

CASS COUNTY ORGANIZATIONAL STRUCTURE

(Vanyo)

CASS COUNTY OFFICES

COMMISSIONERS & COMMISSION ASSISTANT

APPOINTED OFFICES:

ADMINISTRATOR - HR - BUILDINGS & GROUNDS

CORONER

EMERGENCY SERVICES

EXTENSION SERVICES

ENGINEER - PLANNING - VECTOR CONTROL

INFORMATION TECHNOLOGY – GIS

SOCIAL SERVICES

TAX DIRECTOR

VETERAN'S SERVICES

WEED CONTROL

ELECTED OFFICES:

AUDITOR

RECORDER

SHERIFF - JAIL - JUVENILE DETENTION - PATROL

STATE'S ATTORNEY

TREASURER

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SUBJECT: COUNTY OFFICES

ADOPTED DATE: OCTOBER 15, 2007

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### APPOINTED OFFICES

**Cass County Administrator:** A full-time administrator assists the part-time, elected board of commissioners in the implementation of their strategic plan and in day-to-day activities. The administrator also supervises personnel and buildings and grounds maintenance.

**Cass County Extension Agent:** This is the county office of the NDSU Extension Service. The program's mission is to improve the quality of life through education and service.

**Director of Tax Equalization:** This office has a director and a deputy clerk who supervises, instructs, and assists city and township assessors with fair market values for all agricultural, commercial, and residential property of the county. They levy and collect taxes on all mobile homes in cities and rural areas of Cass County.

**Highway Engineer:** This office has the responsibility for the construction and maintenance of county roads and bridges. The county levies taxes for road and bridge construction. All public roads not part of the federal, state or county system are maintained by individual townships. Administration, finance, and road improvements are the major program areas of this department. In addition, the county engineer supervises vector control, as well as county planning services.

**Information Technology Coordinator:** This office provides all computer related services to county employees. The "voice mail" phone service for county offices is also run through this office.

**Social Services Director:** The staff includes social workers, eligibility specialists, administrators, homemakers, and support staff. The department has been designated by law to provide poor relief and related services to the citizens of Cass County. The two major program areas are social services and economic assistance. The agency is directly responsible to the Cass County Social Services Board comprised of all five county commissioners and two non-voting citizen advisory members.

**Veterans Service Officer:** This department works with veterans and families of veterans within local, state and federal laws. The office provides assistance with pensions, military records, VA benefits, proof of service, burial and death payments. The office not only provides services to veterans, but also widows, orphans, and dependents of veterans.

**Weed Control Officer:** The weed control board appoints this position, whose purpose is to provide leadership and education in long-term control of noxious weeds.

HISTORICAL REFERENCE DATE: DECEMBER 12, 2002

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SUBJECT: COUNTY OFFICES

ADOPTED DATE: OCTOBER 15, 2007

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### ELECTED OFFICES

**Governing Board--Board of County Commissioners:** The county is governed by a board of five members elected for four year terms. Each commissioner represents a population district of the county. The commissioners make policies regulating the functions of the many departments and see that these are carried out. Responsibilities of the board are: levy taxes, appropriations, authorize bonds, set salaries, approve bills, accept bids, and approve the annual county budget, just to mention a few. This board meets the first and third Mondays of each month at 3:30 PM. All county meetings are open to the public. Approximately 375 employees are engaged in the operation of the government of Cass County. The social service department is also under the state merit system for operations and services.

**Auditor:** The auditor serves as the county's chief financial officer and custodian of certain court records and documents. The major office functions are county accounting, county property tax administration, election administration, and preparation of the annual county budget.

**Recorder:** This office is responsible for filing and recording documents that pertain to personal and real property. The office is also required to maintain a permanent record of these documents which can include but is not limited to deeds, mortgages, leases, easements, plats, crop liens, state and federal tax liens, medical certificates, and a variety of other miscellaneous instruments. All of these records are open to the public.

**Sheriff:** Office functions are separated into field services, staff services and corrections. The office provides law enforcement services to Cass County, including patrolling of county roads, investigating crimes in the county, maintaining the county jail, juvenile detention center, and criminals therein, serving official papers of the courts, and responding to county emergencies. Construction of a state-of-the-art, \$18 million jail was completed in the summer of 2002.

**State's Attorney:** This office represents the county in civil litigation and prosecutes offenders of state laws. This office also provides legal advice and opinions to county, township, and school officials and also to various county boards.

**Treasurer:** The treasurer has custody of all county funds, collects taxes and disburses funds, invests county funds, reconciles bank statements, mails out real estate statements, records birth and death certificates, and marriage licenses. The treasurer also serves as custodian of certain county school district funds.

HISTORICAL REFERENCE DATE: DECEMBER 12, 2002



RECEIVED  
CASS COUNTY COMMISSION

**MEMORANDUM**

**DEC 29 2016**

**TO:** Cass County Commissioners  
**FROM:** Birch P. Burdick *Burdick*  
Cass County State's Attorney  
**DATE:** December 29, 2016  
**RE:** Background Information on Converting Elective Positions to Appointive Positions

**State's Attorney**

Birch P. Burdick

**Assistant State's Attorneys:**

- Mark R. Boening
- Tracy J. Peters
- Leah J. Viste
- Reid A. Brady
- Kara Schmitz Olson
- Kimberlee J. Hegvik
- Cherie L. Clark
- Tristan J. Van de Streek
- Ryan J. Younggren
- Renata J. Selzer
- Tanya Johnson Martinez
- Katherine M. Naumann
- Joshua J. Traiser

**Victim/Witness Coordinators:**

- Brenda Olson-Wray
- Debbie Tibiatowski
- Lori Lawson

**Check Division/ Restitution:**

- Charlotte Eversvik
- Jeri Kuntz

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Agenda Item 3 for the January 3, 2017, Commission meeting is entitled "Cass County Organizational Structure". Darrell Vanyo requested I provide some background information related to the topic of converting some positions from elective to appointive. Please note the following.

**Elective versus Appointive**

Legal Basis for Converting from Elective to Appointive

I wrote a memorandum to two commissioners on December 15, 2005, about converting the offices of recorder, treasurer and auditor from elective to appointive. (Enclosure 1) After reviewing the memorandum, I do not believe the intervening years has altered the analysis.

In summary, Cass County's Home Rule Charter ("HRC"), Art. 6, §3, provides a mechanism for converting to appointive offices the elected offices for treasurer, "register of deeds" (now known as "recorder"), auditor and clerk of court (no longer a county office, now a state/court appointed office). The Commission may convert some or all of those positions into appointive positions through the ordinance process. There are two restrictions: (1) the ordinance may not shorten the term for which any official was elected, and (2) the ordinance may not reduce the salary of that official during the official's term. You are familiar with the ordinance process, which is described in Art. 3 of the HRC.

