

NORTH DAKOTA

COUNTY GOVERNMENT OVERVIEW

Counties

53

Government Form

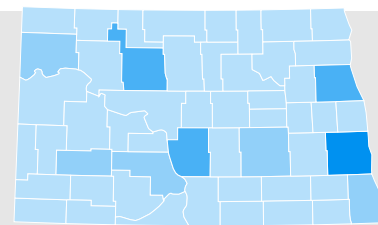
Traditional¹

Governing Body Size

3-5

Population (2020)

779,000²

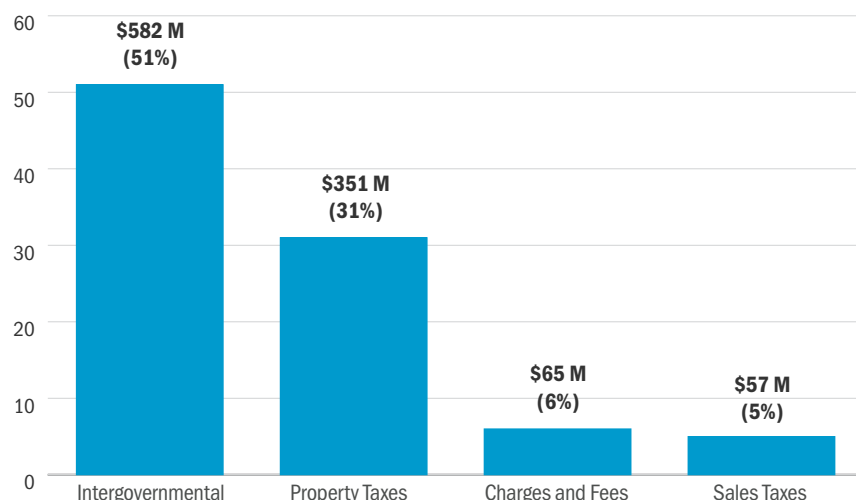


60 15,000 50,000 100.0K 500.0K 10.0M
Population (2020)

County Authority

Mixed/Flexible (Optional Home Rule): In North Dakota, 12 counties have adopted a home rule charter and 41 are governed under Dillon's Rule. A board of county commissioners may draft a home rule charter to be voted on by residents. Home rule counties have the same powers as general law counties and additional freedoms to establish financial authority (including countywide sales tax) and the structure of county government, including elected and appointed officers, if consistent with state law. Counties may adopt a multi-county home rule charter with one or more additional counties. Additionally, counties may restructure all statutorily elected row offices except for the sheriff.

TOP REVENUE SOURCES FOR NORTH DAKOTA COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

¹"Government Form" refers to the distribution of executive decision making authority in a county.

"Traditional" county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). "Reformed" county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county's executive decision making authority. "Mixed" county states means that some counties in that state are "traditional" and some are "reformed."

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties **MUST** provide:

- Construct and maintain roads and bridges.
- Provide courtroom space and district court support.
- Provide veterans and public health services.

Services counties **MAY** provide:

- Construct airports, public service districts and libraries.
- Establish a job development authority.
- Administer noxious weed control, rural sewer and water distribution and emergency communication systems.

Services counties **CANNOT** provide:

- Provide gas or electric utilities.

STRUCTURE/AUTHORITY

SUMMARY

Each county in North Dakota is governed by a board of 3-5 commissioners that serves as both the legislative and executive decision-making body. Counties cannot create a chief executive officer position (in Dillon's Rule counties); however, counties may choose to adopt a county managership form of government which creates the county manager position. The county manager serves as the chief administrative officer for county affairs as delegated by the board of commissioners. Depending on the form of managership adopted, county managers may be either elected by residents or appointed by the county board of commissioners. Home rule powers would allow the creation of a county managership through election or appointment as well.

