

SUBJECT: ORDINANCE #2004-1 AMENDED (VECTOR BUILDING PROJECT)

ADOPTED DATE: MAY 16, 2005

Page 1 of 4

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**CONSTRUCTION AND FINANCING OF A VECTOR BUILDING  
CASS COUNTY ORDINANCE #2004-1**

**PURPOSE:**

It is the purpose of this Ordinance to facilitate the construction and financing of a building to house the functions of the Vector Control activities for the County of Cass, North Dakota. It is also the purpose of this ordinance to provide for the construction and financing through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 11-11-18.

**DEFINITIONS:**

Vector Control - Vector Control means the program the county conducts to control all species of mosquitoes and flies.

**HISTORY:**

The Vector Control program was established in Cass County in 1988 pursuant to provisions in the North Dakota Century Code Chapter 23-24. The Vector Control District consists of all the land area of Cass County, including the area within all the incorporated cities of Cass County.

The program has been operating out of a building located on the Cass County Highway Department campus and is overseen by the County Engineer and the boards appointed by the Cass County Commission for the Vector Control District.

The County Commission has appropriated \$900,000 during its deliberations for the 2004 budget to plan and construct a new building for the Vector Control program. The anticipated source of funds for the \$900,000 is either a sale of bonds, lease program, or other financing method. Repayment of the financed amount will be covered by future tax revenues of the Vector and County funds.

**AUTHORITY:**

The project will be financed using a capital lease transaction with a duration of eight years. The project cost of \$1,000,000 will be prorated 80% to the Vector Board and 20% to the County Road Department. Of the \$1,000,000 cost, \$100,000 will be paid using current revenues and the remaining \$900,000 financed.

The County is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive vote. Paragraph 2 of Article 2, Home Rule Powers of County, reads in part:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

Article 9 of the Home Rule Charter deals with revenue authority and Section 2 - Limitations, Subsection 1 reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The tax levied to retire the debt contracted for this building will come from a combination of Vector District levies allowed under the North Dakota Century Code to the extent available and taxes levied by the county within its 75 mill levy authority up to and including ½ of 1 mill for a period not to exceed 10 years. The current (2004) mill levy for the county is 65.00 mills, or 10.00 mills below its current authority. This process and manner of financing is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 11-11-18.

#### BUILDING COMMITTEE:

A building committee was appointed by then Chairman of the Cass County Commission, Scott Wagner, and approved by the County Commission on December 15, 2003. The committee is made up of the following individuals and any other members as subsequently appointed by the County Commission:

Robyn Sorum, County Commissioner and Chair of the committee  
Vern Bennett, County Commissioner  
Keith Berndt, County Engineer and supervisor of the Vector program  
Michael Montplaisir, County Auditor  
Bonnie Johnson, County Coordinator

The building committee will be known as the Vector Building Committee (VBC) and will undertake the responsibility of researching the needs for office, laboratory, storage (chemicals, supplies, equipment, and vehicles), and shop space for the maintenance of Vector equipment. The tasks of the VBC include, but are not limited to, the following items:

Interview Vector Board members concerning the space needs and building requirements of their district.

Interview employees of the district concerning the building needs.

Solicit proposals, interview, and recommend to the County Commission an Architect for the building project.

Prepare plans and specifications and submit to the County Commission for approval prior to bidding the project.

Receive, review, and recommend bids for the building project to the County Commission, and Vector Control Board.

Review and approve change orders for the building project amounting to less than \$5,000 per change order or change orders in the aggregate that do not exceed 5% of the bid award. In change orders over \$5,000 individually or change orders in the aggregate that exceed 5%, the committee must seek approval from the County Commission.

Supervise the construction of the building project.

Conduct the final walk-through prior to accepting the building project.

Research and recommend a financing method for the project, not to exceed \$1,000,000 in total and not more than 10 years in length, keeping in mind the taxing authority of the Vector-and County levy limitations under the North Dakota Century Code and Cass County's Home Rule Charter.

#### TIMELINE:

The VBC is directed to start work on this project immediately upon adoption of this ordinance. The VBC is directed to report to the County Commission the status of this project through monthly written reports and/or appearances at a regularly scheduled Commission meeting. The VBC is directed to substantially complete the project during the calendar year 2005.

SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Darrell Vanyo  
Darrell Vanyo, Chairman  
Board of Commissioners of the  
County of Cass

ATTEST:

ss/Michael Montplaisir  
Michael Montplaisir, County Auditor

First Reading: 04/18/2005  
Second Reading: 05/16/2005  
Final Passage: 05/16/2005  
Publication: 04/25/2005  
05/02/2005

(SEAL)

HISTORICAL REFERENCE DATE: MARCH 15, 2004  
JULY 6, 2004