

**2019 HOUSE POLITICAL SUBDIVISIONS**

**HB 1210**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

1/25/2019

HB 1210

Job # 31526

Subcommittee

Conference Committee

Committee Clerk: Carmen Hickle

### Explanation or reason for introduction of bill/resolution:

Relating to qualified electors in city elections

Minutes:

1,2,3

**Chairman J. Dockter:** Opened the hearing on HB 1210.

**Rep. Kading:** (Handout 1) Read his testimony.

**Rep. Adams:** The people in the ET zone do not pay city taxes, I pay city taxes why would they have more of a say than I have?

**Rep. Kading:** I would say the exact opposite is true. Why should the individuals within the city be regulating those individuals outside the city? At the same time the city does not have to extend the ET zone up to 4 miles. It is up to the discretion of the city. If the city is extending their jurisdiction those people should have a right to vote.

**Rep. Adams:** If they have a say on the planning and zoning on what is going to happen in the extraterritorial area, wouldn't that give them a voice in what is actually happening in their area?

**Rep. Kading:** If they have a say what is happening in their area that would be representation. But the fact is they don't have representation now.

**Vice Chairman Pyle:** Did anyone who lived in the extraterritorial area talk to you about this bill?

**Rep. Kading:** Yes, I did talk with a number of people living in ET zones.

**Rep. Hatlestad:** Does this allow an ET resident to vote anytime in any city election on any issue?

**Rep. Kading:** The text of the bill states, in any general election.

**Vice Chairman Pyle:** Are you confident on that answer, because they are elected on the primary election too?

**Rep. Kading:** Depending how they want to interpret it. But the text of this bill at general elections they vote in city elections. I think a primary election would be considered under that definition.

**Rep K. Koppelman:** The bill says if they are qualified to vote in a general election than they may vote in a city election. I believe those in the extraterritorial zone have a representative on the planning and zoning committee. When I first saw the bill I thought it was a bill to allow people in an extraterritorial zone or a proposed extraterritorial zone to have a vote on if they should become an extension of the extraterritorial zone. Have you thought about that as an alternative? Maybe there should be a vote before the city extends and then the majority in that area would have a say.

**Rep. Kading:** I would support something like that.

**Larry Severson:** North Dakota Township Officers Associations. I don't know that this bill would work as it is written. But it's an idea to investigate.

**Rep K. Koppelman:** When a city annex's land into a rural area there is a requirement that the majority of property owners need to consent. If you have to give consent to be annexed shouldn't you have to consent to extraterritorial zoning?

**Mr. Severson:** That would be a step in the right direction. This issue has gone back and forth for seven or eight sessions. It's still a work in progress.

**Rep. Ertelt:** Can you expound on your statement about the bill not working as written? What wouldn't work and what should be changed so it would work?

**Mr. Severson:** It would begin to be individuals voting in a district in which they do not live. It is a mirror image of the problem that they see being regulated by people not being voted for in their district.

**Bill Wocken:** ND League of Cities (Handout 2) Handout was from Maureen Storstad, Finance Director City of Grand Forks which he read.

**Chairman J. Dockter:** Passed out testimony from City of Watford City. (Handout 3).

**Chairman J. Dockter:** Closed the hearing on HB 1210.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

2/1/2019

HB 1210

Job # 32027

Subcommittee

Conference Committee

Committee Clerk: Carmen Hickle
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### Explanation or reason for introduction of bill/resolution:

Relating to qualified electors in city elections

### Minutes:

**Chairman J. Dockter:** Opens for committee work.

**Rep. Magrum:** Made a do pass motion.

**Rep. Simons:** Second the motion.

**Rep. Longmuir:** I'm in opposition, it creates more problems than it addresses. What we are trying to do is piecemeal who can vote on what. Do they just vote on the planning and zoning who are generally appointed by the city council, do they vote on the entire city council?

**Rep K. Koppelman:** It is good intent but flawed solution, our law in North Dakota has always been you vote where you live. But the city is extending out and governing people's property who lives outside the city and they are trying to find a way to have a voice. I think a better solution is when you are becoming a part of extraterritorial zone then the people living there ought to be able to vote whether they are going to accept it.

**Rep. Hatlestad:** In audible.

**Chairman J. Dockter:** Yes

**Rep. Adams:** I agree with Rep. Koppelman it is piecemeal. But in Grand Forks we can only grow south so the people have been brought in and eventually you will come into the city. So the people have that view they will be coming in but they don't pay city taxes. I don't think they should have a vote, that is why they live out there.

