

ALTERNATIVE

CHAPTER ONE

GOVERNMENT ORGANIZATION

COMMISSION CITIES

ARTICLE 1 - Jurisdiction

- 1.0101 Over Persons and Property
- 1.0102 Defining City Limits
- 1.0103 Division of City into Precincts
- 1.0104 City Fines and Penalties Limited

ARTICLE 2 - Governing Body - Board of City Commissioners

- 1.0201 Regular Meetings
- 1.0202 Special Meetings
- 1.0203 Meeting to be Public - Journal of Proceedings to be Kept
- 1.0204 Quorum
- 1.0205 Reconsidering or Rescinding Votes at Special Meeting
- 1.0206 Rules and Order of Business

ARTICLE 3 - Elective Officers

- 1.0301 Board of City Commissioners
- 1.0302 Commissioners - Terms of Office - Terms of Members of First Board - Resignation
- 1.0303 President of Board as Executive Officer - Duties - No Veto Power
- 1.0304 Vice President and Acting President of Board - Powers to Act
- 1.0305 How Vacancies in Board Filled
- 1.0306 Departments of Administration of City Divided Among Commissioners - Duties
- 1.0307 Accounts Audited by Respective Commissioners - Approved by Board
- 1.0308 Rules and Regulations Governing Departments and Agencies of City Made by Board
- 1.0309 Board May Summon and Compel Attendance of Witnesses and Books - Punish for Contempt - Process
- 1.0310 Restrictions on Members of Board

ARTICLE 4 - Elective Officers Other than Governing Body

- 1.0401 Municipal Judge
- 1.0402 Report to City Auditor
- 1.0403 Court Hours
- 1.0404 Duties of Municipal Judge

ARTICLE 5 - Appointive Offices

- 1.0501 Appointive Officers - Right to Dispense with Offices
- 1.0502 Term of Appointive Officers
- 1.0503 Appointive Officers - Removal Upon Hearing - Suspension Appointment and Removal of Temporary Officer
- 1.0504 General Duties of City Auditor
- 1.0505 General Duties of City Attorney
- 1.0506 General Duties of Other Appointive Officers

ARTICLE 6 - Special Provisions Regarding City Officers

- 1.0601 Bonds of Municipal Officers and Employees
- 1.0602 Oaths of Municipal Officers
- 1.0603 Salaries of City Commissioners
- 1.0604 Salaries of City Officials and Appointive Officers
- 1.0605 Meals, Lodging, and Mileage - Amount Allowed
- 1.0606 Personal Interest in Contract by Public Officer - Prohibited
- 1.0607 Retiring Officer to Turn Over Books
- 1.0608 Administrative Policy and Procedure
- 1.0609 Obstructing a Public Official - Prohibited

ARTICLE 7 - Purchasing and Disposition of Property

- 1.0701 Competitive Bidding Requirements
- 1.0702 Procedure
- 1.0703 Open Market Purchases - Emergency
- 1.0704 Accounts Against City to be in Writing
- 1.0705 Further Verification May be Required
- 1.0706 Conveyance, Sale, Lease or Disposal of Property
- 1.0707 Real Property Transfer Requirements

ARTICLE 8 - Municipal Elections

- 1.0801 Qualified Electors in Municipal Elections - Restrictions
- 1.0802 Elections in Commission Cities - When Held - Notice, Polls
- 1.0803 Designation of Polling Places for Municipal Elections
- 1.0804 Compensation of Inspectors, Judges and Clerks at Municipal Elections
- 1.0805 Reference to Party Ballot or Affiliation in Petition of Candidate for Municipal Office - Prohibited
- 1.0806 Petition for Nomination of Elected Official in Municipalities - Signatures Required - Contents
- 1.0807 Ballots in Municipalities - Makeup
- 1.0808 Clerks Appointed to Fill Vacancies - Oath - Powers and Duties of Judges and Clerks of Municipal Elections
- 1.0809 Municipal Elections to be Governed by Rules Applicable to County Elections - Absent Voting
- 1.0810 City Auditor to Notify of Election or Appointments
- 1.0811 New Election Upon Failure to Elect
- 1.0812 Special Elections Conducted in Same Manner as General Elections
- 1.0813 Highest Number of Votes Elects in Municipal Election - Procedure on Tie Vote

ARTICLE 9 - Records Management Policy

- 1.0901 Adoption of Policy
- 1.0902 Amendments, Deletions, Additions to City Records Management Manual

CHAPTER ONE
GOVERNMENT ORGANIZATION
COMMISSION CITIES

ARTICLE 1 - Jurisdiction

1.0101 Over Persons and Property

The jurisdiction of the City of _____, North Dakota, 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.

