

Stutsman County, North Dakota Home Rule Charter

TABLE OF CONTENTS

Preamble	
Article 1	Board of County Commissioners to Exercise Powers
Article 2	Home Rule Powers of County
Article 3	Adoption of Ordinances and Resolutions
Article 4	Initiative and Referendum
Article 5	Elections
Article 6	Departments, Offices, Agencies, Boards & Commissions
Article 7	Financial Procedures
Article 8	Revenue Authority and Limitations
Article 9	Separabililty Clause
Article 10	Succession in Government
Article 11	Amendments and Repeal

PREAMBLE

Pursuant to the statutes of the State of North Dakota, we, the people of Stutsman County, do establish this Home Rule Charter.

Article 1

Board of County Commission to Exercise Powers

Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the home rule powers of Stutsman County shall be vested in the Board of County Commissioners. The Board of County Commissioners shall have plenary power to enact and make all proper and necessary ordinances, and orders to carry out and give effect to the express and implied powers granted in this charter to the end that a complete, harmonious and effective county government may be initiated, installed, operated and maintained in the county, and thereby protect and safeguard the rights, interests, safety, health and welfare of the county and it's inhabitants.

Article 2

Home Rule Powers of the County

In addition to powers granted counties under the constitution and laws of the State of North Dakota, Stutsman County shall have among its enumerated home rule powers, subject to implementation by ordinance or resolution of the Board of County Commissioners, the following powers:

1. To acquire, hold, operate, and dispose of property within or without the county limits, and exercise the right of eminent domain for those purposes.
2. To control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of this section, and Article 8 herein, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and propriety functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 8. Notwithstanding the other provisions of this subsection, the Board of County Commissioners shall not commingle dedicated mill levies with one another or with the general fund levy.
3. To provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, and compensation, and the terms of county appointed officers and employees.
4. To provide for all matters pertaining to county elections, except as to qualifications of electors.
5. To provide for adoption, amendment, repeal, initiative, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, and welfare. However, this subsection does not confer any authority to regulate any industry or activity that is exclusively regulated by state or federal law or by rules adopted by a state or federal agency.

6. To lay out or vacate public grounds, and provide for the construction, use, operation, designation, and regulation of a county road system.
7. To provide for zoning, planning, and subdivision of public or private property within the county limits outside the zoning authority of any city and not inconsistent with the established zoning regulations of organized townships.
8. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
9. To contract with and receive grants from any other government entity or agency, with respect to any local, state, or federal program, project, or works.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the County shall have and may exercise all powers which under the Constitution and laws of this state it would be competent for this charter specifically to enumerate.

Article 3

Adoption of Ordinances and Resolutions

Section 1 - Definitions

An ordinance is any enactment by the Board of County Commissioners or the people that prescribes a permanent rule or statute governing the actions of person or bodies.

A resolution is any enactment by the Board of County Commissioners or the people that defines policies or procedures governing the actions of persons or bodies for a limited period of time.

Section 2 - Procedures

Any enactments by the people or the Board of County Commissioners implementing charter provisions, or expanding or curtailing any of the powers or authorizations provided herein, shall be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners shall have two readings, with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the County at least 20 days before the second reading.

The proposed enactment shall then be given second reading, which shall be by title, and submitted to a roll call vote of the Board of County Commissioners. If a majority of the Board of County Commissioners concur, the enactment shall become effective on the date stated in the enactment or if no date is stated, on the first day of the month following the date of enactment.

Before adopting an ordinance, the Board of County Commissioners may on its own motion submit any question to the county electorate for an advisory vote of the people at any county-wide election, regular or special, specified by the Board. If the question is submitted in the form of a proposed ordinance and it is approved by a majority of votes cast thereon, and the Board subsequently adopts the ordinance within six months of such vote, such ordinance shall not be subject to referral by petition. Any ordinance adopted by the Board of County Commissioners implementing any new or additional category or form of taxation, or raising or eliminating mill levy limitations so as to exceed the statutory limit applicable to non-home rule counties, or which state law requires approval by a vote equal to or greater than a simple majority must be referred as a proposed ordinance for approval by the county electorate. Any ordinance submitted to the county electorate must be approved by the same majority required by state law.

Section 3 - Limitations

- a. No ordinance enacted under this charter shall supersede any ordinance of any political subdivision without its consent.

- b. No ordinance may be enacted to diminish the authority of the boards of supervisors of townships or change the structure of organized township government.

Article 4

Initiative and Referendum

The powers of initiative and referendum are reserved to the electors of Stutsman County. The applicable provisions of state law shall govern the exercise of the powers of initiative and referendum under this charter. The number of signatures required to exercise these powers is at least equal in number to fifteen percent of the number of electors voting in the county in the last general election at which a governor was elected.

