



NDACo-County Officials Academy

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NELSON/GRIGGS STATE'S ATTORNEY

DISCLAIMER: This presentation provides general information related to the duties of the state's attorneys office and the relationships with the county. This presentation is does not provide legal advice. Please present your state's attorney with any questions.

DUTIES OF STATES ATTORNEY (NDCC 11-16-01)

- ▶ Attend district court and conduct all prosecutions in criminal proceedings, including all fines, fees, penalties, and forfeitures
- ▶ Defend all lawsuits against the County
- ▶ Advise the county, district, township, and school district officers on matters relating to the duties of their offices
- ▶ Keep a register of all official business in criminal and civil cases
- ▶ Act as legal advisor to the board of county commissioners, attend meetings, and oppose all claims made against the county
- ▶ Institute actions when for collection of moneys for the county
- ▶ Assist in collection of child support
- ▶ Institute proceedings for mental health or chemical dependency commitments

STATE'S ATTORNEY'S RELATIONSHIP WITH OTHER OFFICES

- ▶ County's general counsel—other offices should refer legal questions to the State's Attorney's Office
- ▶ State's Attorney should be available to attend or advise the county commissioners during the county commission meeting
- ▶ Prosecutes all criminal cases, including working on issuance of warrants or have an on call phone to answer legal questions by law enforcement

IMPORTANT COUNTY ISSUES

- ▶ Open records/meetings laws
 - ▶ What are Open Records?
 - ▶ What constitutes a meeting?
 - ▶ Who can attend a meeting?
 - ▶ Executive Sessions
 - ▶ AG'S Open records/open meetings manual
- ▶ Who Does the State's Attorney's Office Represent vs. Who needs to find private Counsel
 - ▶ County
 - ▶ County Boards
 - ▶ Cities
 - ▶ Private individuals

IMPORTANT COUNTY OFFICIAL ISSUES (cont'd.)

- ▶ Citizens are our bosses—stewards of taxpayers money
- ▶ Relationship between commissioners vs. elected officials (98-L-107)
- ▶ Attendance requirements of elected officials (2002-F-02, 98-L-107)

MEMBERSHIP WITH NDACo

- ▶ Lobbying Power of the NDACo in the best interest of counties
- ▶ Opportunity to associate with peers from other counties
- ▶ Staff of NDACo is second to none—willingness to answer any questions and assist counties in any way possible
- ▶ Training
- ▶ NDACo database contains wealth of information

Questions?????

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