1.0102 Defining City Limits

There shall be included within the municipal limits of the City all areas duly platted and recorded as being within said City; all lots and blocks shall also include all streets, alleys and public ways included within the area and adjacent thereto which are defined as within the confines of the City limits. The City Commission shall have jurisdiction within the corporate City limits and over any common or public grounds belonging to the City, and in and over all places within one-half mile of the municipal limits for the purpose of enforcing health ordinances and regulations, and police regulations and ordinances adopted to promote the peace, order, safety and general welfare of the municipality. (Source: North Dakota Century Code section 40-06-01)

1.0103 Division of City into Precincts

There shall be _____ precincts within the City to be known and designated as: _____

and each of said precincts shall consist of all that part of the City which lies within the boundaries hereinafter set forth for each of said precincts and the polling place in each precinct shall be located at the site hereinafter set forth, namely: _____

1.0104 City Fines and Penalties Limited

The provisions of section 40-05-06 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. This section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, provided by NDCC section 12.1-32-02 for the violation of a City ordinance, nor shall this section limit the use of deferred or suspended sentences pursuant to North Dakota Century Code chapter 12.1-32.

ARTICLE 2 - Governing Body - Board of City Commissioners

1.0201 Regular Meetings

The Board of City Commissioners shall meet regularly at the City Hall on the _____ of each month at the hour of _____ unless some other time and place shall be specifically fixed by the board. The board shall meet in addition thereto, as often as required by section 40-09-11 of the North Dakota Century Code.

1.0202 Special Meetings

Special meetings may be called at any time by the president or any two (2) members of the governing body to consider matters mentioned in the call of such meetings. Written notice of any special meeting shall be given to each member of the governing body at least _____ hours before the time of the meeting. (Source: North Dakota Century Code section 40-09-11)

1.0203 Meeting to be Public - Journal of Proceedings to be Kept

All meetings of the governing body shall be open to the public, and a journal of its proceedings shall be kept. Notice of the regular meeting time or of special meeting shall be given as provided by section 44-04-20 of the North Dakota Century Code and all subsequent amendments.

1.0204 Quorum

The provisions of section 40-06-03 of the North Dakota Century Code and all subsequent amendment are hereby incorporated by reference in this ordinance. A majority of the members of the governing body of a municipality shall constitute a quorum to do business but a smaller number may adjourn from time to time. The governing body may compel the attendance of absentees under such penalties as may be prescribed by ordinance, and may employ the police of the municipality for that purpose.

1.0205 Reconsidering or Rescinding Votes at Special Meeting

The provisions of section 40-06-04 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. No vote of the governing body of a municipality shall be reconsidered or rescinded at a special meeting unless there is present at such special meeting as large a number of members as were present when such vote was taken.

1.0206 Rules and Order of Business

Rules and order of business for the parliamentary government of the governing body shall be governed by Robert's Rules of Order. (Source: North Dakota Century Code section 40-06-05)

ARTICLE 3 - Elective Officers

1.0301 Board of City Commissioners

The governing body shall be the Board of City Commissioners which is composed of the president of the Board of City Commissioners and four city commissioners. The president and four city commissioners shall be elected as provided by law. (Source: North Dakota Century Code sections 40-09-01, 40-09-03)

1.0302 Commissioners - Terms of Office - Terms of Members of First Board - Resignation

Each commissioner and the president of the Board of City Commissioners shall hold office for four years from and after the date of election, and until a successor has been duly elected and qualified. The president and any other member of the Board may resign from office by filing a written resignation with the city auditor, who shall submit the resignation to the Board of City Commissioners at its next regular meeting, or at a special meeting called for consideration of such resignation. The resignation is effective upon its acceptance by the Board. (Source: North Dakota Century Code section 40-09-04)

1.0303 President of Board as Executive Officer - Duties - No Veto Power

The provisions of section 40-09-08 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. The president of the Board of City Commissioners shall be the executive officer of the City and shall see that all the laws of the City are enforced. The president shall have the right to vote as a member of the board, but shall have not veto power.

