

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1438

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1438

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
2	x		18.5 to 18.9
Committee Clerk Signature <i>Laurie L. Fenske</i>			

Minutes: **Rep.Devlin, Chairman** opened the hearing on HB 1438, A Bill for an Act to amend and reenact section 11-10.2-03 of the North Dakota Century Code, relating to local governance option advisory studies; and to repeal chapter 40-01.1 of the North Dakota Century Code, relating to local governance option advisory studies.

Rep.Devlin, Chairman recessed the hearing to 8:30 AM January 28, 2005 due the illness of the prime sponsor Rep. Wald was ill and not in attendance on this date. (18.8)

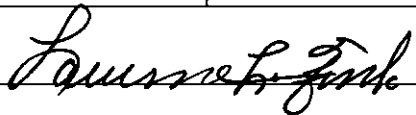
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438 b

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 28, 2005

Tape Number	Side A	Side B	Meter #
1	x		1.8 to 54.6
Committee Clerk Signature 			

Minutes: **Rep. Herbal, Vice Chairman** opened the hearing on HB 1438 which had been recessed the previous day so the prime sponsor Rep. Wald could be present this day.

Rep. Wald representing District 37 and prime sponsor of HB 1438 spoke very briefly to present the bill. Rep. Herbal, Vice Chairman spoke in support of the bill.

Curly Haugland representing the Land Owner's Association of North Dakota. The bill simply repeals Chapter 40-401. Of the North Dakota Century Code. Mr. Haugland reviewed the history of that section of the code which is based in an 81 page bill which has become known as the "tool chest" bill. It was passed in 1993. Mr. Haugland's testimony is covered in his written statement and a collection of excerpts from documents and the internet. A copy of his material is attached. Much of his testimony was based on his philosophy of basic representative government. Mr. Haugland believes some basic rights of individuals are being shunted aside and abridged by

Page 2
House Political Subdivisions Committee
Bill/Resolution Number HB 1438 b
Hearing Date January 28, 2005

consensus groups. There was a lot of question and answer discussion with most every member of the committee participating. This discussion continued through to (34.6).

Terry Traynor , representing the North Dakota Association of counties His testimony was to present a bit of history and a status of county responses to the "tool chest " legislation. His was an eight page summary which is attached. Questions and answers followed through to (46.7).

Rep. Damschen representing District 10 and a sponsor of the bill appeared to share his views and support for the bill.

Jerry Hemlstad, representing the League of Cities when given the opportunity to appear decline to take a position.

There being no further testimony for nor against HB 1438, the hearing was closed.

End (52.8).

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438 c

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 3, 2005

Tape Number	Side A	Side B	Meter #
1	x		4.0 to 9.6
1		x	13.0 to 14.9
Committee Clerk Signature <i>Laurie B. Zile</i>			

Minutes: In work session **Rep. Devlin, Chairman** opened the discussion for action on HB 1438.

A consensus appeared to be that the original providing for the people to vote on advisory committee reviews of local government has been a valuable tool. There was express some concern for the mandates and for repealing those sections of the code providing for the advisory studies. The North Dakota Association of counties had been asked to prepared some amendments to the bill but to still retain the advisory studies and the placing on the ballot the question for the people to vote the issues. **Rep. Kretschmar** was asked by the Chairman to work with the Intern to review the amendments and the desires of the committee to be forged into an amendment to be brought back the committee. (9.8).

Side 2 Tape 1 (13.1) Rep. Kretschmar's amendment to have a representative of the major political parties represented on the canvassing boards and if 5 years have passed the issue of advisory study has been to the vote of the people it must be put on the ballot.

Rep. Kretschmar (13.3) moved the amendment. **Rep. Maragos** seconded the motion.

Page 2

House Political Subdivisions Committee

Bill/Resolution Number HB 1438 c

Hearing Date February 3, 2005

The motion carried on a voice vote.

Rep. Maragos (14.1) moved 'Do Pass as amended" motion for HB 1438. **Rep. Kaldor**

seconded the motion. On a roll call vote the motion carried **8 ayes 0 nays 4 absent.**

Rep. N. Johnson was designated to carry HB 1438 on the floor. **End of record (14.9).**

February 3, 2005

House Amendments to HB 1438 - Political Subdivisions Committee 02/04/2005

Page 1, line 1, replace "section" with "sections" and after "11-10.2-03" insert "and 40-01.1-02"

Page 1, remove line 2

Page 1, line 3, remove "Dakota Century Code,"

Page 1, line 16, remove the overstrike over "~~The analysis may be performed as part of a study
process initiated pursuant to~~"

Page 1, remove the overstrike over line 17

Page 1, line 18, remove the overstrike over "2."

Page 2, line 14, remove the overstrike over "4:" and remove "3."

Page 2, replace lines 27 and 28 with:

"SECTION 2. AMENDMENT. Section 40-01.1-02 of the North Dakota Century Code is amended and reenacted as follows:

40-01.1-02. Local advisory study committee.

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
 - a. By a majority vote of the governing body; or
 - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. Notwithstanding subsection 1, ~~an election on the question of establishing a five-member advisory study committee for a county or city must be held at the next regular election in the county or city~~ placed on the agenda of a regular meeting for definitive action by the governing body if five years have elapsed since the latter of:
 - a. ~~August 1, 1993;~~
 - ~~b.~~ The date of the most recent ~~election held~~ governing board action on the question of establishing an advisory study committee pursuant to this subsection; or
 - e. b. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an advisory study committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.
3. ~~The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.~~
4. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
- ~~5.~~ 4. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:

- a. Employ and fix the compensation and duties of necessary staff;
- b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
- c. Establish advisory subcommittees that may include persons who are not members of the study committee;
- d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
- e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
- f. Do any other act consistent with and reasonably required to perform its advisory function."

Renumber accordingly

Date: February 3, 2005
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1438

House POLITICAL SUBDIVISIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Amendments - Kretschmar and Mac
Vance Currier

Action Taken

D P is amended

Motion Made By

Rep. Maragos

Seconded By

Rep. Kaldor

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				
Rep. Wrangham	✓				

Total (Yes) 8 No 0

Absent 4

Floor Assignment

Rep. Johnson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1438: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "11-10.2-03" insert "and 40-01.1-02"

Page 1, remove line 2

Page 1, line 3, remove "Dakota Century Code,"

Page 1, line 16, remove the overstrike over "~~The analysis may be performed as part of a study process initiated pursuant to~~"

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1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
 - a. By a majority vote of the governing body; or
 - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. Notwithstanding subsection 1, ~~an election on the question of establishing a five-member advisory study committee for a county or city must be held at the next regular election in the county or city placed on the agenda of a regular meeting for definitive action by the governing body if five years have elapsed since the latter of:~~
 - a. ~~August 1, 1993;~~
 - b. The date of the most recent ~~election held~~governing board action on the question of establishing an advisory study committee pursuant to this subsection; or
 - e. b. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an

advisory study committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.

3. ~~The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.~~
4. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
5. 4. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
 - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
 - f. Do any other act consistent with and reasonably required to perform its advisory function."

Renumber accordingly

2005 SENATE POLITICAL SUBDIVISIONS

HB 1438

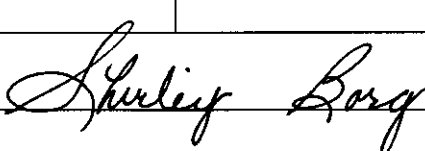
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1		X	4783 - End
2	X		0 - 394
Committee Clerk Signature 			

Minutes:

Chairman Cook opened the hearing on HB 1438 relating to local governance option advisory studies. All member (6) present.

Curly Haugland, testified in support of HB 1438 on behalf of the Landowner's Association of North Dakota. (See attachment # 1 A & 2 B)

Chairman Cook: If we were to do what you would like to see us do; put it back in its original form as it was when you introduced it which I understand would eliminate Chapter 40-01.1, would any home rule charter city in North Dakota that wanted to do this still be able to do it?

Curly Haugland: As you can see there is no restrictions on cities or counties establishing committees for whatever they choose to study. This is simply removing a mandate that they do convene.

No further testimony for or against HB 1438.

Chairman Cook closed the hearing on HB 1438.

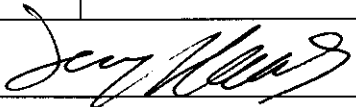
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 17, 2005

Tape Number	Side A	Side B	Meter #
1	X		4,301-END
1	X	X	1-450
Committee Clerk Signature 			

Minutes:

Chairman Cook opened the meeting to discuss House Bill 1438. All Senators were present.

Senator Triplett- In Grand Forks, we used this for a series of public meetings around the county before we made the decision to change our administrative offices from elected to appointed.

There was widespread community support because we did public meetings to explain the process, which took nearly a year.

Chairman Cook- I chaired a task force to combine emergency centers in Mandan, the value of following the process was immeasurable. The argument is should there be a vote to require an advisory council?

Senator Triplett- I would be ok with these amendments. It tells local governments that if they do something major, this is the process they should follow. There is nothing to stop a governing board from doing this right now.

Senator Lee- So, if we kill the bill, the process is still there. Do we really need this?

Senator Triplett- The difficult thing is explaining to people on what the ballot measure meant.

There are separate rules that apply to states attorneys and sheriffs.

Senator Dever- I think with states attorneys being appointed we had to change the constitution.

Chairman Cook- What was the vote in the House?

Senator Hacker- 86-0.

Action taken:

Senator Triplett moved a Do Pass recommendation on HB 1438. Senator Lee seconded.

The bill failed, 2-4-0.

Senator Fairfield moved a Do Not Pass recommendation on HB 1438. Senator Dever seconded. The vote failed 2-4-0.

Senator Dever moved to restore the original bill. Seconded by Senator Triplett. The motion passed, 6-0-0.

Senator Triplett moved a Do Pass as Amended recommendation for the bill. Senator Hacker seconded. The bill passed as amended, 6-0-0. Senator Triplett is the carrier of the bill.

Chairman Cook closed the meeting on HB 1438.

Date: 3-17-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1438

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Triplett Seconded By Lee

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC		X			
Senator Dick Dever		X			
Senator Gary A. Lee		X			
Senator April Fairfield		X			
Senator Constance Triplett	X				

Total Yes 2 No 4

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-17-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1438

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Fairfield Seconded By Dever

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman		X			
Senator Nicholas P. Hacker, VC		X			
Senator Dick Dever		X			
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett		X			

Total Yes 2 No 4

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-17-05
Roll Call Vote #: 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1438

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Original bill reconsideration

Motion Made By Dever Seconded By Triplett

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

March 17, 2005

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1438

replace "sections" with "section" and

Page 1, line 1, remove "and 40-01.1-02"

Page 1, line 2, after "studies" insert "; and to repeal chapter 40-01.1 of the North Dakota Century Code, relating to local governance option advisory studies"

Page 1, line 15, overstrike "The analysis may be performed as part of a study process initiated pursuant to"

Page 1, overstrike line 16

Page 1, line 17, overstrike "3."

Page 2, line 14, overstrike "4." and insert immediately thereafter "3."

Page 2, line 27, replace "**AMENDMENT.** Section 40-01.1-02" with "**REPEAL.** Chapter 40-01.1"

Page 2, replace lines 28 through 31 with "repealed."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 19

Renumber accordingly

Date: 3-17-05
Roll Call Vote #: 4

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1438

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken D PAM

Motion Made By Triplett Seconded By Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent 0

Floor Assignment Triplett

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1438, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 40-01.1-02"

Page 1, line 2, after "studies" insert "; and to repeal chapter 40-01.1 of the North Dakota Century Code, relating to local governance option advisory studies"

Page 1, line 15, overstrike "The analysis may be performed as part of a study process initiated pursuant to"

Page 1, overstrike line 16

Page 1, line 17, overstrike "3."

Page 2, line 14, overstrike "4." and insert immediately thereafter "3."

Page 2, line 27, replace "**AMENDMENT.** Section 40-01.1-02" with "**REPEAL.** Chapter 40-01.1"

Page 2, replace lines 28 through 31 with "repealed."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 19

Renumber accordingly

2005 HOUSE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

HB 1438

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438 conf.

House Political Subdivisions Committee

☒ Conference Committee

Hearing Date March 29, 2005

Tape Number	Side A	Side B	Meter #
1	x		0.0 to 18.3
Committee Clerk Signature <i>Laurie Byrd</i>			

Minutes:

Conference committee -- HB 1438 relating to local governance option advisory studies.

Members:	Sen. Cook	Rep. Herbel
	Sen. Dever	Rep. N. Johnson
	Sen. Triplett	Rep. Kaldor

Rep. Herbel Chaired the committee. All members were present.

Rep. Herbel (0.5) opened the discussion with a review what the House had done first. The House had taken the original bill and amended a portion of the bill that would have removed -- from the original bill we had amended back into the bill section 40-01.1 02. Then on line 2 they removed that. Then they had removed the overstrike on line 16 - page 1 --- "The analysis initiated pursuant to" -- then on page 1 line 17 removed the overstrike -- on "chapter 40-01.1-02" -- we changed the renumbering --- and in the second part of that that related

to section 2 --- we had amended out the election process and replaced that with it could be place on the agenda at the regular meeting of the governing body for action. That's the basic change that we had made in the original bill. The House Committee action was 8 -0 - 'Do Pass' and it happened on the day that -- I think the President (of the US) was in Fargo and some of our members were not here. Then when the bill crossed over -- you people in the Senate put the bill back into its original form. That is the difference then.

Sen. Cook -- We had quite a discussion on this --- As a former county commissioner I have had an opportunity to follow this process -- and I had an opportunity to chair a task force that dealt with local government and politicians --- so we had some experience at the table -- as far as working with local governments to try to find efficiencies in local government -- we had a motion for passing the bill the way it was -- it failed two to four; then we had motion to kill the bill the way it was and that failed two to four --- we amended it back to the way it was and it passed six -- zero. It passed the Senate 45-0. Therefore I think it is something that is not needed.

Rep. N. Johnson (4.3) What impact do you think that will have if you pass the bill and remove this requirement? Question --Ans. Yes -- the repealer?

Rep. Herbel -- The study committee would be required to do something ---

Rep. N. Johnson -- It doesn't required them to do anything if they don't want to but it is in the 'tool chest' -- it is there if they want to do something to improve there local governments.

Sen. Cook -- may be that 12 years ago it was significant -- but since that in time --

Rep. Herbel -- I think it is important when you consider the population situation we are heading into in different parts of the state -- that we have some type of provision to address what is going on -- I am not certain that there is -- there may certain parts of the state where this is not

necessary -- because of the qualifications of the people who may be serving in this capacity -- but there maybe some areas where they need direction and with this section 40 in it will prescribe the direction that they have to follow but they may not otherwise.

Sen. Cook --- I mentioned earlier my own experiences -- my involvement with government consolidation - we had four political subdivisions -- Morton, Burleigh Counties and the cities of Bismarck - Mandan -- what is interesting about this is that it was not this particular section of law that initiated the very, very important discussion -- it was the local Chamber of Commerce. It commissioned a Task Force and I chaired it -- that allowed the 4 subdivisions that -- we went fourth and achieved an agreement --how we should move forward and do that -- then we presented it to the various boards -- the subdivision's boards of commissioners for their final say on it and hearing -- so we did pass it (the 911 calling). So this shows there may be better ways to reach their goals that what we would prescribe.

Rep. Herbel -- you didn't use it and you achieved your goals -- but it didn't hamper it either did it -- I don't know -- I would like to hear a little more from some of the others of the committee. I would like to know the direction you would want to go with this. There is a lot of strong feeling that section 40 has to be in there.

Rep. Johnson -- what I recall from committee discussion is that the sentiment was that rather than put the issue of government revision on the ballot each five years -- leave the requirement in the law for the county commissioners put it on the agenda and look at how they can achieve any efficiencies an all levels within local government themselves.

Sen. Cook -- maybe the question we both should have asked when we had the bill before - is - since this has been on the books -- what successes have been achieved or resulted from this law we have had on the books -- what major consolidation have we seen?

Sen. Triplett -- In Grand forks we consolidated 4 offices into two and from four administrators down to an office manager -- one person is doing the duties of both the auditor and the treasurer. We think it is a very positive change.

Rep. Herbel, Chairman - we have seen a fair amount of that in our area -- more in Walsh, Pembina and Cavalier counties, -- where they have gotten together and are doing things cooperatively that certainly weren't doing back in the eighties.

Rep. Kaldor -- Our political subdivision Chairman Rep. Devlin chaired the process in Steele county and I know they feel they have had success with the 'tool chest' law. He spoke pretty positive about the outcome.

Further discussion followed -- after few exchanges of similar observations **Chairman Rep. Herbel** called on Connie Sprzynatyak Representing the North Dakota League of Cities and Wade Williams representing the North Dakota Association of Counties who were in the audience to relate their respective association members experience with the 'tool chest' law.

