government are faced with the problem of meeting growing demands for services on limited budgets; and

Whereas, the 1993 Legislative Assembly passed House Bill 1347 that provides tools to restructure local government for effectiveness and efficiency; and

Whereas, these tools can be used by cities and other levels of government to work together to provide needed services to their citizens in the most effective manner;

Now, Therefore, Be It Resolved that the North Dakota League of Cities shall support programs and activities which will promote and support intergovernmental cooperation.

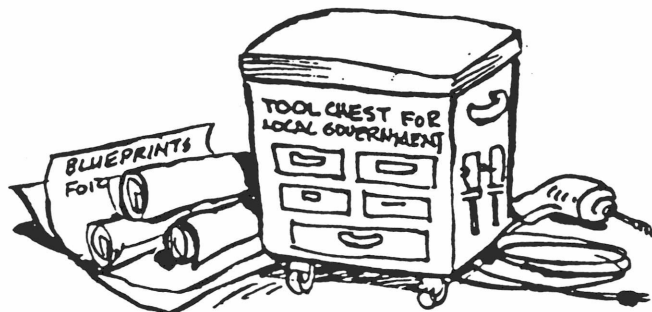
Attached to my testimony are documents that show what tools are now in state statute and some of the ways the tools have been used in political subdivisions across the state. The League of Cities supports continued use of the flexibility now provided to local government. These tools allow greater efficiency and may be used at local option. Citizens and local elected officials can do for the future what *they* decide needs to be done. The League of Cities believes that is important for success as North Dakota moves into the 21<sup>st</sup> century.

Thank you for the opportunity to testify.

## Inventory of Tools in the Tool Chest

**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 sections 23-14-01.1 through 23-14-01.6, 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 multicounty social service districts 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. Exercise of county options with respect to register of deed services and clerk of district court services pursuant to sections 11-10-02 and 11-17-11.
  - k. Sharing of elective or appointive county officers with other counties, cities, or other political subdivisions pursuant to chapter 11-10.3.
  - l. 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.
  - m. 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.
  - n. Transfer of a power or function of another political subdivision to the county pursuant to chapter 54-40.5.
  - o. Creation of a county consolidation committee pursuant to chapter 11-05.1.
  - p. That any other action be taken that is permitted by law.
  - q. 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 parks 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 pursuant to section 15-47-32, 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 15-28-01.
  - d. A cooperative arrangement pursuant to chapter 15-27.7.



- e. Sharing of officers with other school districts or other political subdivisions pursuant to chapter 11-10.3.
  - f. School district restructuring, annexation, or reorganization pursuant to chapter 15-27.6, 15-27.2, or 15-27.3.
  - g. Transfer of a power or function of the school district to the county pursuant to chapter 54-40.5.
  - h. That any other action be taken that is permitted by law.
  - i. 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.

Source: S.L. 1993, ch. 401, § 2.

## **Tools Available to All Units of Local Government**

40-01.1	Local Governance Advisory Study
54-40.3	Joint Powers Agreement
54-40.2	Agreements Between Public Agencies and Indian Tribes
11-10.3	Multisubdivision Office Combinations
54-40.5	Local Government Powers Transfer
40-57.4-06	Joint Job Development Authority
50-01.2-03.1	Agreements Between County Social Service Boards and Other Agencies

## Tools Available to Cities

40-05-01 Subdivision 73	Power of Cities to Contract with Public or Private Parties
40-04-01	Changing to Commission City
40-04-08	Changing from Commission to Council City
40-04.1-01	Modern Council Form
40-06-09	Changing the Number of Council or Commission Members
40-08-03	Changing the Number of Council Members
40-09-01	Changing the Number of Commission Members
40-15-05	Combining Appointive Officers in Commission Cities
40-14-04	Combining Appointive Officers in Council Cities
40-10	City Manager Plan
40-05.1	Home Rule Cities
40-05.1-05.1	Multicity Home Rule
54-40.4	County-City Home Rule
11-10.3	Multisubdivision Office Sharing
40-18-06.2	Transfer of City Ordinance Cases to County/District Court
40-53.1	Dissolution of Cities
40-53.2	Consolidation of Cities
40-57.4-03	Joint City Job Development Authorities
23-14-01	Consolidation of Health District Services
40-57.4-06	Joint Job Development Authority
40-51.2-02.1	Cooperative City Annexation Agreements