1.0304 Vice President and Acting President of Board - Powers to Act

The provisions of section 40-09-09 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. At the first meeting of the board after each biennial election, one of its own members shall be elected vice president. The vice president shall perform all the duties of the office of president in the absence or inability of the president to act. In the absence or inability to act of both the president and the vice president, the board shall elect one of its members as acting president, who shall have all the powers and perform all the duties of the president during his absence or disability.

1.0305 Vacancies in Board - How Filled

The provisions of section 40-09-10 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. If a vacancy occurs in the office of city commissioner or president of the Board of City Commissioners, the board may call a special City election to fill such vacancy for the unexpired term, or may, after fifteen days from the date of such vacancy appoint a person to fill such vacancy until the next City election, at which election the unexpired term shall be filled. Upon petition of five percent of the electors, as determined by the total number of votes cast in the City in the last general election, the commission shall call a special City election fill a vacancy occurring more than six months prior to the next City election, provided such petition has been submitted within fifteen days of the date of such vacancy.

1.0306 Departments of Administration of City Divided Among Commissioners - Duties

The provisions of section 40-09-12 of the North Dakota Century Code and all subsequent amendments are herby incorporated by reference in this ordinance.

The Board of City Commissioners, by a majority vote of all the members thereof, shall designate from among its members:

1. A police and fire commissioner who shall have under that commissioner's special charge the enforcement of all police regulations of the City and the general supervision of the fire department of the City;
2. A commissioner of streets and improvements who shall have under that commissioner's special charge the supervision of the streets and alleys of the City and who shall be charged with responsibility for the lighting, cleaning and sanitary condition of the streets and alleys and with the enforcement of all rules and regulations relating thereto, and with the preservation of the health of the inhabitants of the City. That commissioner shall have under that commissioner's special charge the supervision of all public improvements and the conditions of all grants of franchises or privileges are complied with faithfully and performed;
3. A waterworks and sewerage commissioner who shall have under that commissioner's special charge the waterworks and sewerage department of the City and who shall see to the enforcement of all regulations with respect to said departments and all revenue pertaining thereto; and

4. A commissioner of finance and revenue who shall have under that commissioner's special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to the City, from whatever source the same may be derived, and who shall examine into and keep informed as to the finances of the City.

The duties assigned to the various members of the board by this section may be otherwise distributed by a majority vote of the board's members.

1.0307 Accounts Audited by Respective Commissioners - Approved by Board

The provisions of section 40-09-13 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. The commissioner who is the head of each department shall audit all accounts against it, but before payment the accounts shall be acted upon and approved by at least three members of the Board of City Commissioners. Approval by at least three members of the Board of City Commissioners shall be recorded in the record of the board and this shall be sufficient to indicate approval without requiring the approving members to sign or initial the voucher or order for payment of the account.

1.0308 Rules and Regulations Governing Departments and Agencies of City Made by Board

The provisions of section 40-09-14 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. The Board of City Commissioners shall have the sole authority to pass and adopt rules and regulations concerning the organization, management and operation of all the departments of the City and the other agencies created by it for the administration of the City's affairs.

1.0309 Board May Summon and Compel Attendance of Witnesses and Books - Punish for Contempt - Process

The provisions of section 40-09-16 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. Whenever it is necessary for the more effective discharge of its duties, the Board of City Commissioners may summon and compel the attendance of witnesses and the production of books and papers before it. The board may punish for contempt of the board with the same fines and penalties as a district judge may inflict for contempt of the district court. All process necessary to enforce the powers conferred by this section shall be signed by the president of the board, attested by the city auditor and served by any member of the police force of the City.

1.0310 Restrictions on Members of Board

The provisions of section 40-09-17 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance.

No member of the Board of City Commissioners shall:

1. Be eligible to any other office the salary of which is payable out of the City treasury;
2. Hold any other office under the City government; and
3. Hold a position of remuneration in the employment of the City.

