

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.

WHAT OTHER HOME RULE CITIES ARE DOING:

Bismarck

- Appointed officials are the city health officer, city attorney, city administrator, fire chief, chief of police, city engineer and other such officers or boards as the board deems necessary
- City health officer and city attorney hold specific terms
- Appointed officers that are members of civil service are governed by Civil Service
- Code specifically requires appointed officers sign an oath before entering upon the discharge of the duties

WHAT OTHER HOME RULE CITIES ARE DOING, cont.:

Williston

- Makes a distinction between “Appointive Officers” and “Retained Appointive Officers”
- Appointive Officers are the city attorney, one or more assessors, such other officers or boards as the Board may deem necessary
- Retained Appointive Officers: finance director, economic development director, development services director, chief of police, city engineer, public works director, fire chief, city administrator, human resources director and PSAP director
- Retained Appointive Officers can only be removed by 4/5th vote of the Commission upon a finding of good cause
- Code does not require an oath of office for appointive or retained appointive officers

WHAT OTHER HOME RULE CITIES ARE DOING, cont.:

Grand Forks

- Appointed officers hold office until expiration of terms or until successor has been appointed
- Appointed officers take an oath before the person enters upon the discharge of the duties thereof
- Appointed Officers are the city auditor, city assessor, city attorney and city engineer

WHAT OTHER HOME RULE CITIES ARE DOING, cont.:

Fargo

- Appointed officials are the city auditor, city treasurer, city attorney, city assessor, city engineer, planning director, superintendent of water and sewage utilities, fire chief, chief of police, superintendent of streets, superintendent of garbage utility, city forester, personnel director, auditorium director, health officer, executive secretary of the Board of City Commissioners and such officers or boards as the Board deems necessary
- Appointed officers shall be appointed for an indefinite period subject to the laws of the state of North Dakota and Civil Service Ordinances
- Code specifically requires appointed officers sign an oath before entering upon the discharge of the duties



WHAT OTHER HOME RULE CITIES ARE DOING, cont.:

Minot

- Appointed officials are the city manager, city auditor/finance director, city attorney, city assessor, city clerk, director of public works
- Code does not require appointed officers to sign an oath only elected officials

WHAT DOES ALL OF THIS MEAN?

- Home Rule cities have a vast amount of discretion to determine:
 - What positions are classified as appointed
 - How the officers are appointed
 - How long the officers are or remain appointed
 - Whether an oath is required

ARTICLE 2.12.010 – PROPOSED CHANGE

Section 2.12.010 Non-Appointed City Officers

Exercising its authority under its Home Rule Charter, the Board of City Commissioners hereby designates the following officers within the City employees and non-appointed positions: treasurer; auditor; city attorney; one or more assessors; a public works director; chief of the fire department; chief of police; one or more policemen, city engineer and such other positions or boards as the Board of City Commissioners may deem necessary. (Code 1958, § 2-20.) The Board of City Commissioners may deem any of the aforementioned officer positions contracted positions in the event the Board of City Commissioners determine it is in the best interest of the City.



ARTICLE 2.12.015 – ADDITIONAL SECTION

Section 2.12.015 Appointed City Officers

The Board of City commissioners at their first meeting after their qualification, or as soon thereafter as possible, shall appoint the following officers: a public health officer; a board of public works; 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.



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?