## Tools Available to Counties

11-05.1	County Consolidation Committee
11-05	Consolidation of Counties
11-06	Changing County Lines
11-08	County Consolidated Office Form
11-09	County Managership
11-09.1	Home Rule Counties
11-09.1-04.1	Multicounty Home Rule
54-40.4	County-City Home Rule
11-10-01	County Authority to Contract with Private or Public Parties
11-10-02	Number and Election of County Officers
11-10.2	County Officer Combination
11-10.3	Multicounty Office Combinations
11-11.1-01.1	Joint County Job Development Authority
57-15-61	Joint Economic Growth Districts
11-11.1-03	Powers and Duties of Job Development Authorities
11-12	Changing Number of County Commissioners
11-17-11	County Option for State Funding for District Court Clerk
11-28-12	Joint Board of County Park Commissioners
11-35-01	Regional Planning and Zoning Commissions
23-14-01.1	Consolidation of Health District Services
50-01.1-01	Social Service Districts

## Tools Available to Townships

- 58-05.1 Consolidation of Boards of Township Officers
- 58-02 Township Creation, Consolidation, Division & Dissolution
- 58-03-01 Power to Contract with Public or Private Parties
- 58-04-02.1 Increase in the Number of Township Supervisors
- 58-05-02 Contracting for Assessor Services / Combining Offices of Clerk and Treasurer

## Tools Available to City Park Districts

- 40-49-04            Power to Contract with Public or Private Parties
- 40-49-07.1        Change in Number of Park Commissioners
- 40-49-07.2        Dissolution of City Park Districts
- 40-49.1            Combination with Other City or County Boards of Park  
Commissioners

## Tools Available to School Districts

- 15-27.2 Annexation of School Districts
- 15-27.3 Reorganization of School Districts
- 15-27.6 School District Boundary Restructuring
- 15-27.7 School District Cooperative Arrangements
- 15-28-01 School Board Membership Changes
- 15-47-32 School District Joint Educational Endeavors

# Use of the Tool Chest by North Dakota Local Governments

The following efforts indicate use of the Tool Chest for local government. These efforts include use of the tools that existed, were revised, or created by 1993 House Bill No. 1347, and include efforts that occurred before 1993.

## *Counties*

### Home Rule (NDCC Chapters 11-09.1 & 54-40.4)

#### Cass County home rule (1994)

- limits county taxing authority to 75 mills unless increase approved by voters
- county ordinance authority
- initiative and referendum

#### Walsh County home rule

- subsequent 1992 unsuccessful attempt to combine the offices of county auditor, treasurer, and register of deeds

#### Richland County home rule

- combined the offices of auditor, treasurer, and register of deeds into a fiscal manager which is appointed by the County Commission

#### Home rule efforts rejected by citizens

- Burleigh County (1992)
- Grand Forks (1992)

### Office Consolidation and Sharing (NDCC Chapters 11-10.2 & 11-10.3)

Williams County eliminated register of deeds position and consolidated it with the treasurer's office (rejected appointment of the auditor)

Morton County rejected appointment of auditor

Combined clerk/register of deeds positions in Sheridan, Renville, and Burke counties

Renville County transferred the tax director into the auditor's office as a "deputy auditor" who is still appointed by the County Commission (similar arrangement in Ward County)

LaMoure/Dickey/Ransom realigned their social services management



County superintendents of schools shared, include:

- Burleigh/Morton
- McHenry/Pierce
- Rolette/Bottineau
- Wells/Foster/Eddy
- LaMoure/Dickey
- Walsh/Pembina
- Billings/Glen Valley
- Bowman/Slope
- Traill/Griggs
- Ransom/Sargent

County superintendents eliminated:

- Adams County effective Jan. 1, 1997
- Stark County

Combined county/city auditor in Adams County/Hettinger

Divide and Burke counties share an Extension Service home economist

Shared social service director:

- Wells/Foster/Eddy
- McKenzie/Williams
- McLean/Sheridan/Mercer

Office Divisions (NDCC Chapter 11-10.2)

Joint Powers Agreements (NDCC Chapter 54-40.3)

Hettinger/Adams County-- county provides law enforcement, garbage collection, and street maintenance

Ward County and Minot share computers and some law enforcement services

Detention facilities and related services agreement among Burleigh, Kidder, Stutsman, Morton, Mercer, and city of Lincoln

Numerous agreements between Burleigh and Morton counties, including:

- joint purchasing and bidding procedures for major road equipment
- joint election services
- ambulance service
- public safety including communications van, cooperative training, and preparedness drills
- library services

- human services mutual aid including counseling and treatment services, neglect and abuse investigations, foster care services, family preservation, day care specialist, and shared staff and office space
- shared road maintenance equipment and materials/joint annual auction

Road work exchange agreement between Morton and Grant counties

### Administrative Structure for Joint Powers Agreements

(NDCC Section 54-40.3-01(1)(c))

MBBM Joint Service Network (Mandan, Bismarck, Burleigh, Morton eight political subdivisions ongoing effort at joint services) - intergovernmental planning approach

