



Administration

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MEMO

TO: County Commission

FROM: Taylor Kaushagen

Date: May 25, 2023

Subject: Amend Commission Policy Manual Section 4.00 Advisory Boards, Rename School Reorganization Committee

The County Superintendent of Schools (Brandy Madrigga) has received a petition for annexation of property from one public school district to another. North Dakota Century Code (NDCC) has defined clear guidelines for considering the application and can be found in NDCC 15.1-12. In this section, NDCC refers to a "County Committee" which is defined in NDCC 15.1-10. This "County Committee" as referred to in NDCC is referred to in Commission Policy Manual Section 4.00, Advisory Boards as "School Reorganization Committee". The County Finance Office, Administration Office, and State's Attorney's Office have met and recommend the Commission approve changing the name of the "School Reorganization Committee" to the "County Committee of Annexation, Dissolution, and Reorganization" to align with language used in NDCC.

Included with this memo is a copy of the related NDCC and Advisory Board section 4.00, Advisory Boards.

SUGGESTED MOTION:

Move amend Commission Policy Manual Section 4.00, Advisory Boards, and change the name of the County's "School Reorganization Committee" to "County Committee of Annexation, Dissolution, and Reorganization".

CHAPTER 15.1-12
ANNEXATION, REORGANIZATION, AND DISSOLUTION

15.1-12-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Annexation" means the alteration of a school district's boundaries through the removal of real property from one school district and its attachment to another contiguous school district.
2. "Contiguous" means two or more tracts of real property which share a common point or which would share a common point but for an intervening road or right of way.
3. "Dissolution" means the process through which a school district ceases to function and the subsequent attachment of its real property to other school districts.
4. "Reorganization" means the formation of a new school district through the combination, in whole or in part, of two or more school districts.
5. "State board" means the state board of public school education.

15.1-12-02. Annexation of property to school district - Exchange - Petition - Requirements.

An individual may petition to have property in one school district annexed to another school district by an exchange of property with property in a contiguous school district. In order to be approved:

1. The petitioner must reside within the boundary of the property to be exchanged;
2. The petitioner must obtain the written approval of one qualified elector from each residence within the boundary of the property referenced in subsection 1;
3. The petitioner must obtain written authorization for the exchange of property from the owner of the property to be exchanged in the adjacent district, provided that the owner need not reside on the property to be exchanged;
4. The difference in the taxable valuation of the property involved in the exchange may not exceed one thousand dollars;
5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and
6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

15.1-12-03. Annexation of property to school district - Eligibility.

Real property may be annexed to a school district provided:

1. The property to be annexed constitutes a single area that is contiguous to the school district;
2. The property to be annexed does not constitute an entire school district;
3. The annexation petition is signed by two-thirds of the qualified electors residing on the property to be annexed;
4. The annexation petition is filed with the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district;
5. A public hearing is held by the county committee or the county committees, as required in section 15.1-12-05; and
6. The annexation petition is approved by the state board.

15.1-12-04. Annexation of property to school district - Petition requirements.

1. A petition to request the annexation of property must:
 - a. Be obtained from the county superintendent of schools; ~~X~~
 - b. Identify all property to be annexed, before circulation; ~~X~~
 - c. Identify one child whose place of residence is on the property to be annexed and ~~X~~ whose parent has stated an intention to send the child to a public school in the

- district receiving the property during the school year following the effective date of the annexation; X
 - d. Be signed in the presence of the petition carrier; and X
 - e. Be submitted to the county superintendent whose jurisdiction includes the administrative headquarters of the district. X
2. Any person who wishes to add or remove that person's name from the annexation petition may do so until five p.m. on the last business day before the public hearing by the county committee; provided the person appears before the county superintendent to request the action.
 3. This section does not apply to annexations involving an exchange of property.

15.1-12-05. Annexation of property to school district - Hearing.