At the end of my 2005 memo I made three suggestions in case the Commission intended to convert any of those offices to appointive positions: (1) clearly explain your reason for making such a change, (2) define a mechanism for appointing those positions, and (3) consider holding community forums to obtain public input on making the conversion. If you engage a process for converting an office(s), you

may still wish to consider whether any of those suggestions are relevant to your process.

The offices of auditor, treasurer and recorder are next up for election in 2018.

### Previous Consideration of Conversion

The Commission considered converting the positions of auditor, treasurer and/or recorder from elective to appointive in January 2006. At that time the commissioners advocating for the conversion referred to at least the following two reasons, as reflected in the meeting notes: (1) the Local Governance Advisory Committee recommended converting those offices and provided some reasons why (Enclosure 2), and (2) the long-time recorder was not planning on running for reelection. Although I do not specifically recall, the Commission may also have discussed whether an appointment process could better ensure technically qualified candidates to run those departments as opposed to the election process.

In January 2006 I provided two alternatives for the Commission's consideration. (Enclosure 3) The first alternative converted just the recorder's office to an appointed one. The second alternative converted the recorder's office at the end of 2006 and the auditor's and treasurer's office in 2011. The first alternative was moved and seconded, but defeated 3/2. No other alternative was considered. For your information I enclose the meeting notes from the December 19, 2005 and January 3, 2006 commission meetings. (Enclosure 4) To the best of my recollection, the Commission has not addressed the matter since that time.

### **Combining Departments**

Although Darrell did not specifically ask me for this additional input, I offer some information as to combining one or more of those three offices. As I understand it, some counties have already done so (refer to Enclosure 2, data from 2004). The Attorney General wrote an opinion to the Burleigh County State's Attorney stating that the offices of county auditor and county recorder were "functionally related" and may be combined pursuant to N.D.C.C. Chapter 11-10.2. N.D. Atty. Gen. Opinion L-65, October 29, 2004. (Note: Burleigh County was not a home rule county, with home rule powers, at that time.) There is nothing in the HRC *specifically* addressing such a combination. However, HRC, Art. 7, §1, gives the Commission the power, implemented via an ordinance, to "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". Inherent in the word "establish" should also be the power to modify the department structure. HRC, Art. 7, §2, gives the Commission the authority to appoint department directors based upon their executive and administrative qualifications.

If the Commission were to consider combining any of the auditor's, treasurer's and/or recorder's departments, then it appears it has the power to do so if implemented through the ordinance process.

**Enclosures:**

1. Memo, Burdick to Commissioners Wagner & Sorum, December 15, 2005
2. Resolution of Local Governance Advisory Committee, November 21, 2005 (plus some related statewide information about elected and appointed positions)
3. Two alternatives for converting elective to appointive positions, 2005
4. Meeting notes from December 19, 2005 and January 3, 2006 Commission meetings

**Cc:** Mike Montplaisir, Cass County Auditor  
Charlotte Sandvig, Cass County Treasurer  
Jewel Spies, Cass County Recorder  
Darrell Vanyo, Cass County Administrator (interim)

1



**MEMORANDUM**

**RECEIVED**

**DEC 16 2005**

**State's Attorney**

**TO:** Scott Wagner & Robyn Sorum  
Cass County Commissioners

CASS COUNTY COMMISSION

Birch P. Burdick

**FROM:** Birch P. Burdick  
Cass County State's Attorney *Birch*

**DATE:** December 15, 2005

**RE:** Comments on Conversion of Certain Elective Offices  
within Cass County to Appointive Offices

\*\*\*\*\*

**Assistant State's  
Attorneys:**

- Mark R. Boening
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- Trent W. Mahler
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- Leah J. Viste
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- Jonathan H. P. Anderson
- Gary E. Euren

**Victim/Witness  
Coordinators:**

- Brenda Olson-Wray
- Debbie Tibiatowski

**Check Division/  
Restitution:**

- Linda Workin
- Charlotte Johnson

This Memo addresses some questions that recently arose from the local governance advisory committee's consideration of converting certain elective offices into appointive offices, namely the County Treasurer, Register of Deeds (n/k/a Recorder) and Auditor, as contemplated within Cass County's Home Rule Charter (HRC) Art. 6, §1, ¶3 (copy enclosed). (That HRC provision also refers to the Clerk of Court, however the Clerk is no longer a county department.) I have directed this Memo to you as the Commissioners who volunteered to look at the matter. It is my intent that it may be used to assist you in your consideration of whether, and if so how, to address such a conversion.

The HRC, passed in 1994, provides that the Commission "may" convert those elective offices into appointed offices via an ordinance. There are certain restrictions. The ordinance must: (1) be after January 1, 2002, (2) it cannot shorten the term of an elected official, and (3) it cannot reduce the salary of that official's office during that term of office. That HRC provision is not in conflict with the general "powers" the Legislature granted to home rule charter counties in NDCC §11-09.1-05(3), nor with the more general provision within the HRC, namely Art.2, §3.

In reviewing the matter, I have not found any court cases specifically on point. However, on a somewhat similar topic, the Attorney General issued an opinion stating there was no conflict between a statutory provision (NDCC §11-10.2-02(1)) allowing the elimination of a county office by resolution of a county commission *in a non-home rule charter county* and the ND Constitution Art. VII, §9. NDAG Opinion 98-F-14 (copy enclosed). That opinion also stated there was no conflict between the statute allowing a voter initiative to eliminate a county office (NDCC §11-10.2-

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02(2)), by signatures of 10% of the applicable electorate, and the 25% specified in ND Constitution Art. VII, §9. While that AG opinion is not directly relevant to Cass County, because Cass is a home rule charter county and because the opinion relates to *elimination* and not *conversion from elective to appointive*, it is nonetheless informative.

In Cass County's case, in the HRC the electorate gave the power to the Commission to convert those elective offices into appointive offices through a suitable ordinance. Someone could argue the Commission must first pass an ordinance implementing the Commission's ability to exercise the power described within HRC Art. 6, §1, ¶3, before it can consider an ordinance to actually convert the offices. However, that appears to me to be a strained argument, given that HRC Art. 6, §1, ¶3 is specific and clear about the power granted to the Commission. Accordingly, it is my opinion the Commission does not first need an implementing ordinance before enacting an ordinance to actually convert the offices.

