

## **CHAPTER 11-05.1**

### **COUNTY CONSOLIDATION COMMITTEE**

#### **11-05.1-01. County consolidation committee.**

1. Any two or more counties may create a county consolidation committee:
  - a. By entering into a joint powers agreement or by joint resolution pursuant to separate majority votes of the participating boards of county commissioners; or
  - b. By direct initiative through petitions signed by ten percent or more of the total number of qualified electors of each county voting for governor at the most recent gubernatorial election.
2. The composition of the committee is as prescribed in the joint powers agreement or joint resolution, or as the composition or manner for determining the composition is prescribed in the petition. However, the committee membership must include at least one resident of each incorporated city in each county.
3. Any vacancy may be filled as prescribed in the agreement or resolution or, if not prescribed, by the board of county commissioners of the county that was represented by the person vacating the position.
4. The committee has at least one hundred twenty days in which to consider and file its final report. After one hundred twenty days, the committee may be discharged by motion of either board of county commissioners.

**11-05.1-02. Chairman - Secretary - Quorum.** The committee shall select its own chairman and shall appoint one of its members as secretary. A majority of the committee shall constitute a quorum and a majority of such quorum may act upon all matters properly before the committee.

#### **11-05.1-03. Powers and duties - Contents of plan.**

1. The committee, in studying and preparing a plan to consolidate the counties or change county lines, shall consider and include in the plan as appropriate:
  - a. The fiscal impact of the proposed county consolidation or change in county lines and the economic viability of the proposed county or counties, including the costs of the proceedings to form the county or change county lines;
  - b. The comparative costs of providing services in the affected counties and the proposed county or counties;
  - c. The projected revenues available to the affected counties and the proposed county or counties;
  - d. The final boundaries of the proposed county or counties;
  - e. A procedure for the orderly and timely transfer of service functions and responsibilities from the affected counties to the proposed county or counties;
  - f. A method or plan and timetable for redistricting the proposed consolidated county, pursuant to the redistricting principles enumerated in chapter 11-07. The redistricting process in the case of a change in county lines is as provided in section 11-06-08;

- g. The procedure and plan for equalization of the assets and liabilities of the affected counties, and procedures for negotiation and resolution of any subsequent disagreement regarding the equalization of assets and liabilities;
  - h. An adjustment of existing bonded indebtedness and other obligations in a manner that will provide for a fair and equitable burden of taxation for debt service;
  - i. The estimated taxes, assessments, or other authorized charges necessary in the proposed county to meet the liabilities in the first full fiscal year after the proposed county is formed;
  - j. The structure or form of county government and the selection, powers, duties, functions, qualifications and training, terms, and compensation of officers;
  - k. The application of the plan, if any, to each school district, city park district, and any other special taxing district within the affected counties;
  - l. The transition in implementing the plan, including elements that consider the reasonable expectations of current officeholders such as compensation during an unexpired term of office and delayed effective dates for implementation at the end of a current term or a future term, upon the occurrence of a vacancy, or on a date certain;
  - m. The limited application or temporary implementation of the plan, including provisions that permit implementation on an experimental or pilot basis such as the expiration of the plan on a date certain in the future, required reapproval of the plan by the electors at a future date, or a phased-in implementation of various components of the plan; and
  - n. Other considerations and provisions that the committee decides to include and which are consistent with state law.
2. The committee 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 include, if desired, 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 its purpose, progress, conclusions, and recommendations; and
  - e. Draft a multicounty home rule charter as a charter commission pursuant to section 11-09.1-04.1, in lieu of proceeding pursuant to the provisions of chapter 11-05.

**11-05.1-04. Approval of consolidation plan.** If the committee approves a consolidation plan, it must submit a report and a map showing the boundaries of the proposed county consolidation or change in county lines to the board of county commissioners of each affected county. The report may also be made available to all interested persons. When the report and map have been received by the respective boards of county commissioners, the boards of county commissioners of each county shall act pursuant to chapter 11-05 or 11-06.

**11-05.1-05. Approval of new county government plan.** If the committee shall recommend a new form of county government among the optional plans provided by law, they shall submit a report of their findings to the board of county commissioners. If the plan submitted by the committee is the consolidated office form of government, the board of county commissioners shall proceed as provided in chapter 11-08 or if the plan is that of county managership form, then the board of county commissioners shall proceed as provided in chapter 11-09.

**11-05.1-06. Expenses.** Except as otherwise provided by the implementing joint powers agreement, joint resolutions, or petitions, each member of the committee is entitled to receive from the county the actual and necessary expenses incurred by that member in attending scheduled meetings and in performance of official duties in the same manner and amounts as members of the board of county commissioners, but shall receive no salary or compensation for services performed. All expenses of the committee must be paid from county funds after approval of these expenses by the boards of county commissioners in the same manner as other general county expenses.