

Minutes of the Board of Ward County Commissioners
June 17, 2016

The special meeting of the Ward County Commission was called to order by Chairman Fjeldahl at 9:00 a.m. with Comm. Louser, Comm. Walter, Comm. Wepler and Comm. Nybakken present. Also present were Betty Braun, Roza Larson, Kerrienne Tyler, Devra Smestad, Steve Kukowski, Bob Barnard, and Mark Schrader.

States Attorney Roza Larson responded to Chairman Fjeldahl's letter, dated June 15, 2016, from North Dakota Governor Jack Dalrymple's Office regarding suspension of Ward County Sheriff Steve Kukowski. In the letter, Governor Dalrymple advised Chairman Fjeldahl based upon recommendation of Attorney General, and pursuant to North Dakota Century Code, it was in best interest of county and state that Sheriff Kukowski be suspended for six months or until criminal case and civil proceedings have been concluded, if that occurs earlier.

Larson's response states it is opinion of County that at this time suspension of Sheriff Kukowski does not conform with state law. This opinion is based upon procedures set forth in NDCC Chapter 44-11, specifically, once a petition for removal has been filed, the attorney general shall conduct an investigation within thirty days and appoint Special Commissioner who in turn requests prosecutor draft and serve official complaint for removal to accused. It is the County's position that it is at this point the removal proceedings begin.

The County is not aware of any conducted investigation, appointment of Special Commissioner, or formal complaint filed by prosecutor and served against the accused, affording him due process to answer to the charges. Furthermore, it is opinion of County that removal proceedings are not pending, therefore suspension of Sheriff Kukowski does not conform with State law and he may continue to perform his duties.

Moved by Comm. Walter, seconded by Comm. Louser to not follow direction of Governor's Letter pending response by Attorney General and completion of due process. Roll call: all voted yes; motion carried.

At 9:05 a.m. with no further business, the meeting was adjourned.