

ORDINANCE NO. 2023

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 2.12 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO CHAPTER 2 ADMINISTRATION – APPOINTIVE OFFICERS

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Article 2.12 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Article 2.12 Appointive Officers

Sections:

- 2.12.00E Editor's note to Article 2.12
- 2.12.010 ~~Enumerated~~**Appointment of officers by Board of City Commissioners**
- 2.12.020 Salary
- 2.12.030 Terms
- 2.12.035 Oath of office of appointive officers**
- 2.12.040 Bonds
- 2.12.050 Duties--Generally
- 2.12.055 City Administrator
- 2.12.060 Same--Assessor
- 2.12.070 Same--Attorney
- 2.12.080 Same--Auditor
- 2.12.090 Same—Treasurer

Section 2.12.00E Editor's note to Article 2.12

For state law as to appointive officers in commission cities generally, see NDCC, §§ 40-15-05 to 40-15-07. For state law as to general provisions governing officers in municipalities, see NDCC, § 40-13-01 et seq.

Section 2.12.010 ~~Enumerated~~Appointment of officers by Board of City Commissioners

The ~~board~~**Board** of ~~city~~**City commissioners**~~Commissioners~~at their first meeting after their qualification, or as soon thereafter as possible, shall appoint the following officers: ~~Treasurer~~; auditor; attorney; ~~one or more~~**a city** assessors; a public health officer; ~~a street commissioner~~; **fire** chief ~~of the fire department~~; ~~a board of public works~~; **public works director**; ~~chief of police~~**police chief**; ~~one or more policemen~~, city engineer and such other officers or boards as the ~~board~~**Board** of ~~city~~**City commissioners**~~Commissioners~~ may deem necessary; provided, that the ~~board~~**Board** of ~~city~~**City commissioners**~~Commissioners~~, by a majority vote, may dispense with the offices which in its judgment are unnecessary and provide that the duties thereof shall be performed by other officers or boards, by the ~~board~~**Board** of ~~city~~**City commissioners**~~Commissioners~~ or by a committee thereof. (Code 1958, § 2-20.)

For similar state law, see NDCC, § 40-15-05.

Section 2.12.020 Salary

The salary of the appointive officers of the city shall be such sum as the board of city commissioners shall from time to time fix and determine. (Code 1958, § 2-21.)

For state law as to salaries of municipal officers, see NDCC, § 40-13-04.

Section 2.12.030 Terms

~~The appointive officers of the city shall take office on the first day of May following their appointment, and shall serve in such capacity for a term of two years or until their successors are appointed and qualified. (Code 1958, § 2-22.)~~ Appointive officers shall be appointed by the Board of City Commissioners for an indefinite period subject to the laws of the State of North Dakota and the civil service ordinances as set forth in Chapter 29 of the Dickinson Municipal Code

For state law as to terms of office of appointees, see NDCC, § 40-15-06.

Section 2.12.035 Oath of office of appointive officers

Before entering upon the duties of their respective offices, all appointive officers shall take and subscribe the oath of office prescribed in Section 4 of Article XI of the Constitution of the State of North Dakota. Such oath shall be filed with the City Administrator.

Section 2.12.040 Bonds

The treasurer, auditor, assessor and such other appointive officers as the ~~board-Board~~ of ~~city-City commissioners-Commissioners~~ may direct, before entering upon the duties of their respective offices, shall furnish bonds in a penal sum to be fixed by the ~~board-Board~~ of ~~city-City commissioners-Commissioners~~, conforming to the provisions of sections 2.16.010 to 2.16.060 of this Code; provided, that the bond of the treasurer shall be at all times in an amount set by resolution of the ~~board-Board~~ of ~~city-City commissioners-Commissioners~~ at its regular meeting in April of each year, but the amount so set shall be equal at least to twenty-five per cent of the average amount of money that has been subject to the treasurer's control during the preceding fiscal year. Such average amount of money shall be determined by taking the total of the daily balances of the treasurer for the preceding year and dividing it by the figure three hundred or the sum of two hundred fifty thousand dollars, whichever is least. (Code 1958, § 2-23.)

