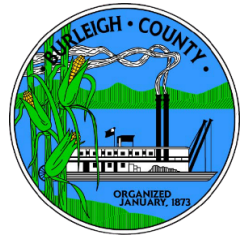




Burleigh County Home Rule Charter Commission
Tom Baker Room, City/County Office Building, 221 N 5th St, Bismarck
3:00 pm



October 4, 2023

3:00 PM

HOME RULE CHARTER COMMISSION

1. Meeting called to order.
2. Roll call of members.
3. Approval of September 6th meeting minutes.
4. Review of requested information from September 6th meeting:
 - a. Ballot language.
5. Work on a Policy for the sales tax
6. Added discussion items future meetings.
7. Other Business:
8. Adjourn.

Mark Splonskowski
Burleigh County Auditor/Treasurer/Tax

**HOME RULE CHARTER COMMISSION
MEETING MINUTES
SEPTEMBER 6TH, 2023**

3:00PM

Chair Munson called the meeting of the Home Rule Charter Commission to order.

Roll call of members: Chair Munson, Comm. Schwab, Emergency Manager Mary Senger, Representative Pat Heinert, and Dustin Gawrylow. Auditor Mark Splonskowski and Deputy Finance Director Justin Schulz were also present. Absent were Kay LaCoe and State's Attorney Julie Lawyer.

Chair Munson asked for a moment of silence to remember Commissioner Becky Matthews and her family.

Motion by Mary Senger, 2nd by Rep. Heinert to approve the Aug. 23rd, 2023 meeting minutes. All members present voted "AYE". Motion carried.

Chair Munson then began a review of the requested information from the Aug. 23rd, 2023 meeting. The first item to discuss was possible options for the Home Rule Charter ballot language. Five options were presented which was what was put before the residents on sales tax for the Detention Center back in 2014. We could use similar language such as:

OPTION #1

Shall the Home Rule Charter as published in the Bismarck Tribune on May 17 and May 24, 2014, be approved?

OPTION #2

Shall the Home Rule Charter as published in the Bismarck Tribune on May 17 and May 24, 2014, authorizing a one-half cent sales and use tax for the purpose of funding the construction of a Detention Center and the demolition and remodeling of the current Detention Center be approved?

OPTION #3

Shall the Home Rule Charter as published in the Bismarck Tribune on May 17 and May 24, 2014, authorizing a temporary one-half cent sales and use tax for the purpose of funding the construction of a Detention Center be approved?

OPTION #4

Shall the Burleigh County HOME RULE CHARTER as published in The Bismarck Tribune authorizing a temporary one-half cent sales and use tax for the purpose of funding the construction of a new Detention Center and renovation of the existing facility with said Home Rule Charter and sales tax terminating upon payment of financing all costs bonds for the project be approved?

OPTION #5

Shall Burleigh County enact a HOME RULE CHARTER authorizing a temporary one-half cent sales and use tax for the purpose of funding the construction of a new Detention Center and renovation of the existing facility with said Home Rule Charter and sales tax terminating upon payment of bonds for the project?

A "YES" vote means you approve the enactment of a Burleigh County Home Rule Charter.

A "NO" vote means you do not approve the enactment of a Burleigh County Home Rule Charter.

Ms. Senger stated that she likes the language of Option 5 since not everyone receives the Bismarck Tribune, plus the language is more descriptive. Mr. Gawrylow added that the language that goes on the ballot is the condensed version of what goes into the amendment. There were no further comments or questions. Chair Munson then referred everyone to the graph representing the proposed budget covered by Property Tax. The information on the graph is based on a one cent tax using the 2022 collection rate for a total of \$21.6 million in sales tax and 2024 Preliminary Budget amounts. The "buckets" are Burleigh-Morton County Detention Center (\$6,792,326), the Sheriff's Department (\$8,156,422), State's Attorney (\$4,940,294), and Commission Discretionary Funds (\$1,710,958) with the Total Tax Levy (\$31,498,018) in relationship to the Total Tax Levy replaced by Sales Tax (\$21,600,000). This is about a two-thirds reduction in property sales tax. Comm. Schwab thinks the language should be using mills as that is what the public understands. Comm. Munson disagreed stating that many people don't know what a mill is. Ms. Senger stated that we should be discussing this in dollar amounts and not mills, and Rep. Heinert added that he introduced legislation at the request of North Dakota citizens requesting that language on bills be stated in dollars and cents and not in mills, so the public is able to better understand it. Chair Munson asked for a vote as to who was in favor of the bucket method to buy down property tax for the residents of the county. Rep. Heinert, Chair Munson, Mr. Gawrylow, Ms Senger all voted "AYE". Comm. Schwab voted "NAY". Motion passed.

