

SUBJECT: ORDINANCE #2005-4 (CASS COUNTY JAIL ADDITION PROJECT)

ADOPTED DATE: AUGUST 1, 2005

Page 1 of 4

**CONSTRUCTION AND FINANCING OF AN ADDITION TO THE COUNTY JAIL
CASS COUNTY ORDINANCE #2005-4**

PURPOSE:

It is the purpose of this Ordinance to facilitate the construction and financing of an addition to the Cass County Jail that is currently owned and operated by 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:

Cass County Jail - building located at 450 34th Street South in Fargo built in 2000-2002.

Cass County Jail Addition - Proposed addition to the Cass County Jail consisting of two 48-bed pods to be used for prisoner boarding.

HISTORY:

The Cass County Jail was built over a two-year period starting in 2000 and was financed by a ½ of 1 percent sales tax authorized by the voters of Cass County. The jail was originally built as a 250-bed facility housing maximum, minimum, and worker release inmates. The jail houses both male and female inmates. The Cass County jail was constructed using a “pod” system where each pod contains one to four housing units, based on inmate classification. The administrative, food service, laundry and mechanical areas of the jail were designed to accommodate up to 550 inmates through the addition of six pods. This proposed addition of two pods is the first addition to the original jail. The ½ of 1 percent sales tax was intended to provide funds for the first addition; at this time the Jail Fund has approximately \$5.2 million dollars.

AUTHORITY:

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 funds for this project consist of the balance of the Jail Construction Fund that was established with the sales tax revenue from the ½ of 1 percent sales tax that funded the original jail. With this ordinance, the county commission is establishing a budget for the Cass County jail addition project of up to \$5.5 million, to come from the jail sales tax fund. 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 the Chairman of the Cass County Commission, on July 5, 2005. The committee is made up of the following individuals and any other members as subsequently appointed by the County Commission:

Vern Bennett, County Commissioner
Bonnie Johnson, County Coordinator
Glenn Ellingsberg, Captain, County Sheriff's Department
Don Rudnick, Cass County Sheriff
Michael Montplaisir, Cass County Auditor

The building committee will be known as the Jail Building Committee (JBC) and will undertake the responsibility of researching the changes needed to the existing jail and design of the additional pods. The tasks of the JBC include, but are not limited to, the following items:

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.

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, the committee must seek approval from the County Commission.

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

TIMELINE:

The Jail Building Committee is directed to start work on this project immediately upon adoption of this ordinance. The JBC 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.

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: 07/05/2005
Second Reading: 08/01/2005
Final Passage: 08/01/2005
Publication: 07/11/2005

(SEAL)

HISTORICAL REFERENCE DATE: August 1, 2005