

CHAPTER 54-40.5 LOCAL GOVERNMENT POWERS TRANSFER

54-40.5-01. Purpose.

The purpose of this chapter is to provide procedures for political subdivisions by mutual agreement to transfer the administrative, legal, and financial responsibility for any powers or functions to the county, as authorized by section 10 of article VII of the Constitution of North Dakota. Nothing in this chapter may be construed to affect the authority of political subdivisions to enter into joint powers agreements for the cooperative or joint administration of powers or functions or other contracts as permitted by law.

54-40.5-02. Definitions.

As used in this chapter:

1. "County" means the county in which a political subdivision is located.
2. "Political subdivision" means a city, township, city park district, school district, or other unit of local government or special district or authority in this state.

54-40.5-03. Transfer of powers or functions to the county.

A political subdivision may enter into an agreement for the transfer of the legal, administrative, and financial responsibilities for carrying out a power or function of the political subdivision as required or permitted by law or home rule charter. The agreement must include:

1. The nature of the power or function to be transferred;
2. The effective date of the proposed transfer;
3. The responsibility for administration of the power or function to be transferred;
4. The manner in which affected employees currently engaged in the performance of the power or function will be transferred, reassigned, or otherwise treated;
5. The manner in which real property, facilities, equipment, or other personal property required in the exercise of the power or function are to be transferred, sold, or otherwise disposed of;
6. The method of financing, establishing, and maintaining a budget for the power or function; and
7. Other legal, financial, and administrative arrangements necessary to affect the transfer in an orderly and equitable manner.

54-40.5-04. Revocation of transfer.

An agreement may be amended by further agreement of the parties in the same manner as the original agreement was made. An agreement may be terminated as provided in the agreement or, if no provision is made for the termination, by joint action of all parties, or by an individual party not less than one year after its notice in writing to all other parties. If a political subdivision that is a party to the agreement is dissolved, the agreement may be terminated as provided in this section by the governing body of the political subdivision upon its reincorporation or reestablishment, by a petition submitted to the county and signed by a majority of the electors residing within the previous territorial jurisdiction of the dissolved political subdivision, or in some other manner specified in the agreement.

A township or city that unilaterally transferred its zoning authority to the county may reacquire that zoning authority by mutual agreement between the board of county commissioners and the board of township supervisors or city governing body.