

PROCEDURE FOR COUNTY CONSOLIDATION

Article VII, Section 5, of the Constitution of North Dakota, provides that all methods and standards for a county or counties to be annexed, merged, consolidated, reclassified, or dissolved shall be as provided by law. The Constitution also provides that any annexation, merger, consolidation, reclassification, or dissolution must be approved by a majority of the voters in each of the affected counties.

CONSOLIDATION COMMITTEE

North Dakota Century Code Section 11-05.1-01 provides the requirements a county consolidation committee should follow in order to create a consolidation plan to be submitted to the board of county commissioners of each of the affected counties. Any two or more counties may create a county consolidation committee by entering into a joint powers agreement, by joint resolution pursuant to a majority vote of the participating boards, or by direct initiative through petitions or an election. The committee membership is to be prescribed in the joint powers agreement or joint resolution. The membership must include at least one resident of each incorporated city in each county. The committee has at least 120 days to consider and file its final report with the affected boards of county commissioners.

The committee, in studying and preparing a plan to consolidate counties or change county lines, must consider and include, as appropriate, several factors as listed in Section 11-05.1-03. Some of the factors to consider are the fiscal impact of the proposed changes, the comparative costs of providing services in the affected counties, the projected revenues, a method or plan for redistricting, and a procedure or plan for equalization of assets and liabilities. The committee may also employ staff, contract and cooperate with other individuals and public or private agencies, establish advisory subcommittees, hold public hearings, and draft a multicounty home rule charter.

If the committee approves a consolidation plan, it must submit a report and map showing the boundaries of the proposed county consolidation or change in county lines to the board of county commissioners of each affected county. When the report has been received by the respective boards of county commissioners, the boards must act to place the issue before the voters pursuant to Chapter 11-05.

CONSOLIDATION PLAN

Sections 11-05-02 through 11-05-26 provide the requirements for consolidation. When a county consolidation plan is submitted to two or more boards of county commissioners pursuant to Chapter 11-05.1, each board must submit the question of consolidation to the qualified electors of the county at a primary election in conjunction with the election held in any other counties proposed to be affected by the plan.

The county auditor of each affected county must publish notice of the election once each week for at least two consecutive weeks prior to the election in the official newspaper of the county. The notice must include the date of the primary election, the hours during which the polls will be open, a reference to the notice of the primary election for a statement of the places where the election will be held, the names of the counties affected, and a fair and accurate summary of the consolidation plan.

A majority of votes in each affected county is necessary for approval of a county consolidation plan. At the next succeeding general election after consolidation is approved and redistricting of the new county is accomplished, new county officers must be elected. On the first Monday in January following the election of county officers, or on another date prescribed in the approved consolidation plan, the affected counties are for all purposes a single county as prescribed in the consolidation plan.

POWERS OF CONSOLIDATED COUNTY

If authorized in the approved consolidation plan, the board of county commissioners of the consolidated county has all the powers which the board of county commissioners of a previous county had at the time of consolidation. The board of county commissioners of the consolidated county may also compromise debts and obligations of a previous county and may issue bonds or certificates of indebtedness if authorized in the approved consolidation plan.

CONSOLIDATION AUTHORITY USE

The authority for county consolidation was created in 1933. There have been no counties consolidated under that authority. Counties have used joint powers agreements to consolidate functions in several areas and have achieved efficiencies through those efforts.