There are several hundred members in the League of Cities with not all of them being incorporated cities --some over 100 towns and cities have utilized the law to become home rule cities, others various degrees consolidation of services, etc. Likewise the Association of Counties -- there are 53 counties in North Dakota and 23 of the counties in the very first go around utilized the law and the second time the laws requirements were used by a fewer numbers of counties but nonetheless it has wide spread endorsement.

There were more stories related as to other examples of local governments successful uses of the laws provisions.

Rep. Triplett - - discussed the concept that putting a fuzzy bill on the books that doesn't require anything is probably poor public policy but to require some definite positive thing is the better way to -- for example to strip out section 40 and leave the rest doesn't make sense but to at least require the counties to look at what might be done once every five years makes more sense. It also makes more sense not to require the issues to be put on the ballot when there is no intent to do anything.

It was observed there is no provision for any penalty if they (the counties) don't do it.

Sen. Cook in response to the Chairman stated that the options appear to be that the House could accede to the Senate amendments and kill it on the floor; or, the The Senate could recede from their amendments -- have it sent back to the Senate and they could kill it or the third is the committee could try to come up a different solutions (amendments).

Thecommittee agreed to adjourn and think on it. (18.3)


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438 conf. b

House Political Subdivisions Committee

X Conference Committee

Hearing Date March 29, 2005

Tape Number	Side A	Side B	Meter #
1	x		0.1 to 8.7
Committee Clerk Signature 			

Minutes:

Conference Committee -- HB 1438 Prairie Room

Conferees:

Rep. G. Herbel, Chr.

Sen. D. Cook, Chr.

Rep. N. Johnson

Sen. D. Dever

Rep. L. Kaldor

Sen. Triplett

Rep. Herbel, Chairman -- opened the meeting requesting the roll call. All members were present.

Rep. Herbel -- began asking whether there was any further discussion -- anyone would like to began the discussion with.

Sen. Cook -- this may be a funny time to ask this question but I am going to ask it anyway.

The more I look at your bill -- it came over with a -- who is required to have an election?

The city and the county -- both , right.

Rep. Herbel -- I believe that is right.

Rep. N. Johnson --(0.8) that is the current law.

Sen. Cook -- But this amuses me because you look at the bottom of page 2 - -it says any political subdivision -- all may establish an advisory committee -- but the you drop down and the only ones required to have election is the city and the county -- if they haven't had any actions in five years.

Rep. N. Johnson -- and that is the current law.

Sen. Cook -- Yes and I am just trying to clarify - Wade Williams (from the Association of Counties) gave me the county testimony that you folks had received in the House -- after we met last night and I can see from that testimony how many counties have actually looked at an advisory committee-- I think it is 18 or 19 -- what run through my mind now is "how many times does the county have the election' which indicates they have done nothing on their own for 5 years which indicates they have done anything for five years -- how many times does a city have hold an election which indicates they haven't done anything for 5 years -- and how many times have the elections failed ? -

Rep. Herbel directing a question to Connie Sprycnatyak -- her response was that the question could have come up 2 times since the law went into effect -- in 1993 -- the cities have frequently use it to establish home rule -- there are over 100 cities that are now 'home rule' -- as far as to how many times it has failed I can't give you specific numbers but I can tell you that it has succeeded in a number of instances because the auditors call our office and says now that we have referred it what do we do next.

Sen. Cook -- may I clarify my question -- how many times has the required election of the voters failed ? In other words how many times has there been a required election because the city failed to do anything for five years? Therefore they are required to put it to a vote of the electorate? How many times has that happened and how many times has that failed?

Connie Spryzenatyak -- I can't tell you but I do know that it is being used and has succeeded because of the call to our office. I am not sure who or how you can keep track of that.

Wadw Williams -- I can't give you a specific number either but there are probably a hand full because most of the time they are successful. The first go around I think there were 23 counties put an issue on the ballot and the second time there were fewer --maybe 4 or 5 weren't successful.

Sen. Cook -- I just voted on this the last election and I don't know if voted for the county or the city and whether it passed or failed.

Rep. Herbel -- The first time it went on the on our ballot I wasn't sure what I was voting on because I wasn't informed but later on I think things were better for all.

Rep. Herbel--- Does anybody have or would anybody like to make any motions?

Sen. Cook --- I move that the House accede to the Senate Amendments.

Sen. Dever -- seconded the motion.

On a roll vote the vote was 3 - 3 and the motion declared failed.

Sen. Triplett -- I will move the opposite motion that the Senate recede

Rep. Kaldor -- seconded the motion.

On a roll call vote the vote was 5 ayes and 1 nay (Sen. Dever) .

In discussion to clarify that everyone including the Clerk understood the action the motion was for the Senate to recede from its amendments leaving the bill as it was received from the House

Page 4

House Political Subdivisions Committee

Bill/Resolution Number HB 1438

Hearing Date March 29, 2005

and the House would in effect be sending the bill back to the Senate as it originally had done.

Agreed.

End of record (8.7)

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) HB 1438 (, as (re)engrossed):

Your Conference Committee

For the Senate:

3/30/05 Sen. D. Cook Y N
Sen. D. Dever ✓
Sen. C. Triplett ✓

For the House:

3/30/05 Rep. G. Herbel Y N
Rep. N. Johnson ✓
Rep. L. Kaldar ✓

☒ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) 1265

☒ and place HB 1438 on the Seventh order.

☐ , adopt (further) amendments as follows, and place
_____ on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: 3/30/05

CARRIER: Rep. Herbel

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

HB 1438, as engrossed: Your conference committee (Sens. Cook, Dever, Triplett and Reps. Herbel, N. Johnson, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1265 and place HB 1438 on the Seventh order.

2005 TESTIMONY

HB 1438

My name is Curly Haugland, and I am testifying today in support of HB 1438 on behalf of Land Owner's Association of North Dakota.

HB 1438 simply repeals Chapter 40-01.1 of the NDCC.

In order to understand the merits of doing so, it is important to know the origin of this chapter.

In 1993, the legislature passed a bill, a massive 81 page effort, euphemistically called the "Tool Chest" bill.

This bill was the culmination of a substantial process jointly undertaken by NDSU Extension Service and the North Dakota Consensus Council.

This chapter of the "Tool Chest" bill, mandates, as the title of the chapter indicates, "Local Governance Advisory Study".

These extra-governmental committees are required to be convened every 5 years beginning in 1998 and continuing indefinitely (or until this bill passes).

A review of the handout you have before you will provide a more complete picture of the history of the "Tool Chest".

I will review that material with you now.

With that, I conclude my testimony in support of HB 1438

Thank you for your consideration.



Building the Future of Local Government in North Dakota

Summary of Community Meetings, 1992

Sponsored by: The North Dakota State University Extension Service
and The North Dakota Consensus Council

What We Heard the Second Time Around at Community Meetings on the Future Direction of Local Government in North Dakota

Last year, we listened in twelve Community Meetings to your thoughts about the values and direction for local government in North Dakota as you discussed the question: What do we want from local government?

Using those discussions as a guide, the Local Government Negotiation came to a fundamental conclusion about our future: It is better for local people to decide how their local governments should be structured to best serve the needs of the community.

Local leaders and citizens have the leading role in decisions about the renovation of their local governments. The state has the supportive role of providing statutory tools so that local government structure and processes can be discussed, designed, and implemented at the local level.

With this recognition of state and local roles, the Negotiation drafted "Blueprints" and a "Tool Chest" for the future structural renovation of local government. Blueprints are images of future local government structure. The Tool Chest symbolizes statutory tools that will allow citizens to tailor their government to local needs and resources.

The Negotiation took the draft Blueprints and Tool Chest to Community Meetings in the fall of 1992 at Bismarck, Devils Lake, Dickinson, Hettinger, Jamestown, Lisbon, Minot, Napoleon, Rugby, and Williston. The meetings were jointly sponsored with the North Dakota State University Extension Service.

he Community Meetings

In this second round of Community Meetings, 293 North Dakotans participated. They represented 31 counties and 66 cities. Neighbors joined small

group discussions to talk about the structure and processes of their local governments.

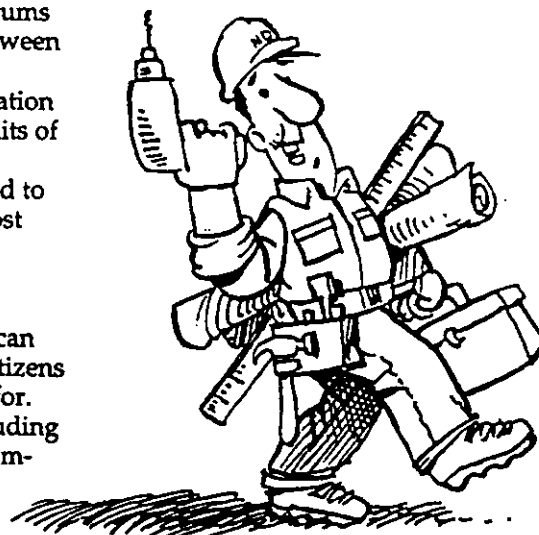
Signs of Need for Renovation

Citizens identified signs that should encourage leaders and citizens to explore ways to renovate the structure of their local government. Rather than reflecting negatively on how things have been done or are done now, the signs point out a common need to address future issues in light of varying social and economic circumstances among North Dakota communities.

These signs include:

- The absence of a structure that will allow local government to respond effectively to increasingly complex responsibilities, technological innovation, and other changes.
- A lack of citizen involvement in the decision making process, as well as a lack of public forums or other conversations between citizens and leaders.
- The need for more cooperation or coordination among units of local government to avoid duplication of services, and to provide services in the most effective way.
- An environment of citizen demands for services that exceed what government can provide, and what local citizens are able or willing to pay for.
- An exodus of people, including young people, from the community.
- Excessive community debt or tax burden.
- Reduction of basic public services, or the deterioration of infrastructure.

"It is better for local people to decide how their local governments should be structured to best serve the needs of the community."



Regional Vitality

NORTHWEST AREA FOUNDATION

1993 ANNUAL REPORT

Grants Appropriated Under Prior Programs

REGIONAL ECONOMIC DEVELOPMENT

Regional Capacity	Amount Appropriated	Amount Paid 1992-1993	Ending Balance 2/28/93
Alaska Public Radio Network Anchorage, Alaska Additional support for National Native News, a daily national radio newscast and feature service covering Native American issues.	\$150,000 (FY 90-91)	\$50,000	
University of Iowa Public Policy Center Iowa City, Iowa For research on public policy dissemination activities.	346,024 (FY 88-89)	43,250	
Minnesota Newspaper Foundation St. Paul, Minnesota To enhance public affairs reporting in small towns by creating a news bank of public issues information.	46,955 (FY 90-91)	8,905	
Montana State University Local Government Center Bozeman, Montana To establish the Montana Local Government Policy Center and the Montana Local Govern- ment Policy Council.	393,000 (FY 90-91)	131,000	
North Dakota Consensus Council Bismarck, North Dakota To reorganize government at all levels in North Dakota.	600,000 (FY 90-91)	100,000	
*Partnership for Democracy Washington, D.C. To expand the Partnership for Democracy's technical and financial management assist- ance to community-based organizations that serve disadvantaged people in the Northwest.	387,614 (FY 91-92)	13,898	\$241,377
Prairie Public Broadcasting Fargo, North Dakota To launch and help underwrite the "Prairie News Journal" on Prairie Public Television.	100,000 (FY 89-90)	50,000	
Rapid City Foundation Rapid City, South Dakota To create a human services resource center at the Rapid City Foundation.	205,000 (FY 89-90)	27,500	

*CANCELED

Dick Gross wanted to take advantage of an opportunity to participate in a state Policy Academy on rural economic and community development, which was sponsored by the Council of Governors' Policy Advisors. Although the state was interested in participating, it lacked the funds to commit to the effort (primarily for travel and meeting costs).

The state applied to the Northwest Area Foundation for a \$21,000 grant to fund participation in the Rural Development Academy. Their receipt of this grant helped make the North Dakota application competitive with other states applying to participate in the Policy Academy. According to Terry Saario, while the foundation would refuse to fund a government staff position for policy planning, they were willing to provide a small grant to augment the governor's public policy planning efforts. They also viewed the grant as yet another tile in their mosaic of economic development grants in North Dakota.

Also in 1989, the North Dakota Legislature passed increases in three taxes — sales, gasoline, and income. The citizens of the state "referred" the tax increases, by petition, to a vote of the people, and on December 5, 1989, they were all soundly defeated. This was a traumatic event for the state, particularly because the passage of the tax plan was a bipartisan effort supported by the governor. It was regarded, in effect, as a taxpayer revolt and an indication that the citizens had lost confidence in North Dakota state government.

The governor's office concluded that if North Dakotans were unwilling to pay more taxes to fund service delivery, government had to figure out a way to deliver services differently. Governor Sinner met with the Greater North Dakota Association's leadership to discuss what to do. With the citizens of the state so at odds with the political leadership, it seemed clear that there was no consensus concerning government structure and services. It was also clear that, with the rejection of tax increases, there were no state funds available to create a mechanism to develop a statewide consensus for governance.

In January 1990, Governor Sinner, on behalf of the state of North Dakota, applied to participate in the CGPA Policy Academy on Rural Community and Economic Development. Ten states, including North Dakota, were selected on a competitive basis to participate. The first academy session was held in early May; the second in mid-July. In addition to those sessions, academy team members — drawn from the highest ranks of North Dakota's state government and business community — met frequently to map out a rural development strategy for the state.

In the spring of 1990, both the Vision 2000 Committee and the Rural Development Academy team released reports to the people of North Dakota regarding new economic development strategies. According to Chuck Fleming, Governor Sinner's Chief of Staff and leader of the North Dakota Rural Academy Team, the governor felt that it was counterproductive to have the business community and the public sector working on separate initiatives in economic development. To develop and implement a comprehensive eco-

nomic development legislative program, the governor created the "Committee of 34" with members from various economic development-related entities, including eleven members of the Rural Academy team and four members from Vision 2000.

The Committee of 34, relying heavily on the input of the Rural Academy and Vision 2000, crafted a comprehensive legislative agenda for the state. While building on existing programs, the plan also called for any necessary sweeping changes, which were designed to have a real impact on the state's economy. The Committee of 34's agenda had eleven main points:

- maximize the use of profits of the state-created Bank of North Dakota for economic expansion;
- enhance the capabilities of the North Dakota Economic Development Commission;
- create a primary sector development fund to be used for unconventional financing to expand the economy;
- develop a science and technology corporation to tap the resources of higher education and link it to the state economic development delivery system;
- revitalize the agriculture industry through diversification;
- develop capacity-building for economic development at the local level;
- deliver a strong local community economic development education program;
- create a targeted recruitment program for new business;
- enhance minority business development;
- create business development opportunities for women;
- develop entrepreneurship awareness programs for bankers.

This \$21 million legislative agenda, referred to as the "Growing North Dakota" initiative, was passed generally intact by the North Dakota Legislature in April 1991.

THE NORTH DAKOTA CONSENSUS COUNCIL

Governor Sinner thought that it would be helpful, at this point, to discuss the state's plans for building consensus and enhancing quality in state government with a trustworthy representative from a private foundation who could be relied upon to give the state some direction in how best to approach other foundations for support. Dick Gross, the governor's legal counsel, arranged a meeting between Terry Saario of the Northwest Area Foundation, Governor Sinner, and Chuck Fleming, the governor's chief of staff. Saario flew to North Dakota and spent the day discussing what the state could do differently, and which policy changes would be required. According to Fleming, "We concluded that we needed to do a lot of things better — redeliver education,

handle the administration of services better, rethink the executive branch." Saario made it clear that, although the foundation was interested in aiding the state, it was unwilling to make a grant to the governor's office. She encouraged them to create a broad-based group that could build consensus for change, and, after that had been accomplished, to submit a proposal to the foundation.

In early February of 1990, a broad-based consortium called the Coordinating Council for Consensus was established. Members included the Office of the Governor, Greater North Dakota Association, North Dakota Association of Rural Electric Cooperatives, North Dakota AFL-CIO, North Dakota legislative leadership, and the North Dakota judicial system. The Coordinating Council identified six major areas of government in North Dakota for consensus-building regarding structure and services for future leadership: public education; higher education; local government; and the executive, legislative, and judicial branches of state government. In April, the Northwest Area Foundation approved a \$600,000 grant for a five-year consensus-building process. In September 1990, the Coordinating Council established the North Dakota Consensus Council, Inc., which is a private nonprofit corporation, to continue its work.

The Consensus Council is uniquely structured to address major issues of importance to the governance of North Dakota. Some key factors include:

- The Trusteeship function of its Board: Board members act as trustees of the consensus process, not as approvers of specific issues of public policy or specific proposals generated by the process.
- Use of neutral, skilled leadership, such as the University of North Dakota Conflict Resolution Center, not political leaders, during the consensus-building process.
- Ability to move beyond agreement in principle to agreement on the actual implementing vehicle.
- Ability to act as a testing ground for various models to achieve consensus: request for comment model; blue ribbon commission model; negotiation model; "committee of sages" model.