The statute applicable to *non-home rule charter counties* addresses not only the power of commissioners to address such a conversion through a resolution process, but also the power of the electors to put such a conversion on the ballot through an initiative process. NDCC §11-10.2-02(2). That process contemplates the petition must be signed by 10% of certain electors. In a similar fashion, Cass County's HRC also contains an initiative and referendum process, HRC Art. 4. That process requires signatures of 15% of a similar electorate. While 15% is more restrictive than the 10% required under NDCC §11-10.2-02(2) for a similar process, it is my opinion that there is no conflict because the statutory provision applies to non-home rule charter counties. It is my further opinion the HRC does not conflict with ND Constitution Art. VII, §9, because the HRC requirement for 15% elector signatures gives greater power to the electorate than the 25% referenced in the Constitutional provision.

Given my opinion that there appears to be no legal impediment to the Commission considering such an ordinance, I offer the following further thoughts on how to do so, should that seem an appropriate step. The mechanism for adopting an ordinance is described in HRC Art. 3, and is familiar to you. Beyond that, and although they are not requirements, you might want to consider any or all of the following additional suggestions:

- Clearly define the reasoning behind converting from elective to appointive offices, including, among other things, the existing office organization, functions and procedures for providing government services; the proposed

organization, function and procedures; and how the change may improve the effectiveness and efficiency of county government, and its responsiveness and accountability to local citizens. Refer to NDCC §11-10.2-03(1).

- Define how such appointed positions might be selected, the duties (if different), the qualifications and training, terms and compensation, and how any transition may be implemented. Refer to NDCC §11-10.2-03(3).
- Hold community forum(s), beyond the usual public hearings on passage of an ordinance, or use other suitable means to disseminate information, receive comments and encourage public discussion of the purpose and impact of such a conversion. Refer to NDCC §11-10.2-02(1).

If the Commission were to consider moving forward with an ordinance for such a conversion, then as earlier stated the ordinance must meet the restrictions regarding shortening terms and reducing salaries contained with HRC Art. 6, §1, ¶3.

If I can be of further assistance in your consideration of this matter, then please let me know.

Encl.: HRC, Art. 6, §3

NDAG Opinion 98-F-14

I DID NOT INCLUDE  
THIS B/C OF SIZE.

- BFB, 12/29/16

FROM HOME RULE CHARTER

Article 6  
Elections

Section 1 - Offices to be Elected

1. 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, but one of the commissioners to be elected must reside in each of the commissioners' districts.

2. The Board of County Commissioners may enact ordinances concerning the organization and structure of elected county offices in accordance with state law.

3. After January 1, 2002, the Board of County Commissioners may, by ordinance, convert the elected offices of the county treasurer, register of deeds, auditor and clerk of court into appointed offices. An ordinance to convert an elected office to an appointed office shall not shorten the term for which the official was elected nor reduce the salary of the official's office for that term.

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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 Cass and must have been in continuous residence in the county for at least six months prior to filing nomination papers.

Section 3 - Term limitations

After the effective date of this charter, no Commissioner will serve more than three successive four-year terms. A Commissioner elected for a term of less than four years as a result of redistricting or vacancy will be eligible to serve three successive four-year terms.

Section 4 - Disclosure

The provisions of state law applicable to candidates for the state legislature will govern the exercise of filing of campaign contribution statements by all candidates for election.

Section 5 - Recall

The applicable provisions of state law will govern the recall of elected officials.

RESOLUTION

WHEREAS, the Local Governance Advisory Committee was established by the Cass County Commission to study the options available to county government in conjunction with provisions of the "tool chest" legislation and the county's "home rule charter" and;

WHEREAS, the Local Governance Advisory Committee has reviewed the duties and functions of the offices of County Recorder, County Treasurer, and County Auditor and;

WHEREAS, their analysis of the duties and functions of these offices has demonstrated that the offices of County Recorder, County Treasurer, and County Auditor has a large impact on the ability of the county government to function efficiently and effectively and serve the needs of the citizens of Cass County and the other local units of government in Cass County and;

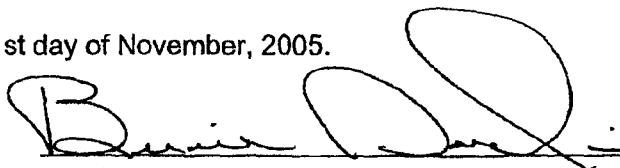
WHEREAS, their review and analysis has led them to believe the managers of these offices should have demonstrated education and abilities in the specialty of the respective offices and in modern management techniques and practices; and;

WHEREAS, these offices are not in direct policy making roles within county government and are more administrative and financial in nature, therefore:

NOW THEREFORE, Be it resolved that the Local Governance Advisory Committee advises the Cass County Commission to consider drafting an ordinance to change the County Recorder, County Treasurer, and County Auditor offices to appointive status using the provisions of the "tool chest" legislation in the North Dakota Century Code and Article 6, Section 1, Paragraph 3 of the Home Rule Charter;

BE IT FURTHER RESOLVED that Local Governance Advisory Committee advises the Cass County Commission to consider studying the delivery of services to the citizens of Cass County by the offices of County Recorder, County Treasurer, and County Auditor to determine if changes can be made to enhance the convenience and effectiveness of the service.

Dated at Fargo, North Dakota, this 21st day of November, 2005.