Mr. Shulz suggested that what we are really giving the residents of Burleigh County three options: 1. Do they want a ½ cent sales tax to buy down property tax by funding through the bucket method? 2. Do they want a one cent sales tax to buy down property tax by funding through the bucket method? 3. Do they want no sales tax and fund county government by property tax? Those are the actual questions we are asking the citizens. Auditor Splonskowski will check to see if we can put this in a three-question format asking the residents to vote for one. Mr. Gawrylow questioned whether the Statute for Home Rule Charter would allow for a multiple-choice question on a ballot and thinks it needs to be a yes or no vote. Chair Munson thinks we should eliminate question 1 and just keep it either a one cent tax or no sales tax. Rep. Heinert suggested two distinct yes/no questions. Chair Munson took a vote on whether all members were in favor of a one cent sales tax to offset the buckets. All members present indicated that they were. Chair Munson wants to ask State's Attorney Lawyer if we can put this into two yes/no statements and what kind of language to have. Mr. Shulz suggested labeling the Commission Discretionary Fund as "General Fund/Property Tax Buy Down" to avoid issues with the public. Sheriff Leben who attended the meeting stated that the City of Bismarck is paying the county \$66 a day per inmate currently. It is \$75 a day per inmate for the City of Lincoln. Bismarck/Mandan and City of Lincoln's daily rate is set to increase to \$75 a day per inmate beginning in January 2024. Rep. Heinert stated that \$75 per inmate per day is significantly low compared to other areas of the country. He suggests setting a dollar amount like a minimum of \$250,000 to offset costs to the Sheriff's budget. Sheriff Leben stated that a certain percentage of the daily rate could be set to reduce the daily rate for the city to avoid future negotiation problems with the federal government. He stated that the Detention Center is losing money even at the rate of \$75 a day as they are really more at \$100 a day in cost per inmate. Comm. Munson along with Mr. Gawrylow stated that we should have clarified language on the ballot should the residents not vote for property taxes in case the state decides to reduce funding to the county. Auditor Splonskowski stated that the Secretary of State needs to have the ballot measures no later than 100 days before the election, which would be Mar. 3rd, 2024. He will confirm this with State's Attorney Lawyer. Comm. Munson stated that the Home Rule Charter Commission should have this ballot measure language in place by the end of January, and Mr.

Gawrylow suggested having one more meeting to get State's Attorney Lawyer's language on it, plus having one public meeting on it to get feedback. Comm. Munson confirmed that Oct. 4th will be the next Home Rule Charter meeting. Ms. Senger will follow up with State's Attorney Lawyer in the meantime to confirm proper ballot language. It was also confirmed that we are not including the word "temporary" on the ballot. Mr. Gawrylow made a motion to submit his draft ballot language in the document he handed out as a suggested starting point. Comm. Schwab disagrees as the language is too confusing. He also disagrees with language stating that the Home Rule Charter Commission gives the County Commission authority and is concerned that we need to reschedule wages for county employees by winter before we lose everyone to other nearby counties as they pay significantly more than Burleigh County. Comm. Munson suggested that a better word would be that the Home Rule Charter Commission "recommends" to the County Commission. Ms. Senger asked if what we are wanting to see then is a generalized term that the one percent is going to reduce property tax by a certain dollar amount and that it all goes to general fund buy down or property tax relief? Comm. Schwab stated that it needs to be simple and it's just about reducing property taxes and that we shouldn't be picking and choosing departments to fund as it excludes others. Rep. Heinert stated that he prefers to identify a percentage of the total that can go into reserve funds and wants to see that number capped. Chair Munson stated that we currently have \$1.7 million leftover in discretionary funds, however we don't want to call it discretionary, but we could say 50% would go towards reserves and 50% to additional property tax relief. Mr. Schulz stated that we already budget for reserves so we would really only need language stating that the remaining balance would go to additional property tax relief. He added that we would budget the previous year's tax collections so that whatever the need is for next year's budget would be used by what we collected for taxes in the previous year. For example, if we came in \$1 million under budget for expenses, we would roll that into general fund reserves so we would have more available for the next year's budget cycle property tax buy down.

