

# SARGENT COUNTY CLERK OF COURT

Alison Toepke, Clerk of Court  
Cindy Yagow, Chief Deputy Clerk of Court

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(701) 724-6241

January 23, 2023

Good Morning, Chairwoman Larson and Members of the Judiciary Committee:

My name is Alison Toepke, and I am the Clerk of Court from Sargent County. Sargent County is contracted with the State of North Dakota to provide clerk of court services. I, along with my Chief Deputy Clerk of Court, Cindy Yagow, are submitting testimony in opposition to SB 2277, which transitions contracted clerk of court offices to state employment.

We feel that transition from county to state employment would result in loss of services to Sargent County constituents. Loss of services would create a hardship on several individuals in our county including elderly, low income, and pro-se litigants. We feel this not only would negatively affect Sargent County, but all rural counties in North Dakota.

In Sargent County we have a unique office combination with Clerk of Court, Treasurer, and Recorder office together. Currently our office has four full time employees handling the workload for the combined office. All four employees have and continued to be cross trained in all three departments. The State's proposal to transition our office to state employment would reduce the clerk of court office to one deputy clerk. We do not feel that one state deputy clerk would be sufficient to keep up with the needs and demands for court services in Sargent County. With local control, the elected Clerk of Court, in addition to the Sargent County Commission, have ensured the appropriate amount of employees needed to provide exceptional services to our citizens.

The intent of the State is to have another state employee fill in or transition to Sargent County from a larger county such as Stutsman County (Jamestown) or Cass County (Fargo) with travel time exceeding an hour to our location, in the event that the single state deputy clerk would be unavailable either due to clerking court trials or jury trials or due to illness, appointments, and vacation. We do not believe this is practical or cost effective and will not be efficient in providing clerk of court services. Assistance to high priority situations in case types that immediately need in person aid such as Domestic Violence Protection Orders or Disorderly Conduct Restraining Orders, would not be readily available, potentially leading to devastating consequences for the individual seeking relief from the Court. Services lost to these individuals would be detrimental to the people of Sargent County.

We are to believe that based on our caseload, one deputy is to remain in Sargent County, however, the switching to state employment is setting that one deputy up for failure. For one thing, there is more workload than what should be expected of one deputy alone. When work starts to get "farmed out" due to our workload, how long before it is decided that all of Sargent County Deputy Clerk workload should be done remotely, hence, leaving Sargent County without these services locally. Our residents would be forced to have hearings and jury trials in cities outside of Sargent County putting a higher burden upon them for travel, money and time.

If in the future, if there are more budget cuts as there was in the 2017-2019 biennium, clerk/court-related jobs were cut, we feel these smaller counties will be first on chopping block. If the State feels their remote deputies can absorb our workload, this would leave Sargent County without a Clerk of Court office eliminating the ability of its residents to have immediate and local access to services.

Information regarding this transition has been limited and we do not feel the State has been transparent with intent or the effects to each contract county. By supporting SB 2277, services if not immediately, inevitably down the road, will be lost for the citizens of Sargent County.

In addition to our testimony, we have attached the resolution adopted by the Sargent County Commission in opposition to Clerk of Court contract offices moving to state employment, unanimously passed and adopted on November 15, 2022.

Please give this bill a DO NOT PASS recommendation. Thank you for your time and consideration.



Alison Toepke  
Sargent County Clerk of Court, Recorder, Treasurer



Cindy Yagow  
Sargent County Chief Deputy Clerk of Court, Recorder, Treasurer

**SARGENT COUNTY COMMISSION RESOLUTION**

Commissioner Lyle Bopp introduced the following resolution and moved for its adoption:

**A RESOLUTION OPPOSING LEGISLATION MAKING THE  
SARGENT COUNTY CLERK OF COURTS' OFFICE A STATE OFFICE**

WHEREAS, there is legislation being proposed pertaining to the transition of contract county clerk services to state funding and other legislative priorities; and

WHEREAS, such legislation would make the Sargent County Clerk of Courts' Office a state agency and the employees thereof state employees, which would take away local control and governance of such office and employees; and

WHEREAS, the Board of Commissioner of Sargent County, North Dakota, is desirous of keeping the Sargent County Clerk of Courts' Office as a county office; and

WHEREAS, Sargent County has experienced loss of vital services in Sargent County when the State of North Dakota takes control of county services, and

WHEREAS, the loss of services in Sargent County creates a hardship on the elderly, low income, and disabled individuals,


NOW THEREFORE IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR SARGENT COUNTY, NORTH DAKOTA, that the following resolution be adopted as follows:

- 1) That the Board of County Commissioners of Sargent County directly opposes the passage of legislation pertaining to the transition of contract county clerk services to state funding and other legislative priorities; and
- 2) That the Board of County Commissioners of Sargent County resolves to keep the Sargent County Clerk of Courts' office a county office.

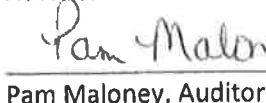
The motion for adoption of the foregoing Resolution was duly seconded by Commissioner Scott Johnson. On roll call vote, the following Commissioners voted in favor of the motion: Lyle Bopp, Mark Breker, Scott Johnson and Richard Ruch.

The majority having voted in favor of the motion and the motion carried the resolution was duly adopted on November 15, 2022.

Approved:

  
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Jason Arth, Chairman

ATTEST:

  
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Pam Maloney, Auditor