Bernie Dardis, Chairman  
Local Governance Advisory Study Committee



Heather Worden, Recording Secretary

County Officials in 2004

Updated 08/01/2004

Population 2000		Auditor		Treasurer		Recorder		Tax Director		Clerk		Co. Supt. of Schools		State's Attorney	
		Status	Combined With	Status	Combined With	Status	Combined With	Status	Combined With	Status	Combined With?	Status	Combined With?	Status	Combined With
2,593	Adams	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
11,775	Barnes	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
6,964	Benson	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected		Appointed		Elected		Appointed		Elected	
888	Billings	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	GoldVal SoS	Elected	
7,149	Bottineau	Elected		Elected		Elected		Appointed		Appointed		Shared Appt.	Roulette SoS	Elected	
3,242	Bowman	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	Slope SoS	Shared Elect.	Slope SA
2,242	Burke	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
69,416	Burleigh	Comb. Elect.	Treas & Tax	Comb. Elect.	Aud. & Tax	Elected		Comb. Elect.	Aud. & Treas	State Employ		Shared Appt.	Morton SoS	Elected	
123,138	Cass	Elected		Elected		Elected		Appointed		State Employ		Assigned	Auditor	Elected	
4,831	Cavalier	Elected		Comb. Elect.	Tax Dir.	Elected		Comb. Elect.	Treasurer	Appointed		Assigned	Auditor	Elected	
5,757	Dickey	Elected		Elected		Elected		Appointed		Appointed		Assigned	Recorder	Elected	
2,283	Divide	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
3,600	Dunn	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
2,757	Eddy	Elected		Elected		Comb. Elect.	Clerk of Ct.	Shared Appt.	Foster Tax	Comb. Elect.	Recorder	Appointed		Elected	
4,331	Emmons	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
3,759	Poster	Elected		Elected		Elected		Shared Appt.	Eddy Tax	Appointed		Assigned	Auditor	Elected	
1,924	Golden Valley	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Appointed	Recorder	Shared Appt.	Billings SoS	Elected	
66,109	Grand Forks	Comb. Appt.	Treasurer	Comb. Appt.	Auditor	Comb. Appt.	Tax Director	Comb. Appt.	Recorder	State Employ		Appointed		Elected	
2,841	Grant	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,754	Griggs	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Shared Elect.	Steele SA
2,715	Hettinger	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,753	Kidder	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Shared Elect.	McHenry
4,701	LaMoure	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
2,308	Logan	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
5,987	McHenry	Elected		Elected		Elected		Appointed		Elected		Appointed		Shared Elect.	Kidder SA
3,390	McIntosh	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
5,737	McKenzie	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
9,311	McLean	Elected		Elected		Elected		Appointed		Appointed		Assigned	Dep. Auditor	Elected	
8,644	Mercer	Elected		Elected		Elected		Appointed		Appointed		Auditor		Elected	
25,303	Morton	Elected		Elected		Elected		Appointed		State Employ		Shared Appt.	Buri. SoS	Elected	
6,631	Mountrail	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
3,715	Nelson	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,065	Oliver	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
8,585	Pembina	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
4,675	Pierce	Elected		Elected		Elected		Appointed		Elected		Assigned	Auditor	Elected	
12,066	Ramsey	Elected		Elected		Elected		Appointed		State Employ		Appointed		Elected	
5,890	Ransom	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
2,610	Renville	Comb. Appt.	Treas & Tax	Comb. Appt.	Aud. & Tax	Comb. Elect.	Clerk of Ct.	Comb. Appt.	Aud. & Treas	Comb. Elect.	Recorder	Assigned	Auditor	Elected	
17,998	Richland	Appointed		Appointed		Appointed		Appointed		State Employ		Appointed		Elected	
13,674	Roulette	Elected		Elected		Elected		Appointed		Appointed		Shared Appt.	Bott. SoS	Elected	
4,366	Sargent	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
1,710	Sheridan	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
4,044	Sioux	Elected		Comb. Elect.	Rec. & Clk	Comb. Elect.	Treas. & Clk	Appointed	Sec. for All	Comb. Appt.	Rec. & Treas	Assigned	Auditor	Elected	
767	Slope	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	BowmanSoS	Shared Elect.	Bowman SA
22,636	Stark	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected		Appointed		State Employ		Assigned	Auditor	Elected	
2,258	Steele	Elected		Elected		Comb. Appt.	Clerk of Ct.	Appointed		Appointed		Assigned	Auditor	Shared Appt.	Griggs SA
21,908	Stutsman	Comb. Appt.	Tax Dir.	Appointed		Appointed		Comb. Appt.	Auditor	State Employ	Recorder	Assigned	Auditor	Elected	
2,876	Towner	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
8,477	Trail	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
12,389	Walsh	Elected		Elected		Elected		Appointed		State Employ		Assigned	Recorder	Elected	
58,795	Ward	Comb. Appt.	Treasurer	Comb. Appt.	Auditor	Appointed		Appointed		State Employ		Appointed		Elected	
5,102	Wells	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
19,761	Williams	Elected		Comb. Elect.	Recorder	Comb. Elect.	Treasurer	Appointed		State Employ		Appointed		Elected	

## County Officials in 1994

(Excluding Judges)

Instances	
221	Elected County Commissioners
53	Elected Auditors
53	Elected Treasurers
53	Elected Sheriffs
53	Elected State's Attorneys
22	Combined Elected Clerk/Registers
31	Separately Elected Registers
31	Separately Elected Clerks of Court
53	Elected Supt. of Schools
37	Separately Appointed Social Service Directors
7	Appointed Social Service Directors serving 16 counties
53	Appointed Tax Directors

County Officials	
Appointed	Elected
	221
	53
	53
	53
	53
	22
	31
	31
	53
37	
7	
53	
97	570

## County Officials in 2004

(Excluding Judges)

Instances	
221	Elected County Commissioners
1	Separately Appointed Auditor
2	Combined Appointed Auditor/Treasurers
1	Combined Appointed Auditor/Tax Director
1	Combined Appointed Auditor/Treasurer/Tax Director
7	Combined Elected Auditor/Treasurers
1	Combined Elected Auditor/Treasurers/Tax Director
40	Separately Elected Auditors
2	Separately Appointed Treasurers
2	Combined Elected Treasurer/Recorders (1 with clerk duties)
1	Combined Elected Treasurer/Tax Director
37	Separately Elected Treasurers
4	Separately Appointed Recorders (1 with clerk duties assigned)
1	Combined Appointed Recorder/Tax Director
23	Elected Recorders without Clerk Duties Assigned
23	Elected Recorders with Clerk Duties Assigned
14	Separately Appointed Clerks of Court
3	Separately Elected Clerks of Court
53	Separately Elected Sheriffs
47	Separately Elected State's Attorneys
1	Elected State's Attorney elected to serve 2 counties
2	Elected State's Attorneys appointed to serve neighboring county
46	Separately Appointed Tax Directors
1	Appointed Tax Director Shared by 2 Counties
24	Separately Appointed Social Service Directors
12	Appointed Social Service Directors serving 29 counties
22	Separately Appointed Co. Supt. of Schools
4	Appointed Co. Supt. of Schools serving 2 counties each
23	Co. Supt. of Schools Duties assigned to other office holder
11	Clerks of Court Moved to State Employment

County Officials	
Appointed	Elected
	221
1	
2	
1	
1	
	7
	1
	40
2	
	2
	1
	37
4	
1	
	23
	23
14	
	3
	53
	47
	1
	2
46	
1	
24	
12	
22	
4	
135	461

Change in County Officials 38 -109

**TWO ALTERNATIVES,  
JAN. 2006**

CASS COUNTY  
COMMISSION POLICY MANUAL

**3**

38.\_\_\_\_

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SUBJECT: ORDINANCE #2006-1 (CONVERTING COUNTY RECORDER FROM ELECTIVE TO APPOINTIVE POSITION)

ADOPTED DATE:

PAGE 1 OF 2

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**AN ORDINANCE CONVERTING COUNTY RECORDER FROM ELECTIVE TO APPOINTIVE POSITION**

WHEREAS, the voters of Cass County enacted a Home Rule Charter (HRC) in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within HRC Art.6, §1.3 the voters gave the Cass County Board of Commissioners the authority, through an ordinance, to convert from elective to appointive positions the following: County Treasurer, Register of Deeds, Auditor and Clerk of Court; and

WHEREAS, HRC Art. 6, §1.3 restricts the Cass County Board of Commissioners from converting any of those positions from elective to appointive positions if it shortens the term of office for an elected official or reduces the salary of an official during that term; and

WHEREAS, the Register of Deeds is now known as the Recorder, and the Clerk of Court is no longer a county position; and

WHEREAS, the current Recorder has announced that she will not run for re-election in 2006 and plans to retire by the end of 2006; and

WHEREAS, the Cass County Board of Commissioners has not previously sought to pass an ordinance converting any of the positions listed in HRC Art. 6, §1.3 from elective to appointive positions; and

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the office of Recorder be converted from an elective position to an appointive position, effective on the retirement of the current Recorder or January 1, 2007, whichever occurs first.

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SUBJECT: ORDINANCE #2006-1 (CONVERTING COUNTY RECORDER FROM  
ELECTIVE TO APPOINTIVE POSITION)

ADOPTED DATE:

PAGE 2 OF 2

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APPROVED:

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Vern Bennett, Chairman  
Board of Commissioners of the  
County of Cass

ATTEST:

ss/Michael Montplaisir  
Michael Montplaisir  
County Auditor

First Reading:  
Second Reading:  
Final Passage:  
Publication:

(SEAL)

HISTORICAL REFERENCE DATE:



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SUBJECT: ORDINANCE #2006-1 (CONVERTING SELECTED COUNTY POSITIONS  
FROM ELECTIVE TO APPOINTIVE POSITIONS)

ADOPTED DATE:

PAGE 1 OF 2

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**AN ORDINANCE CONVERTING SELECTIVE COUNTY POSITIONS FROM ELECTIVE  
TO APPOINTIVE POSITIONS**

WHEREAS, the voters of Cass County enacted a Home Rule Charter (HRC) in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within HRC Art.6, §1.3 the voters gave the Cass County Board of Commissioners the authority, through an ordinance, to convert from elective to appointive positions the following: County Treasurer, Register of Deeds, Auditor and Clerk of Court; and

WHEREAS, HRC Art. 6, §1.3 restricts the Cass County Board of Commissioners from converting any of those positions from elective to appointive positions if it shortens the term of office for an elected official or reduces the salary of an official during that term; and

WHEREAS, the Register of Deeds is now known as the Recorder, and the Clerk of Court is no longer a county position; and

WHEREAS, the current Recorder has announced that she will not run for re-election in 2006 and plans to retire by the end of 2006; and

WHEREAS, the Cass County Board of Commissioners has not previously sought to pass an ordinance converting any of the positions listed in HRC Art. 6, §1.3 from elective to appointive positions; and

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that:

1. The office of Recorder be converted from an elective position to an appointive position, effective on the retirement of the current Recorder or January 1, 2007, whichever occurs first; and
2. The offices of Auditor and Treasurer be converted from elective positions to appointive positions, effective upon the conclusion of the terms of those offices in 2011.

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SUBJECT: ORDINANCE #2006-1 (CONVERTING SELECTED COUNTY POSITIONS  
FROM ELECTIVE TO APPOINTIVE POSITIONS)

ADOPTED DATE:

PAGE 1 OF 2

---

APPROVED:

---

Vern Bennett, Chairman  
Board of Commissioners of the  
County of Cass

ATTEST:

ss/Michael Montplaisir  
Michael Montplaisir  
County Auditor

First Reading:  
Second Reading:  
Final Passage:  
Publication:

(SEAL)

HISTORICAL REFERENCE DATE:

4

attorney approval, and authorize the chairman to sign: On roll call vote, the motion carried unanimously.

- Greater Fargo Moorhead Economic Development Corporation--Contract for Services;
- City of West Fargo GIS Agreement--Geographical Information Systems (GIS) agreement between Cass County and West Fargo;
- Wenck Associates Inc.--contract for environmental consultation in event of hazmat emergency in the City of Fargo or Cass County;
- Houston Engineering Inc.--contract for preliminary engineering services for project on County Highway 81;
- Moore Engineering--contract for preliminary engineering services for project on County Highway 14 from the Sheyenne River to I-29;
- IBM Maintenance contract--renewal service agreements for support and maintenance of new AS/400 system;
- Steven Mottinger, Douglas Nesheim, Joanne Ottmar--public defenders.

**16. INFORMATION TECHNOLOGY, Authorize purchase order**

*MOTION, passed*

Mr. Wagner moved and Mr. Pawluk seconded to authorize the chairman to sign a purchase order for software license for the GIS system in the amount of \$7,121.31 to ESRI of St. Paul, Minnesota. On roll call vote, the motion carried unanimously.

**17. SHERIFF'S DEPARTMENT, Authorize budget adjustment for infrared camera purchase**

*MOTION, passed*

Mr. Wagner moved and Mr. Pawluk seconded to authorize the Sheriff's Department to purchase an infrared camera and reduce the revenue account by \$9,999.00. On roll call vote, the motion carried unanimously.

**18. LOCAL GOVERNANCE COMMITTEE, Ordinance to be drafted on appointed offices**

Mr. Wagner distributed information he received from the North Dakota Association of Counties on appointed and elected county officials in 1994 and in 2004. There were 97 appointed department heads in 1994 compared to 135 in 2004. He discussed different counties throughout the state and how the offices of auditor, treasurer and recorder have been handled since the tool chest legislation went into effect. Cass County voters approved the Home Rule Charter in 1994, which addressed these positions and allowed them to be appointed by the commission. The sheriff and state's attorney would continue to be elected. He said the Local Governance Advisory Committee has studied this issue and feels the three offices are more technical rather than political and should be appointed.

State's Attorney Birch Burdick referred this question to the Attorney General for an opinion. Mr. Burdick said pursuant to the power granted under the Home Rule Charter, the commission may draft an ordinance to change the offices to become appointed. The Attorney General did not have any concerns with the commission enacting this change.

Mrs. Sorum feels the three departments are complex and need someone with knowledge in each position. She stressed the importance of the public being informed and of holding public hearings to allow for citizen input. Mr. Wagner agreed that the commission needs to gauge what public sentiment is on this issue.