### Changing Number of County Commissioners (NDCC Chapter 11-12)

### Joint Board of County Park Commissioners (NDCC Section 11-28-12)

### Multi-County Social Service Districts (NDCC Section 50-01.1-01)

### Consolidated Health Districts (NDCC Section 23-14-01.1)

### Advisory Study Processes (NDCC Chapter 40-01.1)

- Mandan/Morton County Efficiency in Government Committee (1993)
- Stark County Home Rule Feasibility Committee (1992)
- Walsh County Government Reduction Task Force (1992)
- Cass County - County Model Task Force Study (1990)
- Bismarck Home Rule Advisory Committee (1991)

### Transfer of Powers Agreements (NDCC Chapter 54-40.5)

### County Consolidation (NDCC Chapters 11-05 & 11-05.1)

## Cities

### Home Rule (NDCC Chapters 40-05.1 & 54-40.4)

Ashley	Grand Forks	Oakes
Belfield	Harvey	Park River
Berthold	Hazen	Pembina
Bismarck	Hettinger*	Riverdale
Bottineau	Hillsboro	Rolla
Cando	Jamestown	Rugby
Carrington	Kenmare	Strasburg
Cavalier	Killdeer	Valley City
Crosby	Langdon	Wahpeton
Devils Lake	Larimore	West Fargo
Dickinson	Linton	Williston
Ellendale	Lisbon	
Garrison*	Mandan	*Most recent
Fargo	Minot	
Grafton	Mohall	

### Joint Powers Agreements (NDCC Chapter 54-40.3)

Many county/city law enforcement contracts including:

- Morton County agreement with Flasher, New Salem, Glen Ullin, and Hebron
- Burleigh County agreement with Wing and Lincoln
- Counties and cities in McHenry, McLean, Morton, and Renville counties

#### Mandan and Bismarck

- joint rape victim advocacy program
- joint drug task force
- joint transit program for elderly and handicapped
- computer cataloging services provide full library access to Mandan and Bismarck residents

#### Bismarck and Burleigh County

- courthouse rental and security for municipal court
- joint emergency operations plan
- jail services
- shared city-county office building
- shared computer software and hardware with the Supreme Court
- joint law enforcement training
- shared automated law enforcement records and information
- many personnel services, including nursing service, data processing, shared planning office, communications center, mail processing, building and inspections, and snow plowing

-equipment sharing, including vote counting, street patching, asphalt crushing, and snow removal

Changing the Number of Council or Commission Members  
(NDCC Section 40-06-09)

Advisory Study Processes (NDCC Chapter 40-01.1)

Office Combinations and Sharing (NDCC Sections 40-15-05 & 40-14-04 and Chapter 11-10.3)

City Manager Plan (NDCC Chapter 40-10)

Minot

City Consolidation (NDCC Chapter 40-53.2)

Consolidation of Health District Services (NDCC Section 23-14-01)

Dissolution (NDCC Chapter 40-53.1)

-Hanks

## *Townships*

### Township Combinations (NDCC Chapter 58-05.1)

-at least two examples, one in the Bismarck area

### Joint Powers Agreements (NDCC Chapter 54-40.3)

#### Morton County Township Agreements

- Engleter Township for road work
- Captn's Landing Township for street lighting

#### Burleigh County Township Agreements

- Planning and zoning agreements with 10 townships
- Road maintenance agreements with 47 townships

### Increase in Number of Township Supervisors (NDCC Section 58-04-02.1)

### Township Creation, Dissolution, or Division (NDCC Chapter 58-02)

## *School Districts*

### Consortium Joint Powers Agreements (NDCC Chapter 54-40.3 & Section 15-47-32)

School improvement/library planning/staff development:

- Yellowstone Trail Consortium
- Western Walsh County
- I-94 (New Salem to Richardton)
- Bottineau area
- Northwest Education (Divide County)

### Other Joint Powers Agreements/Cooperative Arrangements (NDCC Chapter 54-40.3 & Section 15-47-32)

Litchville/Marion cooperative education agreement (1994-95)

- transfer between districts (K-6 in Litchville; 7-12 in Marion)

Bismarck/Mandan school districts' cooperative agreements:

- special education and computer personnel
- combined class offerings
- volume purchase of supplies and equipment
- computer hardware and software
- consolidated elections and joint purchase of election equipment  
with other political subdivisions
- joint investment pool with other political subdivisions

### Ongoing Reorganization Planning (NDCC Chapter 15-27.3)

- Elgin - New Leipzig
- Cooperstown - Hannaford
- Central Cass - Cass Valley North

### Increase or Decrease in the Number of School Board Members (NDCC Section 15-28-01)

### Dissolution (NDCC Chapter 15-27.1)

- Streeter
- Deering
- Others

## *City Park Districts*

### Joint Powers Agreements (NDCC Chapter 54-40.3)

Planning agreement among local and state governments for recreational use of riparian public land in Burleigh and Morton counties, including Mandan and Bismarck park districts