**Rep. Fegley:** Taxes are still the same in extraterritorial area. The township and county control it that didn't change at all on the tax side.

**Rep K. Koppelman:** They don't pay taxes in the city but the city has control over their property by zoning it, and charging fees and building permits.

**Rep. Ertelt:** I agree in part of voting on other issues that the individuals in the extraterritorial may not be under the control of the city. I do support the idea of allowing citizens in the extraterritorial zone, before they become one, to have a voice in if they want to accept that. We aren't addressing the issue now. The sponsor hasn't come forth with amendments but I would like to work on an amendment.

**Rep. Hatlestad:** If you allow me in the extraterritorial area to vote on whether I want to belong you defeat the purpose of the ET provision, which was to allow the city to manage growth.

**Rep K. Koppelman:** We are debating an amendment we don't have. The original intent of the ET had mixed messages. Yes, it is to control growth although we have been told ET is a precursor to annexation. It's natural that if a city expands outside it's borders with annexation laws but the intent is to grow into those areas.

**Rep. Magrum:** I would remove my motion pending an amendment.

**Rep. Simons:** Under those conditions yes I would too.

**Chairman J. Dockter:** Tabled bill HB 1210.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1210  
2/14/2019  
Job # 32796

- Subcommittee  
 Conference Committee

Committee Clerk Signature	Carmen Hickle
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### Explanation or reason for introduction of bill/resolution:

Relating to qualified electors in city elections

### Minutes:

1
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**Chairman J. Dockter:** Opens for committee work.

**Rep. Ertelt:** (Handout #1) Explained amendment 19.0552.01001. The prime sponsor is in favor of the amendment. It changes the bill that is similar to annexation proceedings. In Section 1 if there is a proposed change in zoning regulation those within the ET zone would give the opportunity to vote. It follows the intent of the bill as it was proposed. This constricts just to the zoning regulations. Where the proposed bill would have given them voting rights in all city elections.

**Rep K. Koppelman:** It's not retroactive so won't affect the current ones.

**Vice Chairman Pyle:** So when there is a zoning change generally a city council or city commission votes on it within the city limits. Are you talking about just if there is zoning changes in the extraterritorial or all zoning changes?

**Rep. Ertelt:** The governing body of the city shall call a special election to provide owners of the property in the extraterritorial zone. It only applies to that extraterritorial zone. That was the intent as drafted.

**Rep. Fegley:** Current procedures with zoning constituents don't vote on the zoning, they only have hearing to express their views. Then the county or the city commission adopt the zoning and not the people.

**Rep K. Koppelman:** The amendment I would have prepared would have given the people in the extraterritorial zoning area to vote on whether they wanted to part of the extraterritorial zone. Not the authority to vote on every zoning change.

**Vice Chairman Pyle:** Who pays for the cost of the election? Elections are very expensive.

**Rep. Ertelt:** The city is enacting the ordinance and would be responsible for the special election. However, it would only be for those in the extraterritorial zone.

**Rep K. Koppelman:** I thought Rep. Ertelt's amendment would be the same but it is not. I would appreciate the opportunity to work on another amendment so the committee has both options to look at.

**Chairman J. Dockter:** We will hold HB 1210.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1210  
2/15/2019  
Job # 32847

- Subcommittee  
 Conference Committee

Committee Clerk Signature	Carmen Hickle
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### Explanation or reason for introduction of bill/resolution:

Relating to qualified electors in city elections

### Minutes:

1
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**Chairman J. Dockter:** Opens for committee work.

**Rep K. Koppelman:** (Handout #1) Submitted a proposed amendment 19.0552.01003. He explained the amendments purposes. The amendment is not retroactive so would not change any existing zoning. Before a city would extend its extraterritorial area it would allow the people who are going to be effected to vote on whether they want to be a part of the extraterritorial area or not. Made a motion to accept the amendment.

**Rep. Toman:** Second the motion.

**Vice Chairman Pyle:** Does anyone know how ET's are formed and how there is notice to those property owners?

**Rep K. Koppelman:** By statute.

**Vice Chairman Pyle:** What is the statute? By law they are supposed to send a certified letter.

**Rep K. Koppelman:** It's possible.

**Vice Chairman Pyle:** I am wondering if the conversation is already occurring and if we have to call a special election? The cost of special elections is enormous and this is going to a heavy burden on the taxpayers.

**Rep K. Koppelman:** The amendment doesn't call for the city to do the election it calls for the county to do it. Because this is a rural area and the ones voting on it are those rural people and that could only be a few.

