

# Chapter 2 Amendment Appointive Officers

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Consideration to Approve



## **CURRENTLY ARTICLE 2.12.010 STATES AS FOLLOWS:**

### **Section 2.12.010 Enumerated**

The board of city 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 assessors; a public health officer; a street commissioner; chief of the fire department; a board of public works; chief of police; one or more policemen, city engineer and such other officers or boards as the board of city commissioners may deem necessary; provided, that the board of city 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 of city commissioners or by a committee thereof. (Code 1958, § 2-20.)

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

## **HOME RULE CHARTER**

### **ARTICLE 3 – POWERS OF THE CITY**

(4) To provide for city officers, agencies, and employees, their selection, terms, powers, duties, qualifications, and compensation. To provide for change, selection, or creation of its form and structure of government including its governing body, executive officer, and city officers.

## **ARTICLE 2.12.010 – PROPOSED CHANGE**

### **Section 2.12.010 Appointment of officers by Board of City Commissioners**

The Board of City Commissioners, shall appoint the following officers: auditor; attorney; an assessor; a public health officer; fire chief; public works director; police chief; city engineer and such other officers or boards as the Board of City Commissioners may deem necessary; provided, that the Board of City 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 of City Commissioners or by a committee thereof. (Code 1958, § 2-20.)

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

### **Only The Following Positions Would Be Considered Appointed:**

auditor; attorney; an assessor; a public health officer; fire chief; police chief; city engineer and public works director



## **ARTICLE 2.12.020 – PROPOSED CHANGE**

### **Section 2.12.030 Terms**

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.

- 1. Removes the requirement for re-appointment at each new organizational meeting.*
- 2. These positions are still governed by Civil Service.*



## **ARTICLE 2.12.035 – ADDED NEW SECTION**

### **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.

- 1. Adds a provision requiring an oath.*
- 2. Oath will be taken at the inception of employment.*

## **OTHER COMMENTS ON PROPOSED CHANGES:**

1. Does not preclude or prevent departments from requiring certain employees to take an oath of office, i.e. police officers
2. Removes the requirement for the formal appointment process every new organizational meeting
3. Consistency with how staff has perceived these positions for many years

# Questions?