The Consensus Council has initiated four of its six proposed consensus-building programs to date, two of which have been significantly completed. The *Education Action Commission*, whose goal was to develop basic principles for directing the future of public education in North Dakota, submitted a report to the 1991 legislative assembly and a schedule of legislation for implementation by each session of the assembly throughout the next decade. The 1991 proposed legislation included eleven bills to, among other things, establish state student performance standards and assessment methods, procedures for state intervention if schools fail to meet student performance standards, mandatory participatory decisionmaking plans for each school district, and incremental increased state funding for education

over the decade. Ten of those bills were embraced by individual legislators and introduced during the session. Of the ten, three were enacted: to authorize development of student performance standards and assessment methods requiring school districts to implement policies for participatory school decisionmaking by July 1, 1994; to initiate a significant effort in integrating education transportation services into comprehensive rural transportation systems; to provide for a legislative council study to examine redesigning the structure of the state's education administration, and possibly combining all the departments and boards charged with oversight of public education into a single department of state government by 2000.

The Judicial Branch Program of the Consensus Council was created to take advantage of an opportunity to consolidate county courts and district courts into a single trial court of general jurisdiction and reduce the number of state judges. Although the North Dakota Constitution had been modified to allow for this change, the functioning mechanism had not been specified. The council initiated a consensus-building process to meet this challenge through a written Request-for-Comment process. Documents reflecting possible consensus premises, criteria for legislation, and implementation chronology were distributed widely within the legal system, as well as to county and state government officials for comment. Based upon responses, revisions were made to reflect an emerging consensus, and a draft bill was developed and circulated for further discussion and comment.

As a result of this process, in April 1991, the Legislative Assembly passed a bill establishing a single trial court of general jurisdiction in North Dakota and a plan for reducing the number of judgeships by 20 percent over the decade ending January 1, 2001. According to Larry Spears, executive director of the Consensus Council, while the state had been trying unsuccessfully to address the issue of judicial reform for over fourteen years, their judicial branch program was passed by the legislature on the first try because "It allowed for change without carnage. You can create consensus by allowing the implementation process to take place over time, toward a legislative goal, rather than insisting on an immediate consolidation and reduction in judgeships."

Spears believes that the Consensus Council has been successful to date because:

The processes have allowed for four basic things: the time necessary to accomplish change, prior determination of basic values, creation of a neutral and energetic forum, and nonpolitical leadership of the consensus processes. These elements have helped the Council make real changes in the real world. We have a five-year charge, and we don't want to spend that time having nice discussions that don't have any impact.

In the near future, the Consensus Council will undertake consensus processes in higher education and the executive branch of state government. As financial resources become available, the council will consider exposing other

Ready or not, it's time for vote on 'tool chest'

By declining to give strong support to the proposal of Sen. Tony Grindberg, R-Fargo, to study the form and substance of county government during the 1997-99 biennium, the legislative leadership is passing up a timely opportunity to address county government issues.

The Fargo senator secured passage of a study resolution in the 1997 session, but the Legislative Council has since declined to put the study on its own interim agenda. In fact, the proposal is somewhere in limbo, having been assigned not to a Legislative Council committee but to the advisory Commission on Intergovernmental Relations.

While the intergovernmental group has been active in years past, its viability is now in question. A bill is being drafted to abolish the commission in the 1999 session.

Given Legislative Council backing, the Grindberg proposal would have been particularly valuable during the present biennium, because — among other things — it would highlight a little-known election deadline facing all city and county governments in 1998.

After a study by the North Dakota Consensus Council, a privately funded think tank in Bismarck, a measure called the "tool chest" bill was passed by the 1993 Legislature, providing all sorts of new reorganization and sharing options for local governments.

The thrust of the legislation was citizen participation in the process and the formation of local

government planning groups to look at new ways for cities and counties to do business. It was hoped these local citizen groups would generate a flurry of innovative activities.



Lloyd Omdahl

While the tool chest law focused on voluntary action by cities and counties, it also provided a gun behind the door. Any city or county that failed to form a study committee within five years of passage of the law would be required to put the question of formation of such a committee on the first election thereafter. That will occur in the general election of November 1998.

Most cities and counties have not sponsored study committees as proposed in the tool chest bill. That means they will be faced with the question on the ballot whether they want one or not.

Because the upcoming deadline involves several hundred local governments, a committee working on the Grindberg proposal could have served at least two valuable purposes.

In the first place, it could have fulfilled the Legislature's oversight responsibility to see how well the 1993 legislation is being implemented. At this point, we have no information on the number of citizen groups created or what they have been able to achieve.

Also, a Legislative Council committee inquiry would have indicated to cities and counties that the Legislature considered the upcoming 1998 deadline as something of significance. It would have stimulated considerable action during the remaining 16 months before the mandatory election.

Failure of the council to respond to the Grindberg proposal is reflective of the haphazard style that has dominated legislative-local government relations.

A few years ago, the Legislature seemed to have reached a new long-term commitment to local government by creating the advisory Commission on Intergovernmental Relations to serve as a clearinghouse for local governments. Now it is marked for extinction.

A survey conducted earlier this year revealed considerable interest in innovation on the part of county officials. With the biennium just beginning, it still isn't too late for the Legislative Council to pick up the ball.

(Lloyd Omdahl is a former North Dakota lieutenant governor. His column appears on Sundays in the Tribune.)

Outraged by 'tool chest'

DON HANNU, Mandan 3-22-97

What is wrong with the members of the state House? Do you people consider yourselves so superior to the rest of us that you think only you have the ability to decide what happens to all the rest of us?

To vote for the "tool chest" bill is the stupidest thing you have ever done. This is one more step to the erosion of our freedoms, which have already been so greatly eroded under the Clinton administration.

This tool chest bill was drafted by the most extremist socialist organization North Dakota has ever had, the North Dakota Consensus Council. This group is funded by yet more extreme and avowed socialists, the Northwest Area Foundation. Like all socialist entities, to follow this type of socialist thinking to its logical conclusion, then who needs you senators and representatives? Let's just have a king-governor-dictator-divine ruler, or whatever you want to call him, and he will make all of the decisions.

If you representatives do not want the people to have any say in the election process, as is evident when you voted for the tool chest bill, then who needs you?

The tool chest bill, as it was drafted by the North Dakota Consensus Council, has nothing to do with "tools" to do things with or "streamlining" government. It is about an outrageous grab for power by a few people and elimination of the people's say in the officials they elect. This is lousy, stinking socialism at its worst, and if you can tell by the tone of this letter I am mad at the representatives who continue to let this bill stand, you got it.

Advisory study process gets assistance

Cooperative effort develops three phase roll-out plan to aid counties in study process

Terry Traylor
Assistant Executive Director

Through the joint efforts of the North Dakota Association of Counties; a consulting firm, NDSU Extension Service, USDA Rural Development, and the League of North Dakota Cities; a Three Phase process has been proposed for the serious examination of a local government's service needs, current resources, and the structure and governance options available for service delivery into the next century.

Due to 1993 tool chest legislation, counties are required to complete an advisory study or pose the question to voters every five years. Counties that have not done a study as of yet must decide whether to start the process or put it to voters in 1998. A survey by the NDACo found that 14 counties have or will be appointing a study group, 13 have elected to place it on the ballot, one has already completed the process, and the remaining counties are undecided at this time.

Some counties forming advisory committees were requesting guidance in the beginning stages of the process. Because of this, specialized staff and consultants have been assembled, through the cooperative efforts of the previously mentioned groups, to assist local committees in the implementation of this process. The process has been designed to be timely, low cost, and non-directive—by which we mean those staff and consultants involved will facilitate, educate, and communicate; but will not suggest solutions, strategies, or outcomes.

The three phases are briefly described below:

Phase I: Presentations in Preparation for Advisory Study Processes

A consultant will spend four hours with the Advisory Committee, governing boards, and appropriate community stakeholders to present demographic, service, financial, and other key data in a rapid, but county-specific format. This presentation will

throughout the State will be shared. The participants will then be given several very basic considerations for discussion and the meeting will be closed with a consensus about whether it is appropriate for the advisory committee to continue with Phase II, or if the recommendation of the committee should be "no change." If continuation is planned, the make-up of an expanded Phase II committee will be discussed.

Phase II: Facilitation of Advisory Study Processes

If the consensus recommendation is to proceed, a second meeting will

be scheduled two to four weeks after the first. This will involve a trained facilitator from NDSU Extension or USDA Rural Development, who will work with the Advisory Committee and other key stakeholders to process the information from Phase I, identify the objectives, and develop an action plan that can become the Advisory Committee's recommendation to the governing board. This Phase may involve one or two days of meetings, depending upon the scope of study selected by the advisory committee.

Phase III: Implementation of Advisory Study Process Recommendations

If the governing board agrees with the Advisory Committee's recommendations, the next phase will be more long-term and county specific. Depending upon the county's objectives, the resources needed to implement certain recommendations may include the State's Attorney, outside legal counsel, or consultants to work with and help in the implementation of the recommendations.

See Advisory Study, pg. 3

Jan/Feb
1998

Advisory Study, from pg. 1

this phase in their planning, the team assembled for Phase I and II, may only act as a reference source, or provide guidance by phone and fax.

To bring the staff and consultants together for Phase I and II will cost NDACo, NDSU, and USDA, on the average, about \$3,000 per county. Due to the importance of this process to the future of county government, these agencies are dedicating 90 percent of the staff and financial resources necessary to bring these people to every interested local government. It will be the responsibility

of each interested county, or other unit of local government, to contribute \$300 towards the effort. Those that desire to access the resources discussed, should identify several possible dates for a Phase I meeting (Saturdays are suggested) and contact NDACo as soon as possible. If a large number of communities request this assistance, it may be necessary to operate on a first come-first served basis. All arrangements for appropriate meeting rooms are the responsibility of the local officials.

Phase I: Presentations in Preparation for Advisory Study Processes

A consultant will spend four hours with the Advisory Committee, governing boards, and appropriate community stakeholders to present demographic, service, financial, and other key data in a rapid, but county-specific format. This presentation will provide the background information for preliminary decision-making and future planning. A very brief overview of the governance options available and some of those implemented

recommendations made in the chapters on education, strengthening communities, and natural resources in *Sustainable America*.

Task Force Initiatives

Joint Center for Sustainable Communities (JCSC)

The JCSC was proposed by the National Association of Counties and U.S. Conference of Mayors and supported by the President upon his receipt of *Sustainable America*. While many people and institutions have the power to affect decisions made in America's cities and counties, local elected officials and local governments play a central role. Not only do mayors and county commissioners determine local policy, they also govern the use of state and federal funds and help to spearhead local coalitions that are the foundation of many sustainable development initiatives. Many elected officials are eager to lead in developing a new kind of governance that will emphasize collaborative partnerships and leverage scarce public resources to address local economic, environmental, and social equity challenges.

To address the unique needs of local elected and appointed officials in promoting sustainable development, the National Association of Counties (NACo) and the U.S. Conference of Mayors (USCM), with assistance from the Council, have established the Joint Center for Sustainable Communities (JCSC). Initial funding has been provided by the Environmental Protection Agency, the Department of Commerce, and the Department of Energy. To fully support the JCSC, federal funding will have to be followed by comparable support from the private sector and foundations.

The mission of the JCSC is to provide local elected officials with assistance in using the tools necessary to building sustainable communities. To that end, the JCSC will provide technical assistance, training, sustainable development literature and materials, and funding toward community visioning or collaborative planning. While the JCSC will not be a repository of all relevant information on sustainable development, it will act as a catalyst to help local government officials find solutions to problems facing their communities. The JCSC's work will be grounded in the understanding that many organizations, institutions, and government agencies are currently involved in sustainable development implementation. The JCSC will refine its agenda to ensure that its initiatives add value and are coordinated with existing programs.

To ensure the input and involvement of the private sector, community groups; local, state, and federal government; environmental organizations; and others, the JCSC will establish an Advisory Board made up of representatives from these groups. The Advisory Board will provide advice regarding the development and implementation of JCSC programs and activities.

The JCSC will provide local elected officials with advice, information, and financial support through the following types of programs.

Sustainable Community Initiatives

- Sustainable community grants will be awarded to cities and counties for local efforts to develop community-based strategies rooted in a collaborative process that includes citizens, business, non-profits, and other community stakeholders.
- Metropolitan compacts will develop strategies between cities and counties to create multi-jurisdictional partnerships and break down state and federal barriers to cost-efficient delivery of services.
- Annual sustainable community awards will recognize communities and their elected officials who have exhibited the principles of sustainable development through the successful implementation of one or more of the recommendations made in *Sustainable America*.

Technical Assistance

- Leadership training will be provided to local elected officials that is creative, collaborative in nature, and embraces the principles and processes of citizen participation.
- A peer exchange program will be conducted to match experienced elected officials and professional staff who have proven solutions with jurisdictions that need to solve specific problems.
- A catalogue of tools for initiating, leading, and implementing sustainable development efforts will be assembled.
- An information clearinghouse will disseminate examples of self-reliant community initiatives collected under peer-matching and tool development to relevant county, city, state, federal, private sector, non-profit, and academic organizations.

Community Policy and Educational Forums

- Policy analysis will be conducted through a series of public forums on both governmental and private sector policies that contribute to building healthy communities.
- Policy development will be based on information gathered from fora. Policy alternatives will be developed that integrate economic development with the preservation of ecosystems and natural resources and increased social equity. These policy choices will be made available to all relevant government, private sector, and non-profit interests.
- Education will be conducted through a national advertising and educational campaign designed to help local elected officials and private citizens understand the importance of locally-based community action in implementing sustainable development. This will include a national

The United States Conference of Mayors
and The National Association of Counties

Sustainable Communities

About the Joint Center

[View our Strategic Plan](#)

The **Joint Center for Sustainable Communities** represents an important collaboration between the **U.S. Conference of Mayors (USCM)** and the **National Association of Counties (NACo)** on behalf of our nation's communities. Its primary mission is to provide a forum for cities and counties to work together to develop long-term policies and programs that will lead to job growth, environmental stewardship and social equity -- the three pillars of sustainable communities. The Joint Center is helping local elected officials build sustainable communities by promoting community leadership initiatives, providing technical assistance and training, and conducting community policy and educational forums.

The **President's Council on Sustainable Development (PCSD)** concluded that flourishing communities are the foundation of a healthy society and called for greater local government partnerships in the building of sustainable communities. NACo and USCM, two leaders in furthering the advancement of communities, have taken up this challenge. In March 1996, President Clinton publicly announced his support for the Joint Center upon his receipt of the PCSD's landmark report, "Sustainable America."

The Joint Center is providing a framework for city and county efforts to improve upon and implement the PCSD's recommendations. It marks the first formal arrangement of its kind between the Conference of Mayors and the National Association of Counties. Through this historic arrangement, the Joint Center is combining the forces of the nation's 1,100 cities, represented by USCM, and the over 3,000 counties, represented by NACo, to promote the development of sustainable communities and to encourage the adoption of recommendations made in "Sustainable America" on such issues as brownfields redevelopment, job training, decreasing urban sprawl, extended product responsibility by the private sector, and natural resource protection.

The overall goal of the Joint Center is to provide local elected officials with assistance in using the policies and tools necessary for creating sustainable communities. In particular, local elected officials are interested in finding more cost-effective and comprehensive ways to address such issues as transportation management, brownfields revitalization, environmental protection, energy conservation, job training and public safety. To this end, the Joint Center is providing technical assistance, training, sustainable development literature and materials, and funding toward community visioning (or collaborative planning). While the Joint Center will not be a repository of all relevant information on sustainable development, it will act as a catalyst to help local government officials find solutions to problems facing their communities.

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Agenda 21

Agenda 21 is a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment.

Agenda 21, the [Rio Declaration on Environment and Development](#), and the [Statement of principles for the Sustainable Management of Forests](#) were adopted by more than 178 Governments at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992.

The Commission on Sustainable Development (CSD) was created in December 1992 to ensure effective follow-up of UNCED, to monitor and report on implementation of the agreements at the local, national, regional and international levels. It was agreed that a five year review of Earth Summit progress would be made in 1997 by the [United Nations General Assembly meeting in special session](#).

The full implementation of Agenda 21, the Programme for Further Implementation of Agenda 21 and the Commitments to the Rio principles, were strongly reaffirmed at the World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa from 26 August to 4 September 2002.