#### Mandan Park District agreements:

- Community Center facility operation in conjunction with the school district and city
- equipment usage for athletic field with school district
- maintenance agreement with city
- pooled purchase of fertilizer with Bismarck Park District
- joint junior golf program and season pass arrangement with Bismarck Park District
- joint ownership of computer system and joint telephone system with city and county

#### Bismarck Park District agreements

- mutual use of gym and other facilities with school district
- joint forestry department with city
- law enforcement services in the park system with the city
- jointly administer one mill for river front development with county and city
- contract with county for management of Sibley Park
- contract for management of McDowell Dam recreation area
- contract with state Game & Fish for boat ramps and related facilities

### Change in the Number of Park Commissioners (NDCC Section 40-49-07.1)

### Dissolution of City Park Districts (NDCC Section 40-49-07.2)

### Combination with Other City or County Boards of Park Commissioners (NDCC Chapter 40-49.1)

# Agreements Between Public Agencies and Indian Tribes (NDCC Chapter 54-40.2)

## Three Affiliated Tribes

Control of Noxious Weeds  
Pesticide Enforcement  
Good Bear Bay and Pouch Point Bay maintenance  
Child Support enforcement  
Highway construction  
Conservation of oil and gas resources  
Foster care

## Standing Rock Sioux Tribe

## Turtle Mountain Band of Chippewa

## Devils Lake Sioux Tribe



**Mandan - Bismarck - Burleigh - Morton**  
***Cooperative Agreements - Government***

<u>ENTITIES</u>	<u>SUBJECT</u>	<u>PROVISIONS</u>
Mandan Bismarck Burleigh County Morton County	Ambulance service	Exclusive use of ambulance service for emergency response and provision of free 24 hr/day dispatching in exchange for 24 hr/day, 7 days/week service.
Mandan Morton County	Services	City planning, zoning, and building inspection personnel provide related services to county.
Mandan Mandan Park District Mandan School District	Facilities	Assigns responsibility for operation and maintenance of Community Center to Park District, establishes usage by School District, and establishes payments to Park District for o & m costs.
Mandan Morton County Water Resource District	Product	Contract with Missouri West Water System to supply treated water through rural distribution system.
Mandan Bismarck	Public safety	Joint Rape Victim Advocacy Program. Joint drug task force.
Mandan Bismarck	Public safety	Mutual aid operational plans.
Mandan Bismarck	Facilities and services	Joint transit program for elderly and handicapped.
Mandan Bismarck	Services	Cataloging services using on-line OCLC System, and user agreement providing mutual library access to Mandan and Bismarck residents.

Mandan Bismarck S.T.O.P.	Administration	Mandan administers grant money for a joint traffic safety program.
Mandan Bismarck Morton County Burleigh County	Public safety	Communications van purchased and shared among the four entities.
Mandan Bismarck Morton County Burleigh County	Public safety	Agreement to cooperatively train for catastrophic events.
Mandan Bismarck Morton County Burleigh County Mandan School District Bismarck School District University of Mary Bismarck State College United Tribes Educational Technical College	Services	Central Dakota Cooperating Libraries Consortium created to enhance resource-sharing and improve services.
Bismarck School District Bismarck Park District	Facilities	Affirms mutual use of facilities such as use of elementary and secondary gyms for open gym program, activity centers, men's and women's volleyball and basketball, aerobics, and summer wood-working; use of golf courses, tennis courts, the ice arenas and Memorial Building for physical education classes and school sports; and provides for joint planning and development of facilities.
Bismarck School District Mandan School District	Personnel	Shared special education personnel in areas of low-incidence handicapping conditions. Shared personnel for computer operations.

Bismarck School District Mandan School District	Instructional programs	Combined class offerings in areas such as electronics, commercial art, Auto Cad for adults, and languages; Adult Learning Center and South Central High School; Teacher Learning Center; and Missouri Valley Library Consortium.
Bismarck School District Mandan School District	Purchases	Volume purchase of materials, supplies, food, and equipment.
Bismarck School District Mandan School District	Information services	Shared ownership and operation of computer hardware and software.
Bismarck School District Burleigh County Rural School Districts	Personnel	"Pairing and Sharing" agreement to provide guidance counselor services to rural school districts.
Bismarck School District Bismarck State College Vo-Tech Center	Facilities	Co-location of high school and college vo-tech programs in a jointly-operated facility.
Bismarck School District Bismarck Park District Bismarck ND Board of Higher Education	Facilities & programs	Joint powers agreement to develop and operate a community facility for track, soccer, football, and community events.
Mandan Park District Mandan School District	Maintenance	Shared use of equipment for athletic field maintenance.
Mandan Park District Mandan	Maintenance	City equipment and personnel exchanged for maintenance services.
Mandan Park District Mandan	Personnel	City provides expertise to Park District through city engineer, city forester, auditor.

