

N.D.A.G. Letter to Enget (May 4, 1992)

May 4, 1992

Mr. Wade G. Enget
Mountrail County State's Attorney
P.O. Box 369
Stanley, ND 58784

Dear Mr. Enget:

Thank you for your March 26, 1992, letter regarding the disposition of property of a vector control district upon its dissolution.

The board of commissioners of a vector control district (hereafter Board) may "dispose of real or personal property in the name of the district." N.D.C.C. § 23-24-08(6). Thus, as long as previous members of the vector control district have withdrawn in accordance with N.D.C.C. § 23-24-02.1, disposal of any real or personal property held in the name of the district is within the authority of the current board of commissioners.

The Board may "do all things necessary or incident to the powers granted." N.D.C.C. § 23-24-08(9). The vector control district may exercise such powers as may be reasonably implied from powers specifically granted. N.D.C.C. § 23-24-04. Thus, the disposition or distribution may be achieved by any method necessary or incident to, or reasonably implied from the Board's general power to dispose of real or personal property pursuant to N.D.C.C. § 23-24-08(6).

Whether the benefits from disposal of the district's property should go to the current members of the district or be apportioned among current and former members is a policy decision to be made by the commissioners on behalf of the district.

I trust I have responded to your questions.

Sincerely,

Nicholas J. Spaeth

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