Mr. Pawluk supports the idea that the three positions be appointed; however, he is unwilling to support the change unless an advisory vote is held to allow citizens to voice their opinion. Mr. Wagner said county voters approved the Home Rule Charter in 1994 and gave the commission the authority to appoint these offices.

Mr. Vanyo suggested the ordinance be drafted by the state's attorney in order to move forward with the process. He said this has been studied by the Local Governance Advisory Committee and feels now is an appropriate time to address this issue because the county recorder is not running for office next year.

***MOTION, passed***

**Mr. Wagner moved and Mr. Vanyo seconded to move forward with the recommendation of the Local Governance Advisory Study Committee; to have the State's Attorney draft an ordinance to change the county auditor, county treasurer, and county recorder offices to be appointed by the county commission; and to schedule a public hearing after the ordinance has been drafted. Discussion: Mr. Pawluk feels voters should be given the opportunity to voice their opinion on authorizing the county commission to appoint these offices. Mr. Wagner said the commission will allow citizen input through the public hearing process. On roll call vote, the motion carried with four members voting "Yes" and Mr. Pawluk voting "No".**

**19. COUNTY ROAD 17/CITY OF HORACE, Meeting to be arranged**

Mr. Vanyo received a letter today from the mayor of the City of Horace regarding County Roads 14 and 17 that run through the city. He said it appears that Horace is willing to participate in a joint meeting with the county to discuss this issue. A letter was sent to them in October and since the county had not received a response, he requested the item to be on today's agenda in order to invite a conversation with the city.

***MOTION, passed***

**Mr. Vanyo moved and Mr. Wagner seconded to coordinate a time and place to meet with the City of Horace to discuss County Road 17 issues. Discussion: Mr. Pawluk asked if the item should be discussed at a Road Advisory meeting or a special meeting. Mr. Vanyo felt a special meeting with city officials should be held, as was the case with the City of West Fargo during discussions on County Road 17 within their city limits. Mrs. Sorum said this may be setting a precedent for other cities with similar issues and that the City of Harwood also has a county road that runs through their city limits. On roll call vote, the motion carried unanimously.**

**MOTION, passed**

Mrs. Sorum moved and Mr. Pawluk seconded to authorize signage of the courthouse and annex with the hours that each building is open to the public and stating which items are restricted from those buildings.

**Discussion:** The board further discussed the hours which the sheriff's office is proposing the doors to the buildings to open and close because not all county employees have access to the building until it is open to the public. Their proposal is to staff the security stations and open the doors at 7:55 instead of 7:45 AM and to close at 5:00 instead of 5:15 PM.

Mr. Bennett asked about delaying a decision for two weeks and Mr. Ellingsberg said that is not a problem. Mrs. Johnson said the county department head group is meeting tomorrow morning, and they could perhaps discuss the issues further with the sheriff.

Mr. Vanyo questioned approving a motion at this time without being fully aware of the ultimate restrictions and hours of operation. Mr. Ellingsberg said he will report back to the board on possible changes in the list of restricted items, and he will continue to work with Mrs. Johnson, as buildings and grounds supervisor, on standard signage for the county. Mrs. Johnson said the county does use a standard sign, and she would suggest a stand-alone sign for appearance reasons, rather than attaching something to the front door.

A previous question about security responsibilities in public buildings was addressed to Birch Burdick, State's Attorney. He said he did not find anything specific in state statutes on whether the sheriff or county commission is responsible for those duties and has not researched attorney general opinions.

Mr. Bennett asked for a roll call vote, after which the motion carried with Mrs. Sorum, Mr. Bennett and Mr. Pawluk voting "Aye"; Mr. Vanyo and Mr. Wagner opposing.

Mr. Bennett said he understands there will be other meetings to make some adjustments before a final decision is made by the sheriff's department.

9. **ORDINANCE DRAFT, Failed to pass first reading on converting county position from elective to appointive**

Mr. Burdick provided background information on the Local Governance Advisory Committee discussion on the topic of elected versus appointed county offices. He prepared two draft ordinances, one that would convert the county recorder from elective to appointive position upon the retirement of the current recorder, or January 1, 2007, whichever occurs first. The second draft ordinance would include converting the county auditor and the county treasurer from elective to appointive positions, effective on the conclusion of the terms of those offices in 2011. He said there may be other options the board would wish to consider.

Commissioners discussed pros and cons of elected versus appointed county offices and referred to the articles of the Cass County Home Rule Charter as provided by Mr. Bennett.

Mr. Vanyo said he would be inclined to begin the process with the county recorder's position since the incumbent plans to retire December 31, 2006. Mr. Pawluk said he does not sense any urgency to move this forward at the present time.

Perry Ronning, Horace, said he has been involved in township and county matters over the years, and he believes any change should be voted on by county residents.

Mrs. Sorum agreed with Mr. Pawluk that there is no hurry to do this now, and she would like more input from the taxpayers.

Mr. Vanyo believes the timing is right to move forward on the county recorder position today because residents will be able to address the commission through the ordinance process. Then citizens would have an opportunity to speak further on the two additional positions at a later time.

Mr. Wagner said over half of the county positions are appointed now, and he supports moving forward with the ordinance first reading. He believes the home rule charter, which was approved by the voters, addresses the ordinance process for converting specified elected offices into appointed offices.

***MOTION, failed***

**Mr. Vanyo moved and Mr. Wagner seconded to approve the first reading of Ordinance #2006-1, Converting County Recorder from Elective to Appointive Position; and to set the second reading/adoption of ordinance for February 6, 2006, to allow time for publishing a summary of the ordinance in the official newspaper of the county at least 20 days before the second reading. The motion failed on a roll call vote with Mr. Vanyo and Mr. Wagner voting "Aye"; Mr. Bennett, Mr. Pawluk and Mrs. Sorum opposing. Mr. Bennett asked if there were any other motions, and none were offered.**

**10. VOUCHERS, Approved  
*MOTION passed***

**Mr. Vanyo moved and Mr. Wagner seconded to approve Voucher No. 203,626 through Voucher No. 203,915. On roll call vote, the motion carried unanimously.**

**11. Meeting updates, Committee reports**

Mrs. Johnson said she is meeting with City of Fargo representatives tomorrow to discuss projects that may aid the city and county for mutually effective and efficient governance.

Mr. Wagner suggested compiling a list of legislative issues for 2007 through the state association, beginning with state and county highway standards.

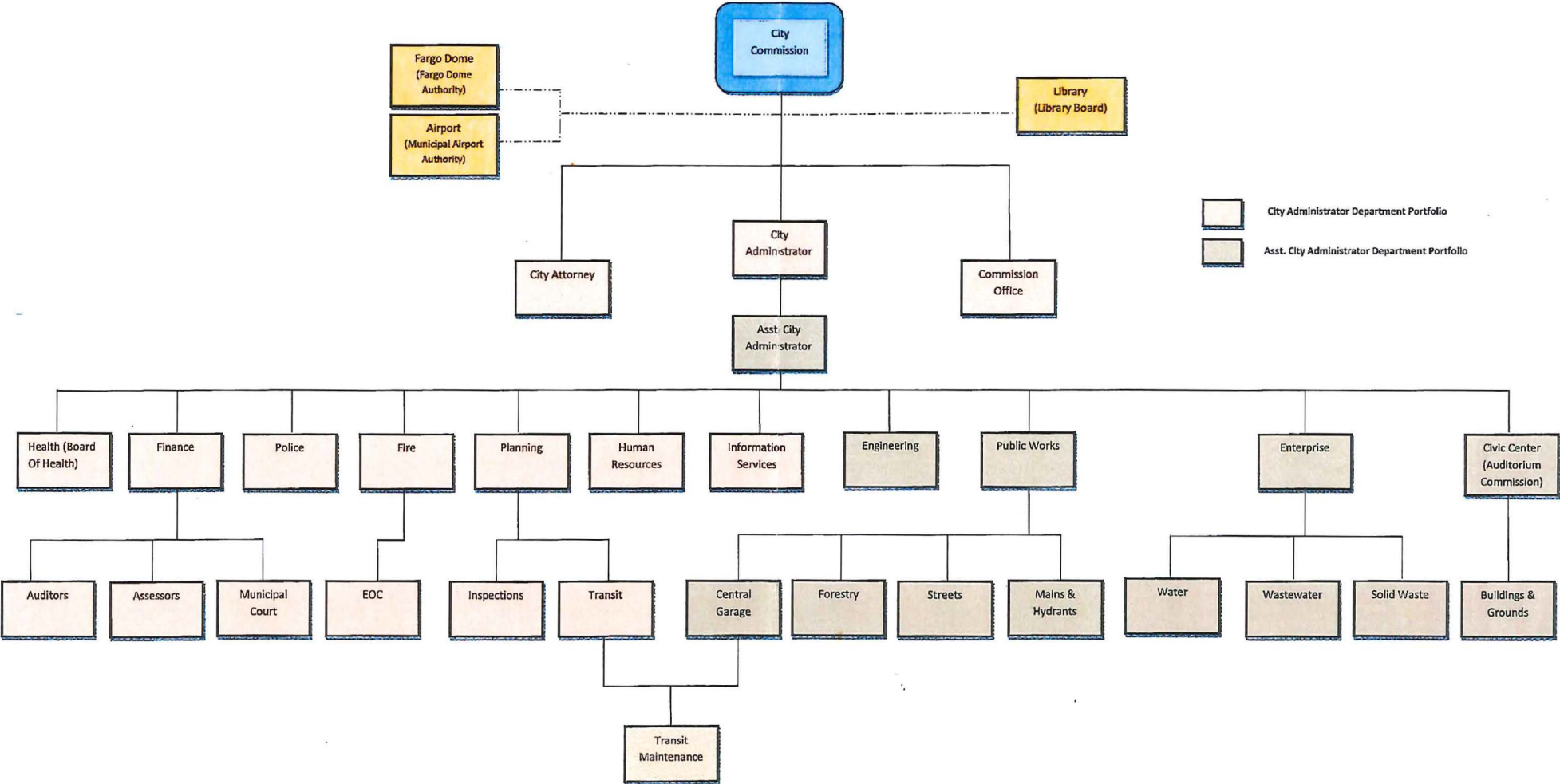
Mr. Burdick said a number of Cass County assistant state's attorneys will be attending the State's Attorney Association conference in Mandan later this month.

FARGO CITY ADMINISTRATOR - BRUCE GRUBB

- 1) All departments report to the City Administrator or Asst. City Administrator (see org chart).
- 2) Hiring and firing of department heads goes through HR, but the City Administrator provides recommendation to Commissioners.
- 3) In certain departments (Police & Fire), a special committee is set up by the Mayor for evaluating and making a recommendation to the Commission for hiring.
- 4) Department head meetings are held once per week with the Administrator chairing this meeting.
- 5) Fargo does not hold an annual retreat similar to Clay county for longer range planning. However, Bruce Grubb was very interested in hearing this and more than likely will push for a one day retreat for the city of Fargo department heads and commissioners; possibly immediately preceding the preparation of annual budgets.
- 6) The administrator does not have the time to meet with all department heads individually on a weekly basis. Therefore, meetings are more on an as needed basis.
- 7) Budgets are initially developed by the Mayor, Administrator, and Finance Director. (High level)
- 8) Subsequently, the Mayor and Administrator meet with each department head to receive their input into the process and discuss further. Commissioners (Portfolio holders; liaison) are invited to this meeting in order to have their comments heard. This concludes the first pass of the budget process.
- 9) If the budget is not where the Mayor/Administrator believe it needs to be, then subsequent passes/meetings are held to continue the process until a budget is finally passed by the Commission.



# Organizational Chart





## Clay County Administrator – Brian Berg

- 1) Clay county has only two elected officials; the Sheriff and the State's Attorney.
- 2) All department heads are hired and fired by the Administrator. See org chart.
- 3) The Central Administration grouping on the org chart is really eight departments.
- 4) Although the administrator has legislative responsibilities; they are very little. Keep in mind that there are only 3 legislators in Clay county vs. 39 in Cass County.
- 5) Clay county has an all day retreat once per year which includes all department heads and Commissioners for purposes of county strategic planning. Usually set up by the Admin.
- 6) The Administrator has a department head meeting once per month.
- 7) The Administrator strives to meet weekly with department heads.
- 8) All budgets are prepared by the Administrator prior to review by the Commission. The Auditor and Administrator meet with each department head to do budget planning and adjustments prior to review by the Commissioners.
- 9) The Administrator is extensively engaged in every department and becomes more knowledgeable of the same; appropriate when considering that this position has the authority over the department head.
- 10) "How I do something is key. Not what I do." Brian Berg