**Vice Chairman Pyle:** There are provisions for people to opt out. There are provisions for the mailing of information. I believe this is already taken care of. When zoning ordinances are

done usually by a city ordinance, the affected property owners within a certain distance are notified.

**Rep K. Koppelman:** This is not about notification but when they are notified nothing in law gives them any authority to object.

**Vice Chairman Pyle:** What I mean by notification is there is a meeting set to do it because the changing of zoning is done by a city ordinance. Sometimes the person living on the property is notified but not the person who actually owns the property might not be notified, how do you handle that?

**Rep. Adams:** Planning and zoning notify the people to come to a meeting. Then they have three meetings to decide if they are going to be brought in. Then planning and zoning makes a recommendation and then the property owners if they don't like the recommendation they can take it to the city council. So the people coming in have all this work but work through the system.

**Rep. Simons:** Taxation without representation is what is on this subject. We live in a place where people need to be heard and these people are not being heard, so they should have an election.

**Rep. Fegley:** City can only tax what is in the city and not the extraterritorial area. They have a vote within the township or the county for their taxes so they do have a voice on their taxes but not on how the ordinances are created around.

#### **Voice vote carried**

**Rep K. Koppelman:** Made a do pass as amended motion.

**Rep. Toman:** Second the motion.

**Vice Chairman Pyle:** If a farmstead is non-conforming within the ET who has jurisdiction to go after them? If there is a jurisdiction is not to have chicken's and I have chicken's who is going to come after me?

**Rep K. Koppelman:** I don't think the bill deals with that question at all. Right now if you are in an ET area I assume the city would have authority. If you are in an area that's in the mileage where an ET could exercise but has not been then the county zoning would have authority. This bill wouldn't change that.

**Vice Chairman Pyle:** What authority does the city have over an ET if someone chooses not to follow?

**Rep. Hatlestad:** If they are allowed to stop an ET does that defeat the purpose of ET for the city? What happened to our purpose?

**Rep. Johnson:** The property owners say this is our right. The city can still do their 30-year plan just go around. It comes down to the property owner.

**Rep. Toman:** The bill as amended sets up property owner's rights. Currently in extraterritorial zoning jurisdictions only have the opportunity to mediate and protest so the majority of the property owners say they don't want something. They might do something but now the people can vote and say we don't want this. Allow them to have a voice.

**Do pass as amended vote yes 9, no 5 absent 0.**

**Rep. Johnson:** Will carry the bill.

DP 2/15/19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1210

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to special elections for property owners in a proposed extraterritorial zoning area.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

**Special election - Zoning.**

1. Notwithstanding any other provision of law, the board of county commissioners shall call a special election to allow owners of property in a proposed extraterritorial zone, as provided in section 40-47-01.1, to vote on the proposed extension of extraterritorial zoning authority. The outcome of the vote is binding on the city seeking to extend the extraterritorial zone.
2. The board of county commissioners shall provide notice of the proposed change and date of the special election through certified mail to each property owner that would be impacted by the proposed change.
3. An election relating to a proposal to extend extraterritorial zoning authority over the same area may not be held more often than once in any twelve-month period."

Renumber accordingly

Date: 2-15-19  
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1210**

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: 19.0552.01003

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Koppelman Seconded By Rep. Toman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:					
Vice Chairman Pyle:					
Rep. Ertelt:					
Rep. Fegley:					
Rep. Hatlestad:					
Rep. Johnson					
Rep K. Koppelman:					
Rep. Longmuir					
Rep. Magrum:					
Rep. Simons:					
Rep. Toman:					
Rep. Strinden:					
Rep. Adams:					
Rep. Guggisberg					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Voice Vote Carried

Date: 2-15-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1210**

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Koppelman Seconded By Rep. Toman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:		/			
Rep. Ertelt:	/				
Rep. Fegley:		/			
Rep. Hatlestad:	/				
Rep. Johnson	/				
Rep K. Koppelman:	/				
Rep. Longmuir		/			
Rep. Magrum:	/				
Rep. Simons:	/				
Rep. Toman:	/				
Rep. Strinden:	/				
Rep. Adams:		/			
Rep. Guggisberg		/			

Total (Yes) 9 No 5

Absent 0

Floor Assignment Rep. Johnson

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

**REPORT OF STANDING COMMITTEE**

**HB 1210: Political Subdivisions Committee (Rep. Dockter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to special elections for property owners in a proposed extraterritorial zoning area.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

**Special election - Zoning.**

1. Notwithstanding any other provision of law, the board of county commissioners shall call a special election to allow owners of property in a proposed extraterritorial zone, as provided in section 40-47-01.1, to vote on the proposed extension of extraterritorial zoning authority. The outcome of the vote is binding on the city seeking to extend the extraterritorial zone.
2. The board of county commissioners shall provide notice of the proposed change and date of the special election through certified mail to each property owner that would be impacted by the proposed change.
3. An election relating to a proposal to extend extraterritorial zoning authority over the same area may not be held more often than once in any twelve-month period."

