CHAPTER 11-08
COUNTY CONSOLIDATED OFFICE FORM OF COUNTY GOVERNMENT

11-08-01. Who may adopt county consolidated office form of government.

Any county in this state may adopt the county consolidated office form of government in accordance with the provisions of this chapter.

11-08-02. Board of county commissioners to submit plan to electorate.

Repealed by S.L. 1993, ch. 401, § 53.

11-08-02.1. Board of county commissioners may submit plan.

The question of the adoption of a consolidated office form of government may be submitted at the next primary election as provided by this chapter by the board of county commissioners by a resolution adopted by the affirmative vote of a majority of the entire board.

11-08-03. Election - Notice - How conducted - Canvass - Return.

The county auditor shall publish a notice of the election in the official county newspaper once each week for four successive weeks prior to the election at which the question is to be submitted. The notice shall contain the question to be voted upon and the statement that the question will be submitted to the electors at the election designated therein for their approval or rejection. In all other respects, the election upon such question shall be held and conducted and the votes canvassed and returned in the manner provided by the laws of this state for the election of county officers at a general election.

11-08-04. Ballot - Form.

The ballot to be used in the election shall be in substantially the following form:

Shall the county consolidated office form of government be adopted by the county of _____ (name of county)?

Yes □

No □

11-08-05. Vote required - Effective date - Procedure for discontinuance.

If a majority of the votes cast on the question of the adoption of the county consolidated form of government are in favor of that form, it becomes effective on the first day of January next succeeding the election. All elected officers whose offices become appointive under this chapter shall continue in office until their successors are appointed pursuant to the provisions of this chapter. The question of the discontinuance of the county consolidated office form of government may be submitted to the electors at the next primary election through the same procedures set forth in this chapter for adopting that form of government. On the first day of January following a vote to discontinue, the county reverts to the form of government of the county immediately preceding adoption of the consolidated office form of government, with all offices made appointive under this chapter subject to election at the last preceding general election, or to another optional form of county government adopted by the electors as provided by law.

11-08-06. Officers in county adopting consolidated office form of government.

In addition to the board of county commissioners provided for by this title, the officers in a county which has adopted the county consolidated office form of government are as follows:

1. One county auditor who shall be ex officio recorder and, unless the clerk of district court serving the county is an employee of the state judicial system, ex officio clerk of the district court.
2. One state's attorney.
3. One sheriff.
4. One county treasurer, unless the office with its attendant powers and duties is combined with and conferred upon the county auditor by the board of county

commissioners but no added compensation may be paid the county auditor in said capacity.

5. Repealed by S.L. 1989, ch. 137, § 10.
6. One coroner.

11-08-07. Appointive officers - County commissioners, sheriff, and state's attorney elected - Terms of office - How vacancy filled.

The board of county commissioners shall appoint each county officer mentioned in section 11-08-06, except the members of the board of county commissioners, who must be elected in the manner provided in section 11-11-02, and the sheriff and the state's attorney, who must be elected as provided in section 11-10-02, except as provided in section 11-10-02.3. Each county officer shall hold office for a term of four years, except as otherwise provided in this chapter, and until the officer's successor is duly appointed and qualified. The board of county commissioners shall fill any vacancy resulting from any cause.

11-08-08. When appointment of officers made - Qualification.

The county officers to be appointed must be appointed by the board of county commissioners at the following times in the year in which the county consolidated office form of government goes into effect:

1. On or before the fifteenth day of January, the coroner must be appointed, and the coroner must qualify within ten days thereafter.
2. Not less than ten days prior to April first, the county auditor must be appointed, and the appointee qualify within ten days thereafter.
3. Not less than ten days prior to May first, the county treasurer must be appointed, and the appointee must qualify within ten days thereafter.

Thereafter, the appointments must be made within ten days prior to the expiration of the terms of office of the officers. The failure of the board of county commissioners to make any appointment within the time prescribed does not impair its power to make the appointment subsequently for the remainder of the term of office of the officer so appointed.

11-08-09. Compensation of officers.

Each member of the board of county commissioners and each other county officer who is appointed by the board or elected must receive as compensation for services the salary prescribed by law for the officer, except that the county auditor must receive a salary not exceeding three thousand dollars per annum and the county treasurer must receive a salary not exceeding the amount provided by law for the office of county treasurer, to be fixed by the board of county commissioners.

11-08-10. Sheriff or state's attorney of adjoining county may run for election - Term of office - Compensation.

The sheriff or the state's attorney, or both, of an adjoining county may run for election in a county which has adopted the county consolidated office form of government. Any such officer of an adjoining county so elected shall serve for a term of four years and until that officer's successor is elected and qualified. An officer elected under this section is eligible to serve in such dual capacity and must receive, in addition to the salary as an officer of the county of residence, a sum not exceeding one-half of such salary, to be fixed by the board of county commissioners. The additional salary must be paid by the county in the same manner as other county officers are paid.

11-08-11. Powers and duties of county auditor.

The county auditor, in addition to the duties and powers conferred by law on that officer, shall perform the duties and functions and exercise the powers conferred on the recorder and, subject to subsection 1 of section 11-08-06, the clerk of the district court. The auditor shall be the chief administrative officer of the county. The board of county commissioners may delegate to the county auditor such duties of an administrative or executive nature as are not specifically

conferred by law upon other officers. Such delegated duties shall be exercised by the county auditor under the supervision of the board of county commissioners.

11-08-12. Powers and duties of board of county commissioners.

The board of county commissioners shall exercise such powers and perform such duties as are provided by law except as such powers or duties are modified specifically or enlarged by this chapter.

11-08-13. Powers and duties of other officers.

The sheriff, state's attorney, and coroner elected or appointed under this chapter shall perform the duties and exercise the powers conferred by law upon them.

11-08-14. Deputies and employees - Appointment - Compensation - Terms.

Subject to the approval of the board of county commissioners, the county auditor may appoint a deputy auditor, a deputy recorder, and, subject to subsection 1 of section 11-08-06, a deputy clerk of the district court. The compensation of any such deputy appointed pursuant to this section shall be fixed by the board of county commissioners. The same person may be appointed to serve as deputy in two or more offices. Subject to the approval of the board of county commissioners, the county auditor may employ such clerks, stenographers, and other county employees as may be required to perform the duties of the several offices under the auditor's direction. The compensation of the employees shall be fixed by the board of county commissioners. Any deputy or employee shall serve at the pleasure of the county auditor and may be appointed or employed to serve on a part-time basis.

11-08-15. Removal of officers.

Any county officer appointed by the board of county commissioners or elected under the provisions of this chapter may be suspended or removed by the governor or by judicial proceedings in the manner provided by law.