ARTICLE 4 - Elective Officers Other Than Governing Body

1.0401 Municipal Judge

There shall be elected each four years a municipal judge who shall hold office until a successor is elected and qualified. The municipal judge shall perform all the duties prescribed by law and the ordinances of this City. The municipal judge shall receive a salary as full compensation for all services rendered. (Source: North Dakota Century Code sections 40-15-01, 40-15-02, 40-18-06)

1.0402 Report to City Auditor

It shall be the duty of the municipal judge to make a full report under oath of all fees, fines, costs, forfeiture, and any other monetary consideration collected by the court to the city auditor at the close of each month. The report shall be accompanied by all monetary consideration collected. Until such report has been filed with the city auditor, no salary shall be paid the judge for such work. (Source: North Dakota Century Code section 40-18-06)

1.0403 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.

1.0404 Duties of Municipal Judge

Additional duties of the municipal judge shall be as provided by chapter 40-18 of the North Dakota Century Code and all amendments.

ARTICLE 5 - Appointive Offices

1.0501 Appointive Officers - Right to Dispense with Offices

At the first meeting after the qualification of its members, or as soon thereafter as possible, the Board of City Commissioners shall appoint the following officers:

1. A treasurer
2. An auditor;
3. An attorney;
4. One or more assessors;
5. A city health officer who shall be a physician;
6. A street commissioner;
7. A chief of the fire department;
8. A chief of police;
9. One or more policemen;
10. A city engineer;
11. A board of public works;
12. Such other officers or boards as the Board of City Commissioners may deem necessary.

The Board of City Commissioners may, by a majority vote, dispense with any appointive office, and provide that the duties thereof shall be performed by other officers or boards, by the Board of City Commissioners or by a committee or committees thereof. (Source: North Dakota Century Code section 40-15-05)

1.0502 Term of Appointive Officers

The term of all appointive officers shall begin on July 1 after the regular election of city commissioners and shall continue for a term of two years 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 the oath and give the bond required by law. (Source: North Dakota Century Code sections 40-15-06, 40-13-02 and chapter 26.1-21)

1.0503 Appointive Officers - Removal Upon Hearing - Suspension Appointment and Removal of Temporary Officer

The provisions of section 40-15-07 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Any person appointed to any office of a City operating under the commission system of government and any employee of the City may be removed by a majority vote of all the members of the Board of City Commissioners, but no officer or employee shall be removed except for cause and unless charges are preferred against him and he is accorded an opportunity to be heard in his own defense. Within ten days after charges are filed against any such person in the office of the city auditor, the board shall proceed to hear and determine the case upon its merits. The president of the Board of City Commissioners, or the board, by a majority vote of its members, may suspend any officer or employee against whom charges have been preferred until the disposition of the charges. The president may appoint a person to fill any vacancy temporarily until charges against the incumbent of such office have been disposed of. Any person appointed by the president without confirmation may be removed by him when he deems it is for the best interests of the City.

1.0504 General Duties of City Auditor

It shall be the duty of the city auditor to issue the calls for all special meetings of the City Commission when requested to do so by the president or presiding officer or any two (2) members of the City Commission. (Source: North Dakota Century Code Section 40-09-11) The city auditor shall also keep a full and complete record of all meetings of the City Commission and shall keep a book titled as the "Ordinance Book" and shall record therein at length all ordinances of the City. The city auditor shall also keep a book titled as the "Special Assessment Book" in which all records of special assessments shall be kept. The city auditor shall report to the City Commission at the end of every month a list of all warrants, interest coupons, bonds or other evidence of indebtedness which may have been redeemed or paid during the month and shall give to the commission a copy of a receipt therefore. The city auditor shall further handle all correspondence, permits and license and shall do and perform each, every and all duties and things prescribed by statutes of this state or by an ordinance, resolution or proper instruction of the City Commission. (Source: North Dakota Century Code Section chapter 40-16)

1.0505 General Duties of City Attorney

The city attorney shall conduct all the law business of the City and of the departments thereof, and shall, when requested, furnish written opinions upon the subjects submitted by the City Commission, or any other department. The city attorney shall also draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the officers of the City, examine and inspect tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes, and perform all other duties prescribed by statutes of the state, or by an ordinance, resolution or proper instruction of the City Commission.

1.0506 General Duties of Other Appointive Officers

All other appointive officers shall perform such duties as directed by the Board of City Commissioners, directed by these ordinances or directed or authorized by the laws of the state of North Dakota.