Agenda 21



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Guiding Principles for Sustainable Development Policy

Following are the guiding principals established by the Department in support of USDA's sustainable development initiatives related to Sustainable Forest Management, Sustainable Agriculture, and Sustainable Rural Community Development:

- **Sustainable Agriculture** — USDA supports the economic, environmental, and social sustainability of diverse food, fiber, agriculture, forest, and range systems.
- **Sustainable Forest Management** — USDA balances the goals of improved production and profitability, stewardship of natural resources and ecological systems, and enhancement of the vitality

area's future.

"Our ability to provide capital through the loan fund along with our community involvement with lighting projects, electrical work for nonprofit groups and sponsoring community events all add up to show how a small business like ours can make a big impact in the community," said Ahles.

"As we work with these folks and with people in state and local government, we find that there is a valuable role to play for the cooperative and in each community it will be a little bit different," said Ahles.

In western South Dakota, Black Hills Electric Cooperative in Custer offers similar community support. Its revolving loan fund has helped expansion of a historic museum, helped rebuild a family timber products business and has invested in land to foster development.

And, like other cooperatives, Black Hills Electric works in its members' interest.

"At Black Hills Electric we believe that, in most cases, the best way to improve the local economy is to keep rates as low as practical, offer the best service and reliability and return as much money as we can to the members who paid it...Remaining true to the cooperative mission may well be the most effective form of economic development any of us can offer," said manager Dan Hutt. ■

Electric Cooperatives' Contributions as Community Catalysts

*Community and Economic Development
1997-2001*

Business and Economic Development	\$10,850,309
Revolving Loan Funds	\$14,944,655
Civic and Community Development	\$418,975
Education	\$1,845,670
Housing	\$1,014,288
Energy Efficiency Programs	\$19,946,908
Charitable Contributions	\$809,449
Other	\$2,425,582

What Is LeadershipPlenty?

LeadershipPlenty is a training program designed by Charlottesville, Va.-based Pew Partnership for Civic Change and is designed to equip citizens to take civic action.

The program is designed to be flexible so that it can be adapted to local problem-solving priorities and leadership challenges.

The Northwest Area Foundation is using the LeadershipPlenty program as part of their Community Horizons project, which focuses on small, rural communities confronting economic and population decline. Four South Dakota communities—Isabel, Timber Lake, Dupree and Eureka—were among the initial communities selected to participate.

Among the South Dakota LeadershipPlenty partners are LeadershipPlenty South Dakota (a partnership of Avera Rural Health Institute, Sioux Falls; Central South Dakota Enhancement District, Pierre; East River Electric Power Cooperative, Madison; and South Dakota Rural Enterprise, Sioux Falls) and South Dakota State University Extension Service, Brookings, S.D., which participates through the Northwest Area Foundation. Among Minnesota partners are American Indian OIC, Center for Nonprofit Management and League of Women Voters of Minnesota, all in Minneapolis; and University of Minnesota Extension, Park Rapids. Additionally, two Minnesota-based groups are listed as regional/national partners: Minneapolis Neighborhood Revitalization Program, Minneapolis; and Northwest Area Foundation, St. Paul.

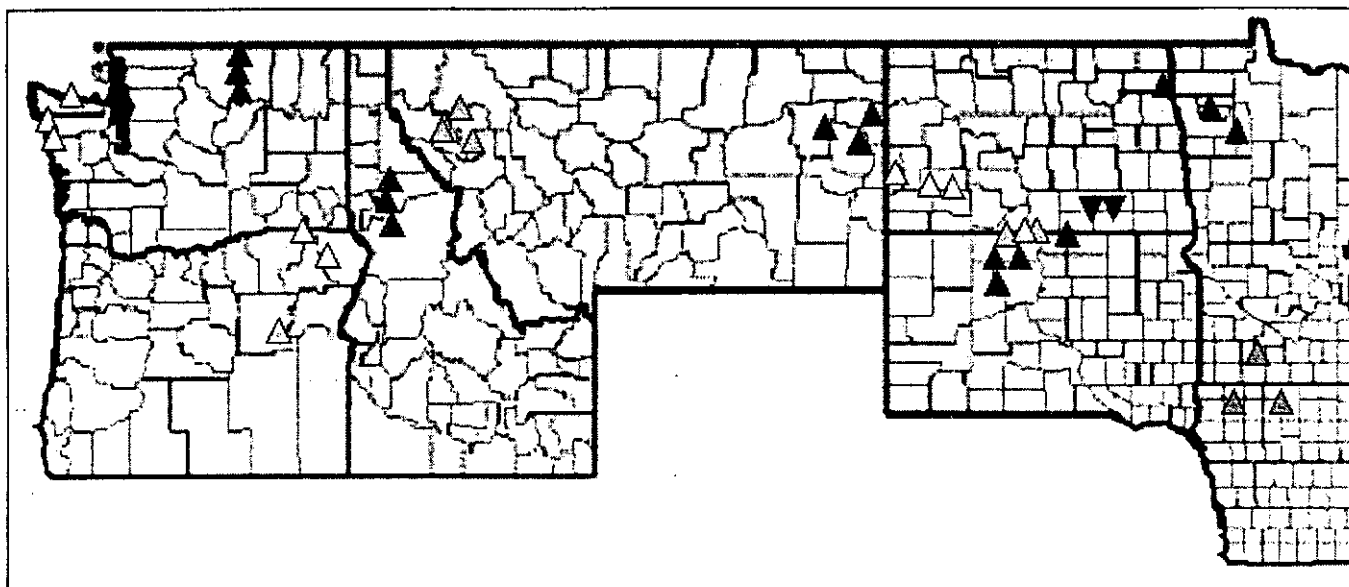
LeadershipPlenty South Dakota in Custer and Parkston is currently conducting demonstration programs. They anticipate roll out of a statewide program this summer. For more information on LeadershipPlenty South Dakota, contact Beth Davis, President of South Dakota Rural Enterprise Inc. and coordinator for LeadershipPlenty South Dakota at beth@sdrei.org.

The LeadershipPlenty program is guided by a set of core values and assumptions:

- People working together can solve problems in their communities.
- Effective long-term solutions to community problems demand that people with diverse perspectives of the problem, especially those people most affected by the problem, be involved in developing and implementing the solution.
- By working together on meaningful problem-solving activities, people build relationships that benefit the long-term health of the community.
- Working together creatively and respectfully through honest acknowledgment of self-interests is a better strategy to address problems than an "us" against "them" approach.
- Community problem-solving efforts should be inclusive. They are strengthened by engaging people of different backgrounds and life experiences.
- Learning is a lifelong activity. All individuals can learn new skills that will enhance their ability to participate in community problem solving. All individuals (including established leaders) can benefit from opportunities to develop and practice collaborative skills important to community problem solving.


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Horizons



△ Union, Elgin and Prairie City, OR

▲ Isabel, Timber Lake and Dupree, SD

▲ Ashley, Ellendale ND and Eureka, SD

▲ Hartley, Emmetsburg, IA and Jackson, MN

▲ Red Lake Falls, Bagley MN and Grafton ND

△ Hoh River Tribe, Elwha Klallam Tribe,
Quileute Tribe, WA

▲ Bridgeport, Omak, and T

▲ Circle, Sidney, and Glend

△ Beach, Regent, and Mott,

▲ Elk River, Kamiah, and C

△ Arlee, Hot Springs, Elmo

△ Bear Soldier/McLaughlin
Kenel, SD

Beach, Mott, and Regent, North Dakota:

"We believe that leadership is the key to rural development success and the reduction of poverty. Bringing great leadership and community involvement into our communities can mean only one thing - Success!! What an awesome opportunity we have! We are so excited to pool our ideas together and lead our communities out of fear and into a positive direction."

Bridgeport, Omak, and Tonasket, Washington:

"The application teams from Omak, Tonasket and Bridgeport worked closely together, pouring our hearts into this effort. We are thrilled to be selected, and excited about raising new leaders among us. Working and learning together will build ties that lead to stronger, healthier communities for us all."

Elk River, Kamiah, and Orofino, Idaho:

"The communities of Elk River, Kamiah, and Orofino greatly appreciate being accepted into the Northwest Area Foundation's Horizons Program. We are looking forward to enhancing partnerships and building collaboration in our region. We are excited about the Horizons Program and what we can learn from the program itself as well as what we can learn from each other. In working together for eighteen months, we will be able to create lasting relationships and gain knowledge from one another that our communities will be able to draw upon for the years to come."

Circle, Glendive, and Sidney, Montana:

"We are excited and honored to be chosen to participate in this prestigious program. As the population in eastern Montana continues to dwindle, current leaders are asked to do more and more with many approaching burnout. This grant will allow us to train and develop a new core of leaders to supplement our current leadership structure and ensure continued success and forward progress into the future."

Comments from Delivery Organizations

"WSU Extension is pleased to partner with the Northwest Area Foundation in fostering engagement and leadership capacity in rural Washington. Extension's sound history of working with communities combined with the commitment and enthusiasm of the Okanogan cluster of communities further enhances the opportunities for success"

Wayne H. Madson
Northeast District Director
Washington State University-CE Colville

"Horizons is a big opportunity for people in small towns to come together. It's also a much needed chance for the University of Idaho to build our capacity to better serve rural communities around the state."

Priscilla Salant
Dept of Agricultural Economics and Rural Sociology
University of Idaho

"We appreciate the partnership with the Northwest Area Foundation. This partnership strengthens our ability to work with local communities to build leadership capacity and reduce poverty. In addition to reducing poverty, we also want to build adult and youth partnerships that will encourage more youth to return to rural communities after college."

Duane Hauck
Interim Director
North Dakota State University Extension Service

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Overview

Increasing human population and resulting consumption are placing extreme pressures on our natural resources and the environment. We rely on these resources to grow food, make a living, and keep our air and water clean. Future generations may be at risk of losing this vast source of economic security, quality of life, and environmental stability if we don't find ways to develop in a more sustainable manner. CSREES aims to incorporate sustainability concepts and principles into the policies, practices, and programs of the Land-Grant University System so that everyone may benefit from sound sustainable development in the United States.

[See all...](#)

In Focus

- The CSREES Science for Sustainability Working Group is made up of national program leaders who integrate sustainability concepts into their programs.
- The CSREES Sustainable Development Program has determined a number of strategies for advancing sustainability, 2004 goals, and recent accomplishments.
- The USDA Council on Sustainable Development includes CSREES and many other USDA agencies.
- CSREES coordinates USDA participation in the WSSD Partnership My Community, Our Earth, led by the U.S. Department of State.
- CSREES has a research, education, and extension role to play in meeting the 2002 United Nations Millennium Development Goals.
- CSREES is actively involved in implementing the recommendations of the 2002 World Summit on Sustainable Development (WSSD).

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Funding

- Geospatial Extension Specialists, NRI
- Managed Ecosystems, NRI
- Sustainable Agriculture Research and Education

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Partnerships

- The Center for a Sustainable Future partners with CSREES to promote a sustainable development extension network.
- My Community, Our Earth (MyCOE): Geographic Learning for

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Debate over how to manage the effects of a growing economy on our environment and quality of life is often complex and contentious, with capable and intelligent leaders coming down on all sides and with few safe places to talk to one another. At the Great Plains Institute, we harness the creative power of cooperation by bringing together key public and private leaders from across the northern plains to accelerate progress on critical development issues.

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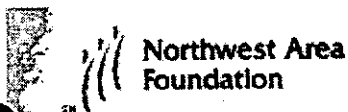
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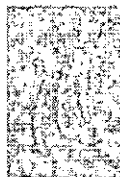
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Carolyn Nelson, Vice Chair, Fargo, ND. Carolyn is a retired senior lecturer in mathematics at North Dakota State University, a Democratic member of the North Dakota State Senate, Democratic Caucus Chairman and member of the Judiciary, Government and Veterans Affairs Committees.

Barry Vickrey, Treasurer, Vermillion, SD. Barry is the Dean of the School of Law at the University of South Dakota. Prior to his current position, Barry was the Associate Dean of the School of Law at the University of North Dakota. He is involved in education and natural resource issues.

Dale O. Anderson, Bismarck, ND. Dale is the former President of the Greater North Dakota Association (GNDA), the statewide chamber of commerce. In this capacity, he served as a key spokesperson for the business community.

Gereld F. Gerntholz, Valley City, ND. Gereld is a farmer and served as a Republican member of the North Dakota House of Representatives, where he served as chair of the Government Operations Division of the Appropriations Committee.

Dennis Hill, Bismarck, ND. Dennis is the Executive Vice-President and General Manager of the North Dakota Association of Rural Electric Cooperatives. Through his work, he oversees the largest membership organization in rural ND.

Christine Hogan, Bismarck, ND. Christine is the Executive Director of the State Bar Association of North Dakota and a Committee Chair of the North Dakota Judicial system. She is a spokesperson for the legal community.

David L. Kemnitz, Mandan, ND. David is the President and Chief Executive Officer of the statewide American Federation of Labor-Congress of Industrial Organizations (AFL/CIO). He is the leading spokesperson for labor interests.

Jerry L. Nagel, Crookston, MN. Jerry Nagel is President of the Northern Great Plains Initiative for Rural Development, and President of the Red River Trade Corridor, Inc, a non-profit organization serving businesses and economic development organizations in the United States and Canada. He has background in economic development at the local, state and national levels.

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Collaborative Leadership

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Collaborative Leadership

Leadership is one of the indisputable ingredients of successful communities, large and small. While there is consensus about the necessity of leadership, there is widespread disagreement about the definition of leadership and how to develop it. However, leadership is not simply an issue of definition or training. The leadership challenge for every community is one of civic will.

Collaborative leadership is the point at which the "Responsibles" bring together their time, assets, and commitment to tackle the most difficult issues in our society together.

- Collaborative leaders must inspire commitment and action by catalyzing, convening, energizing, and facilitating others to create visions and solve problems.
- Collaborative leaders lead as peer problem-solvers by helping groups create visions and solve problems but not by making the decisions and doing the work for the group.
- Collaborative leaders take responsibility for building broad-based involvement of the appropriate community of interests.
- Collaborative leaders sustain hope and participation by valuing all participation and input and by helping set incremental and obtainable goals and celebrations along the way (Chrislip and Larson).

Leadership for the new millennium will look and act differently. No longer can communities allow a few to govern or lead; rather the demands of our evolving society will require that leadership be a plaza not a pyramid. Will this shift be easy? Probably not. But in those communities that have achieved economic success through joint efforts, the community table for leadership will only get bigger.

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**Testimony To The
HOUSE POLITICAL SUBDIVISIONS COMMITTEE
Prepared January 27, 2005 by the
North Dakota Association of Counties**

CONCERNING HOUSE BILL 1438

Chapter 40-01.1 of the North Dakota Century Code was passed by the Legislature in 1993, and subsequently became effective on August 1, 1993. It contains the only legislative mandate in a large number of statutory changes, enacted that year throughout the Century Code, that have collectively been termed the "Tool Chest" for local government.

The mandate of 40-01.1 is, very simply, the requirement to appoint an advisory committee to study county government, or to place a question on the ballot asking the voters if they would like a committee appointed. If, in the last five years, the ballot question has not been voted on, or a committee has not issued recommendations to the governing board; the county auditor is required to place the question on the ballot for the next regular election. City government is also subject to this requirement and in some locations a single committee has served the county and one or more cities within the county.

The Legislative history suggests that this particular provision was specifically discussed, and that the "need" to push local government into self-examination was acknowledged by Legislators.

The Advisory Commission on Intergovernmental Relations requested that the Association of Counties monitor the counties' implementation of this chapter through the first 5-year cycle. By 1998, NDACo had learned that 30 counties appointed committees prior to the first 5-year "time limit", and the remaining 23 planned to vote on the issue that fall. Only a handful of counties appointed committees as a result of a positive election result. Those counties that subsequently established Advisory Committees were asked to summarize their results to include in NDACo's report to the ACIR. A summary of those reports is attached to this report.

While not all changes to county offices have been prompted Advisory Committee's, this and other "tool chest" legislation has contributed to dramatic changes in county structures – as depicted on the last page of this handout.