Meeting adjourned.

Mark Splonskowski, County Auditor/Treasurer

Wayne Munson, Chairman

Section 6 – Political Party Presidential Caucuses 2024

An established political party can choose to hold a presidential caucus or rely on some other selection process recognized by the national party. The timeline and process is decided by the individual political party and is not covered under the North Dakota Century Code. Please contact the individual political party for more information.

North Dakota
Republican Party
1029 5th St N
Bismarck ND 58501
(701) 255-0030
info@ndgop.org
www.ndgop.org

North Dakota
Democratic-NPL Party
1902 E. Divide Ave.
Bismarck ND 58501
(701) 255-0460
people@demnpl.com
www.demnpl.com

Section 7 – Primary Election – 2024

Congressional, Statewide, Legislative District, Judicial District, and County Offices

A. Election Date: June 11, 2024

The primary election is held on the second Tuesday in June. [NDCC § 16.1-11-01](#)

B. Placement of Candidate's Name on Ballot

To place his or her name on the ballot, a candidate may choose one of the following two options: [Certificate of Endorsement](#) (political party nominee) or [Petition](#). The forms are available from either the Secretary of State or the County Auditor.

B.1 Certificate of Endorsement – Political Party Nominee

Candidates for congressional, statewide, and legislative office who are nominees of a political party must file a [Certificate of Endorsement](#) with the Secretary of State. [Certificates of Endorsement](#) may not be filed with the Secretary of State prior to January 2, 2024* and must be in the physical possession of the Secretary of State no later than 4:00 p.m. on the 64th day before the Primary Election. [NDCC §§ 16.1-11-06](#) and [16.1-11-11](#)

B.1.a Filing Dates for Certificate of Endorsement

Earliest day to file Certificate of Endorsement Tuesday, January 2, 2024*

Last day to file Certificate of Endorsement 4:00 p.m., Monday, April 8, 2024

*The first day to file endorsements falls on a state holiday making the next business day the first permissible filing day.

B.2 Petition

Congressional, Statewide, or Judicial Candidates: If the office sought is under a political party designation, signatures on petitions must be obtained from qualified electors equal to at least 3% of the total vote cast at the last General Election for that party's candidate for the same office. However, no more than 300 signatures are required. If the office sought did not have a candidate from that party on the ballot in the preceding General Election, or if the office sought has a no-party designation, at least 300 signatures are required on petitions. Candidates must file a petition with the Secretary of State to have their name placed on the ballot. [Petitions](#) may not be circulated or signed prior to January 1, 2024. [Petitions](#) may not be filed earlier than January 2, 2024 and must be in the physical possession of the Secretary of State no later than 4:00 p.m. on the 64th day before the election. [NDCC §§ 16.1-11-06](#) and [16.1-11-15](#).