Article 5

Elections

Section 1 - Offices to be Elected

- a. The Board of County Commissioners shall consist of five members who shall be elected on a nonpartisan ballot. All of the candidates seeking the office of County Commissioner shall be voted upon by the qualified electors of the entire county.
- b. The Board of County Commissioners may enact ordinances concerning the organization and structure of elected county offices in accordance with state law.
- c. The offices of Sheriff, State's Attorney and Clerk of District Court shall be filled by election under this charter. The offices of Auditor, Treasurer and Register of Deeds shall, following the current terms, be filled by appointment by the Board of County Commissioners.
- d. The Board of County Commissioners may appoint a Chief Operating Officer to be responsible for the administration of the affairs of the county.

e. Acting Chief Operating Officer

The Board of County Commissioners may appoint an acting Chief Operating Officer to exercise the powers and perform the duties of the Chief Operating Officer during the Chief Operating Officer's temporary absence or disability.

Section 2 - Qualifications for Election

In addition to any qualifications established by state law for any of the offices to be filled by election, candidates must be qualified electors of the County of Stutsman and must have been in continuous residence in the county for at least six months prior to filing nomination papers.

Section 3 - Disclosure

Candidates for County office shall file with the office of Auditor campaign contribution statements for all contributions in excess of \$100.

Section 4 - Recall

The applicable provisions of the state constitution shall govern the recall of elected officials.

Article 6

Departments, Offices, Agencies, Boards and Commissions

Section 1 - General Provisions

The Board of County Commissioners may, by ordinance, establish county departments, offices, agencies, boards or commissions in addition to those offices to be filled by election and may prescribe their functions and membership. Any department, office, agency, board, or commission existing at the time of the adoption of the Home Rule Charter shall continue to exercise powers and duties the same as were heretofore exercised and shall have the power to continue and conduct business proceedings or other matters within the scope of its regular powers and duties until such powers and duties shall be changed or abolished by the Board of County Commissioners. The powers conferred and the duties imposed upon any

department, office, agency, board or commission, if such department, office, agency, board or commission is abolished by The Board of County Commissioners, shall thereafter be exercised and discharged by the department, office, agency, board or commission designated by the Board of County Commissioners.

Section 2 - Personnel System

Consistent with all applicable federal and state laws, the Board of County Commissioners shall adopt a personnel policy to implement effective administration of the employees of the county's departments, offices, and agencies. Non-elected department heads serve on appointment by and at the discretion of the Board of County Commissioners and shall be appointed solely on the basis of executive and administrative qualifications determined by the Board of County Commissioners. The county personnel policy shall detail the hiring and termination procedures for county employees as well as available benefits and other regulations relevant to employment with the county. All appointments and promotions of county employees must be made solely on the basis of qualifications set forth and written job descriptions which shall be adopted by the Board of County Commissioners.

Article 7

Financial Procedures

Section 1 - Fiscal Year

The fiscal year of the county shall begin on the first day of January and end the last day of December.

Section 2 - Submission of Budgets

On or before a date established by the Board of County Commissioners, each department, office, or agency whether headed by an elected official or appointed officer shall submit to the Board of County Commissioners a budget for each department for the ensuing fiscal year, including a five year capital program.

Section 3 - Budget

The Board of County Commissioners shall prepare a budget which complies with North Dakota State Law, and in a form as prescribed by the State Auditor's office.

The budget shall provide a complete financial plan of all county funds and activities for the ensuing fiscal year and including a county-wide, five year capital program and, except as required by law or this charter, shall be in a form as the Board of County Commissioners may require.

Section 4 - The Board of County Commissioners Action on Budget

The commissioners shall publish in the official newspaper of the county the general summary of the budget and a notice stating:

- a. The times and places where copies of the message and budget are available for inspection by the public, and
- b. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

After the public hearing, the Board of County Commissioners may adopt the budget with or without amendments. No amendment may increase or decrease expenditures required by law or for debt service or for an estimated cash deficit. No amendment to the budget may increase the authorized expenditures to an amount greater than total estimated resources.

The Board of County Commissioners shall adopt the budget on or before a date established by the Board of County Commissioners of the fiscal year currently ending.

Section 5 - Revenue Certification

To implement the adopted budget, the Board of County Commissioners shall file a tax levy certification authorizing the tax levy or levies and setting the tax rate or rates not later than the 1st day of October of each year. The levy or levies may be amended through October 10th.

Section 6 - Amendments after Adoption

- a. The Board of County Commissioners may adopt supplemental or emergency appropriations or may provide for reductions or transfers pursuant to the procedures provided in Section 4. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet emergency appropriations, the Board of County Commissioners may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year must be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- b. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 7 - Lapse of Appropriations

Every appropriation shall lapse at the close of the fiscal year unless revised or repealed.

Section 8 - Administration of the Budget

The Board of County Commissioners shall provide by resolution the procedures for administering the budget.

Section 9 - Public Records and Meetings

- a. Copies of the budget, capital program and appropriations and revenue ordinances shall be public records and shall be made available to the public at suitable places in the county.
- b. Notice of Board of County Commissioners meeting shall be posted to the public at suitable places in the county.

Article 8
Revenue Authority and Limitations

Section 1 - Scope of Authority

Subject to the provisions of this Article, Stutsman County shall have the authority by ordinance or resolution of the Board of County Commissioners, to levy and collect property taxes, sales taxes, income taxes, motor vehicle registration fees, excises, fees, and special assessments for benefits conferred.