For state law as to bonds of appointive municipal officers, see NDCC, § 40-13-02.

Section 2.12.050 Duties--Generally

The duties of the appointive officers of the city shall be the same as those certain duties set forth in the statutes of this state, this Code and other ordinances of the city. (Code 1958, § 2-24.)

Section 2.12.055 City Administrator

It shall be the duty of the City Administrator to administer policies established by the Board of City Commissioners for the operation of the municipality, to represent the City in the absence of specific members of the Board of City Commissioners, to chair various City committees, to prepare and administer the municipal budget, to exercise significant influence in the appointment of key administrative personnel, to oversee the operation of all departments, to perform the duties of the various portfolios as specified in NDCC §40-09-12 together with such other duties as are assigned from time to time by the Board of City Commissioners.

The City Administrator shall be responsible for all the duties of the city auditor, as set forth in the Dickinson City Code and applicable statutes of this state. The City Administrator shall have the authority to perform all duties and function of a city auditor, under all city ordinances and state law, and shall have the authority to designate the responsibility for any of said functions to other city employees with the finance department.

The City Administrator shall have the authority to perform all duties and functions under state law and city ordinances of the police and fire commissioner, commissioner of streets and improvements, waterworks and sewerage commissioner, and commissioner of finance and revenue as set forth in NDCC §40-09-12, subject to direction and control of the Board of City Commissioners. All policy making authority shall remain with the Board of City Commissioners. (Ord. No. 1127, § 1; Ord. No. 1151 §1.)

Section 2.12.060 Same--Assessor

The city assessor shall perform all duties necessary for the assessing of property within the city limits for the purpose of levying city, county, school and state taxes. (Code 1958, § 2-25.)

For state law as to duties of city assessor, see NDCC, § 40-19-01 et seq.

Section 2.12.070 Same--Attorney

The city attorney shall conduct all the law business of the city and of the departments thereof and all law business in which the city shall be interested. ~~He~~The city attorney shall, when requested, furnish written opinions upon the subjects submitted to him by the ~~B~~board of ~~C~~city ~~C~~ommissioners or any other department. The city attorney~~He~~ shall keep a docket of all the cases to which the city may be party in any court of record, in which docket shall be briefly entered all steps taken in such cases. Such docket shall, at all reasonable hours, be open to public inspection. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the officers of the city; to examine and inspect tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes; and to perform such other duties as may be prescribed by the ~~B~~board of ~~C~~city ~~C~~ommissioners. (Code 1958, § 2-26.)

For specific provision of state law as to duties of city attorney, see NDCC, § 40-20-01.

Section 2.12.080 Same--Auditor

It shall be the duty of the city auditor to attend all meetings of the ~~B~~board of ~~C~~city ~~C~~ommissioners and keep a full record of their proceedings; to record all ordinances and bonds in a book kept for that purpose; to keep a record of all licenses granted, which record shall at all reasonable times be open to inspection by the public; to carefully preserve all receipts filed with him and draw and sign all orders upon the treasury, except as otherwise provided by law, in pursuance of an order or resolution of the ~~B~~board of ~~C~~city ~~C~~ommissioners and keep a full and correct account thereof in books provided for that purpose. ~~He~~ shall keep an accurate account ~~with the treasurer~~ and charge him with all tax lists presented to him for collection and all sums of money paid into the treasury. Within thirty days after the close of each fiscal year he shall make and cause to be published in the city official newspaper a financial statement showing the receipts and disbursements on account of each fund during the last preceding year. (Code 1958, § 2-27.)

For state law as to duties of city auditor, see NDCC, § 40-16-03 to 40-16-10.

Section 2.12.090 Same--Treasurer

The office of city treasurer is hereby abolished. The city auditor shall assume all functions and duties of the city treasurer where indicated in any other provisions of this Code. (Code 1958, § 2-28; Ord. No. 631, § 5.)

For state law as to duties of city treasurer, see DCC, § 40-17-01 et seq.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading:

Second Reading:

Final Passage: