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CHAPTER 1
GOVERNMENT ORGANIZATION

Article 1
Jurisdiction

1.0101 Over Persons and Property

The jurisdiction of the City extends to all persons, places and property within its boundaries, and such extra-territorial jurisdiction as is granted to it under the provisions of the North Dakota Century Code and amendments thereto.

05/05/80

1.0102 Defining City Limits

There shall be included within the municipal limits of the City, the following territory or land; all lots and blocks shall also include all street, alleys and public ways included within the area and adjacent thereto which are defined as within the confines of the city limits.

05/05/80

1.0103 Division of City Into Precincts

There shall be three (3) precincts within the City to be known and designated as:

First Ward - All of the original townsite of Emerado west of Main Street;

Second Ward - All of the original townsite of Emerado east of Main Street and including the Njaa-Lempe Addition South of B Avenue west of King Street and east of Veitch Street;

Third Ward - All of the City of Emerado lying north of B Avenue east of King Street and Folson's 6th Addition;

and each of said precincts shall consist of all that part of the City of Emerado which lies within the boundaries set forth above for each of said precincts. The polling place in each precinct shall be located within the City Hall as the City Council shall direct.

05/05/80

Article 2
Governing Body - City Council

1.0201 Regular Meetings

The City Council shall hold its regular meetings on the first Monday of each month at the City Hall at the hour of 7:00 o'clock p.m. or at such other time as the Council may direct in accordance with *N.D.C.C.* §40-08-10.

02/03/03

1.0202 Special Meetings

Special meetings may be called at any time by the Mayor or any two members of the governing body to consider matters mentioned in the call of such meeting. Written notice of any special meeting shall be given to each member of the governing body at least three (3) hours before the time of meeting.

05/05/80

1.0203 Salaries

The monthly compensation of the Mayor of the City of Emerado, North Dakota shall be the sum of \$120.00 per regular monthly meeting attended. Additionally, the Mayor of the City of Emerado, North Dakota shall receive the sum of \$120.00 per special meeting attended not to exceed \$960.00 in any one calendar year. The monthly compensation of the members of the City Council of the City of Emerado shall be the sum of \$80.00 per regular monthly meeting attended. Additionally, the members of the City Council of the City of Emerado, North Dakota shall receive the sum of \$80.00 per special meeting attended not to exceed \$640.00 in any one calendar year.

10/03/05

1.0204 Rules and Order of Business

The rules and order of business for the parliamentary government of the governing body shall be governed by Roberts Rules of Order.

05/05/80

1.0205 President and Vice President - Election of

At the organization meeting in each even numbered year, the council members shall elect one of their members a president and one a vice-president to hold office until their successors are elected.

05/05/80

1.0206 Meetings - Attendance by Council Members

The City Council may, with the concurrence of two-thirds of its members, permanently expel a member for missing more than two meetings, whether general or special, without an excuse acceptable to two-thirds of the council members.

08/05/85

1.0207 Election of Alderman

That the City of Emerado with a population of less than 600 and pursuant to Section 40-08-03 and 40-08-04 of the North Dakota Century Code, elect to have their City's four aldermen elected at large and not by precinct.

06/03/91

1.0208 Travel Reimbursements

The City of Emerado hereby adopts *N.D.C.C.* §54-06-09, travel reimbursements for City Employees and Council Members.

02/03/97

Article 3
Elective Officers Other Than Governing Body

1.0301 Municipal Judge

There shall be elected each four years a municipal judge who shall hold office until his successor is elected and qualified. The municipal judge shall perform all the duties prescribed by law and the ordinances of the city. He shall receive an annual salary as full compensation for all services rendered.

05/05/80

1.0302 Report to Board of City Commissioners of Council

It shall be the duty of the municipal judge to make a full report under oath, of all proceedings, in actions or matters before him in which the City is a party, or interested therein, to the governing body of the city, at the close of each month. Until such report has been filed with the City Auditor, no salary shall be paid to the judge for such work.

05/05/80

1.0303 Sale: Contents

Such report shall contain the names of the parties to such action or proceeding, a statement of all orders made, whether the defendants be committed, fined or released from custody, the judgment, the extent thereof, and the amount of costs.

12/05/94

1.0304 Same: With Treasurer's Receipt

This report will be accompanied by the duplicate receipt or receipts of the City Auditor for the total amount of the fees and money so collected on behalf of the City.

05/05/80

1.0305 Court Hours

The municipal judge shall be in attendance at municipal court for the transaction of business that may come before him and shall devote the time necessary to handle and dispose of the business coming before him.

05/05/80

Article 4
Appointive Offices

1.0401 Appointive Offices

At the first meeting after the qualifications of its members, or as soon thereafter as possible, the governing body shall appoint persons to the following offices:

1. A City Auditor;
2. A City Assessor;

3. A City Attorney;
4. A City Engineer; and
5. Such other offices as the City Council deems necessary and expedient.

05/05/80

1.0402 Term of Appointive Officers, Oath, Bond

The term of all appointive officers shall begin on the third Tuesday of April of the year in which he is elected and shall continue for a term of two years and until their successors have been appointed and qualified. Any person appointed to fill a vacancy shall hold his office for the unexpired term unless appointed as an “acting” officer. An “acting officer” shall serve at the pleasure of the governing body. Before entering upon the duties of their office, appointed officers shall take oath and give the bonds required by Section 1.0404.

05/05/80

1.0403 Removal

Appointive officers may be removed and any vacancy may be filled in the manner provided by law. “Acting officers” may be removed at any time by the governing body.