Section 2 - Limitations

- a. No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 115 mills in total until referred by the Board of County Commissioners for approval by the electorate any regular or special county election. This mill levy limit does not include any levies certified to the Board of County Commissioners by any other governing body.
- b. No ordinance or resolution may be adopted by the Board of County Commissioners implementing any new or additional tax not currently being levied or assessed until referred by the Board of County Commissioners for approval by the electorate at any regular or special county election.
- c. Any ordinance or resolution submitted to the electorate must be approved by a majority vote of voters voting.
- d. In order to be subject to the assessment provisions of the Article, all property must be assessed in a uniform manner as prescribed by the State Board of Equalization; and the State Supervisor of Assessments. No ordinance or resolution of the Board of County Commissioners may supersede any state law which determines what property is subject to or exempt from ad valorem, sales or use taxes.

Article 9

Separability Clause

If a court declares that any part of this charter is invalid, the decision shall not impair or affect in any manner the validity or enforceability of the remainder of this charter.

Article 10

Succession in Government

Section 1 - Rights of officers and employees preserved

Nothing in this charter, except as specifically provided, shall affect or impair the rights or privileges of officers and employees of the county or of any office, department or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when this charter shall take effect and not inconsistent with the provisions of this charter, in relation to the appointment, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the county or any office, department or agency.

Section 2 - Attrition of elected offices

The persons holding the elected offices of Auditor, Treasurer and Register of Deeds shall continue in office and shall continue the performance of their duties until their regular term of office expires in the year 2004.

Section 3 - Continuance of contracts

All contracts entered into by the county, prior to the taking effect of this charter shall continue in full force and effect.

Section 4 - Pending actions and proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil, or criminal, pending when it takes full effect, brought by or against the county or any office, department, agency or officer thereof.

Section 5 - Resolutions and policies to remain in force


All resolutions and policies of the county in force at the time this charter takes effect, and not inconsistent with this charter shall continue in force until amended or repealed.

Article 11

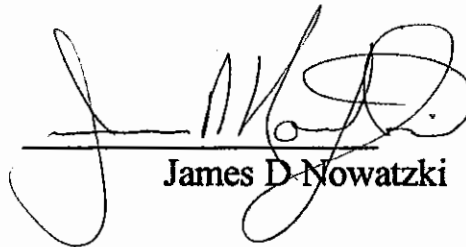
Amendments and Appeal

In the manner provided by state law, this charter may be amended or repealed by a proposal of the Board of County Commissioners or by petition bearing signatures of qualified voters at least equal in number to fifteen percent of the number of electors voting in the county in the last general election at which a governor was elected.

Respectfully submitted by the Stutsman County Home Rule Charter Commission, this 1st day of August, 2000.



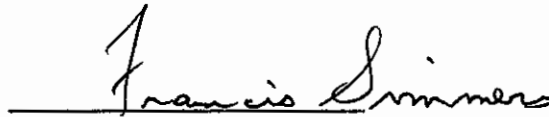
Porter Eddy



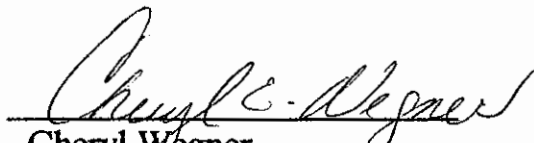
James D. Nowatzki



Kelly Rott



Francis Simmers



Cheryl Wegner

Resolution Scheduling Vote on Stutsman
County Home Rule Charter

WHEREAS, the Board of Stutsman County Commissioners did on October 5, 1999 appoint a five member Home Rule Charter Commission for the purpose of preparing a Charter to be placed before the voters at an upcoming election; and

WHEREAS, the Charter Commission, did prepare and submit to this Board on May 2, 2000 the Charter as requested; and

WHEREAS, The Charter Commission, intends to have two public hearings and a number of meetings, prior to October 31, 2000; and

WHEREAS, it is the intention of this Board to place the issue of Home Rule before the qualified electors of Stutsman County in accordance with NDCC 11-09.1-03; now


THEREFORE, BE IT RESOLVED, the County Auditor be instructed to include the following question on the November 7, 2000 general election ballot for approval or rejection by the voters:

“Shall Stutsman County adopt the Home Rule Charter as published in the Jamestown Sun on October 11 & 18, 2000?”

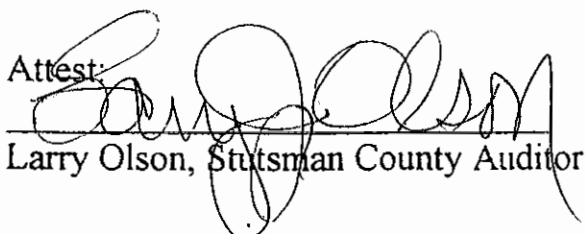
Yes _____ No _____

BE IT FURTHER RESOLVED, that the County Auditor be instructed to provide copies of the Charter to each polling place on election day for review by the voters.

Dated at Jamestown, North Dakota this 1st day of AUGUST, 2000.



Chairperson

Attest:


Larry Olson, Stutsman County Auditor