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that two-thirds of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;
 - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students enrolled in each affected district;
 - g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - h. The location and condition of roads, highways, and natural barriers in each affected district;
 - i. Conditions affecting the welfare of students residing on the property to be annexed;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in each affected district;
 - l. Potential savings in school district transportation and administrative services;
 - m. The potential for a reduction in per student valuation disparity between the affected districts;
 - n. The potential to equalize or increase the educational opportunities for students in each affected district; and
 - o. All other relevant factors.
5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the

CHAPTER 15.1-10
COUNTY COMMITTEE

15.1-10-01. County committee - Appointment - Compensation.

1. The county superintendent of schools, with the approval of the board of county commissioners, shall appoint residents, equal in number to the board of county commissioners, to serve as a county committee for purposes of school district annexations, dissolutions, and reorganizations.
2. The term of office for county committee members is three years, staggered so that one term expires each year.
3. If a vacancy occurs, the county superintendent, with the approval of the board of county commissioners, shall appoint an individual to serve for the unexpired portion of the term. If a county committee member fails, refuses, or is unable to perform the required duties, the county superintendent, upon being petitioned by a majority of the school board presidents representing districts having territory wholly or partially within the county, shall declare the position of the member vacant and shall appoint a new member to the committee.
4. Each member is entitled to compensation at the rate of sixty-two dollars and fifty cents per day and to reimbursement for expenses from the biennial appropriation for the superintendent of public instruction, as provided by law for state officers, if they are attending committee meetings or performing duties directed by the committee.

15.1-10-02. County committee - Chairman - Meetings.

The members of the county committee shall elect one member to serve as chairman for one year and until a successor is chosen. Meetings of the committee must be held upon the call of the chairman or a majority of the committee members.

15.1-10-03. County committee - Secretary.

The county superintendent of schools is the secretary of the committee but may not vote. The county superintendent is entitled to compensation from the employing county for actual and necessary expenses incurred while in the performance of required duties.

15.1-10-04. State's attorney to represent committee.

Each county's state's attorney shall serve as legal counsel to the county committee. The state's attorney shall defend the committee and any of its officers in legal proceedings relating to the conduct or business of the committee. If providing this defense would cause a conflict with the other duties of the state's attorney, the board of county commissioners, at county expense, shall employ a special counsel to represent the committee in the proceedings.

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: JANUARY 17, 2023

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STATUTORY BOARDS REQUIRING COMMISSION SERVICE (see page 2 of 6)

Human Service Zone Board (eight members)

County Park Board (5 commissioners and 2 members at large) NDCC 11-28-02

County Planning Board (1 commissioner from Cass County, City of Fargo, City of West Fargo, 1 county resident nominated by Township Officers Association, 2 City of Fargo residents, 3 rural county residents) Home Rule Ordinance #1995-1

BOARDS REQUIRING COMMISSION APPOINTMENTS (see pages 3, 4 & 5 of 6)

Cass County Housing Authority (appoint 5 members) NDCC 23-11-01 through 23-11-36

City Planning and Zoning Commissions (from extra-territorial area) NDCC 40-47-06

Community Action Agency (appoint 1 member)

County Tuition Appeals Board (appoint 1 member) NDCC 15.1-29-06

School Reorganization Committee (5 members from commission districts) NDCC 15.1-10-01

Southeast Human Services (appoint 5 members) NDCC 50-06-05.3

Special Assessment Commission (appoint 3 members)

Vector Control (appoint 3 members) NDCC 23-24-05

Water Resource Boards, 4 districts in Cass County (3 members to each) NDCC 61-16-07

Weed Control Board (appoint 5 members--4 from geographic areas and 1 from within the city limits of a city with a population of five thousand or more, unless the city has established a city weed control program) NDCC 4.1-47-06

COUNTY STANDING COMMITTEES (Section 14.01)

Road Advisory Committee (5 commissioners and 4 appointed members)

Personnel Overview Committee (5 commissioners and 10 other members)

NON-STATUTORY BOARDS WITH COMMISSION SERVICE (see page 5 & 6 of 6)

Metropolitan Council of Governments (1 commissioner, 1 alternate)

Economic Development (appoint 2 members)

Board of Health (appoint 1 member)

Lake Agassiz Regional Council (appoint 1 member) NDCC 54-40.1

Metropolitan Flood Study Committee (2 commissioners)