ARTICLE 6 - Special Provisions Regarding City Officers

1.0601 Bonds of Municipal Officers and Employees

The following officers and employees of the City shall be bonded in the sums as hereinafter set forth:

president of the City Commission
city administrator
city auditor
deputy city auditor
municipal judge
city assessor

Said officers or employees shall be bonded from the State Bonding Fund in accordance with the provisions of section 40-13-02 and chapter 26.1-21 of the North Dakota Century Code and in such amounts as are set by the laws of the state of North Dakota, the Board of City Commissioners or the Commissioner of Insurance.

1.0602 Oaths of Municipal Officers

Every person appointed to any municipal office, before he enters upon the discharge of the duties thereof, shall take and subscribe the oath of office prescribed for civil officers and, except in the case of the auditor, shall file the same with the city auditor within 10 days after notice of election or appointment has been given. The oath of the auditor shall be filed in the office of the county auditor. Refusal to take the oath of office shall also be deemed a refusal to serve and, therefore, a failure to qualify for the office pursuant to NDCC section 44-02-01. (Source: North Dakota Century Code Section 40-13-03)

1.0603 Salaries of City Commissioners

The salary of the president of the City Commission and of the other members of the City Commission shall be set by ordinance within the limitations set by North Dakota Century Code section 40-09-06.

1.0604 Salaries of City Officials and Appointive Officers

Salaries 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.

1.0605 Meals, Lodging, and Mileage - Amount Allowed

Each elective or appointive officer, employee, representative, or agent of this City, or of any of its subdivisions, boards or commissions may make claim and shall upon approval of such claim, be paid as an allowance for meals and lodging while engaged within this State, in the discharge of a public duty away from their normal working and living residence for all or any part of any quarter of a day at the rates specified by state law. Verifications of claims shall not be required for the first three quarters of each day and only a lodging receipt shall be required for the fourth quarter. (Source: North Dakota Century Code section 44-08-04)

Such persons engaged in travel outside of the state shall not claim a sum in excess of that allowed by state law a day for meals and in addition thereto actual lodging expenses. Verification by receipt for such out-of-state travel expense shall be required only for lodging expense claimed. Verification of any other type of expenses not prescribed by this section shall be by receipt.

Mileage expenses shall be reimbursed at the rate provided for under state law for state officials and employees. (Source: North Dakota Century Code section 54-06-09) Any person filing a false claim with the City for mileage or expenses as herein permitted is guilty of an infraction.

1.0606 Personal Interest in Contract by Public Officer - Prohibited

No contract for the furnishing of supplies to the City, or buying of property from the City shall be entered into by any officer of the municipality, provided, however, that such contracts may be entered into with an officer of the City, if such contract is unanimously approved by other members of the governing body of the City by a finding unanimously adopted by such other members, and entered in the official minutes of the governing body, to be necessary for the reason that the services or property are not otherwise available at equal cost. (Source: North Dakota Century Code section 40-13-05)

1.0607 Retiring Officer to Turn Over Books

Any person having been an officer of the City shall, within five days after notification and request, deliver to his successor in office, all property, books and effects of every description in his possession belonging to the City or appertaining to his office; and upon his refusal to do so, shall be liable for all damages caused thereby, and guilty of an infraction.

1.0608 Administrative Policy and Procedure

Each officer shall:

1. Perform all duties required of their 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 their departments as the governing board may request.
5. Be responsible for the proper maintenance of all City property and equipment used in their departments.
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 department subordinates.
9. Be available during the hours designated by the City governing body.

1.0609 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 be guilty of an infraction. Upon conviction, for a violation of this section, such person shall be fined not more than \$500.00.

ARTICLE 7 - Purchasing and Disposition of Property

1.0701 Competitive Bidding Requirements

All purchase of and contracts for supplies and contractual services with a cost in excess of one hundred thousand dollars shall be based on competitive bids. (Source: North Dakota Century Code section 48-01.2-04)

1.0702 Procedure

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$100,000.00 shall be purchased from the lowest responsible bidder after due notice inviting proposals. Due notice shall be given by advertising for the sale or purchase of the property or service by giving written notice in the official newspaper of the City for three (3) consecutive weeks and the opening of the bids so received not less than 21 days after the first publication thereof. The lowest responsible bidder shall be the lowest best bidder for the project considering past experience, financial condition, past work with the governing body, and other pertinent attributes identified in the advertisement for bids. (Source: North Dakota Century Code sections 48-01.2-01, 48-01.2-04)

1.0703 Open Market Purchases - Emergency

When the City governing body decides by that an emergency requires the immediate purchase of supplies or contractual services, the purchases may be made without competitive bidding. (Source: North Dakota Century Code section 48-01.2-04)

1.0704 Accounts Against City to be in Writing

Accounts, claims and demands against the City for any property or services for which the City shall be liable, shall be made in writing and shall include an itemized statement of the property or services provided.