Mandan Park District  
Bismarck Park District

Planning

Joint powers agreement to develop plans for shared programs and facilities.

Mandan Park District  
Bismarck Park District

Purchases

Pooled purchase of fertilizer for grounds maintenance.

Mandan Park District  
Bismarck Park District

Programs

Joint junior golf program, shared softball facilities for tournaments.

Mandan Park District  
Bismarck Park District

Promotion

Joint promotion of Mandan's Winter Daze.

Morton County  
Bismarck  
Burleigh County

Purchases

Joint powers agreement to jointly bid and purchase road construction and maintenance equipment.

Morton County  
Grant County  
Sioux County

Services

Provision of judicial services to both counties.

Morton County  
Mandan

Public safety

Provides for joint occupation of Law Enforcement Center, divides O & M and financial responsibilities, and sets up advisory board.

Morton County  
Mandan

Public safety

Contract for services related to prisoners.

Morton County  
Mandan  
Mandan Park District

Information services

Joint ownership of the computer system.

Morton County  
Mandan  
Mandan Park District

Equipment

Joint telephone system.

Morton County Flasher New Salem Glen Ullin Hebron	Public safety	Provides contract police patrol.
Morton County Grant County	Maintenance	Road work exchange agreement.
Morton County Engleter Township	Maintenance	Road work agreement.
Morton County Captn's Landing Twnshp	Street lighting	County financed township's street lighting.
Burleigh County Bismarck Public Library	Library services	Bookmobile service and full Veterans Memorial Library access to all county residents using county library mill.
Burleigh County Bismarck Mandan	Public safety	Joint Police Youth Bureau program.
Burleigh County Bismarck	Facilities	Provides for rental of municipal court space by city in the county courthouse.
Burleigh County Bismarck	Public safety	Establishes provision of security for municipal court in the county courthouse.
Burleigh County Bismarck	Services	Burleigh County court services provided for certain municipal court cases. Addresses fines, fees and costs.
Burleigh County Bismarck	Public safety	Joint emergency operations plan.

Burleigh County  
Bismarck

Public safety

Jail services agreement.

Burleigh County  
Bismarck

Facilities

Shared city-county office building.

Burleigh County  
Bismarck

Maintenance

Shared maintenance of joint office building and courthouse.

Burleigh County  
Bismarck  
ND Supreme Court

Information services

Shared computer software and hardware.

Burleigh County  
Morton County

Services

Agreement to provide counseling and treatment services for families and children; neglect and abuse investigations; foster care licensing, recruitment, and training; family preservation services; day care specialist; and shared staff and office space.

Burleigh County  
Morton County

Personnel

Joint employment of a human resource director.

Burleigh County  
Morton County

Personnel

Joint employment of a superintendent of schools.

Burleigh County  
Morton County

Road maintenance

Shared equipment and materials, joint annual auction.

Burleigh County  
Morton County

Public safety

Amateur radio repeater jointly funded to support emergency communications and weather spotters network.

Burleigh County  
Morton County

Public safety

Joint community preparedness drills.

Burleigh County  
Burnt Creek Twnshp  
Hay Creek Twnshp  
Glenview Twnshp  
Fort Rice Twnshp  
Lincoln Twnshp  
Gibbs Twnshp  
Menoken Twnshp  
Riverview Twnshp  
Lyman Twnshp  
Phoenix Twnshp

Planning and zoning

Agreements with townships for county to perform planning and zoning functions.

Burleigh County  
Forty-seven townships

Maintenance

Road maintenance agreements with Burleigh County townships.

Burleigh County  
Wing  
Lincoln

Public safety

Contract to provide law enforcement.

Burleigh County  
Kidder County  
Stutsman County  
Morton County  
Mercer County  
Lincoln

Public safety

Agreements to provide detention facilities and related services.

Burleigh County  
Morton County  
Mandan  
Bismarck  
Bismarck School District  
Mandan School District  
Mandan Park District  
Bismarck Park District

Elections & equipment

Consolidated elections and joint purchase of election equipment.

Bismarck  
Mandan

Planning

Use of transportation funding determined through Metropolitan Planning Council.

Bismarck  
Burleigh County

Public safety

Joint law enforcement training agreement.

Bismarck  
Burleigh County

Public safety

Shared automated law enforcement records and information.

Bismarck  
Burleigh County

Personnel & services

Joint nursing service.  
Joint data processing service.  
Shared planning office.  
Shared communications center.  
Shared disaster planning office.  
Shared mail processing.  
Shared building and inspections service.  
Shared snow plowing responsibilities.

