

**HOME RULE CHARTER COMMISSION  
MEETING MINUTES  
OCTOBER 4TH, 2023**

**3:00PM**

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

Roll call of members: Chair Munson, Emergency Manager Mary Senger, Kay LaCoe, Representative Pat Heinert, Dustin Gawrylow and State's Attorney Julie Lawyer, Comm. Schwab was absent.

Motion by Mary Senger, 2<sup>nd</sup> by Rep. Heinert to approve the Sept. 6<sup>th</sup>, 2023 meeting minutes. All members present voted "AYE". Motion carried.

Chair Munson began a discussion of potential ballot language. He stated that at the previous meeting the commission agreed to a one cent sales tax to be used for the Detention Center, the Sheriff's Department, and State's Attorney's Office all in the name of tax reform. State's Attorney Lawyer stated that the ballot language should be short and to the point because the county is publishing that in the newspaper record. She suggested possible language such as "As printed in the Bismarck Tribune, do you approve or not approve?" Chair Munson asked the State's Attorney if the two of them could meet separately to craft the language and then present it to the HRC Committee for approval, followed by the County Commission's approval. Rep. Heinert stated that there should be a conversation with the County Commission, the City Commission, and the Burleigh County Sheriff as to their rates per inmate charged and to utilize some of those funds to offset the city's costs. Sheriff Leben stated that the jail's daily rate is decided by their own board with no city officials on it as spelled out in the Joint Powers Agreement. He added that the commissions had no direct influence on that. He also stated that trying to set the daily rates would get convoluted and preferred using a percentage of the daily rate rather than setting a dollar amount which was the established practice right now. He felt that the more convoluted this process becomes, the less people would support it. Chair Munson asked Deputy Finance Director Justin Schulz if the income from the one cent sales tax would cover 100% of each of those three line items previously discussed. Mr. Schulz stated that the Detention center was \$6.8 million, Sheriff's Department was \$8,156,000, and State's Attorney was \$4,940,000 with the Commission Discretionary Fund of \$1,710,000 (which could be identified as a rate buy down for the city). State's Attorney Lawyer recommended that the HRC language not designate buckets because if something changed and the commission wanted to delegate the funds to something else, they would have to go through this whole process all over again. She said that instead of delegating it to a specific department, it could be done generically. She also added that instead of the bucket theory, it could be stated that it would go towards the allocation of the county commission to offset money coming in from property taxes. She stated that the committee doesn't need to give percentages to each department. She also added that this would save the commission from unforeseen changes that might come up in the future. The State's Attorney then recommended that the language not be so specific that it paints the county into a corner yet be specific enough that it would accomplish the goal of offsetting property taxes. Comm. Munson then asked if the term "Public Safety" should be used instead of listing the Detention Center, Sheriff's Department, and State's Attorney's office. State's Attorney Lawyer responded by saying that Emergency Management also falls under Public Safety as do other departments. Mr. Gawrylow stated that

people might think Public Health was Public Safety. Chair Munson felt it was still best to do the buckets and be specific, but instead of using the term “discretionary funds”, say “Other Public Safety Services”. Mary Senger suggested using the term “priorities” instead of “buckets”. State’s Attorney Lawyer agreed. She said that language would put the intent in there but wouldn’t box the county in. She added that the Home Rule Charter language should be the specific one and the ballot language should just state what everyone’s vote means. Everyone on the Commission agreed that the priority list is preferred over buckets as well as clarifying “Burleigh county’s portion of other public safety services” instead of the verbiage of a discretionary fund. Rep. Heinert suggested saying “Any remaining funds would be dedicated to additional property tax relief.” Ms. LaCoe agreed with this. Mr. Gawrylow suggested the language “one cent sales tax dedicated to offset property tax revenue that otherwise would go towards Detention Center, Sheriff’s Department, State’s Attorney, and other property tax relief.” Bismarck/Mandan Chamber EDC President Brenda Nagel shared what educating the public on this subject would look like going forward. She stated that the Chamber needed the approved ballot language from the County Commission and would then present that to the Local Issues Committee who would listen to the information and ask questions. They would then make a recommendation to the whole board to support the ballot language. She stated that the next available Local Issues Committee meeting is Nov. 7<sup>th</sup>, 2023, and they meet every other month. The Chamber would also have a request from the Board of the Chamber EDC to educate the citizens of Burleigh/Morton Counties to not support abolishing property taxes. She stated that the Chamber planned to educate not supporting a change to the ND Constitution. She added that there will be a lot of education happening in the next few months and expressed that getting the language clarified in a timely manner would be helpful. Chair Munson and Rep. Heinert agreed to present at the next Local Issues Committee on this subject. Auditor Splonskowski stated that the ballot language was due no later than 64 days before the Primary election which was April 8<sup>th</sup>, 2024. The earliest it could be submitted was Jan. 2<sup>nd</sup>, 2024. Chair Munson and State’s Attorney Lawyer agreed to meet together on Oct. 20<sup>th</sup> to finalize the ballot language. The next Home Rule Charter Commission meeting will be Oct. 25<sup>th</sup> with the ballot language being on the County Commission agenda Nov. 1<sup>st</sup>.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Wayne Munson, Chairman