Summary of selected Advisory Study Processes Conducted by Counties

Barnes County

- Phase I Report
- Meeting Date: March 29, 1998
- Present: 5 Barnes County Commissioners; County Auditor; several county officials and a few interested citizens from the county
- Suggested holding meetings in communities throughout the county to gather input.
- Valley City Winter Show to gather priority recommendations from Barnes County residents
- No decision was made for Phase II, it is believed that the commission will appoint a committee to work on recommendations (Subsequently placed on ballot and failed)

Benson County

- Phase I Report
- Meeting Date: April 26, 1998
- Present: One Benson County Commissioner; Auditor; Treasurer; and other local officials; Representatives from ND Ext Service and Office of Rural Development
- List of Strengths, weaknesses and vision of Benson County
- Benson County will appoint a committee to review combining offices and entering into other joint agreements with other political subdivisions, that committee will also make recommendations about what course to take in the future in the terms of studies and/or other potential agreement areas to explore.
- Phase II Benson County Task Force Report
- Meeting Date: July 21, 1998
- Present: Not listed
- Goals: provide local access to services, provide full-time employment, increase revenue to the county, and provide benefits for both full time and part-time employees
- Combine county/city auditor positions
- Combine city and county law enforcement, having deputies stationed in small communities
- Job sharing for county/city employees which allow benefits
- Group insurance for farmers
- Bring in industry that pays higher wage
- Utilizing empty buildings
- Benson County Job Authority could assist feasible studies/improve bus service
- Health services – district
- Telecommunications training
- Establish an incubation centers – Maddock

Billings County

- Phase I Report
- Meeting Date: May 3rd, 1998
- Present: County Auditor; June Kraft; NDSU's Ext Service; Several other county employees Note: there were not commissioners present Billings has already appointed a committee and this meeting was for other interested citizens
- While Billings county's population is fairly stable, those remaining are older, and the education level of those staying in the County has increased significantly. The number of farms and ranches continues to decline and the average size is increasing. The average age of farmers is 50, the same as the statewide average. Economically, Billings County appears to be stronger than surrounding counties, other than Stark, as sales in the past few years have increased faster than inflation and the number of businesses in the County has remained fairly constant.
- August 10th Report
- Vision is to maintain its independent identity, while welcoming economic development and to continue to emphasize their natural beauty and natural resources. They will also keep the schools and residents competitive through technology.

- Proposed Goals
 1. Improve business opportunities through zoning laws that promote and encourage business
 2. Maintain identity
 3. Maintain public and private land use for local economy through zoning laws, and Billings County land use plan
 4. Encourage strong leadership and participation in county and civic affairs
 5. Pool county resources to maximize efficiency
 6. Promote technology for advancement of schools, businesses, and individuals
- Phase II
- Meeting Date: June 26, 1998
- Present: Anita Kessel; Sandy Baertsch; Ron Krush; Jerry Redmond; Roger Myers; Mary Griffin; Mary Schneider; Darlene Mitchell; Olie Golberg; John Lazorenko; don Heiser; Dave Jurgens Pat Rummel; Philip Malkowski; Wesley Schuhrke; Jay Brovold; Roy Krivoruchka
- Issues Identified

<ol style="list-style-type: none"> 1. Consolidation – Counties having to go into districts 2. Zoning 3. Losing local control 4. Representation at state level 5. Maintain services without raising taxes 6. Declining oil revenue 7. Tourism costs 8. Less restriction on creation of expanding of businesses 9. Lack of housing 	<ol style="list-style-type: none"> 10. Jobs for the young 11. Necessity to raise grazing fees 12. Declining population affects everything 13. Lack of employment opportunities 14. Low population 15. County records moving to a decided seat 16. Discussing Home Rule 17. Contract Services 18. Land locked
---	---
- Phase II Meeting
- Meeting Date: June 30, 1998
- Present: Anita Kessel; Sandy Baertsch; Ron Krush; Jerry Redmond; Roger Myers; Mary Griffin; Mary Schneider
- Action Plan
 1. City and county zoning boards can have public forums to educate the public in regards to the zoning process and how it works
 2. County commissioners will send the letter to the Association of Counties and will try to maintain the financial resources that are available
 3. Use the established committees for the land use plan so all people are informed on land management decisions

Burleigh County

- Presentation Report
- Meeting Date February 9, 1998
- Present: 4 Burleigh County Commissioners; several county officials
- Commissioners concluded that they would like to have a re-presentation on a Saturday with more public notice. The topic would be to discuss whether to put the matter to a vote of the people or to establish sub-committees from the general public to review various options available to the county under the Constitution and the Tool Chest Statute.
- Second Presentation Report
- Meeting Date: April 16, 1998
- Present: 3 of 5 Commissioners, several county officials and several county employees
- No decision was made at this meeting about the next step

Dunn County

- Presentation Report
- Meeting Date: April 4, 1998
- Present: 2 Commissioners; Auditor of Killdeer; Mayor of Dunn Center and interested citizens from Dunn County
- It was suggested to hold meetings in communities throughout the County to gather input
- April 21, 1998 Phase II

- Present: John Combs; Robert D. Binek; Margaret Senger; Reinhard Hauck, Commissioner; Tim Stroh; Jane Erickson; Mayor Allen Roll of Dunn Center; City Councilman Gust Mittelstedt; Commissioner Orris Bang; Josh Dohrmann; Terry Fredericks; Bobbi Kukla.
- Vision Statement: Dunn County will be a thriving county with an increase in business and population while maintaining the values of freedom, safety, family and environment.
- Goals
 1. Create appealing business atmosphere
 2. Develop and train new leaders
 3. Keep the population of Dunn County and stop out migration
- Action Plans
 1. Establish an economic developer or jobs development authority for Dunn County
 - a. Development of tax dollars
 - b. Look at joint arrangements between cities, county, state and possibly CAM Incorporated
 2. Develop a County Management Team
 - a. Team to consist of 2 individuals per community, not necessarily elected officials
 - b. Meet monthly or a team feels is necessary to discuss issues relating to county and communities

McIntosh County

- Advisory Study Committee Report
- Meeting Date: July 7, 1998
- Committee Members: LaVern Blinsky, Wishek City Councilman; LuElla Blumhardt, County Auditor; Terry Elhard, States Attorney; Roger Klifel, Commissioner; Ron Meidinger, Commissioner; Ervin Miller, Lehr resident; Leonard Roeszler, Ashley resident; Bill Wald, Commissioner; and Ray Wolf, Mayor of Zeeland
- State mandated consolidation is a major threat to the survival of the cities in McIntosh County. Very often, consolidation has proven to cost more money to taxpayers with the result of less service. Too often taxpayers pay more for less because the legislature has forced us to change.

McKenzie County

- Presentation Report
- Meeting Date: July 8, 1998
- Present: Kathleen Tweeten, ND Ext.; Billy Bolken, Watford City Mayor; David Drov Dahl, USDA-RD; Bill Goetz, Governors Office; Wayne Sanstend, State Supt.; Tom Decker, School Finance Director; Roger Chinn, Commissioner; Morris Cross, Commissioner; Jane Sanford, McKenzie County School District; Dale Naze NDSU Ext.; Daryl Vance, McKenzie Co. Dist 1; Sean Pitman, Williston Herald; Daryl Flagen, Yellowstone School Dist #14; Wayne Sanford; Dave Johnson City Engineer; Murray Kline Supt; Nancy Wisness, Supt Int. of Schools; Florence Ross, Alex H.S.; Mark Johnson, Assn. Of Counties; Sherman Sylling McKenzie PSD #1; Dennis Fortten, Alex HS.
- Roger Chinn accepted responsibility of being the focal point for groups interested in continuing the study process

Ramsey County

- Phase I Presentation Report
- Meeting Date: February 4, 1998
- Present: Ramsey County Commissioners; Commissioners from Benson, Pembina and Cavalier Counties; Many county officials from Ramsey and other counties.
- Phase II Presentation Report
- Kathy Tweeten and Don Warren co-facilitated the group
- Goal: Maintain Ramsey County as holistic and proactive, sustainable, continue to provide needed services to the taxpayers and keep quality of life
- Some Issues Identified: Low county salary; maintain tax base; maintain education; roads; water; loss of schools; underemployment; streamline local government

Renville County

- Presentation Report
- Meeting Date: April 18, 1998
- Renville had already appointed a committee. This meeting was for other interested citizens
- While Renville is losing population and those remaining are older, the education level of those staying in the county has increased significantly. Recently there has been a sharp decrease in the number of County residents living below the federal poverty level, but the number of farms continues to decline and the average size of farms is increasing and the average age of the farmers is also increasing.
- We have not other record of further meetings or conclusions or solutions

Richland County

- Local Advisory Study Report
- Meeting Date: May 19, 1998
- Recommendations are as follows:
- County Commission to educate themselves further with the Richland County Home Rule Charter
- Commission will continue in its executive position with information, research and recommendations brought forward by key department heads for final decisions

Rolette County

- Presentation Report
- Meeting Date: February 21, 1998
- Present: All commissioners; County Auditor; Deputy Auditor; a State Senator and other elected County officials
- Commission appointed a 5 member study commission
- The video "Building CommUNITY in North Dakota" was viewed to help the group focus on the task ahead
- No record of follow up meetings

Sheridan County

- Phase I Presentation Report
- Meeting Date: March 21, 1998
- Present: 3 Commissioners; Auditor; Deputy Sheriff; Treasurer; Tax Director, McClusky City Council Member; Mayor of McClusky; one person from Social Services and a representative from Rural Development
- Recommended to hold meetings throughout communities in the County to gather input
- An informal meeting was held to discuss the implementation of Step II, no decision was made on a meeting time or date
- April 7, 1998 Local Advisory Committee Meeting
- Present: Tom Sauter, Armin Erdmann, Byron Zingg and Arlo Dockter
- Absent: Bonita Kluck
- A recommendation of "No Change" is necessary at this time in the county government services and that they would meet again at a later date if there is a need to change services

Sargent County

- Local Advisory Committee
- Meeting Date: April 21, 1998
- Present: Earl Anderson, Jr., Dist 1; Harrison McCleery, Dist 2; Rick Hoistad, Dist 3; Dan Delahoyde, Dist 4; Diane McDaniel, Dist 5; Lyle R Bopp, States Attorney; Betty Hewitt, Commissioner; Sherry Hosford, Auditor
- Recommendations
- 1. Economic Development
 - a. Sargent County Commissioners establish a Job Development Authority and provide funding for communities in the county for housing projects. Funding From either property tax increase or existing county funds. Job Development Authority to encourage construction of housing units in Sargent County Communities.
- 2. Contract Policing

- a. Work with cities on contract policing and solicit funding from BIA and Dept of Interior.
 - b. Urge cities to apply for grants through COPS program to offset cost of policing.
 - c. Respond to Tewaukon Comprehensive Survey before June 1, 1998 to seek assistance in funding for policing and road maintenance.
1. Commission Reduction
 - a. Reduce number of commissioners from five to three and place the question before the electors at the next appropriate election
 2. County Coordinator/Administrator
 - a. Hire county coordinator/administrator to write grants and perform commission-assigned tasks
 3. Combining County Offices
 - a. Consider combining offices and departments in the courthouse and county highway dept.
 - b. Consider combining other counties or governmental entities
 4. Courthouse Accessibility
 - a. Make reasonable accessibility to the courthouse and other county buildings
 5. State/County/City/Township Joint Purchasing Powers
 - a. Continue to work together with State, City and township governments to cooperate in purchasing and using equipment and materials

Stark County/Dickinson

- Phase I Report
- Meeting Date: March 7, 1998
- Present: Two Stark County Commissioners; Mayor of Dickinson; Dickinson City Administrator; One City Councilman; several city and county employees and citizens of Stark County
- Suggested to hold meetings throughout the communities to gather input
- Prepared potential alternatives to the delivery of local government services throughout Stark County
- No decision was made at this time for a Phase II meeting

Steele County

- Advisory Study Report
- Meeting Dates: October 21, 1997 and November 6, 1997
- Present: Wayne Fetting; John Overland; Lauren Erickson; Myron Kloster; Gladsey Boe; Sherman Thykeson; Jonal Uglem and Linda Leadbetter
- Have a joint powers agreement signed with North Dakota
- Jonal Uglem explained the local advisory options
- Sherman gave a rundown on the County Tax Levy
- NDSU pays a portion of the County Agent's costs
- Home rule with 5 commissioners and county administrator
- Combine offices: auditor and treasurer-County Manager
- Eliminate county agent
- Combine townships
- Contract or combine States Attorney with another county
- Cap on salaries for time in office
- Register of Deeds combined with another county
- Social Service Administrator with another county
- Job Development Authority raised to 4 mills
- Create county consolidation committee to combine with one or two counties

Walsh County

- Phase I Presentation Report
- Meeting Date: June 6, 1998
- Present: Lila Mielke, Commissioner; USDA Representative; Allen Ruzicka, Commissioner; Vernon Vijtaar, Task Force; Daniel Kouba, Commissioner; Larry Tarke, Task Force, Lennart Almen, Task Force; Margaret Tweten, NDSU Ext.
- An informal meeting was held to discuss implementation of Phase II
- Suggested to hold meetings throughout communities in the county to gather information
- ND Ext Service and Rural Development are assisting in process

Ward County

- Phase I Presentation Report
- Meeting Date: March 14, 1998
- Present: 4 Ward County Commissioners; Ward County Auditor; 4 of the 5 appointed to the Tool Chest Study Committee by Ward County Commissioners and citizens from Ward County
- Suggested to hold meetings throughout the count to gather input
- Informal meeting to discuss implementation of Phase II, no decision was made by end of this meeting

Williams County

- Local Advisory Study Committee Report
- Meeting Date: June 9, 1998
- Present: Larry Hanson; Kari Evenson; Don Larson; Phil Stenehjelm; Raymond Schmidt
- The Advisory Committee held 4 sessions to get input from department heads regarding the structure of existing county government. An extensive amount of time was spent on some issues. The following are the committees recommendations for consideration by the Williams County Commission
 1. Process of election of County Commissioners should be left as is until the year 2000
 2. County Commission should study and determine at next budget session whether the position should continue for Superintendent of Schools
 3. A considerable amount of time was spent regarding the function between the Auditors office and the Valuation & Equalization office. Attempt was made for resolution between offices. The committee expects progress or recommends the County Commission to take action. Both parties agreed to open lines of communication and work together. This needs to be monitored by the County Commission. Commissioner Hanson agreed to work with the 2 departments to separate functions and improve working relations between offices
 4. Contacts should be made with other governmental entities in Williams County and surrounding counties to determine if there is interest in forming a Local Government Investment Pool. A pool could potentially earn a higher rate of return to benefit all involved
 5. A committee be established to study the sharing of dispatching and records between the Williams County Sheriffs Department and the Williston Police Department
- Department Suggestions
 1. During the budget process spend as much time as necessary with department heads.
 2. Recommend a committee be established to do long range planning regarding the County's buildings. Develop short/long range plans in general
 3. Annual meetings among representatives from each of the taxing entities to improve communication and possibly share resources
 4. Study current voucher system
 5. Help develop positive attitudes among employees
 6. Have commissioners establish county-wide yearly goals for supervisors
 7. Have supervisors establish yearly goals consistent with commission
 8. More effective communication with legislators
 9. Identify areas of limited workspace and develop a plan for improvement
 10. Share computer capabilities with other entities
- No further meetings are planned at this time

County Officials in 1994

(Excluding Commissioners and Judges)

Instances	
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
	53
	53
	53
	53
	22
	31
	31
	53
37	
7	
53	
97	349

County Officials in 2004

(Excluding Commissioners and Judges)

Instances	
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
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	240

Change in County Officials 38 -109

Testimony on HB 1438

March 11, 2005

My name is Curly Haugland, and I am testifying today in support of HB 1438 on behalf of Land Owner's Association of North Dakota.

HB 1438 was introduced at our request to simply repeal Chapter 40-01.1 of the NDCC.

In order to understand the merits of doing so, it is important to know the origin of this chapter.

In 1993, the legislature passed a bill, a massive 81 page effort, euphemistically called the "Tool Chest" bill.

This bill was the culmination of a substantial process jointly undertaken by NDSU Extension Service and the North Dakota Consensus Council.

This chapter of the "Tool Chest" bill, mandates, as the title of the chapter indicates, "Local Governance Advisory Study".

These extra-governmental committees are required to be convened every 5 years beginning in 1998 and continuing indefinitely (or until this bill passes).

A review of the handout you have before you will provide a more complete picture of the history of the "Tool Chest".

As you can see, the "Tool Chest Bill" is part of a massive effort that began in the early 1990's to incrementally implement Agenda 21 in local government throughout North Dakota.

One of the 2005 resolutions of LAND is "Whereas, Sustainable Development and Agenda 21, as adopted at the Rio Earth Summit in 1992, is a serious threat to private property, LAND opposes all Sustainable Development initiatives whenever they appear at the local, state or national level."

We were told that the House amendment was going to remove the mandate contained in the Tool Chest Bill regarding the advisory study process, however, as you can see the amendment simply changes the way the study process is suggested. The word "must" suggests that this is still a mandate.

We would like you to restore the bill to its original state thus eliminating the entire process. Alternatively, this bill can fail with our blessing.

With that, I conclude my testimony in support of HB 1438

Thank you for your consideration.

Sunday, December 5, 2004

www.bismarcktribune.com

'Sustainable' — what's in a name?

By CURLY HAUGLAND
Lincoln

While the traditional political season has now come to a close, a powerful, cleverly constructed political machine grinds on. It knows no political or geographical boundaries and is working within the system to oppose our traditions of capitalism, free enterprise, individual liberty and personal freedom.

This letter is a crash course to provide a working knowledge of the United Nations program known as Agenda 21, created to implement a public policy of "sustainable development" world-wide.