Flood Diversion Board of Authority (appoint 3 members, 3 alternates)

STATUTORY APPOINTMENT OF COUNTY CORONER (see page 6 of 6)

County Coroner (appoint 1 person) NDCC 11-19.1-03

NOTE: COMMISSION SERVICE ON A BOARD/COMMITTEE TERMINATES WHEN A COMMISSIONER NO LONGER SERVES IN OFFICE

HISTORICAL REFERENCE DATE: SEPTEMBER 21, 1998

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<u>BOARDS REQUIRING COMMISSION APPOINTMENTS (Cont.)</u>			<u>Term expires</u>	<u>(1st appt)</u>
<u>County Tuition Appeals Board (3 year term)</u>				
William Cromarty	1125 5 th St N-Fargo 58102		July 1, 2025	(12/19/22)
<u>Southeastern North Dakota Community Action Agency</u>				
Vacancy (no open positions)			(see organization's by-laws)	
<u>School Reorganization Committee (3 year terms)</u>				
Comm. Dist.				
1	William Cromarty	1125 5 th St N-Fargo, ND 58102	Dec. 31, 2025	(12/19/22)
2	Rick Steen	47 Prairiewood Dr S-Fargo 58103	Dec. 31, 2024	(12/21/15)
3	Jim Kapitan	4553 44 th St S-Fargo 58104	Dec. 31, 2024	(06/21/21)
4	Brad Schmidt	617 7 th Ave W-West Fargo 58078	Dec. 31, 2023	(04/18/16)
5	Brandy Pyle	PO Box 337-Casselton 58012	Dec. 31, 2025	(12/17/12)
<u>Southeast Human Services Board (2 year terms) Cass County Members</u>				
	Joan Bachman	515 Grieson Ave-West Fargo 58078	Dec. 31, 2023	(08/03/20)
	Nancy Mansouri	4320 47 th St S #G- Fargo 58104	Dec. 31, 2023	(12/20/21)
	Jennifer Sahr	4714 Arbor Ct S-Fargo 58104	Dec. 31, 2022	(08/17/20)
	Gregory Kaiser	729 48 th Ave W-West Fargo 58078	Dec. 31, 2024	(12/19/22)
	Michael Worner	94 18 th Ave N-Fargo 58102	Dec. 31, 2024	(12/19/22)
<u>Special Assessment Commission (6 year terms)</u>				
	David Branson	5855 24 th St S #305-Fargo 58104	Dec. 31, 2026	(12/21/20)
	Jacob Gust	4614 81 st St N-Fargo 58102	Dec. 31, 2027	(05/03/93)
	Betty A. Wieland	3671 21 st St S-Fargo 58103	Dec. 31, 2024	(11/05/01)
<u>Cass County Vector Control District #6 (5 year terms)</u>				
	Tony Gehrig	225 4 th St N-Fargo ND 58102	Dec. 31, 2026	(06/07/21)
	Matthew Eaton	1626 Ash Pl-West Fargo 58078	Dec. 31, 2025	(09/08/20)
	Joseph P. Rinehart	712 Augusta Place-West Fargo 58078	Dec. 31, 2024	(02/06/17)
<u>Maple River Water Resource District (3 year terms)</u>				
	Rodger D. Olson	15141 52 nd St SE-Leonard 58052	Dec. 31, 2024	(01/03/95)
	Chad Miller	13789 26 th St SE-Buffalo 58011	Dec. 31, 2025	(12/18/17)
	Gerald Melvin	3510 139 th Ave SE-Buffalo 58011	Dec. 31, 2023	(01/03/12)
<u>Southeast Cass Water Resource District (3 year terms)</u>				
	Keith Weston	4235 47 th Ave S-Fargo 58104	Dec. 31, 2024	(06/03/19)
	Rick Steen	47 Prairiewood Dr S-Fargo 58103	Dec. 31, 2025	(12/19/22)
	David Branson	5855 24 th St S #305-Fargo 58104	Dec. 31, 2023	(12/02/19)