05/05/80

1.0404 Bonds of Municipal Officers and Employees

The officers and employees of the City shall be bonded as provided in Chapter 26-23 and Title 40 of the North Dakota Century Code.

05/05/80

1.0405 Salaries

The salary of city officials and appointive officers, except as otherwise provided by law, shall be in such sums and amounts as may be, by resolution of the governing body, fixed from time to time.

05/05/80

1.0406 Administrative Policy and Procedures

Perform Duties. Each officer shall:

- (1) Perform all duties required of his office by law or ordinance and such other duties not in conflict as may be required by the governing body.
- (2) Be immediately responsible to the governing body for the effective administration of their departments and all activities assigned thereto.
- (3) Keep informed as to the latest practices in their particular field and shall inaugurate with approval of the governing body such new practices as appear to be of benefit to the service and to the public.
- (4) Submit such reports of activities of his department as the governing board may request.

- (5) Be responsible for the proper maintenance of all City property and equipment used in his department.
- (6) Establish and maintain records in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the governing board.
- (7) Cooperate with other officers, departments and employees.
- (8) Have power to direct and supervise all subordinates under him.
- (9) Be open during the hours as required and authorized by the City Council.

1.0407 Obstructing a Public Official Prohibited

Every person who willfully delays or obstructs a public officer in the discharge or attempt to discharge any duty of his office shall upon conviction thereof, be punished as herein provided.

05/05/80

Article 5
Purchasing of Property and Services

1.0501 Competitive Bidding Required

All purchases of, and contracts for supplies and contractual services, and all sales of property which has become obsolete or unusable shall, except as otherwise provided herein, be based whenever possible on competitive bids.

05/05/80

1.0502 Procedure

All supplies and contractual services except as otherwise provided herein, when the estimated costs thereof shall exceed \$3,000.00, or such other amount as is authorized by the North Dakota Century Code, shall be purchased from the lowest responsible bidder after due notice inviting proposals. All sales or disposition of obsolete or unusable property when the estimated value shall exceed the amount specified above shall be sold to the highest responsible bidder. The lowest responsible bidder, or the highest responsible bidder shall be the bidder who in addition to price has the best ability, capacity and skill to perform the contract or provide the service required, promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience and efficiency of the bidder, the quality of performance of previous and existing or financial resources, and previous and existing compliance with state laws and city ordinances.

05/05/80

1.0503 Open Market Purchases

All purchases and contractual services and all sales of property which has become obsolete or

Article 6
Procedure for the Conveyance, Sale, Lease or
Disposal of Personal and Real Property

1.0601 Conveyance, Sale, Lease or Disposal of Personal Property

Whenever any personal property is no longer required for a public purpose it may be offered for sale by the City Auditor, who may exercise his discretion as to whether or not the City shall advertise for bids on said property, or whether it should be sold at public auction. Except when offered for sale at public auction, items with a value in excess of \$100.00 shall be sold only after approval of the appropriate standing committee or the Council. When the property to be disposed of is estimated by the Council to be of a value of less than Two Thousand Five Hundred and No/100 (\$2,500.00) Dollars, such property may be sold at private sale upon the property resolution of the governing body. In all other cases, such property may be sold only at public sale. This provision shall not apply, however, to property to be traded in as part of the purchase price of a new purchase. For purpose of convenience and expediting of the performance and satisfactory completion of city construction contracts, appropriate city departments may re-sell to contractors for installation on city contract projects only, on hand items including but not limited to water hydrants and meters. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this section governing the conveyance, sale, lease, or disposal of personal property; this section shall not apply insofar as it is in conflict with such state law. For example, sale of abandoned or unclaimed personal property shall be as provided in *N.D.C.C. §40-05-02(20)*.

05/05/80

1.0602 Conveyance, Sale, Lease or Disposal of Real Property

Real property belonging to the municipality shall be conveyed, sold, leased, or disposed of only as approved by a two-thirds vote of all members of the governing body. Instruments effecting such conveyance, sale, lease, or disposal shall be valid only when duly executed by the Mayor (or President of the Board of City Commissioners) and attested by the City Auditor. It shall be at the discretion of the governing body as to whether or not there shall be advertisement for bids for such conveyance, sale, lease or disposal; whether or not advertisement shall be made in other states of the fact that certain real property is available for such disposition; and whether or not sale shall be made at public auction; such decision by the governing body to be made by majority vote of the members present. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be directed to the governing body and submitted to the City Auditor, who shall present any and all bids to the governing body at its next regularly scheduled meeting. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this section governing the conveyance, sale, lease or disposal of real property; this section shall not apply insofar as it is in conflict with such state law. Said statutory procedures are as follows:

- (a) Lease of airports or landing fields, or portions thereof shall be under authority granted in *N.D.C.C. §2-02-06*. Said lease shall further be in compliance with

regulations and directives of appropriate federal agencies.

- (b) Conveyance of right of way for any state highway shall be as provided in *N.D.C.C.* §24-01-46.
- (c) Leasing of oil and gas lands shall be as provided in *N.D.C.C.* §38-09-02 through §38-09-04 and *N.D.C.C.* §38-09-14 through §38-09-20.
- (d) Conveyance of property to a municipal parking authority shall be as provided in *N.D.C.C.* §40-61-05.
- (e) Lease of public buildings or portions thereof shall be as provided in *N.D.C.C.* Chapter 48-08.
- (f) Granting of concessions for cafes, restaurants, and confectioneries on public buildings and grounds shall be as provided in *N.D.C.C.* Chapter 48-09.
- (g) Granting of right of way for a railway, telephone line, electric light system, or a gas or oil pipeline system shall be as provided in *N.D.C.C.* §49-09-16.

05/05/80