1.0705 Further Verification May be Required

It is hereby provided that any officer of the Board of City Commissioners before whom any bill, claim, account or demand against the City shall come for audit and approval may require to be furnished a statement made under oath, containing such other information as is deemed necessary for the further verification of any bill, claim, account or demand against the City, or any of its undertakings.

1.0706 Conveyance, Sale, Lease or Disposal of Property

Real property belonging to the municipality shall be conveyed, sold, leased or disposed of, only as approved of by a two-thirds vote of all members of the governing body. Personal property shall be conveyed by a majority vote of all members of the governing body. When the property to be disposed of, whether real property or personal property is estimated, by the governing body of the municipality to be of a value of less than \$2,500.00, such property may be sold at private sale upon the proper resolution of the governing body. In all other cases, such property may be sold only at public sale or as provided under section 40-11-04.2 of the North Dakota Century Code (Source: North Dakota Century Code section 40-11-04). Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be made directly to the governing body and submitted to the city auditor, who shall present any and all such 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 include the following:

1. Lease of airports or landing fields, or portions thereof shall be under authority granted in chapter 2-02 of the North Dakota Century Code. Said lease shall further be in compliance with regulations and directives of appropriate federal agencies.
2. Conveyance of right of way for any state highway shall be as provided in chapter 24-01 of the North Dakota Century Code.
3. Leasing of oil and gas lands shall be as provided in sections 38-09-02 through 38-09-04 and sections 38-09-14 through 38-09-20 of the North Dakota Century Code.
4. Conveyance of property to a municipal parking authority shall be as provided in section 40-61-05 of the North Dakota Century Code.
5. Lease of public buildings or portions thereof shall be as provided in chapter 48-08 of the North Dakota Century Code.
6. Granting of concessions for cafes, restaurants and confectioneries in public buildings or on public grounds shall be as provided in chapter 48-09 of the North Dakota Century Code.
7. Granting of right-of-way for a railway, telephone lines, electric light system or a gas or oil pipeline system shall be as provided in section 49-09-16 of the North Dakota Century Code.

1.0707 Real Property Transfer Requirements

The provisions of sections 40-11-04.1 and 40-11-04.2 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance.

ARTICLE 8 - Municipal Elections

1.0801 Qualified Electors in Municipal Elections - Restrictions

The provisions of section 40-21-01 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. Every resident of a municipality who is qualified to vote therein at general elections may vote at all municipal elections held therein.

1.0802 Elections in Commissioned Cities - When Held - Notice, Polls

The provisions of section 40-21-02 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. Biennial municipal elections shall be held on the second Tuesday in June in each even numbered year at such place or places as the Board of City Commissioners shall designate. Ten days notice of the time and place of holding each election and offices to be filled at such election shall be given by the city auditor by publication in the official newspaper of the City as provided by section 40-01-09 of the North Dakota Century Code. The polls shall be opened and closed as provided by state law for the opening and closing of polls at primary, general and special elections.

1.0803 Designation of Polling Places for Municipal Elections

The governing body of the City, at the time of calling any general or special municipal election, or prior to the time of registration for said election, if said registration is required by law, shall by resolution, designate such voting precincts and polling places for said election as it may deem necessary for the conduct of the same, and shall, in giving notice of said election, designate such voting precincts and polling places. (Source: North Dakota Century Code section 40-21-03.1)

1.0804 Compensation of Inspectors, Judges and Clerks at Municipal Elections

The provisions of section 40-21-05 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. Each inspector, judge or clerk of any regular or special municipal election shall receive compensation as determined for election officials in Section 16.1-05-05. The amounts determined to be due election officials at municipal elections shall be paid from the funds of the municipality holding the election. In the event a special municipal election is held on the same date as a statewide, district wide or countywide election, and if the same election officials perform services for both elections, the City shall not be required to pay the elections officials, except for any extra officials necessary for such special municipal election.

