

# Home Rule Charter for Grand Forks County

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## PREAMBLE

**We, the people of Grand Forks County, do establish 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 Grand Forks County will be vested in the Board of County Commissioners. The Board of County Commissioners will 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, Grand Forks County will have among its enumerated home rule powers, subject to implementation by ordinance or resolution of the Board of County Commissioners, the following:

1. Acquire, hold, operate, and dispose of property within or without the county limits.
2. Control its finances and fiscal affairs; prescribe budgetary procedures, appropriate money for its purposes, make payments of its debts and expenses; subject to the limitations of Article 7, to levy and collect property taxes, sales and use taxes, gross receipt taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration 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, provided that the mill levies ordered imposed by the governing body on taxable property subject to ad valorem taxation shall not exceed in total the sum of levies authorized by state statutes and the constitution for counties of similar classification to that of Grand Forks County, however, same may be budgeted for any county purpose. The governing body shall be permitted to promulgate the county budget without regard to the specific dedications of mill levies to specific purposes as long as the total of the budget is not more than the total amount of mills authorized to be levied by a county.

3. Provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, compensation, and the terms of service.
4. Provide for all matters pertaining to county elections, except as to qualifications of electors.
5. 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 which is exclusively regulated by state or federal law or by rules adopted by a state or federal agency.
6. Lay out or vacate public grounds, and provide for the construction, use, operation, designation, and regulation of a county road system.
7. Provide for zoning, planning, and subdivision of public or private property within the county limits but outside the zoning authority of any city or township.
8. Exercise in the conduct of its affairs all powers usually exercised by a corporation.
9. Exercise any of its powers or perform any of its functions by contract with, or grants from, any other governmental entity or agency.

### **Article 3**

#### **Adoption of Ordinances and Resolutions**

##### **Section 1 - Definitions**

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

A resolution is any enactment by the Board of County Commissioners or the people which 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 10 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 elected 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**

1. No ordinance or resolution enacted under this charter will supersede any ordinance or resolution of any political subdivision without its consent.
2. No ordinance or resolution 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 Grand Forks County, except for those ordinances implementing public projects upon which an election or referendum has already been held pursuant to state law or this charter, or which provide for meeting obligations of bonded indebtedness incurred by a prior ordinance or prior election or referendum, and except for the annual budget and appropriation. 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.

## **Article 5**

### **Referenda by Board of County Commissioners**

The Board of County Commissioners may on its own motion submit any question to the electorate for a vote of the people at any primary, general or special election specified by the Board. If the question is submitted in the form of a proposed ordinance or resolution and it is approved by a majority of votes cast thereon, and the Board subsequently adopts the ordinance or resolution within six (6) months of the vote, the ordinance or resolution may not be subject to referral by petition for a period of two years from the date of adoption.

## **Article 6**

### **County Government Organization**

#### **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.
2. The Board of County Commissioners may enact ordinances concerning the organization and structure of elected county offices in accordance with state law.
3. Nothing in this home rule charter shall limit the ability of the county to provide for election of commissioners by a system other than an at-large system. However, by January 1, 2010, the County Commission shall propose an amendment to this charter that would provide guaranteed representation on the Commission of that portion of Grand Forks County outside of the Grand Forks City limits.
4. The offices of the Commission, Sheriff and State's Attorney shall be filled by 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 Grand Forks and must have been in continuous residence in the county for at least six months prior to filing nomination papers.

#### **Section 2 - 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 3 - Recall**

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

#### **Section 4 - Departments, Offices, Agencies, Boards and Commissions**

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.

### **Article 7**

#### **Revenue Authority and Limitations**

##### **Section 1 - Scope of Authority**

Subject to the provisions of this Article, Grand Forks County will have the authority by ordinance or resolution of the Board of County Commissioners, to levy and collect property taxes, sales and use taxes, gross receipt taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees, and special assessments only for benefits conferred.

## **Section 2 - Limitations**

1. No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of the total statutory limits applicable to non-home rule counties, until referred as a proposed ordinance for approval by the electorate at any primary, general 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.
2. 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, including but not limited to the sales and use tax, gross receipts taxes, motor vehicle registration fees, motor vehicle fuels and special fuels taxes, until referred by the Board of County Commissioners for approval by the electorate at any primary, general or special county election.
3. Any ordinance or resolution submitted to the electorate must be approved by a majority vote of the electors voting thereon.
4. 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 8**

### **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 9**

### **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 by action of the County Commission.

**Article 10**

**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.

**Ballot Question**

The question of approval or disapproval of this charter shall be placed on the ballot in the following manner:

Shall the Home Rule Charter for County of Grand Forks as approved and submitted to the electorate by the Grand Forks County Commission be approved?

Yes No

Respectfully submitted by the Grand Forks County Home Rule Charter Commission, this 31st day of March, 2008.

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Lloyd Omdahl, Chair

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John Schmisek, Vice Chair

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Margaret A. O'Leary

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Martin Yahna

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Sara Behrens