

PROPOSED WALSH COUNTY ORDINANCE 2025-2

AN ORDINANCE BY WALSH COUNTY, NORTH DAKOTA PROVIDING FOR AN INCREASE IN THE GENERAL FUND LEVY FOR CONSTRUCTION, OPERATION AND FINANCE OF A NEW COUNTY JAIL AND SHERIFF'S OFFICE

PURPOSE

It is the purpose of this Ordinance to facilitate raising the funds for construction and operation of a new County jail and Sheriff's office.

HISTORY

The existing Walsh County jail and Sheriff's office is in a state of disrepair and is no longer sufficient to provide for the needs of the Walsh County justice system. Due to the age and condition of the building, as well as the physical location, the most cost-effective approach is for the development of a new jail facility and accompanying Sheriff's office in Walsh County. This new facility would include jail-proper spaces like program space, recreation space, intake, and inmate kitchen and laundry services and other spaces necessary for a county justice center to function according to current industry standards. This building will be located on the existing site currently located in between the courthouse and the Administrative Building and will be tied directly in to the Courthouse. The facility would also house all office and administrative spaces for the Sheriff's office. Additionally, the aging Courthouse HVAC systems will undergo a complete renovation at the time of construction, tying the HVAC systems for all buildings into one central system. The total estimated cost for this project is \$42.6 million. Funding for this project would come from multiple sources and is designed to utilize a combination of property tax and sales tax dollars, in addition to dollars that have been set aside for this purpose:

1. \$5 million has been set aside from the County's current funds;
2. The County requests an increase to the General Fund levy maximum – from 60 mills to 80 mills – to repay loans secured through the Bank of North Dakota through Infrastructure Loan Fund or other applicable funds at the time of application. All efforts will be made to utilize the specific low-interest funds available through the Bank of North Dakota prior to selling bonds in the open market. The increase in general fund mill levy receipts would be used for loan repayment, as well as funding the increased operating costs of the new facility.
3. The County requests a sales tax of up to 0.75% to balance any remaining costs associated with the project.

AUTHORITY

North Dakota Century Code (the "N.D.C.C.") Section 57-15-06 provides that the board of county commissioners may levy property taxes for county general fund purposes at a tax rate not exceeding sixty mills per dollar of taxable valuation of property in the county. N.D.C.C. Section 11-09.1-05(3) provides that home rule counties may, if included in the charter and implemented through ordinance, establish mill levy limitations.

Walsh County is operating under a Home Rule Charter approved by the voters in 1986. Article 2(b), Home Rule Powers of the County, provides that the County may establish debt and mill levy limitations subject to Article 6. Article 6 provides: “Any ordinance adopted by the Board of Commissioners implementing any new or additional category or form of taxation, or raising or eliminating mill levy limitations so as to exceed the statutory limit applicable to non-home rule counties, must be referred as a proposed ordinance for approval by the county electorate.”

BE IT ORDAINED BY THE COUNTY COMMISSION OF WALSH COUNTY, NORTH DAKOTA:

General Fund Levy:

The County general fund levy authorized by N.D.C.C. Section 57-15-06 shall be at a tax rate not exceeding 80 mills per dollar of taxable valuation of property in the County.

Severability:

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision thereof.

Dedication of Tax Proceeds:

The revenues raised and collected pursuant to Walsh County Ordinance 2025-2 are hereby dedicated and will be utilized for the payment of project costs, the operation of the jail and the retirement of bonds issued for the constructing, equipping, and furnishing of a new County Jail and Sheriff’s office, as well as, related improvements including, but not limited to, site work, street and infrastructure needs.

Term:

The general fund mill levy limitation established by this Ordinance, if approved by a majority of the electorate voting at the May 13th, 2025 election, shall be effective for taxable years beginning after December 31, 2025.

APPROVED:

ATTEST:

Chairman
Board of County Commissioners

County Auditor