Letters to the editor

Due to the complex subject matter and space limitations of one letter, I offer this "interactive" letter, hoping you will go to the Internet and finish reading this with ready access to the referenced web sites.

Go to www.wikipedia.org and enter search words "green party." Capital-g Green parties are international in scope and "have grown up around a statement of principles called the Four Pillars and the consensus decision-making process built on them."

Again, search wikipedia for "sustainable development" to find its definition and origins.

A Google search of "sustainable development" returns nearly 5 million hits, the first of which is the UN Division for Sustainable Development. That site will provide more history and a complete copy of the document Agenda 21.

www.secondnature.org is an interesting site that details the creation of a program called "Education for Sustainability." Second Nature was founded, primarily, by Sen. John Kerry; his wife, Theresa; and others.

Sustainable development was a major initiative of President Clinton, who created a President's Council on Sustainable Development. He also directed every federal agency to create sustainable-development initiatives. A good example is www.usda.gov/sustainable/. These programs live on in the federal bureaucracy.

The Northwest Area Foundation (www.nwaf.org) funded the creation of the North Dakota Consensus Council (www.agree.org) in the early 1990s, and it has become the main advocate of the politics of sustainable development in North Dakota.

The Northwest Area Foundation is also currently funding sustainable projects in southeast and southwest North Dakota, in collaboration with North Dakota State University Extension Services, a program called "Horizons." This program is also supported by the Pew Partnership for Civic Change (www.pew-partnership.org). Communities involved are Beach, Regent, Mott, Ashley, Ellendale and Eureka, S.D.

On its web site, Northwest Area refers to NDSU Extension as its "delivery organization." So, now the Extension Service is pushing United Nations programs.

Also, check www.gpiisd.net, a regional Institute for sustainable development, and pay particular attention to the members of the boards of directors of all of the above groups.

Sustainable development, as you may now see, is quite contrary to the American way of life, promoting

"communism" and "commonism," policies favorable to common good, as people or for the common good, as opposed to our traditions of capitalism, free enterprise, individual liberty and personal freedom.

I hope you take this Trojan horse of sustainability seriously and recognize its advocates as the current "enemy within."

"Seeking to find a truth, that the people might have a light by which to guide their destiny."

— Stella Mann,
Tribune publisher, 1939


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As the policy-making body of The Consensus Council, the Board of Directors is pan-partisan. It reflects a full range of the political, private and nonprofit sectors of leadership. The members of the Board do not review the results of the consensus processes but instead serve as trustees of the creativity and energy of the consensus building concept and services.

Senator Carolyn Nelson (D), Chair, Fargo, ND. Carolyn is the Democratic Caucus Chairman and member of the Senate Judiciary and Government and Veterans Affairs Committees. She is a senior lecturer emeritus of mathematics at North Dakota State University.

Barry Vickrey, Vice-Chair, Vermillion, SD. Barry is the Dean of the School of Law at the University of South Dakota. Prior to his current position, Barry was the Associate Dean of the School of Law at the University of North Dakota. He is involved in education and natural resource issues.

Jerry L. Nagel, Secretary-Treasurer, Lake Park, MN. Jerry is President of Northern Great Plains, Inc., and President of the Red River Trade Corridor, Inc, a non-profit organization serving businesses and economic development at the local, state and national levels.

Dale O. Anderson, Bismarck, ND. Dale is the former President of the Greater North Dakota Association, now the North Dakota Chamber of Commerce. In this capacity, he served as a key spokesperson for the business community.

Dennis Hill, Bismarck, ND. Dennis is the Executive Vice-President and General Manager of the North Dakota Association of Rural Electric Cooperatives. Through his work, he oversees the largest membership organization in rural North Dakota.

Christine Hogan, Bismarck, ND. Christine is the former Executive Director of the State Bar Association of North Dakota and a Committee Chair of the North Dakota Judicial system. She is a spokesperson for the legal community.

Betty Keegan, Rolla, ND. Betty is the former Director of Rolette County Social Services where she served for 49 years. She has deep understanding of tribal interests along with public health and human needs.

David L. Kemnitz, Mandan, ND. David is the President and Chief Executive Officer of the statewide American Federation of Labor-Congress of Industrial Organizations (AFL/CIO). He is the leading spokesperson for labor interests in North Dakota.

Representative Andrew Maragos (R), Minot, ND. Andy is a member of the House Judiciary and Political Subdivisions and Joint Constitutional Revision Committees. A businessman and Vietnam veteran, he is involved in family business pursuits.

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The United States Conference of Mayors
and The National Association of Counties

Sustainable Communities

Joint Center for Sustainable Communities STRATEGIC PLAN

Adopted December 13, 1999

VISION:

As we approach the new millennium, the concept of sustainable development is at the threshold of national recognition and acceptance. Mayors and county officials nationwide have made significant strides in promoting the concept of balancing economic prosperity, environmental stewardship, and social equity to the overall benefit of their communities. In recognition of this trend and, at the recommendation of the President's Council on Sustainable Development, the Joint Center for Sustainable Communities, an historic collaboration between the National Association of Counties (NACo) and the United States Conference of Mayors (USCM), was launched in December 1996 to assist local officials in the development of sustainable communities. In the intervening years, the effectiveness and breadth of the Joint Center's activities has grown along with the national movement towards sustainability. By the year 2005, the Joint Center for Sustainable Communities will have had the following impacts on cities and counties and will have positioned itself to be the premier public interest organization in promoting regional cooperation between cities and counties. The Joint Center for Sustainable Communities will be viewed as the definitive authority on local governments and sustainability. It will serve as an 'honest broker' for facilitation and partnership assistance, house an extensive body of research reflecting actual 'on the ground' sustainability efforts derived from local elected officials, for local elected officials, and provide access to a nationwide network of sustainability experts and practitioners.

- Regional collaboration and multi-jurisdictional cooperation between cities and counties in the areas of economic development, environmental stewardship, and social equity will be the norm throughout the country.
- Cities and counties in the United States will be vibrant cultural, educational and economic centers where all citizens, as active participants in the democratic process are afforded equal access to opportunity including employment, education, and development in an atmosphere free from discrimination.
- Mayors and county officials will assume the role of America's new international leaders in securing America's economic prosperity and will have established themselves as the catalyst behind an overall shift to sustainability.
- The Joint Center will reach out to other local officials throughout the world to share successes in creating sustainable communities. By sharing its vision and transferring knowledge and resources, to other areas, the Center will have become a key knowledge base to areas of the world that seek to create sustainable communities.

Curley Highland
HB 1438
Attachment 1B

CHAPTER 40-01.1
LOCAL GOVERNANCE ADVISORY STUDY

40-01.1-01. Advisory study of local governance options. An advisory study committee may be established under this chapter to provide local citizens and leaders with the means for fully and adequately studying options available for positioning their local governments for effective, creative, and efficient service in the future, in a manner suited to the economic, social, geographic, demographic, and other circumstances influencing the needs and resources of local communities. An advisory study committee is encouraged to prepare a comprehensive program for the performance of local government functions and the furnishing of local government services within the jurisdiction of the governing body or cooperating governing bodies that established the committee. In its study, the committee may consider:

1. The need for maintaining citizen access to, control of, and participation in local government;
2. The existing land use within the area, including the location of highways and natural geographic barriers to, and routes for, transportation;
3. The need for organized local government functions, services, and controls; the present cost and adequacy of local government functions, services, and controls; probable future needs for those functions, services, and controls; and the probable effect of alternative courses of action on the cost and adequacy of local government functions, services, and controls;
4. The trends in population density and distribution, and the potential or likelihood for significant growth or decline;
5. The tax base and other factors bearing on the capacity for local government to provide essential functions and services necessary to the general welfare of local citizens;
6. The boundaries of existing units of local government;
7. Data necessary for analyzing the strengths, weaknesses, challenges, and opportunities that are unique to the community; and
8. Other factors that may affect the provision of local government functions, services, and controls.

40-01.1-02. Local advisory study committee.

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
 - a. By a majority vote of the governing body; or
 - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. Notwithstanding subsection 1, an election on the question of establishing a five-member advisory study committee for a county or city must be held at the next regular election in the county or city if five years have elapsed since the latter of:

- a. August 1, 1993;
 - b. The date of the most recent election held on the question of establishing an advisory study committee pursuant to this subsection; or
 - c. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an advisory study committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.
3. The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.
 4. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
 5. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
 - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
 - f. Do any other act consistent with and reasonably required to perform its advisory function.

40-01.1-03. Cooperative advisory study committee.

1. The governing bodies of any two or more political subdivisions, including any combination of counties, cities, city park districts, townships, school districts, or other political subdivisions, may establish an advisory committee to study the potential for cooperative or combined efforts for providing local government functions and services. A cooperative advisory study committee is established:
 - a. By execution of a joint powers agreement between participating political subdivisions or by joint resolution pursuant to separate majority votes of each participating governing body; or

- b. By petitions signed by ten percent or more of the total number of qualified electors of each affected political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing bodies.
2. The composition and duration of the advisory study committee is as prescribed in the joint powers agreement, resolutions of the governing bodies, or petitions. However, the governing bodies may agree, by joint resolution, to limit the duration or composition of the advisory study committee created by petition pursuant to subdivision b of subsection 1. Any vacancy may be filled as prescribed in the agreement, resolution, or petitions or, if not prescribed, by the governing body that was represented by the person vacating the position.
3. A governing body may agree to provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations; and
 - e. Do any other act consistent with and reasonably required to perform its advisory function.

40-01.1-04. Advisory recommendations. A local or cooperative advisory study committee established for one or more political subdivisions may recommend that a local governing body or the electors pursue any course of action permitted by law or home rule charter for that political subdivision. The committee may recommend:

1. With respect to a county:
 - a. Execution of a joint powers agreement between the county and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the county and a tribal government pursuant to chapter 54-40.2.
 - b. Exercise of the county's general authority to contract pursuant to section 11-10-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
 - c. Combination or separation of any elective or appointive county office and corresponding functions, or redesignation of any county office as elective or appointive, pursuant to chapter 11-10.2.
 - d. Change in the number of county commissioners pursuant to chapter 11-12.

- e. Establishment of a county home rule charter commission for initiating the adoption of a home rule charter or the amendment or repeal of a home rule charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of ordinances for implementing a home rule charter. The recommendation may include a specific nonbinding proposal or draft for a home rule charter or amendment to a home rule charter.
 - f. Adoption of the consolidated office form of county government pursuant to chapter 11-08.
 - g. Adoption of the county manager form of county government pursuant to chapter 11-09.
 - h. Use of other statutory tools relating to social and economic development, land use, transportation and roads, health, law enforcement, administrative and fiscal services, recording and registration services, educational services, environmental quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals, public buildings, or other county functions or services, including creation of cooperative county job development authorities pursuant to section 11-11.1-03, multicounty health units pursuant to chapter 23-35, regional planning and zoning commissions pursuant to section 11-35-01, boards of joint county park districts pursuant to chapter 11-28 or a combination of boards of park commissioners with a city pursuant to chapter 40-49.1, or multicounty social service districts pursuant to chapter 50-01.1.
 - i. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - j. Sharing of elective or appointive county officers with other counties, cities, or other political subdivisions pursuant to chapter 11-10.3.
 - k. Initiation of the multicounty home rule charter process or the amendment or repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a multicounty home rule charter.
 - l. Initiation of the county-city home rule process or the amendment or repeal of a county-city home rule charter pursuant to chapter 54-40.4, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a county-city home rule charter.
 - m. Transfer of a power or function of another political subdivision to the county pursuant to chapter 54-40.5.
 - n. Creation of a county consolidation committee pursuant to chapter 11-05.1.
 - o. That any other action be taken that is permitted by law.
 - p. That no action be taken.
2. With respect to a city:
- a. Execution of a joint powers agreement between the city and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically

provided by law, or an agreement between the city and a tribal government pursuant to chapter 54-40.2.

- b. Exercise of the city's general authority to contract pursuant to section 40-05-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
- c. Combination of city officers pursuant to section 40-14-04 or 40-15-05 or the sharing of officers with other cities, counties, or other political subdivisions pursuant to chapter 11-10.3.
- d. An increase or decrease in the number of members of the governing body of a city pursuant to section 40-06-09.
- e. Establishment of a city home rule charter commission for initiating the adoption of a home rule charter or the amendment or repeal of a home rule charter pursuant to chapter 40-05.1, or the adoption, amendment, or repeal of ordinances for implementing a home rule charter. The recommendation may include a specific nonbinding proposal or draft for a city home rule charter or amendment to a home rule charter.
- f. Adoption of the commission form of city government pursuant to chapter 40-04.
- g. Adoption of the modern council form of city government pursuant to chapter 40-04.1.
- h. Adoption of the city manager plan pursuant to chapter 40-10.
- i. Sharing an appointive city officer and function with another city, the county, or another political subdivision pursuant to chapter 11-10.3.
- j. Initiation of the multicity home rule process or the amendment or repeal of a multicity home rule charter pursuant to section 40-05.1-05.1, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a multicity home rule charter.
- k. Initiation of the county-city home rule process or the amendment or repeal of a county-city home rule charter pursuant to chapter 54-40.4, or the adoption, amendment, or repeal of ordinances to implement the charter. The recommendation may include a specific nonbinding proposal or draft for a county-city home rule charter.
- l. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
- m. Use of other statutory tools for social and economic development, land use, transportation, health, fire and police protection, street construction and maintenance, assessment, financing, accounting, legal, environmental quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals, public buildings, or other city functions or services, including the creation of cooperative city job development authorities pursuant to section 40-57.4-03.
- n. Transfer of a power or function of the city to the county pursuant to chapter 54-40.5.
- o. Consolidation of cities pursuant to chapter 40-53.2.

- p. Dissolution of a city pursuant to chapter 40-53.1.
 - q. That any other action be taken that is permitted by law.
 - r. That no action be taken.
3. With respect to a township:
- a. Execution of a joint powers agreement between the township and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the township and a tribal government pursuant to chapter 54-40.2.
 - b. Exercise of the township's general authority to contract pursuant to section 58-03-01 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.
 - c. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - d. Combination of the offices of township clerk and treasurer pursuant to section 58-05-02 or the sharing of officers with other townships or other political subdivisions pursuant to chapter 11-10.3.
 - e. An increase in the number of board of township supervisors from three to five pursuant to section 58-04-02.1.
 - f. Contract with the county, another political subdivision, or any individual for assessor services pursuant to section 58-05-02.
 - g. Consolidation of boards of township officers pursuant to chapter 58-05.1.
 - h. Transfer of a power or function of the township to the county pursuant to chapter 54-40.5.
 - i. Creation of an organized civil township pursuant to chapter 58-02.
 - j. Division or annexation of a township pursuant to chapter 58-02.
 - k. Dissolution of the township pursuant to chapter 58-02.
 - l. That any other action be taken that is permitted by law.
 - m. That no action be taken.
4. With respect to a city park district:
- a. Execution of a joint powers agreement between the city park district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, or an agreement between the city park district and a tribal government pursuant to chapter 54-40.2.
 - b. Exercise of the city park district's general authority to contract pursuant to section 40-49-04 and any other law, including service agreements with public or private parties under the terms and conditions of the agreements.

- c. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - d. An increase or decrease in the number of board members pursuant to sections 40-49-07.1 and 40-49-07.2.
 - e. Transfer of a power or function of the city park district to the county pursuant to chapter 54-40.5.
 - f. Combination of the city board of parks commissioners with other city or county boards of park commissioners pursuant to chapter 40-49.1.
 - g. Sharing of officers with other city park districts or other political subdivisions pursuant to chapter 11-10.3.
 - h. Dissolution of the city park district pursuant to sections 40-49-07.1 and 40-49-07.2.
 - i. That any other action be taken that is permitted by law.
 - j. That no action be taken.
5. With respect to a school district:
- a. Execution of a joint powers agreement between the school district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, including the exercise of the general powers to make contract for joint educational endeavors, or an agreement between the school district and a tribal government pursuant to chapter 54-40.2.
 - b. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
 - c. An increase or decrease in the number of school board members pursuant to section 15.1-09-01.
 - d. Sharing of officers with other school districts or other political subdivisions pursuant to chapter 11-10.3.
 - e. School district annexation or reorganization.
 - f. Transfer of a power or function of the school district to the county pursuant to chapter 54-40.5.
 - g. That any other action be taken that is permitted by law.
 - h. That no action be taken.
6. With respect to other political subdivisions, including rural ambulance service districts, rural fire protection districts, irrigation districts, hospital districts, soil conservation districts, and recreation service districts:
- a. Execution of a joint powers agreement between the political subdivision and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as

otherwise specifically provided by law, or an agreement between the political subdivisions and a tribal government pursuant to chapter 54-40.2.

