

Trail County, North Dakota - Home Rule Charter

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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, and Commissions
Article 7 – Financial Procedures
Article 8 – Revenue Authority and Limitations
Article 9 – Separability Clause
Article 10 – Succession in Government
Article 11 – Amendments and Repeal

Preamble

Pursuant to the statues of the State of North Dakota, we the people of Traill County do hereby establish and ordain this Home Rule Charter.

Article 1

Board of County Commissioners to Exercise Powers

Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the home rule powers of Traill County will be vested in the Board of County Commissioners. The Board of County Commissioners shall have plenary power to enact ordinances and resolutions to carry out and give effect to the express and implied powers granted in this charter and to prescribe the functions of government to be performed under this charter.

Article 2

Home Rule Powers of County

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

- a. To acquire, hold, operate, and dispose of property within or without the county limits, and exercise the right of eminent domain for those purposes.
- b. 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 Article 8, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary 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.
- c. 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.
- d. To provide for all matters pertaining to county elections, except as to qualifications of electors.
- e. To provide for the adoption, amendment, repeal, initiation, 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.
- f. To lay out or vacate public grounds, and provide for the construction, use, operation, designation, and regulation of a county road system.

- g. 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 established zoning regulations of organized townships.
- h. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
- i. To exercise any of its powers or perform any of its functions by contract with, or grants from, any other governmental entity or agency.

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 persons or bodies. Any ordinance may include motor vehicle registration fees, excise fees and special assessments for benefits conferred.

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, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will 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 will then be given second reading, which will 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 will 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.

Section 3 - Limitations

No ordinance enacted under this charter will supersede any ordinance of any political subdivision without its consent.

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 Trail County. The applicable provisions of state law will 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 per cent of the number of electors voting in the county for the office of governor in the last general election at which a governor was elected.

Article 5 Elections

Section 1 Offices to be Elected

The Board of County Commissioners shall consist of five members who shall be elected on a nonpartisan ballot, by district. All of the candidates seeking the office of county commissioner shall be voted upon by the qualified electors of that district. Upon the release of population statistics each decennial census, the County Commissioners shall proceed with redistricting in accordance with ND State Law.

- a. The Board of County Commissioners may enact ordinances concerning the organization and structure of elected county offices in accordance with state law.
- b. The offices of:
 - Sheriff (*must be elected*)
 - State's Attorney
 - Recorder
 - Treasurer
 - Auditor
 - Clerk of the Courtshall be filled by election under this charter.
- c. The board of County Commissioners has the option to change to appointment some or all of the offices that are currently elected, but only after a vote of approval for any proposed change by the people in an election.
- d. Should no candidate run for an elected position, the County Commissioners may appoint a qualified person according to state statutes.

Section 2 – Qualifications

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 Traill 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 \$200.

Section 4 - Recall

The applicable provisions of the state constitution law will 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 Commissioners.

Section 2 - Personnel System

Consistent with all applicable federal and state laws, the Board of County Commissioners will 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 will 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 will 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 will submit to the Board of County Commissioners a budget for the ensuing fiscal year, including a five year capital program.

Section 3 - Budget

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

The budget will 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, will be in a form as the Board of County Commissioners may require.

Section 4 - Board of County Commissioners Action on Budget

The Board of County Commissioners will 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 budget are available for inspection by the public, and
- b. The time and place, not less than two weeks after 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 will adopt the budget on or before the day in accordance with the provisions of state law.

Section 5 - Revenue Certification

To implement the adopted budget, the Board of County Commissioners will file a tax levy certification authorizing the tax levy or levies and setting the tax rate or rates not later than the day in accordance with the provisions of state law. The levy or levies may be amended through the date in accordance with the provisions of state law.

Section 6 - Amendments after Adoption

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.

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 will lapse at the close of the fiscal year unless revised or repealed.

Section 8 - Administration of the Budget

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

**Article 8
Revenue Authority. and Limitations**

Section 1 - Scope of Authority

Subject to the provisions of this Article, Trail County will have the authority by ordinance or resolution of the Board of County Commissioners, to levy and collect property taxes, sales taxes, or income taxes.

Section 2 - Limitations

No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of the maximum mill limits allowed by state law in total until referred by the Board of County Commissioners for approval by the electorate at 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.

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.

Any ordinance or resolution submitted to the electorate must be approved by a majority vote of the electors voting.

In order to be subject to the assessment provisions of this 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 will 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, will affect or impair the rights, privileges, duties or authority of officers and employees of the county or of any office, department, agency, board or commission existing at the time this charter takes effect.

Section 2 - Continuance of contracts

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

Section 3 - Pending actions and proceedings

The adoption of this charter will 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.

Section 4 - Resolutions and policies to remain in force

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

Article 11

Amendments and Repeal

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 per cent of the number of electors voting in the county for the office of governor in the last general election at which a governor was elected.