**All mandatory officers, except for the sheriff, may be combined, shared among counties or redesignated through statutory or home rule provisions.*

Row Officers*	Elected/ Appointed	Mandatory/ Optional
Attorney	Elected	Mandatory
Auditor	Elected	Mandatory
Coroner	Appointed	Mandatory
Recorder	Elected	Mandatory
Sheriff	Elected	Mandatory
Superintendent of Schools	Appointed	Mandatory
Surveyor	Appointed	Optional
Treasurer	Elected	Mandatory



COUNTY STRUCTURE

Legislative Branch: A board of 3-5 commissioners serves as the lead legislative decision-making body.

Executive Branch: A board of 3-5 commissioners serves as the lead executive decision-making body. Counties cannot elect a chief executive officer, but counties may adopt a managership form of government with an appointed or elected county manager.

Judicial Branch: North Dakota's district court system is split into eight judicial districts that serve all 53 counties. District courts have general jurisdiction in all cases, have exclusive jurisdiction in criminal cases and serve as juvenile courts.

Optional Forms of Government:

- County Consolidated Office Form
- County Manager Form – either elected or appointed
- Home Rule Charter – can modify structure with the exception of commission and sheriff



COUNTY AUTHORITY

Executive Power: Executive power resides in the board of county commissioners. A board may institute and prosecute civil actions, make orders regarding county property, levy taxes within state limitations, perform any duties prescribed by state law and more.

Ability to Form Partnerships: A political subdivision may, by mutual agreement, transfer any power or function to the county in which it is located. A county and any other political subdivision may also form an intergovernmental agreement to jointly administer any county power or function. In addition, two or more counties may adopt a multicounty home rule charter.

Call a State of Emergency: The chairperson, acting as the principal executive officer of a county, may declare a local disaster, emergency or mandatory evacuation order.

Special Districts: There are over 750 special purpose districts throughout North Dakota. These consist of approximately 16 different types of special districts and authorities, including water and park districts.

SERVICES

OVERVIEW OF COUNTY SERVICES

North Dakota counties have jurisdiction over many services with a focus on providing for rural communities. Counties may establish roads, provide fire services and create airports. Moreover, counties assist in providing state services, such as social services through a welfare board and a housing authority. Counties may carry out additional services with voter approval, including hospital districts, libraries and rural ambulance services.



HEALTH AND HUMAN SERVICES

Health Departments/Districts: Counties **must** provide public health services. Counties may establish a public health unit by appointing five members to a board of health. Two public health units (if they serve a population of at least 15,000) or three or more public health units may form a regional public health network. Counties without a public health unit may contract with a city's public health unit to provide services. Counties may form a single county, multi-county, city-county or tribal health district.

Hospitals: If petitioned and voters approve, counties (individually or jointly) **must** create a hospital district and impose a levy to support the district.

Human Services: Counties **must** establish a human services zone board or participate in a multi-county human service zone and appoint members to the governing board. The board reviews services and programs and makes recommendations for improvements. The board must also efficiently coordinate and conduct human service activities within the human service zone by private and public organizations.

Mental Health Facilities: Under home rule, counties **may** establish mental health facilities; however, this is primarily a **state** function.



INFRASTRUCTURE

Roads: Counties **must** acquire land for, construct, maintain and operate the county road system.

Airports: Counties either individually or jointly with another county, city, park district or township, **may** acquire, establish and construct airports and landing fields.

Recreation Service District: If petitioned, counties **may** call an election regarding service provision, including police protection, sewer and water, garbage removal services and public road construction and maintenance.

Utilities: Counties **may** design recreation service districts to provide sewer, water and trash removal services.

- **Sewer:** Counties **may** provide sewage services.
- **Water:** Counties **may** provide water services.
- **Solid Waste:** Counties **may** provide garbage removal services.
- **Communications:** Counties **may** fund enhanced communications infrastructure.
- **Electric:** Counties **cannot** provide electric services.
- **Gas:** Counties **cannot** provide gas services.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: Each board of county commissioners **may** establish a 5-7 member board of county park commissioners. The county commissioners must consider the budget and levy request from the park commissioners and may fund park expenses from the general fund. A board of county park commissioners may establish special service districts to provide police protection and garbage removal for park areas.