Renumber accordingly

**2019 TESTIMONY**

**HB 1210**

Rep. Kadings #1

HB 1210

1-25-19

Mr Chairman and members of the committee

Before you today is HB 1210. This bill is in regards to Extraterritorial Zones surrounding local municipalities and their voting rights.

Regulation without representation occurs in these ET zones.

Under Chapter 40-47, cities may decide to extend the application of a city's zoning regulation into the ET zone. As you as a committee probably know, ET zones can extend up to 4 miles from the city depending on the population.

These individuals in the ET may have to apply for building permits from the city follow certain city codes and so forth.

The individuals in the ET zone **DO NOT** get to vote for the elected officials within the city that regulate the zoning.

In my opinion, this is unfair. We should not allow our citizens in rural North Dakota to be regulated by those in the city without representation.

This bill merely gives those in the ET zone the right to vote in city elections which regulate them.

Please give this bill a Do Pass.

Thank you



#2

Michael R. Brown  
Mayor

# City of Grand Forks

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**TESTIMONY ON HOUSE BILL 1210  
House Political Subdivisions Committee  
January 25, 2019**

**Maureen Storstad, Finance Director  
City of Grand Forks, ND**

Mr. Chairman and members of the committee, my name is Maureen Storstad, and I am the Finance Director for the City of Grand Forks and also serve as its City Auditor. I want to thank you for the opportunity to provide testimony and express my opposition to House Bill 1210.

House Bill 1210 seeks to amend North Dakota Century Code Section 40-21-01 to provide the authority for a resident of a city's extraterritorial zoning jurisdiction (ET) to vote in municipal elections. Under current law, the city may extend its zoning jurisdiction to an area known as the extraterritorial zoning jurisdiction. The purpose stated in the statute is to promote health, safety and morales for the general welfare of the community. No other municipal authority is extended to this jurisdiction.

Under the provisions of House Bill 1210, if adopted, a resident of the ET zoning jurisdiction would be granted authority to vote in any municipal election. Such elections, in addition to electing members of city council or city commissions, would also include elections for adoption or amendment to home rule charters, park district elections, municipal judge elections, municipal referrals, municipal initiated measures, and municipal recalls. In these instances, it is unlikely that any of these issues subject to an election would relate to the extraterritorial zoning jurisdiction of the city. But, under the proposed bill, residents of the ET zone would be allowed to vote.

House Bill 1210 would require a city to designate the ward or precinct in which the residents of the ET are to vote. In discussion with our City Attorney, there is no provision for the city to extend its wards or precincts outside of the city limits. House Bill 1210 also appears to conflict with current law which requires a qualified elector to be a resident of a municipality.

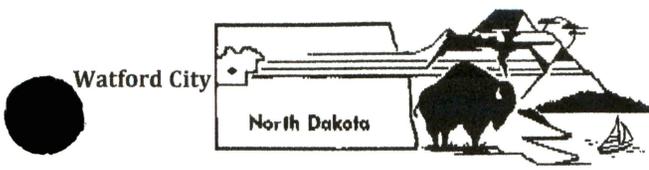
#2  
HB 1210  
1-25-19

This bill proposes to extend voting rights to a nonresident of the voting authority as a qualified elector residing within the city limits. However, the qualified resident elector is subject to the payment of city real estate taxes and special assessments whereas a resident of the ET is not. The ET residents would consequently be granted voting rights without bearing the other burdens or obligation place upon city residents.

The inclusion of the ET residents within a ward or precinct may create an unbalanced ward or precinct subject to challenge. The effect may also be to dilute voting rights of municipal residents. The inclusion of ET residents into a ward or precinct may require the redrawing of municipal ward and precinct boundaries to comply with federal and state law regarding voting rights.