GENERAL ELECTION, NOVEMBER 6, 2018

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| D STATE OF NORTH DAKOTA | E BURLEIGH COUNTY | F Sunrise School |
| <p>County Sheriff Vote for no more than ONE name</p> | <p>Initiated Statutory Measure No. 3</p> | <p>CITY MEASURE I</p> |
| <p><input type="radio"/> Nolan Canright</p> <p><input type="radio"/> Kelly Leben</p> | <p>This initiated measure would amend the North Dakota Century Code by removing hashish, marijuana, and tetrahydrocannabinols from the list of schedule I controlled substances in section 19-03.1-05. It would create chapter 66-01, which would define the terms marijuana and marijuana paraphernalia and prohibit prosecution of any person over the age of 21 for any non-violent marijuana related activity (including growing, manufacturing, distributing, selling, or testing marijuana) or drug paraphernalia relating to any non-violent marijuana activity, except for the sale of marijuana to a person under the age of 21. Any language in the North Dakota Century Code that conflicts with chapter 66-01, including the prohibitions on prosecution, is nullified and repealed. The measure also would add penalties for individuals under the age of twenty-one in possession of, or attempting to distribute, marijuana; and provide penalties for individuals who distribute marijuana to anyone under the age of twenty-one. It would amend the definition of drug paraphernalia in section 19-03.4-01 to apply only to non-marijuana controlled substances. It would amend section 25-03.1-45 to require the automatic expungement of the record of an individual who has a drug conviction for a controlled substance that has been legalized; create an appeals process for an individual who believes the state did not expunge a record properly; and eliminate the state's sovereign immunity for damages resulting from expungement lawsuits.</p> | <p>Shall Article 3 of the Home Rule Charter for the City of Bismarck be amended: To amend Article 3, section 17 to add an additional 1/2 cent sales, use and gross receipts tax with the proceeds to be dedicated exclusively to arterial street construction and reconstruction within the following:</p> <ul style="list-style-type: none"> a. 43rd Ave/Ash Coulee Dr from Tyler Parkway to 66th St b. Centennial Road from I-94 to 43rd Ave c. Main Ave from 26th St to 66th St d. State Street from Calgary Ave to ND 1804/71st Ave e. Washington St from Burleigh Ave to South Bismarck Drainage Ditch f. Century Ave from Centennial Rd to 66th St g. Tyler Parkway from Valley Dr to 57th Ave h. 57th Ave from Washington St to State St <p>said tax to be discontinued after 10 years of collection or upon the completion of the project list a-h, whichever occurs first.</p> <p><input type="radio"/> YES - A "yes" vote means that you approve this proposed amendment to the Home Rule Charter for the City of Bismarck as published in the Bismarck Tribune.</p> <p><input type="radio"/> NO - A "no" vote means that you reject this proposed amendment to the Home Rule Charter for the City of Bismarck as published in the Bismarck Tribune.</p> |
| <p>Supervisor, Soil Conservation District Vote for no more than ONE name</p> <p><input type="radio"/> David Carpenter</p> | <p><input type="radio"/> YES - means you approve the measure summarized above.</p> <p><input type="radio"/> NO - means you reject the measure summarized above.</p> | <p>CITY MEASURE II</p> |
| <p>County Official Newspaper Vote for no more than ONE name</p> <p><input type="radio"/> The Bismarck Tribune</p> | <p>Initiated Statutory Measure No. 4</p> <p>This initiated measure would add a section to chapter 39-04 of the North Dakota Century Code requiring the Department of Transportation to issue red personalized vehicle plates to volunteer emergency responders. The plates would be provided at no cost to the volunteers and would serve as entrance pass to all North Dakota state parks. Qualifications and verification procedures for the plates would be designated by the Department of Transportation in cooperation with the volunteer organizations.