Bismarck  
Burleigh County

Equipment

Shared street patching equipment.  
Shared reclaimed asphalt-crushing equipment.  
Shared snow removal equipment.

Bismarck  
Burleigh County  
Victim Witness Advocacy  
Program  
State of North Dakota

Finances

City, county and state provide funding for the advocacy program dealing with victims and witnesses of crimes.

Bismarck  
State of ND

Finance

Contract with the State Investment Board to invest pension funds.

Bismarck  
State of ND

Finance

State collects city sales tax and hotel, motel and restaurant tax for the city.



Bismarck  
State of ND

Nursing services

Health care programs in areas such as maternal and child health, refugee care, HIV testing, immunizations, and tuberculosis treatment are administered locally but funded by the state.

Bismarck  
Federal Aviation  
Administration

Facilities

Air traffic control tower, radar approach control, airways facilities office, and district office are located at the municipal airport.

Bismarck  
National Weather Service

Facilities

Office space, radar, and associated reporting facilities are located at the municipal airport.

Bismarck  
US Army Reserve Center

Public safety

Agreement to provide fire protection

Bismarck  
United Tribes Educational  
Technical Center

Public safety

Agreement to provide fire protection.

Bismarck  
ND Air Guard  
ND Army Reserve

Facilities

Location of military air facilities and services at the Bismarck Airport.

Bismarck  
North Dakota Highway  
Patrol

Facilities

Agreement to use old runway for emergency vehicle training.

Bismarck  
ND Ass'n of Soil Conser-  
vation Districts

Public safety

Joint fire fighting service.

Bismarck  
ND Aeronautics Comm.

Facilities

Co-location of administrative offices at the municipal airport.

Bismarck ND Department of Transportation ND Game & Fish Dept. ND Highway Patrol ND Civil Air Patrol ND Historical Society	Facilities	Agreements to accommodate various needs for aviation-related facilities and services.
Bismarck United Tribes Educational Technical College	Product	Agreement to provide treated water to the tribal college.
Bismarck Missouri River Correction Center	Product	Agreement to provide treated water to the state facility.
Bismarck Bismarck Park District	Forestry	Joint forestry department.
Bismarck Bismarck Park District	Public safety	Contract to provide law enforcement services throughout the park system.
Bismarck Bismarck Park District Burleigh County	Recreation	One mill assessed in the city and jointly administered for river front development.
Bismarck Park District Burleigh County	Management	Contract for management of Sibley Park.
Bismarck Park District Burleigh County Water Resource District	Management	Contract for management of McDowell Dam recreation area.
Bismarck Park District Bismarck School District	Facilities	Use of ice arenas for high school hockey program.

Bismarck Park District  
Bismarck School District

Planning

Joint powers agreement for planning and other cooperative efforts.

Bismarck Park District  
Bismarck

Facilities  
Operation

Establishes responsibilities for planning, development, operation and maintenance of riparian public land.

Bismarck Park District  
Bismarck State College

Facilities

Joint installation and use of water line for irrigation.

Bismarck Park District  
ND Game & Fish Dept.

Facilities

Joint development of boat ramps and related facilities.

Bismarck Park District  
Mandan Park District

Program

Agreement to offer joint daily or seasonal golf passes for all public courses in Bismarck and Mandan.

Bismarck Park District  
Mandan Park District  
Morton County  
Burleigh County  
Bismarck  
Mandan  
Morton Cnty Park Board  
Burleigh Cnty Park Brd  
Morton Cnty Water  
Resource District  
Burleigh Cnty Water  
Resource District  
Board of University and  
School Lands  
ND State Engineer  
ND Parks and Recreation  
Department  
ND Highway Department  
ND Director of  
Institutions  
ND National Guard

Planning

Development of plans for recreational use of riparian public land in  
Burleigh and Morton Counties

**Mandan - Bismarck - Burleigh - Morton**  
***Cooperative Agreements - Government & Private Non-Profit***

<u>ENTITIES</u>	<u>SUBJECT</u>	<u>PROVISIONS</u>
Mandan Community groups	Finances	City administers Community Development Block Grant funds used by non-profit organizations for qualified projects.
Mandan Mandan Arts Advisory Commission	Finances	Funds are provided to support several community arts-related activities.
Mandan Bismarck (Vision Fund) State of ND (PACE) B-M Development Ass'n Bismarck Industries Bismarck Loan Pool	Industrial expansion	Entities cooperate to promote and finance industrial expansion.
Mandan Bismarck Bismarck-Mandan Chamber of Commerce	Finances	Cities provide some funding to the joint Chamber for advertising and promotion of the community and events.
Mandan Bismarck Burleigh County Morton County B-M Development Ass'n	Finances	Entities provide some funding to BMDA for business development purposes. The Association provides staff and leadership for all economic development activities.
Bismarck Civic Arena Promotions	Events	CAP arranges for and promotes events for the civic center.