It may be presumed that the argument to support the bill is to allow people residing within extraterritorial zoning jurisdictions to have some influence on decisions made affecting the planning and zoning of the ET. However, such an argument does not take into consideration that representation on a city planning and zoning commission already includes representatives residing within the ET and outside of the city limits (NDCC 40-47-06). Thus, residents of the ET already have representation regarding planning and zoning issues affecting the ET.

The passage of House Bill 1210 is not in the best interests of the City of Grand Forks nor any other North Dakota political subdivision. Thank you for your time and consideration. I respectfully ask for a DO NOT PASS on House Bill 1210.



**City of Watford City**  
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1/25/2019  
 9:00 AM – Prairie Room

## Urge a DO NOT Pass Recommendation for HB 1210

Chairman Dockter and members of House Political Subs,

Thank you for the opportunity to oppose HB 1210. The reason for Watford City's opposition to 1210 is the amendment which adds (3) to NDCC 40-21-01 and amends to (1) and (2). Even though a resident of an extraterritorial (ETA) zoning jurisdiction of the city may have zoning restrictions placed on their property in in the ETA, they DO NOT pay city property taxes. The unintended consequence of the proposed amendments NDCC 40-21-01 is that it dilutes the vote in city elections of those who do pay city property taxes and who utilize city services.

An additional comment, assuming the reason for these amendments is because of restrictions placed on property in the ETA through the city Planning and Zoning ordinance, there is an ability through text amendment in such ordinances to address local concerns.

**Again, the City of Watford City urges a DO NOT Pass recommendation from the committee on HB 1210.**

Mayor Phil Riely, City of Watford City  
 (701) 570-4338  
[phil\\_riely@yahoo.com](mailto:phil_riely@yahoo.com)

2-14-19  
#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1210

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an act to create and enact a new section to chapter 40-21 of the North Dakota Century Code, relating to municipal elections; and to amend and reenact section 40-47-04 of the North Dakota Century Code, relating to notice requirements.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 40-21 of the North Dakota Century Code is created and enacted as follows:

1. Notwithstanding any other provision of law, the governing body of a city shall call a special election to provide owners of property in an extraterritorial zone as provided in section 40-47-01.1, the opportunity to approve a proposed change in zoning regulation.
2. The governing body of the city shall provide notice of the proposed change and date of the special election through certified mail to each property owner that would be impacted by the proposed change.
3. If sixty-percent of the affected property owners vote to approve the proposed zoning change, the governing body of the city may proceed with the change.

**SECTION 2. AMENDMENT.** Section 40-47-04 of the North Dakota Century Code is amended and reenacted as follows:

**40-47-04. Determining and enforcing regulations - Public hearing and notice thereof - Publication of regulations, restrictions, and boundaries.**

1. The governing body of a city which uses zoning regulations shall provide for the manner in which the regulations and restrictions must be established, enforced, or supplemented, and for the manner in which the boundaries of the districts must be established and from time to time changed. A copy of each proposed regulation, restriction, or boundary must be filed with the city auditor. No regulation, restriction, or boundary may become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing must be published once a week for two successive weeks before the time set for the hearing in the official newspaper of the city and written notice must be sent through certified mail to each property owner that would be impacted by the zoning regulation. The notice must contain the following items:
  - a. The time and place of the hearing.

- b. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected.
  - c. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.
  - d. A statement of the times at which it will be available to the public for inspection and copying at the office of the city auditor.
2. Upon establishment of any regulation, restriction, or boundary hereunder, the governing body of a city shall file a certified copy thereof with the city auditor and shall cause notice of the same to be published in the official newspaper of the city. The notice must describe the nature, scope, and purpose of the regulation, restriction, or boundary and must state the times at which it will be available to the public for inspection and copying at the office of the city auditor.
3. The governing body of a city, a city zoning commission, and a board of adjustment shall state the grounds upon which any request for a zoning amendment or variance is approved or disapproved, and written findings upon which the decision is based must be included within the records of the governing body, commission, or board."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1210

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to special elections for property owners in a proposed extraterritorial zoning area.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

**Special election - Zoning.**

1. Notwithstanding any other provision of law, the board of county commissioners shall call a special election to allow owners of property in a proposed extraterritorial zone, as provided in section 40-47-01.1, to vote on the proposed extension of extraterritorial zoning authority. The outcome of the vote is binding on the city seeking to extend the extraterritorial zone.
2. The board of county commissioners shall provide notice of the proposed change and date of the special election through certified mail to each property owner that would be impacted by the proposed change."
3. An election relating to a proposal to extend extraterritorial zoning authority over the same area may not be held more often than once in any twelve-month period.

Re-number accordingly