

Summary of County Officer Combination, Separation, and Redesignation Pursuant to NDCC 11-10.2 (Tool Chest Provisions)

By Resolution of the Board of County Commissioners (NDCC 11-10.2-02)

1. By majority vote, the board adopts a preliminary resolution incorporating a proposed plan for combining or separating county offices, or redesignating a county office as elective or appointive.
2. Complete text of the proposed plan (as outlined by 11-10.2-03) is published in the official county newspaper at least once during two different weeks within the 30-day period immediately following the adoption of the preliminary resolution.
3. Board shall hold public hearings and community forums or use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose, conclusions, and recommendations of the plan. (Counties that have made strong efforts to hold public meetings throughout the county have generally experienced much greater success and public support.)
4. Within 2 years after the adoption of the preliminary resolution, the board may by final resolution approve the plan or amend the plan and approve it for implementation according to its terms.
5. The final resolution may be referred to the qualified electors of the county by a petition (signed by 10% of those voting for governor) protesting the plan, if filed with county auditor (or equivalent) within 30 days.
6. If referred, implementation is suspended. Commission must reconsider the resolution and if the Commission decides not to repeal their final resolution – the resolution must be submitted to a vote at the next regular election. (Due to the referral and suspension provisions, beginning this process well before its projected implementation date is advised)

Notes:

This is a summary – any county contemplating action under this Chapter is advised to review NDCC 11-10.2 and consult with their State’s Attorney.

No change to an elective office can be made during an individual’s elected term. A plan may be developed to take effect at the end of the term or at the time the office otherwise becomes vacant.

The North Dakota Constitution prohibits the redesignation of the office of Sheriff to an appointed status, and NDCC 11-10-02 requires that the redesignation of the office of State’s Attorney to an appointed status must be done by citizen vote as provided for in 11-10-02.3.

The electorate can initiate a county office combination, separation, or redesignation as well. The process is somewhat different than the “commission-initiated” process above, and can also be found in NDCC 11-10.2-02.

Combinations, separations, and redesignations of county offices are possible through the adoption of a home rule charter – the process for which is described in NDCC 11-09.1.

Very specific county office restructuring is provided for in NDCC 11-08, County Consolidated Office Form of County Government, and in NDCC 11-09, County Managership.