Libraries: If petitioned by voters, counties **must** establish and maintain public library services, either individually or jointly with the state library, or with one or more cities or counties. Counties may establish a library fund and levy taxes, not to exceed county tax limits.

Cemeteries: Counties **must** determine if cemeteries are abandoned and if so, maintain them.

Memorials: Counties **may** build a memorial for county veterans and may provide funds out of the county general fund to pay for the construction. Counties may cooperate with a city, school district or other public or private nonprofit organization to build and operate a memorial.

County Agricultural Fair Association: Counties **may** organize a fair association. Annual funding must be approved by citizen vote.



ZONING AND DEVELOPMENT

Zoning Power: Incorporated cities and organized townships have primary zoning authority. The board of county commissioners **may** regulate and restrict the location and use of buildings and structures and the use, condition or occupancy of lands for residence, recreation and other purposes. Counties may authorize permits and charge permitting fees for construction, reconstruction or repair of any building or structure. To use this zoning power a county must establish a county planning commission.

Regional Planning and Zoning Commissioners: Counties, cities and organized townships **may** cooperate to form, organize and administer a regional planning and zoning commission.

Zoning Restriction: Counties **cannot** regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations beyond the expressed limitations of state law.

Housing Authority: The **state** creates a housing authority in each county; however, the authority only has power if residents petition and the county governing body approves. The authority must operate public housing facilities, issue bonds and conduct research and make recommendations for improving housing conditions.

Job (Economic) Development Authorities: Counties **may**, individually or jointly with another county, establish a job development authority. A job authority may encourage and assist employment development and tourism promotion.

SERVICES, CONTINUED



PUBLIC SAFETY

Law Enforcement: Counties **must** elect a sheriff to serve as the chief law enforcement officer whose responsibilities include making warrant arrests and supporting county court operations.

Jails: Counties **must** provide jail services through a county jail, multi-county jail or through contract with another entity. The sheriff is responsible for a single county jail.

Courthouses: Counties **must** provide facilities for district court services, though court services are funded and operated by the state.

Fire: Counties **may** create a firebreak fund, appoint a fire warden and provide fire control services; however, in reality, rural fire districts have been created by petition and counties levy a property tax to support them.

Ambulance: If petitioned, counties **may** establish a rural ambulance district and elected board of directors. If voters approve, counties may levy a property tax of up to 15 mills.

Emergency Management Agency: Counties **must** either maintain an emergency management organization that serves the entire county or join a regional emergency management organization that serves more than one county. Each local or regional emergency management organization must prepare a local disaster or emergency operational plan for its area.

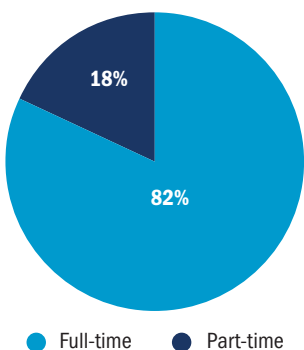


SCHOOLS

Education, Generally: The county superintendent of schools, with the approval of the board of county commissioners, **must** appoint a county committee for school district annexations, dissolutions and reorganizations. The state board of education must assist county committees.

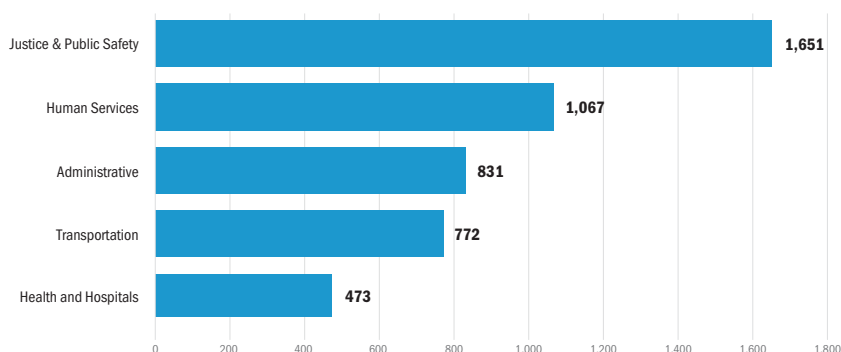
School Board: The board of a school district must be composed of 5-7 members. Each board of county commissioners **must** employ a county superintendent of schools to serve schools without a district superintendent of schools.