- b. Participation in a community or leadership development, assessment, education, planning, or training program offered by any public or private agency, institution, or organization.
- c. Sharing of officers with other political subdivisions pursuant to chapter 11-10.3.
- d. Transfer of a power or function of the political subdivision to the county pursuant to chapter 54-40.5.
- e. That any other action be taken that is permitted by law.
- f. That no action be taken.



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CITY OF *Williston* NORTH DAKOTA

March 4, 2005

Senate Political Subdivisions Committee
State Capitol
Bismarck ND 58505

RE: HB 1438

Dear Committee Members:

The Board of City Commissioners of the City of Williston supports HB1438, which repeals Chapter 40-01.1. The requirement to establish a committee to do an advisory study a minimum of every five years or have a ballot issue to that effect is burdensome and can be costly to the taxpayers. The electors already make their preferences known by supporting candidates with this objective. Responsible governing bodies are well aware of the need to provide the most cost effective government possible and periodically consider the advantages and disadvantages of combining offices and public services. This review should be done at the discretion of the governing body and according to the needs and wishes of its electors.

We urge a "DO PASS" recommendation for HB 1438.

Sincerely,

E. Ward Koeser
President
Board of City Commissioners
City of Williston

EWK:sks

PROPOSED AMENDMENTS FOR HOUSE BILL NO. 1438

105

Page 1, line 1, after "11-10.2-03" insert "and 40-01.1-02"

Page 1, remove line 2

Page 1, line 3, remove "Dakota Century Code,"

Page 1, line 16, remove the overstrike over "The analysis may be performed as part of a study process initiated pursuant to"

Page 1, line 17, remove the overstrike over "chapter 40-01.1."

Page 1, line 18, remove the overstrike over "3."

Page 2, line 14, remove the overstrike over "4."

Page 2, after line 26, insert

"SECTION 2. AMENDMENT. Section 40-01.1-02 of the North Dakota Century Code is amended and reenacted as follows:

40-01.1-02. Local advisory study committee.

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
 - a. By a majority vote of the governing body; or
 - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. ~~Notwithstanding subsection 1, an election on the question of establishing a five member advisory study committee for a county or city must be held at the next regular election in the county or city if five years have elapsed since the latter of:~~
 - ~~a. August 1, 1993;~~
 - ~~b. The date of the most recent election held on the question of establishing an advisory study committee pursuant to this subsection; or~~
 - ~~c. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an advisory study committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.~~

3. ~~The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.~~
4. 2. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
5. 3. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
 - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
 - f. Do any other act consistent with and reasonably required to perform its advisory function."

Remove lines 27 and 28

Renumber accordingly

md

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2. Notwithstanding subsection 1, ~~an election on the question of establishing a five-member advisory study committee for a county or city must be placed on the agenda of a regular meeting for definitive action by the governing body held at the next regular election in the county or city if five years have elapsed since the latter of:~~
 - a. ~~August 1, 1993;~~
 - b. The date of the most recent election held governing board action on the question of establishing an advisory study committee pursuant to this subsection; or
 - c. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an advisory study

committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.

3. ~~The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.~~
- 4.2. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
- 5.3. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
 - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
 - f. Do any other act consistent with and reasonably required to perform its advisory function."

Remove lines 27 and 28

Renumber accordingly

HB142

Understanding Sustainable

Development - AGENDA 21 -

A Guide for Public Officials

Presented as a public service from:

Prepared by

~~Freedom 21~~
Santa Cruz

www.freedom21santaacruz.net

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and Protect Liberty

Introduction

You may have heard people talking about Sustainable Development – in public meetings, on television and on the radio. Consultants talk about it, university professors lecture on it, and at various levels of government, it may even be mandated. But what *is* Sustainable Development?

That is precisely the question this Guide is intended to address. In the following pages, you will read of the origins of Sustainable Development, its theoretical underpinnings, its major programs, and the means by which it is implemented.

When you have finished reading this document, you will have the knowledge necessary to begin identifying the vast array of Sustainable Development programs that arise.

Please recognize this document for what it is: a unique opportunity to learn more about Sustainable Development, and to make a difference in your community by supporting present and future actions that restore and protect the rights and well-being of your family, your fellow citizens, and you.

More information on the nature and consequences of Sustainable Development is available from Freedom 21 Santa Cruz.

What Is Sustainable Development?

The most common definition of Sustainable Development given by its proponents is a statement found in the Bruntland Report, *Our Common Future*, released during the 1987 United Nations World Commission on Environment and Development:

“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Historical Development and Origins

Even the term “sustainable” must be defined, since on the surface it appears to be inherently positive. In reality, Sustainable Development has become a “buzz” term that refers to a political agenda, rather than an objectively sustainable form of development. Specifically, it refers to an initiative of the United Nations (U.N.) called the U.N. Sustainable Development Agenda 21, the most comprehensive statement of a political ideology that is being progressively infused into every level of government in America.

Known around the world simply as Agenda 21, this initiative is “a comprehensive plan of action to be taken globally, nationally, and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts (sic) on the environment.”¹

Agenda 21 was unveiled in 1992 during the United Nations Conference on Environment and Development (UNCED), commonly

1. <http://www.un.org/esa/sustdev/documents/agenda21/index.htm>

known as the Rio Earth Summit, where more than 178 nations adopted Agenda 21, and pledged to evaluate progress made in implementing the plan every five years thereafter. President George H. W. Bush was the signatory for the United States.

Although Congress never authorized the implementation of Agenda 21² (as a soft-law policy recommendation³ – not a treaty – it needs no ratification), in 1993, President Bill Clinton established, by Executive Order, the President’s Council on Sustainable Development (PCSD) for the purpose of implementing Agenda 21 in the United States. The

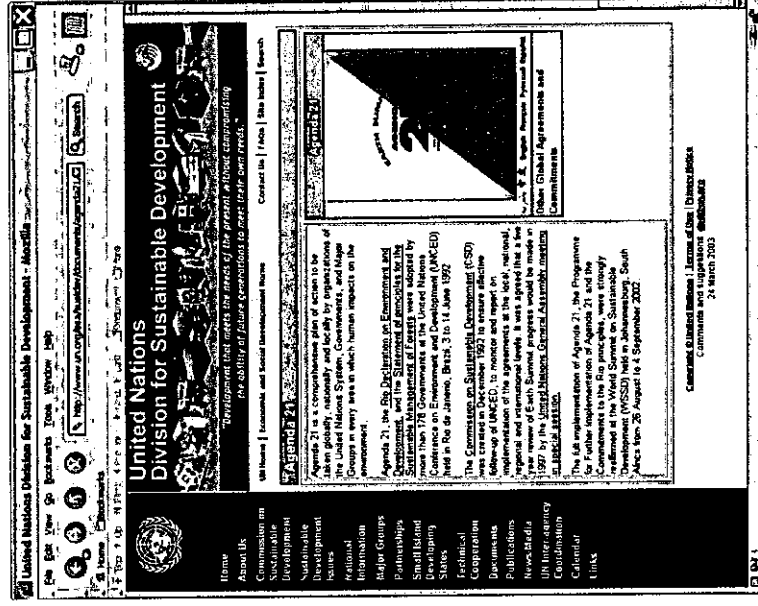


Image 1: The United Nations website clearly displays Agenda 21 documents

Order, the President’s Council on Sustainable Development (PCSD) for the purpose of implementing Agenda 21 in the United States. The

2. Rep. Nancy Pelosi (D-CA) submitted a resolution (H.J. Res. 166) to the 103rd Congress on March 29, 1993 urging the President, and Congress to “assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements...” Though that bill stalled in the Subcommittee on Economic Policy, Trade and Environment, its recommendations have been implemented through various actions by the President, and Congress.

3. “Soft law” policy is not binding. This is a common procedure in the U.N.’s policy development strategy. “Soft law” documents are quite often followed by treaties or covenants, which are binding international law; alternately, soft law can find immediate application through local legislation or policy without an internationally binding agreement.

PCSD operated through 1999, but its actions to promote Sustainable Development have taken root, and now exert an increasing influence in communities across America.

International organizations such as the U.N., and its accredited Non-Governmental Organizations (NGOs), generally consider Sustainable Development and Agenda 21 to be synonymous. Therefore, in order to avoid confusion and equivocation, Sustainable Development will be the term used throughout this document to refer to both. Agenda 21 will only be used to refer to the actual document from the Rio Earth Summit.

At times, the political agenda embodied in Sustainable Development is implemented under other names for purposes of political expediency. J. Gary Lawrence, a planner for the city of Seattle, and advisor to the President's Council on Sustainable Development, said in 1998, that, "*Participating in a UN advocated planning process would very likely bring out many ... who would actively work to defeat any elected official ... undertaking Local Agenda 21. So we will call our process something else, such as 'comprehensive planning,' 'growth management,' or 'smart growth.'*"⁴

The Antithetical Foundations of Liberty and Sustainable Development

"Property must be secured, or liberty cannot exist."

— John Adams

It has long been known that liberty is tied to the institution of private property. The Decalogue codified private property in four words: "Thou shalt not steal."

"Private property and freedom are inseparable."

— George Washington

4. Lawrence, J. Gary, *The Future of Local Agenda 21 in the New Millennium*, *The Millennium Papers*, UNED-UK, Issue 2, (1998), 3.

These intuitions were understood by those who participated in the American experiment⁵ and were consequently included in the Declaration of Independence, the Constitution, and the Bill of Rights.⁶ The right to property as outlined in those documents is premised on an owner's determination of its use, provided that such use does not disturb the equal rights of another.

"...all Men...are endowed by their Creator with certain

unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

— *The Declaration of Independence*

In contrast to the unalienable rights found in America's founding documents, the United Nations Charter and the Declaration of Human Rights are based on a very different idea: rights are granted and rescinded by men.

The Sustainable Development political agenda originates in the founding documents of the United Nations. This isn't surprising, since the myriad countries represented in the drafting of Agenda 21 have widely divergent forms of government, and must have a point of agreement (a "least common denominator") to rally around — and the U.N. Charter provides that point. However, for progress to be made in implementing Sustainable Development in the United States, unalienable rights such as the right to property must be eroded, attacked, and struck down altogether.^{7,8}

5. Soapes, Emily Williams. "The American Experiment: Living with the Constitution." Prologue: *Journal of the National Archives* 19, no.3 (Fall 1987): 185-189.

6. See also Machan, Tibor, *Private Rights & Public Illusions*, Transaction Publishers, New Brunswick (1995).

7. Nullification of the right to the reasonable use of one's property affects by extension the right to private action and the freedom of expression. Shaw, Michael, *What is Private Property?* Liberty Garden (2003).

8. Heywood, V.H. (ed.). *Global Biodiversity Assessment*. United Nations Environment Programme. Cambridge University Press, Cambridge (1995): 767, 782. This document likewise condemns "inappropriate social structures" (p 763), golf courses (p 970), and the attitudes toward nature found in "Judeo-Christian-Islamic religions" (pp 766, 838).

Implementing Sustainable Development

The authors of Agenda 21 have said it will affect every area of life, grouped according to three objectives: Equity, Economy, and Environment (known commonly as “the 3 E’s”). By defining these terms vaguely, a litany of abuse has resulted. Furthermore, by rubber-stamping pre-conceived plans, using manipulative “visioning” sessions to garner the appearance of public buy-in, and acquiring grants from sources with questionable motives, the entire process of implementing Sustainable Development policies is suspect.

Equity: using the law to restructure human nature

The authors of the Sustainable Development action plan recognized that their environmental and economic objectives, and the corresponding transformation of the American system of justice, are radically divergent from the views and objectives of the average person. Therefore, in order to achieve their objectives, they call for a shift in attitudes, which can be seen in the educational programs developed by its proponents. This is the premise of Sustainable Development: That individual human wants, needs, and desires are to be conformed to the views and dictates of planners. Harvey Ruvin, Vice Chair of the International Council on Local Environmental Initiatives (ICLEI), and Clerk of the Circuit and County Court in Miami-Dade County, Florida, has said that “*individual rights will have to take a back seat to the collective*” in the process of implementing Sustainable Development.⁹

9. Peros, Joan, unpublished report, UNCED Rio+10 Summit – Johannesburg, South Africa (2002).

Economy: the international redistribution of wealth and the creation of public-private partnerships

“...current lifestyles and consumption patterns of the affluent middle class – involving high meat intake, use of fossil fuels, appliances, home and work air conditioning, and suburban housing are not sustainable.”

– Maurice Strong.

Secretary General, U.N. Conference on Environment and

Development, 1992. (Also known as the

Rio Earth Summit, where Agenda 21 was unveiled.)

According to its preamble, “The developmental and environmental objectives of Agenda 21 will require a substantial flow of new and additional financial resources to developing countries.” Language throughout Agenda 21 erroneously assumes that life is a zero-sum game (the wealth of the world was made at the expense of the poor, making them even poorer). This critique of economic ills denies the ingenuity of private action, individual determination, and free market innovation, and leads inevitably to the conclusion that if the conditions of the poor are to be improved, wealth must be taken from the rich. Sustainable Development embodies this unjust redistribution of wealth both in theory and in implementation, effectively lowering the standard of living in America to that of the rest of the world. The Draft Covenant on Environment and Development states in Article 8: “...equity will be achieved through implementation of the international economic order ... and through transfers of resources to developing countries....”

In addition to its appeal for the international redistribution of wealth, Sustainable Development is actually restructuring the economy, molding it not on private enterprise, but on public-private partnerships.

Public-private partnerships bring businesses desiring the protection offered by government's legalized force together with government agents that want the power that comes with economic control. The power of economics, and the force of government, must serve as a check and balance on each other; combining the two will ultimately result in tyranny. Free enterprise is lost amid subsidies, incentives, tax-breaks, and insider privilege, and with it goes the notion that the customer is the final determiner of how resources are allocated in production. The Sustainable Development "partnerships" involve some corporations – domestic and multinational – some tax-exempt family foundations, select individuals, and collectivist politicians and their administrations. Of these participants, only elected politicians are accountable to the public for their actions.

Environment: nature above man

Americans support laws and regulations that are designated to effectively prevent pollution of the air, water, or the property of another. Yet, it is increasingly clear that Sustainable Development uses the environment simply as the means to promote a political agenda. For example, Al Gore says that Sustainable Development will bring about "a wrenching transformation" of American society.¹⁰

Sustainable Development is ostensibly concerned with the environment; it is more concerned with restructuring the governmental system of the world's nations so that all the people of the world will be the subjects of a global collective. Many of its proposed implementation strategies require the surrender of unalienable rights.

10. "Minor shifts in policy, marginal adjustments in ongoing programs, moderate improvements in laws and regulations, rhetoric offered in lieu of genuine change – these are all forms of appeasement, designed to satisfy the public's desire to believe that sacrifice, struggle, and a wrenching transformation of society will not be necessary." Gore, Al, *Earth in the Balance*. Plume (1993): 274.

This fact alone casts a serious shadow of doubt on the motives of Sustainable Development planners who would discard the unalienable rights to life, liberty, and property in order to pursue dubious programs.¹¹ When Sustainable Development is implemented, ordinary people will be left unprotected from *de facto* decrees placing nature above man, while relegating man to the status of a "biological resource."¹²

Educating the Youth to Mold the Minds of Tomorrow

**"All who have meditated
on the art of governing mankind
have been convinced that the fate of empires
depends on the education of youth."**

– Aristotle

One means that Sustainable Developers have to ensure continuing support of their anti-human programs is through molding the minds of the next generation. Chapter 25 of the UN Sustainable Development Agenda 21 calls for the need to "enlist and empower children and youth in reaching for sustainability."

Even a cursory look at the federally-mandated curriculum being taught in classrooms in every government school in America would show that the doctrines of Sustainable Development are finding their way into every subject. French classes are used to teach students to "save the earth," economics classes feature lectures discouraging individual initiative in the marketplace and decrying private ownership; history classes obscure the importance of America's founding documents; mandatory "service-learning" programs enlist students to work for government-approved Sustainable Development

11. cf. Taylor, Jerry, *Sustainable Development: A Dubious Solution in Search of a Problem*, Cato Institute (2002).

12. Bureau of Land Management, Internal Working Document for ecosystem management, (March 1994).

partner organizations. The list goes on and on.

While taxpayers foot the bill for the increasing costs of government education, parents are increasingly shut out of decisions crucial to the molding of their child's mind. Controversial programs designed for "values clarification" are being performed in government schools that employ "powerful behavior control techniques and peer pressure to make [a] developing child question his or her individual worth and values," and are designed to disrupt parental oversight in the upbringing of their children, according to Professor of Organizational Behavior, Brent Duncan.

Stakeholder Councils -- Restructuring American Government

**I believe there are more instances
of the abridgement of the freedom of the people
by gradual silent encroachments of those in power,
than by violent and sudden usurpations.**

— *James Madison*

The way that Sustainable Development is carried out in local communities around the world is particularly alarming, especially to those who seek accountability in government. Operating within a system of stakeholder councils, organized to give community members a "stake" in the control over property in their neighborhood, proponents of Sustainable Development systematically promote their own ideas and marginalize any local opposition, particularly those individuals who advocate the freedom to use and enjoy private property.