Bismarck Mandan Convention & Visitors Bureau	Finances	Contract to fund up to 80% of the CVB's operating budget from proceeds of 2% room and beverage tax.
Bismarck Burleigh Rural Water Users Cooperative	Product	Agreement to provide treated water to the expanded rural water system.
Bismarck University of Mary	Product	Agreement to provide treated water outside the city limits.
Bismarck Dakota West Arts Council	Finances	DWAC receives funding from the city and serves as the municipal arts agency.
Bismarck Community groups	Finances	City administers Community Development Block Grant funds used by non-profit organizations for qualified projects.
Bismarck Park District Burleigh County Water Users Cooperative	Facilities	Agreement to install and maintain water pipeline to Sibley Park.
Bismarck Park District Green Thumb, Inc.	Management	Employee agreement for maintenance at Sibley Park.
Bismarck Park District Dakota West Arts Cncl	Facilities	Establishes use of office space in Memorial Building. Park District provides some grant funds for arts groups with administration provided by DWAC.
Bismarck Park District Bismarck Art & Galleries	Facilities	Co-location, shared operation and maintenance in former railroad warehouse.
Bismarck Park District Bismarck-Mandan Symphony	Facilities	Allows use of office space for symphony business.

Bismarck Park District Apple Creek Cntry Club	Equipment	Lease agreement for Hydro-ject and shared equipment.
Bismarck Park District Bismarck Gymnastics Academy	Facilities	Provides specified administrative services to the Academy.
Bismarck Park District Bismarck Hockey Boosters	Facilities	Establishes use of ice arenas for youth hockey program.
Bismarck Park District Bismarck Horse Club	Facilities	Addresses recreational use of park land for club purposes.
Bismarck Park District Bismarck Horse Club	Facilities	Operation of the stable at Walt Neuens Memorial Horse Arena.
Bismarck Park District Bismarck Horseshoe Association	Facilities	Guidelines for establishment and use of covered horseshoe courts in the "wildwoods" area of Sertoma Park.
Bismarck Park District Capital Curling Club	Facilities	Agreement to use facilities for summer bon spiel.
Bismarck Park District Dakota Zoological Society	Facilities	Agreement to operate and maintain a zoo at Sertoma Park.
Bismarck Park District Farwest Rotary Club	Program	Defines responsibilities for sponsorship of substance-free graduation party (The Happening).
Bismarck Park District Flickertail Woodcarvers	Facilities	Agreement for club use of Memorial Building.
Bismarck Park District Figure Skating Club	Facilities	Use of ice facilities for summer figure skating school.

Bismarck Park District Women's Volleyball Program	Program	Establishes responsibilities for program management and advisory board.
Bismarck Park District Bismarck Jaycees	Facilities	Establishes guidelines for use of building at Jaycee Park.
Bismarck Park District League of Animal Welfare	Facilities	Allows operation and maintenance of a pet cemetery in Pioneer Park.
Bismarck Park District Nishu Bowmen, Inc.	Facilities	Leases a tract of park land to the club for an archery range.
Bismarck Park District Optimist Club	Facilities	Establishes use of All Seasons Arena for annual Kidfest.
Bismarck Park District Pride Industries	Facilities	Allows use of portions of Memorial Building.
Bismarck Park District St. Mary's Church	Facilities	Defines property to be used for park purposes.
Bismarck Park District Shiloh Christian School	Facilities	Allows use of Memorial Building for physical education classes.
Bismarck Park District Bismarck Reformed Church	Facilities	Establishes responsibilities for funding, construction, and joint use of a parking lot at Tatley Park.
Mandan Park District Mandan Jaycees	Facilities	Jaycees lease the rodeo grounds portion of Dacotah Centennial Park for their annual rodeo, demolition derby, and mud run. The park benefits from proceeds of the Jaycees carnival.
Mandan Park District Chamber of Commerce	Facilities	Chamber leases Dacotah Centennial Park for the annual Folkfest "Party on the Strip," and proceeds from concessions are donated to the park.



Mandan Park District  
B-M Stock Car Ass'n  
Auxiliary

Facilities

The Auxiliary uses the novelty stand at the park to sell items, and the proceeds are donated back for park improvements.

Mandan Park District  
B-M Stock Car Ass'n

Facilities

Association leases the Dacotah Centennial racetrack for a flat fee plus a portion of gate receipts. Park District donates a portion of its concession revenues to the Association.

Burleigh County  
Social Services  
West Central Human  
Services  
Dacotah Foundation

Programs

Contract with Dakota Foundation to provide certain social service programs.

Burleigh County  
Bis-Man Reel & Rec Club  
ND Game & Fish Dept.