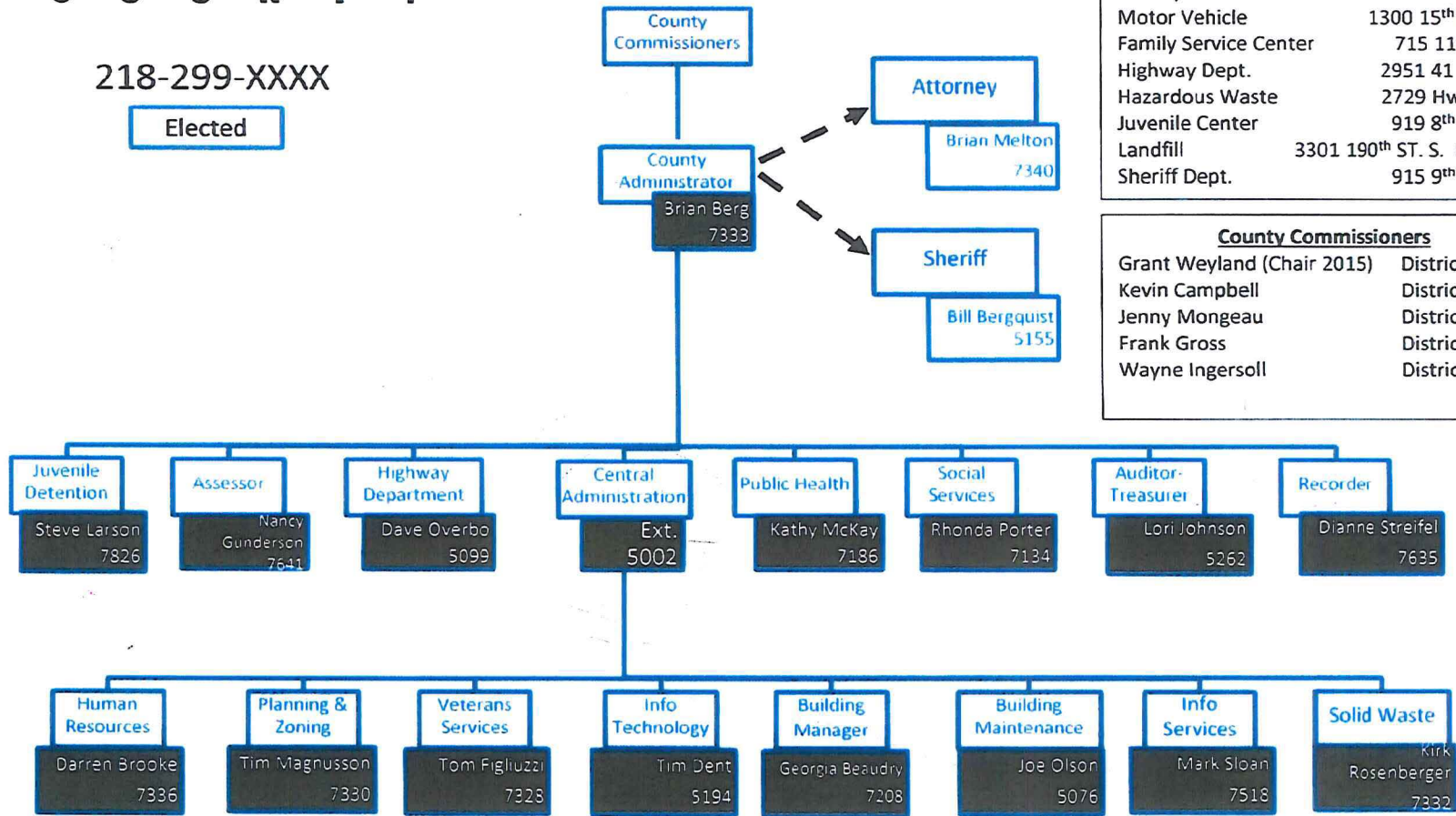
218-299-XXXX

Elected

### Elected Officials

Addresses	
County Courthouse	807 11 <sup>th</sup> ST. N
Motor Vehicle	1300 15 <sup>th</sup> AVE N.
Family Service Center	715 11 <sup>th</sup> ST N.
Highway Dept.	2951 41 ½ ST S.
Hazardous Waste	2729 Hwy 10 E.
Juvenile Center	919 8 <sup>th</sup> AVE N.
Landfill	3301 190 <sup>th</sup> ST. S. Hawley
Sheriff Dept.	915 9 <sup>th</sup> AVE N.

County Commissioners	
Grant Weyland (Chair 2015)	District 5
Kevin Campbell	District 4
Jenny Mongeau	District 3
Frank Gross	District 2
Wayne Ingersoll	District 1



## County Administrator Duties and Comparisons to other City/County Administrator Positions

### BONNIE JOHNSON

I had the opportunity to converse with Bonnie Johnson; the prior County Administrator to Mr. Berndt. She was very helpful in conveying what this position was prior to all of the Diversion activity consuming so much of the job. The following are bullet points from our conversation.

- 1) Legislative work. Wrote or provided assistance in writing testimony for department heads. Upon receipt of the Bills for the following week, Bonnie read every one and determined if it needed any department's attention. The only exception were bills for the Auditor or Social Services because she trusted those department heads to handle their own. Did the prep for the weekly legislative call. Cultivated relationships with legislators by emailing them often during the session and never letting them down; by always being truthful and totally transparent.
- 2) Building maintenance. Terrazo floors were cleaned/waxed once per year. Window cleaning was staggered throughout the year, so it was not a "do all at once" project. Carpets were cleaned once per year except the heavy traffic areas which were done in the spring and fall. All wood surfaces were lemon oiled once per year. Made use of inmates to do lawn maintenance such as trimming or raking. Once per week, Bonnie walked all properties; courthouse, jail, annex, highway, and sheriff's offices. Met once per week with the Jail Administrator (except during the legislative session) about the many constant repairs of a building such as that. Bonnie did all soliciting of bids and awarding of bids for all building or maintenance activities.
- 3) Seminars. Helped to organize and set up 4-6 seminars per year on topics such as Website design, HR personnel issues, Workforce safety, strategic thinking, Insurance, and staying healthy.
- 4) Commissioner communications. Email or call department heads and commissioners on a weekly basis. In the case of the Commission chair, the communication was more like 2 to 3 times a week. Communication was more of an informative one way communication; so as not to violate any open meeting laws.
- 5) County Policy Manual. Bonnie took great pride in keeping the County's Policy Manual up to date. She would remind commissioners of policies relating to any agenda items which may potentially impact the current policy. If changes occurred, she would update the policy manual immediately.
- 6) When asked what consumed most of her time throughout the day, Bonnie's response was 1/3 maintenance items, 1/3 HR issues, and 1/3 commission or public relations activities.
- 7) Human Resources. Bonnie handled all HR issues directly and when she needed assistance she relied on the HR staff. She handled complaints, disciplinary actions, and guidance for hiring/firing. She also was the direct contact for any Fox Lawson work on PAQ's, classification, salaries, etc.