

**CHAPTER 40-49.1**  
**BOARDS OF PARK COMMISSIONERS COMBINATION**

**40-49.1-01. Combination of boards of park commissioners - Plan.**

The membership and functions of a board of city park commissioners may be combined with one or more boards of city park commissioners or with one or more boards of county park commissioners pursuant to a plan adopted pursuant to this chapter. This chapter does not supersede the procedure and requirements of chapter 11-28 with respect to the creation of a joint county park district. A proposal for combining boards of park commissioners may be initiated:

1. By execution of a joint powers agreement between participating city or county boards of park commissioners incorporating a plan for combining boards of park commissioners; or
2. By a petition, signed by ten percent or more of the total number of qualified electors of each affected city park district or county voting for governor at the most recent gubernatorial election and submitted to the city park district or county, incorporating a plan for combining boards of park commissioners.

**40-49.1-02. Election on combination plan.**

If a plan for combining boards of park commissioners is proposed by agreement or petition, the participating or affected boards shall immediately submit the proposed plan to the governing bodies of the affected cities and, if applicable, to the board of county commissioners of any affected county. Those boards shall jointly submit the question of combination to the qualified electors of the affected cities and counties at a primary or general election as specified in the agreement or petition within two years of the initial submission of the agreement or petition, and shall cause the complete text, or a fair and accurate summary, of the plan to be published in the official newspapers of the affected cities and counties, not less than two weeks nor more than thirty days, before the date of the election. The boards of park commissioners may, prior to the election, hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose and provisions of the plan. The plan incorporated in the agreement or petition is effective and becomes operative according to its terms if a majority of the qualified electors voting on the question in each affected city or county approves the plan.

**40-49.1-03. Contents of plan - Effect of plan - Limitations - Revision or termination.**

1. Notwithstanding any other law regarding the structure of a board of park commissioners, a plan for combining a board of city park commissioners with another board of city park commissioners or a board of county park commissioners may specify:
  - a. The number, selection, functions, qualifications and training, and terms of the members of the proposed combined board;
  - b. The manner of apportionment of the costs of operating the combined board;
  - c. Procedures for the selection, transfer, reassignment, or termination of personnel associated with the combined board and previous boards;
  - d. Procedures for the transfer of powers, records, documents, and property, for the equalization of the property, funds on hand, and debts, and for the adjustment of existing bonded indebtedness and other obligations in a manner which will provide for a fair and equitable burden of taxation for debt service;
  - e. The transition in implementing the plan, including elements that consider the reasonable expectations of current officeholders or personnel such as delayed effective dates for implementation;
  - f. A limited application or temporary implementation of the plan, including provisions that permit implementation on a trial or experimental 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

- g. Other provisions which are consistent with the powers and functions of a board of park commissioners and with state law.
2. As a political subdivision of the state, the combined board of park commissioners has the status of a board of city park commissioners, or the status of both a board of city park commissioners and a board of county park commissioners if both are combined. If applicable, all laws relating to the functions and powers of a board of city park commissioners and, if city and county boards are combined, laws relating to the functions and powers of a board of county park commissioners apply to a combined board of park commissioners.
3. A plan for combining boards of park commissioners may not repeal or diminish any general law of the state directing or requiring a board of park commissioners to carry out any function or provide any service. A combined board of park commissioners, resulting from a combination of boards of city and county park commissioners, may levy taxes within the portion of the combined district outside city limits within the limitations provided by law for a board of county park commissioners and may levy taxes within the portion of the combined park district that is within city limits within the limitations provided by law for city park districts. The plan must be approved by the electorate in each affected city and county.
4. A plan adopted pursuant to this chapter may be revised or terminated through the procedures set forth in this chapter for adopting a plan.