Facilities

Agreements to share cost of construction of boat ramps and related facilities.

Burleigh County  
Missouri Valley Fair Ass'n

Facilities  
Events

Development of fairground facilities and events.

Mandan School District  
Mandan Hockey Club

Program

Agreement to provide a high school hockey program.

Mandan School District  
Friends of the Auditorium

Facilities

Agreement to provide improvements to the high school auditorium.

**Mandan - Bismarck - Burleigh - Morton**  
***Cooperative Agreements - Government & Private For-Profit***

<u>ENTITIES</u>	<u>SUBJECT</u>	<u>PROVISIONS</u>
Mandan Mandan Park District Mandan School District Morton County Bismarck Bismarck Park District Bismarck School District Burleigh County Norwest Bank	Investment pool	Agreement to jointly invest money until it is needed for programs and services.
Morton County Mandan Amoco Refinery Burlington Northern	Public safety	Participation in joint training related to emergency management.
Mandan Amoco Refinery	Public safety	Shared emergency equipment and personnel when requested. No fees assessed, but replacement of consumable supplies is required.
Bismarck Downtown businesses	Finance	City has financed several urban renewal projects in the central business district.

Bismarck  
Northwest Airlines  
Frontier Airlines  
United Express Airlines  
Federal Express  
United Parcel Service  
Airborne Express  
AirVantage  
Aberdeen Flying Service  
Mesaba Airlines

Aviation services

Agreements governing space rental, landing fees, and other airport operational charges to provide flight and freight services to the public.

Bismarck  
Delta Airlines  
America West Airlines  
Northwest Airlines

Facilities

Lease of space for radio relay equipment.

Bismarck  
Capital Aviation  
Executive Air Taxi  
Waypoint Avionics  
Simpson Investment Co.  
Excalibur Aviation  
Aero-Store Condos  
Hastings T-Hangar

Aviation services

Contracts to provide services such as air charter, flight instruction, aircraft rental, repair services, fuel sales, electronic sales and service, limousine service, and hangar rental.

Bismarck  
Avis  
Enterprise  
Hertz  
National

Facilities

Lease agreements with car rental concessions at the airport.

Bismarck  
ADMED, Ltd.

Facilities

Lease of office and operational space.

Bismarck Basin Cooperative Services	Facilities	Land lease, corporate hangar/flight department.
Bismarck Frequent Flyer Lounge	Facilities	Agreement to operate the airport lounge concession.
Bismarck Individuals	Facilities	Lease of airport land to grow and harvest agricultural products.
Bismarck APCOA	Concessions	Contract management of airport parking concession.
Bismarck Airport Gift Shop	Concessions	Contract to operate airport gift shop.
Bismarck Newman Signs	Concessions	Lease of airport land to offer advertising space.
Bismarck KAT	Concessions	Agreement to offer advertising space.
Bismarck Hay Creek Mobile Home Court	Product	Agreement to provide treated water to residents.
Bismarck Park District Dakota Rattlers	Facilities	Agreement for use of municipal ball park for professional baseball.
Bismarck Park District Super Slide, Inc.	Concessions	Lease agreement for the amusement park in Sertoma Park.
Bismarck Park District Riverfront Sports, Inc.	Concessions & facilities	Lease agreement to provide rollerblade, skateboard, and bicycle rental and operate a skateboard park in Sertoma Park.

Bismarck Park District Dan Waldoch	Operation	Contract to provide golf professional services at Riverwood Golf Course.
Bismarck Park District Gary Helfenstein	Concessions	Agreement to offer racquet repair concession at the Capital Racquet and Fitness Center.
Bismarck Park District Sioux Sporting Goods	Concessions	Ski equipment concession at Riverwood Golf Course.
Bismarck Park District Prairie Chicken Catering	Concessions	Agreement for operation of Municipal Country Club.
Bismarck Park District Scotty's Drive-In Del's Deli	Concessions	Agreement to operate food and beverage concessions at golf courses and softball fields.
Bismarck Park District Coca Cola West	Concessions	Agreement to provide concession services, supplies, and vending equipment at various Park District sites.
Mandan Park District Larry Souther	Concessions	Park District receives a percentage of proceeds from operation of driving range and food and beverage concessions.
Mandan Park District Gray Golf Carts of Stanley	Concessions	Park District receives a commission from golf cart concession.
Mandan Park District Pepsi Coca Cola West	Concessions	Contracts with soft drink companies to provide locations and electricity for beverage vending services.
Mandan Park District Jane Winkler	Concessions	Lease of concession operation at the Mandan Community Center.
Mandan Park District John & Tom Miller	Concessions	Lease of food and liquor concession at Dacotah Centennial Park.

Mandan Park District  
Newman Sign Co.

Facilities

Park District receives royalties for lease of sign space to private  
businesses.