The product of a stakeholder council, often called a "consensus statement" or a "vision statement," is typically approved by local governments without question, requiring citizens to submit to the questionable conclusions of a non-elected regional authority that is not accountable to the voters.

Stakeholder council meetings are typically arranged under the auspices of soliciting input from community members on a project. This project may be initiated by local public officials, a local non-profit organization, a national or regional non-profit organization, or an NGO.¹³ It is very rare for community members to instigate the stakeholder "visioning" process.

A typical stakeholder council meeting is run by a trained facilitator.¹⁴ It is not the facilitator's job to make sure that all views are entered into the record. His job, instead, is to guide the group to arrive at a consensus on the project. The consensus process has no mechanism for recording minority views. Since he is being paid by the organization responsible for the project, it is in his interest to arrive at a consensus sympathetic to the desired outcome of the project. Tactics vary between the facilitators, but consensus generally is reached by using subtle means to marginalize opposition, such as recording only the "good" ideas, and allowing criticism only for the "bad" ideas.

A Sustainable Development stakeholder meeting in Greenville, South Carolina, was adjourned with a frank admission by the paid facilitator that they had not reached the consensus that he needed to support the predetermined plans.¹⁵

13. Recall that many Non-Governmental Organizations are accredited by the U.N., making them international, or multinational in their political purpose.

In this sense, they might be more appropriately called "Global Governance Organizations."

14. Professional facilitators are frequently paid thousands of dollars for only a few hours of work.

15. Dill, Bob, Land Use Leaders Declare Defeat; Wrong Consensus Reached, Meetings Cancelled, Times-Examiner, Greenville, South Carolina. Steven Lipe, the meeting organizer, announced that "the consensus is that we don't have enough people to make change. As far as I am concerned, our meeting is done."

Why all the effort to gain support for programs few citizens want? The answer to this question lies in the origin of each specific project. Sustainable Development projects are often initiated at the directive of NGOs or non-profit organizations that have – or create – fear over problems that are portrayed as a crisis: development near a riparian corridor, poor water management infrastructure, or too many cars on the freeway are common examples.

Once a problem has been identified, every NGO, non-profit, and local government body has a vast stock of Sustainable Development solutions at hand, provided by the International Council for Local Environmental Initiatives (ICLEI). Indeed, ICLEI has a veritable treasure trove of boilerplate solutions for change agents, enabling them to "identify" problems with the goal of implementing predetermined outcomes that advance Sustainable Development policies.¹⁶

ICLEI, launched in 1990 at the World Congress of Local Governments for a Sustainable Future, is based in Toronto, Canada, but has offices around the globe, including Berkeley, California. Its stated mission is to provide policy recommendations to assist local governments in the implementation of Sustainable Development.

ICLEI was instrumental in the development of Agenda 21, having drafted Chapter 28 in 1991 in preparation for the upcoming summit. In a recent document, ICLEI confirmed its dedication to the U.N. mandate: "Local Action 21 strategies [i.e. those formulated at the 2002 Earth Summit in Johannesburg, South Africa] will ensure the unwavering, systematic implementation of local action plans over the next decade."¹⁷

16. cf. Tavlör, Jerry, op cit.

17. Otto-Zimmerman, Konrad, Local Action 21: Motto, Mandate, Movement, International Council for Local Environmental Initiatives, Toronto (2003):

2. See ICLEI's website for more information: <http://www.iclei.org>.

Essentially,
Sustainable
Development
claims knowledge
of all sustainability
issues and has stock
solutions that can be
applied in Stockholm,
Boulder, Santa Cruz
– indeed, anywhere.

Around the world,
ICLEI is responsible
for communicating
with local special
interests to translate
international policy
objectives into local
and regional

legislation.¹⁸ Every county in America now has Sustainable Development directives guided by federal agencies, NGOs, and/or ICLEI.

Funding Sources

The list of money sources for the implementation of Sustainable Development is impressive. American taxes fund the federal agencies' present focus: implementing Sustainable Development. Over two thousand NGOs are accredited by the United Nations for the purpose of implementing Sustainable Development in America, and are given massive tax advantages by the I.R.S. Some of these NGOs are the

18. Note that ICLEI's objectives presuppose the notion that the goal of improving the conditions of the world can only be achieved through legislation, denigrating the intelligence and ingenuity of individuals in facing their particular circumstances, and placing them under the increasing oversight of government planners.

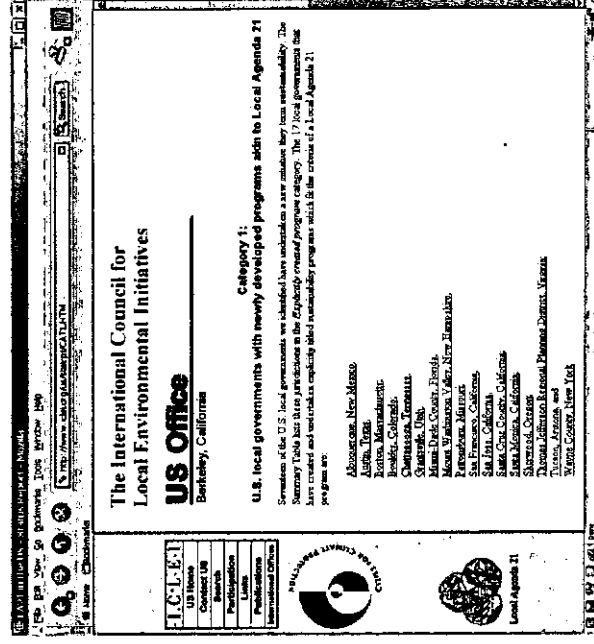


Image 2: The International Council for Local Environmental Initiatives – 1997 report

Nature Conservancy, the Sierra Club, the National Audubon Society, the American Planning Association, and the National Teachers Association.

The third "leg" of the Sustainable Development financial insiders -- after government and non-profit funding schemes -- is a group of tax-exempt family foundations. These include the Rockefeller Foundation, Pew Charitable Trusts, the Turner Foundation, the David and Lucille Packard Foundation, the James Irvine Foundation, the Carnegie Foundation, the McArthur Foundation, and Community Foundations.

Political Support

When George H. W. Bush signed the Rio Accords at the Earth Summit in Rio de Janeiro in 1992, he pledged the United States' support for Agenda 21. A year later, when Bill Clinton created the President's Council for Sustainable Development by Executive Order, he laid the foundation for a proliferation of intermediate and local "stakeholder" councils that would set out to reinvent the structure of United States' government.

As Sustainable Development policies permeate every county in America, it has become apparent that the conflict is not a dynamic of Republican vs. Democrat, liberal vs. conservative, or left vs. right. In fact, the implementation of Sustainable Development is occurring on a non-partisan basis.

Simulated Wildlands Project As Required by the UN Convention on Biological Diversity

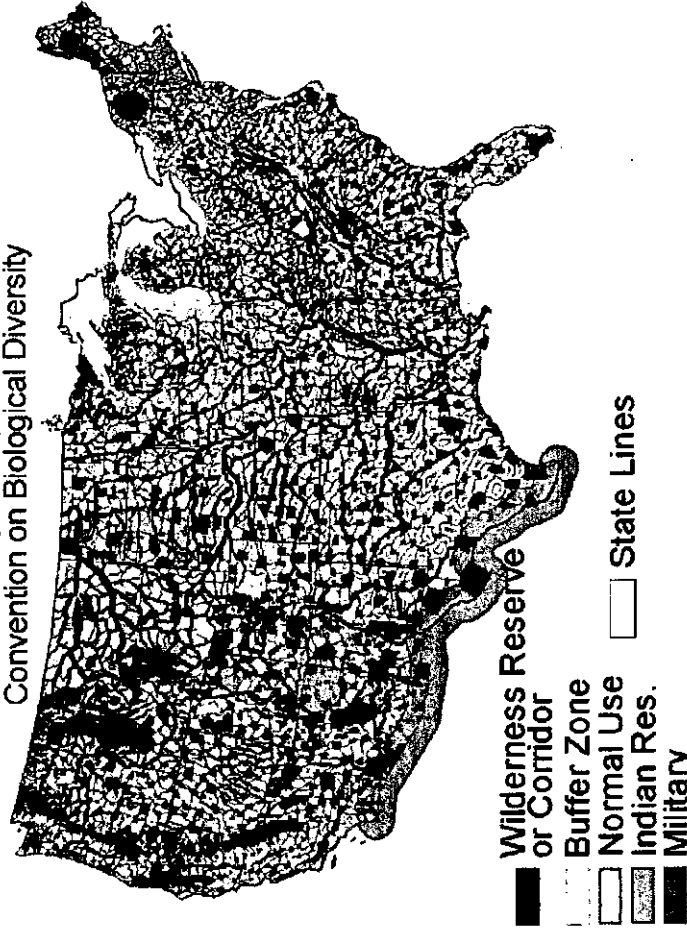


Image 3: Simulated Map of The Wildlands Project, showing land designated off-limits to all human activity (red).

Prepared by Dr. Michael Coffman, Environmental Perspectives, Inc.

Sustainable Development Programs

Sustainable Development is a plan for global control, using land and resource restriction, social transformation through education, and other programs to accomplish this end. The land use element of Sustainable Development calls for the implementation of two action plans designed to eliminate private property: the Wildlands Project, and Smart Growth. Upon implementation of these plans, all human action is subject to control.

Since all things ultimately come from natural resources on rural lands, the transfer of the landscape from citizen control to government control will make it easy for government and its partners – NGOs, certain foundations and certain corporations – to control what we have, what we do, and where we go. The transformation of free societies into collectivized societies through Sustainable Development ensures the presence of a ruling elite which, by definition, ultimately excludes all but a very select few.

The Wildlands Project

The Wildlands Project is the plan to eliminate human presence on “at least” 50 percent of the American landscape,¹⁹ and to heavily control human activity on most of the rest of American land. Examples of the piece-by-piece implementation of the Wildlands Project include road closings, the policy of breaching dams undertaken by the Clinton administration, and the adoption of United Nations World Heritage Sites – which are systematically being closed to recreational use.

“Conservation biologists now agree that protecting isolated pockets of habitat isn’t enough to protect our bears, jaguars, beavers, birds and other wildlife – the only way to protect them is to practice conservation on a continental scale,” announced Wildlands Project Executive Director, Leanne Klyza Linck, at the Society of Environmental Journalists Conference on September 12, 2003.

The most significant tool of the Wildlands Project is the rapidly expanding imposition of habitat “protection” provisions of the Endangered Species Act, and various “conservation easements” and

19. Reed Noss, who made this assertion in 1992, reiterated his commitment in a recent interview: “Fifty percent is an estimate I made years ago of the proportion of an average region that would need to be managed for conservation in order to meet well-accepted conservation goals ... [It] turns out I was pretty much on the mark ...” (Range Magazine, Fall 2003, p42) Noss is currently the Science Editor for Wild Earth, the quarterly publication of the Wildlands Project.

direct land acquisitions from battered “willing sellers.”

The Wildlands Project seeks to collectivize all natural resources (e.g. water) and centralize all use decisions under government direction, often implemented through public-private partnerships entered into with government insiders.

Smart Growth

The rural land-use plan embodied in the Wildlands Project is inextricably tied to its urban counterpart, Smart Growth. As human beings are barred from rural land, there will be a concentration of human activity in urban areas. Through Smart Growth, the infrastructure is being created for a post-private property era in which human action is subject to centralized government control. With the combined implementation of Smart Growth and the Wildlands Project, humans will be caged, and the animals will run free.

Sometimes called “comprehensive planning” or “growth management,”²⁰ Smart Growth is the centralized control of every aspect of urban life: energy and water use, housing stock and allocation, population growth and control, public health and dietary regimens, resources and recycling, social justice and education, toxic technology and waste management, transportation modes and air quality, business and economic activity.

Smart Growth policies include:

Transportation plans that reduce the freedom of mobility, forcing people to live near where they work, and transforming communities into heavily-regulated but “self-sufficient” feudalistic “transit villages.”

20. “...we call our [U.N. advocated planning] processes something else, such as comprehensive planning, growth management, or smart growth.” Lawrence, J. Gary, *op cit*.

Plans to herd citizens into tax-subsidized, government controlled, mixed-use developments,²¹ called “human settlements.” These settlements are sometimes distinguished from one another by how productive or useful the citizens are for society.²²

Heavy restrictions on development in most areas, and the promotion of extremely dense development, constructed and managed by government “partners,” in other selected areas.

Rations on public services, such as health care, drinking water,²³ and energy resources (and sources).

A typical day in the Orwellian society created by Smart Growth would consist of an individual waking up in his government-provided housing unit, eating a ration of government-subsidized foods purchased at a government-sanctioned grocery store, walking his children (if he has any) to the government-run child care center, boarding government-subsidized public transit to go to his government job, then returning home later that evening.

21. The lure of paying as little as \$150 per year in taxes on properties valued at \$1.5 million has led to high occupancy in some developments in Portland, Oregon, for example.

22. The Smart Growth plan for Richland County, South Carolina, for example, distinguishes between “employment-based villages,” and “non-employment-based villages,” with special gated communities set aside for the wealthy individuals responsible for the plan. Most of the “non-employment-based villages” are slated to be built in areas currently populated by the descendants of liberated slaves.

23. Reasonable access to water in urban areas is defined as “the availability of 20 litres per capita per day at a distance no longer than 1,000 metres.” Global Water Supply and Assessment Report 2000.

What Can You Do?

“Once again a majority of this court has proved that If enough people get together and act in concert, they can take something and not pay for it. ... But theft is still theft. Theft is theft even when the government approves of the thievery... Turning a democracy into a kleptocracy does not enhance the stature of the thieves; it only diminishes the legitimacy of the government.”

– Justice Janice Brown,

dissenting opinion,

*San Remo Hotel v. City and County of San Francisco*²⁴

Sustainable Development is restructuring our lives, and is targeting our children through an educational regime that seeks to develop collectivist attitudes, values, and beliefs. Sustainable Development documents expressly call for the elimination of private property²⁵ and the freedom that private property supports. It supplants long-standing State laws, and causes irreparable harm to our economy and our society. If individual members of our society do nothing, the continuing loss of liberty will result in increasing social confusion and discord, rising resource shortages, financial decay, and a dimming future for us and our posterity.

The looming battle of ideas should be recognized as a classic – and perhaps ultimate – battle between Liberty and Tyranny. The social, economic, and political transformations Sustainable Development requires will mean the suppression of unalienable rights for all people.²⁶

24. No. S091757, SUPREME COURT OF CALIFORNIA, 27 Cal. 4th 643; 41 P.3d 87, March 8, 2002

25. Heywood, V.H. (ed.). op cit.

26. For a more comprehensive discussion of this topic, see the Freedom 21 Draft Alternative to the U.N.’s “Agenda 21” Program for Sustainable Development. www.freedom21.org/alternative/

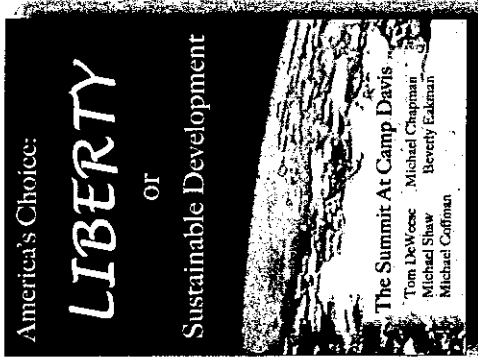
If Americans, with your help, come to a timely understanding of the threat and face the challenge squarely, the deceptive fraud of Sustainable Development will quickly come to light. Together, we will rise to restore Liberty through an orderly transition directed by reason and respect for the dignity of individual determination. The future of the freedom once taken for granted in America depends on us recognizing and countering the threats of Sustainable Development.

5 Practical Steps You Can Take to Restore and Protect Liberty

1. Resist the thrust to replace political boundaries with "regional governance," with the recognition that this form of government leads to a breakdown of accountability to the citizenry.
2. Refuse federal or state money for new Sustainable Development programs that breach the American system of federalism, and cumulatively are raiding the treasury and putting American society in serious jeopardy. Transition out of established Sustainable Development programs.
3. Avoid partnerships with the federal government, NGOs, foundations, and corporations that advance the anti-liberty Sustainable Development agenda. Do not surrender your constituents to the insider privilege of Sustainable Developers and their moneyed interests.
4. Understand your role in the community as a public official: to administer government in a manner that protects individual liberty and ensures equal justice.
5. Know, understand, and apply the Constitution to which you swore an oath, with particular attention to Article I, Section 8 and the 9th and 10th Amendments, which address the limitations on federal power, and the 14th Amendment, which limits the states' police power.

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