</p> <p><input type="radio"/> YES - means you approve the measure summarized above.</p> <p><input type="radio"/> NO - means you reject the measure summarized above.</p> | <p>Shall Article 3 of the Home Rule Charter for the City of Bismarck be amended: To amend Article 3, section 17(a) to limit the existing 25 mill property tax reduction to 25 mills at the 2019 value of the mill.</p> <p><input type="radio"/> YES - A "yes" vote means that you approve this proposed amendment to the Home Rule Charter for the City of Bismarck as published in the Bismarck Tribune.</p> <p><input type="radio"/> NO - A "no" vote means that you reject this proposed amendment to the Home Rule Charter for the City of Bismarck as published in the Bismarck Tribune.</p> |
| <p>MEASURES BALLOT</p> <p>Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure. A voter is not required to vote upon each measure appearing on this ballot.</p> | <p><input type="radio"/> YES - means you approve the measure summarized above.</p> <p><input type="radio"/> NO - means you reject the measure summarized above.</p> | <p>CITY MEASURE III</p> |
| <p>Initiated Constitutional Measure No. 1</p> <p>This initiated measure would add a new article to the North Dakota Constitution establishing a North Dakota ethics commission. The commission, using funds provided by the legislature, would be responsible for adopting rules related to corruption, elections, and lobbying and for reporting and investigating alleged violations of those rules and related state laws. The measure would provide for prohibitions for lobbyists related to gift giving and delivery of campaign contributions and prohibitions for public officials against lobbying, use of campaign contributions, and conflicts of interest in certain proceedings. The measure would direct the legislative assembly to enact laws that require electronically accessible public disclosure of the source of funds spent (in any medium and in an amount greater than two hundred dollars) to influence statewide and legislative elections and statewide ballot measures or to lobby or otherwise influence state government action. In a conflict between this article and any other provision in the North Dakota Constitution, the provisions of this article would control.</p> <p><input type="radio"/> YES - means you approve the measure summarized above.</p> <p><input type="radio"/> NO - means you reject the measure summarized above.</p> | <p>Initiated Constitutional Measure No. 2</p> <p>This initiated measure would amend Article II of the North Dakota Constitution to state that "only a citizen" of the United States is a qualified elector, instead of the current provision that states "every citizen" of the United States is a qualified elector. The measure also would state that only a qualified elector may vote in any general, special, or primary election for a federal, statewide, state legislative, district, county, township, city, or school district office or ballot measure.</p> <p><input type="radio"/> YES - means you approve the measure summarized above.</p> <p><input type="radio"/> NO - means you reject the measure summarized above.</p> | <p>Shall Article 3 of the Home Rule Charter for the City of Bismarck be amended: To remove redundant language in existing section 17, a-f, to remove expired language in existing section 17, a-f relating to previously approved and completed projects, to add language required by and consistent with recent changes in state law regarding the streamlined sales tax and to re-number sections as appropriate, and to include remote sales in tax collection.</p> <p><input type="radio"/> YES - A "yes" vote means that you approve this proposed amendment to the Home Rule Charter for the City of Bismarck as published in the Bismarck Tribune.</p> <p><input type="radio"/> NO - A "no" vote means that you reject this proposed amendment to the Home Rule Charter for the City of Bismarck as published in the Bismarck Tribune.</p> |
| <p>VOTE BOTH SIDES</p> | | |
| D Sunrise School | E | F Typ:01 Seq:0003 Spl:01 |