1.0805 Reference to Party Ballot or Affiliation in Petition of Candidate for Municipal Office - Prohibited

The provisions of section 40-21-06 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. No reference shall be made to a party ballot or to the party affiliation of a candidate in a petition to be filed or in behalf of a candidate for nomination to a public office in any incorporated City in this state.

1.0806 Petition for Nomination of Elected Official in Municipalities - Signatures Required - Contents

The provisions of section 40-21-07 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. A candidate for any public office in the City may be nominated by filing with the city auditor, at least sixty days and before four p.m. on the sixtieth day prior to the holding of the election, a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last City election. If a petition is mailed, it shall be in the possession of the city auditor before four p.m. on the sixtieth day prior to the holding of the election. In no case shall more than three hundred signatures be required, and such signatures may be on separate sheets of paper. Each signer of such petition shall add to the petition the petitioner's mailing address.

1.0807 Ballots in Municipalities - Makeup

The provision of section 40-21-08 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. The auditor of the City shall place only the names of the persons nominated upon the ballot. The auditor shall arrange the offices upon the ballot in the order in which they are named in the statutes. The auditor shall determine the arrangement of the names of the candidates upon the ballot by conducting a drawing within five days following the last day for the filing of the nomination papers. The city auditor shall set the date, time and location for conducting the drawing and shall give advance notice of the drawing to the candidates involved.

1.0808 Clerks Appointed to Fill Vacancies - Oath - Powers and Duties of Judges and clerks of Municipal Elections

The provisions of section 40-21-11 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance. When necessary, the judges of election at a municipal election shall appoint clerks to fill vacancies. The judges and clerks of a municipal election shall take the same oath and have the same powers and authority as judges and clerks of general state elections.

1.0809 Municipal Elections to be Governed by Rules Applicable to County Elections - Absent Voting

The provisions of section 40-21-13 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. The manner of conducting, voting at, keeping poll lists and canvassing votes at municipal elections, recounts and contests of the results of such elections shall be governed, as nearly as possible and except as otherwise provided in

this chapter, by the laws of this state applicable to elections and contests in the case of county officers. Absent voters' ballots must be available in municipal elections in accordance with the provisions of Chapter 16.1-07 of the North Dakota Century Code as amended.

1.0810 City Auditor to Notify of Election or Appointments

The provisions of section 40-21-14 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. The city auditor, within five days after the result of an election is declared or the appointment of an officer is made within the municipality, shall notify each person elected or appointed to municipal office of his election or appointment. Within the same period of time, the city auditor shall also notify the state Supreme Court of the election or appointment of any municipal judge or alternate judge.

1.0812 New Election Upon Failure to Elect

The provisions of section 40-21-15 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. If there is a failure to elect an officer required to be elected, the governing body of the municipality may order a new election.

1.0813 Special Elections Conducted in Same Manner as General Elections

The provisions of section 40-21-16 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Special municipal election to fill vacancies or for any other purpose shall be held and conducted by the inspectors and judges of election of several precincts in the same manner and the returns shall be made in the same form and manner as at regular municipal elections.

1.0814 Highest Number of Votes Elects in Municipal Election - Procedure on Tie Vote

The provisions of section 40-21-17 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. The person having the highest number of votes for any municipal office shall be declared elected to such office. In case of a tie vote in the election of any municipal officer, a recount must be conducted pursuant to Section 16.1-16-01 of the North Dakota Century Code. If a recount results in a tie vote, the choice shall be determined by a drawing of names in the presence of the governing body of the municipality and in such manner as it shall direct. A candidate involved in a tie vote may withdraw from consideration by signing a written statement to that effect in the presence of the filing officer of the election.

ARTICLE 9 - Records Management Policy

1.0901 Adoption of Policy

The management of records in the City shall meet with the provisions of the City Records Management Manual published by the Records Management Division of the North Dakota Information Technology Department, a copy of which is on file with the city auditor. That publication is hereby made a part of this chapter by reference with the exceptions of the sections hereinafter set forth affecting local conditions in the City, which are amended, deleted or added to, for use and application in the City, and the City hereby adopts said manual as so modified.

1.0902 Amendments, Deletions, Additions to City Records Management Manual

Sec. _____ shall be amended to read as follows:

Sec. _____ shall be deleted.

Sec. _____ shall be added to said manual to read as follows