NORTH DAKOTA COUNTIES EMPLOY 5,405 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

NORTH DAKOTA COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

TAXATION/FINANCES

OVERVIEW OF COUNTY FINANCE STRUCTURE

North Dakota counties only have the taxing authority authorized by the state legislature, but have broad jurisdiction over real property taxes. Property taxes may be levied for general purposes, an emergency fund and other specific funds, but the tax levies are limited to a rate necessary to meet budget demands. Home rule counties may levy a sales and use tax as well as a restaurant and lodging tax. Counties may incur general debt and issue bonds to fund revenue-generating utilities.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Without a home rule charter, counties **may** levy property taxes up to a limit based on mills per dollar of taxable value. Taxable value is 4.5 percent of true and full value of residential property and 5 percent for commercial and agricultural value. Agricultural value is determined by productivity. Counties have numerous special fund levies, some of which may be increased by voter approval every 10 years.

Personal Property: Personal property **cannot** be assessed for property taxes.

Income Tax: Counties **cannot** impose an income tax.

Sales Tax:

- **Local Sales Tax:** Home rule counties **may** impose a sales tax, but items exempt from state sales tax cannot be taxed locally.
- **Restaurant Tax:** Home rule counties **may** levy a sales tax on any food and beverage consumption already subject to state sales tax.
- **Lodging Tax:** In unincorporated areas, counties **may** impose a tax of up to 2 percent on gross receipts of retailers on leasing or renting hotel, motel or other

accommodations. All proceeds must be deposited in the county visitors' promotion fund.

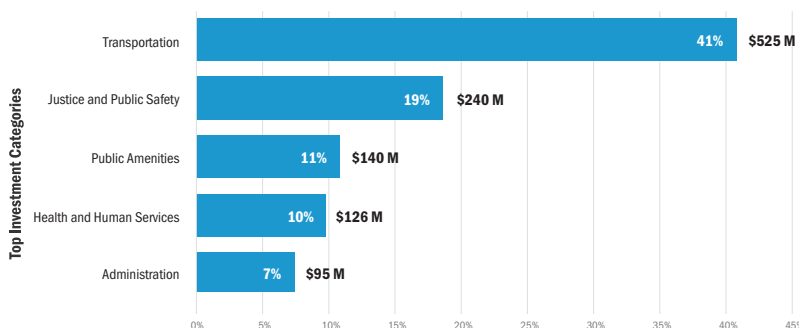
Mineral Tax: Counties **cannot** impose a mineral tax.

Gas/Fuel Taxes: Counties **cannot** impose a gas or fuel tax.

Debt and Debt Limit: Counties **may** take on debt of up to 5 percent of assessed value of taxable property. If voters approve, counties may issue bonds on utilities not exceeding the value of the utility. An annual tax must cover the interest and principal of any debt counties take on.

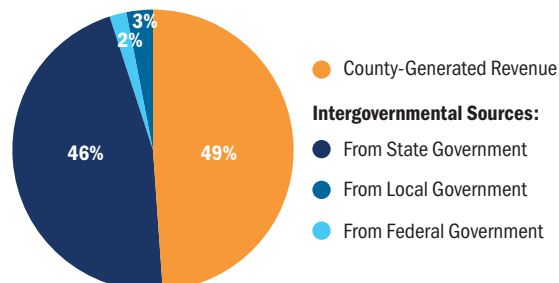
Emergency Fund: Counties **may** levy a tax for emergency purposes. The tax does not need to be considered in determining the budget or the tax levy for general tax purposes. The levy cannot exceed 2 mills in a county with a population of 30,000 or more, 4 mills in a county with a population under 30,000 but more than 5,000 or 6 mills in a county with a population under 5,000.

NORTH DAKOTA COUNTIES INVEST \$1.3 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

NORTH DAKOTA COUNTIES RECEIVE \$582 MILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017