PRIMARY ELECTION, JUNE 10, 2014

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| 6 | STATE OF NORTH DAKOTA | E | BURLEIGH COUNTY | F | Shiloh Christian School |
| NO-PARTY PRIMARY BALLOT | | Commission President City of Bismarck Vote for no more than ONE name | | MEASURES BALLOT | |
| To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line. | | <input type="radio"/> Mike Seminary <input type="radio"/> _____ | | Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure. A voter is not required to vote upon each measure appearing on this ballot. | |
| Justice of the Supreme Court Vote for no more than ONE name | | Commissioner City of Bismarck Vote for no more than TWO names | | Constitutional Measure No. 1 (House Concurrent Resolution No. 3034, 2013 Session Laws, Ch. 518) | |
| <input type="radio"/> Gerald W VandeWalle <input type="radio"/> _____ | | <input type="radio"/> Myka Miller <input type="radio"/> Josh Askvig <input type="radio"/> Steve Marquardt <input type="radio"/> Michael Motschenbacher <input type="radio"/> Duane Pool <input type="radio"/> Doug Philp <input type="radio"/> Kimberly A Badenhop <input type="radio"/> Nancy Guy <input type="radio"/> _____ <input type="radio"/> _____ | | This constitutional measure would amend and reenact sections 5, 6, and 7 of Article III of the North Dakota Constitution by changing the filing deadline for the submission of initiated measure petitions from ninety days to one hundred twenty days before a statewide election, and by providing that any challenges regarding measure petitions must be filed with the Supreme Court no later than seventy-five days before the election. <input type="radio"/> YES - Means you approve the measure as summarized above. <input type="radio"/> NO - Means you reject the measure as summarized above. | |
| Judge of the District Court South Central Judicial District Judgeship No. 1 Vote for no more than ONE name | | Park Board Member City of Bismarck Vote for no more than THREE names | | Burleigh County Measure No. 1 BURLEIGH COUNTY HOME RULE CHARTER | |
| <input type="radio"/> David E Reich <input type="radio"/> _____ | | <input type="radio"/> Harley Engelman <input type="radio"/> Jason T Starck <input type="radio"/> Julie Jeske <input type="radio"/> Mike Schwartz <input type="radio"/> _____ <input type="radio"/> _____ | | Shall the Home Rule Charter, as published in the Bismarck Tribune authorizing a temporary one half cent sales and use tax for the purpose of funding the construction of a Detention Center and renovation of the existing facility with said Home Rule Charter terminating upon payment of bonds for the project, be approved? <input type="radio"/> YES <input type="radio"/> NO | |
| Judge of the District Court South Central Judicial District Judgeship No. 6 Vote for no more than ONE name | | School Board Member Bismarck Public School District #1 Vote for no more than THREE names | | School District Measure No. 1 BISMARCK PUBLIC SCHOOL DISTRICT #1 PUBLICATION OF MINUTES | |
| <input type="radio"/> Gail Hagerty <input type="radio"/> _____ | | <input type="radio"/> Karl Lembke <input type="radio"/> Matthew Sagsveen <input type="radio"/> Rissa Williams <input type="radio"/> Karalee Harper <input type="radio"/> Michael A Holly <input type="radio"/> Scott Halvorson <input type="radio"/> _____ <input type="radio"/> _____ | | Shall a record of the proceedings of the Bismarck School District be published in the official newspaper of the district? <input type="radio"/> YES <input type="radio"/> NO | |
| Judge of the District Court South Central Judicial District Judgeship No. 7 Vote for no more than ONE name | | County Auditor/Treasurer Vote for no more than ONE name | | VOTE BOTH SIDES | |
| <input type="radio"/> Thomas J Schneider <input type="radio"/> _____ | | <input type="radio"/> Kevin J Glatt <input type="radio"/> _____ | | | |
| County Commissioner Vote for no more than THREE names | | County State's Attorney Vote for no more than ONE name | | | |
| <input type="radio"/> Brad Feldman <input type="radio"/> Kathleen Jones <input type="radio"/> Jerry Saude <input type="radio"/> Jim Peluso <input type="radio"/> Doug Schonert <input type="radio"/> LaRoy Baird <input type="radio"/> _____ <input type="radio"/> _____ | | <input type="radio"/> Richard J Riha <input type="radio"/> _____ | | | |
| County Recorder Vote for no more than ONE name | | County Sheriff Vote for no more than ONE name | | | |
| <input type="radio"/> Debbie Kroshus <input type="radio"/> _____ | | <input type="radio"/> Patrick D Heinert <input type="radio"/> _____ | | | |
| County Official Newspaper Vote for no more than ONE name | | County Auditor/Treasurer Vote for no more than ONE name | | | |
| <input type="radio"/> The Bismarck Tribune <input type="radio"/> _____ | | <input type="radio"/> Kevin J Glatt <input type="radio"/> _____ | | | |
| County Auditor/Treasurer Vote for no more than ONE name | | County State's Attorney Vote for no more than ONE name | | | |
| <input type="radio"/> Kevin J Glatt <input type="radio"/> _____ | | <input type="radio"/> Richard J Riha <input type="radio"/> _____ | | | |

SAMPLE