

CHAPTER 4

OFFICERS AND DUTIES -- GENERAL

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ARTICLE 4-01

GENERAL PROVISIONS GOVERNING CITY OFFICIALS AND EMPLOYEES

Section

- 4-0101 Officers of the city of Fargo.
- 4-0101.1 When term of elective officers begins.
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- 4-0111 Duties of officers--General provision.
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- 4-0114 Officers to turn over property, books, and other effects at expiration of term.
- 4-0115 Mileage and travel expense of city officers and employees.
- 4-0116 Direct deposit of paychecks--Mandatory for new employees.—Repealed.

4-0101. Officers of the city of Fargo.-- The officers of the city of Fargo shall be: the mayor and four city commissioners who, together, shall be known as the board of city commissioners of the city of Fargo and its executive assistant, a city administrator, a municipal judge, director of finance, planning director, director of operations-public works, enterprise director, city attorney, director of human resources, fire chief, police chief, director of public health, city engineer and such other officers and boards as the board of city commissioners may deem necessary.

In addition to the officers as hereinabove named, heads of the various city divisions shall report to the city administrator, through their respective director, as follows:

Director of finance -- auditor, assessor, buildings & grounds, and municipal court.

Planning director -- Inspections and transit.

Director of operations-public works -- streets, central garage, water mains & hydrants and forestry.

Enterprise Director -- solid waste, waste water and water.

Source: 1965 Rev. Ord. 4-0101, 1603 (1974), 1863 (1978), 4287 (2002).

4-0101.1 When term of elective officers begins.--The term of each elective officer in the city of Fargo shall commence two weeks after the date of the election.

Source: 1965 Rev. Ord. 4-0101.1, 1580 (1974).

4-0102. Appointment of officers by board of city commissioners.--The board of city commissioners shall appoint the city auditor, city treasurer, city attorney, city assessor, city engineer, planning director, superintendent of water and sewage utilities, fire chief, police chief, 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 other officers and boards as are deemed necessary and as provided by state law.

Source: 1965 Rev. Ord. 4-0102, 1604 (1974).

4-0103. Term of appointive officers.--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.

Source: 1965 Rev. Ord. 4-0103, 1416 (1972).

4-0104. Term of "acting" officers.--Persons appointed as "acting" officers shall serve at the pleasure of the board of city commissioners, and the term of such officers may be terminated or the office declared vacant by the board of city commissioners.

Source: 1952 Rev. Ord. 4-0104.

4-0105. Letter or commission of authority.--There shall be issued to persons appointed as officers or as "acting" officers a letter or commission of authority executed by the board of city commissioners and attested by the city auditor. Such letter or commission of authority shall be issued immediately after such person has been appointed and has qualified as prescribed by law.

Source: 1952 Rev. Ord. 4-0105.

4-0106. Oath of office of elective or appointive officers--Filing.--All officers of the city, whether elected or appointed, before entering upon the duties of their respective offices shall take and subscribe the oath of office prescribed in section 211 of the constitution of the state of North

Dakota. Such oath shall be filed in the office of the city auditor; provided, that the oath of the city auditor and the city treasurer shall be filed in the office of the county auditor.

Source: 1952 Rev. Ord. 4-0106.

4-0107. Bonds of officials and employees--Requirement.-- All city officials and such employees as may be required by law or ordinance shall furnish bonds in such amount as may, from time to time, be required by law or resolution of the board of city commissioners.

Source: 1952 Rev. Ord. 4-0107.

4-0108. Bonds of officials and employees--Approval--Filing--Sureties--Payment of premiums --New and additional bonds.--All bonds of city officials and employees required by law or ordinance shall be conditioned for the faithful discharge of the duties of their respective offices by the designated officers or employees and must be approved by the president of the board of city commissioners and, when so approved, shall be filed in the office of the city auditor. No personal surety shall be accepted on any such bonds, but all such bonds must be with the North Dakota state bonding fund or with a corporate surety company authorized to do business within this state. Premiums for bonds of the state bonding fund shall be paid by the city in the manner provided by law, but no premium shall be paid by the city upon any bond other than those upon which the state bonding fund shall be surety. The board of the city commissioners by resolution at any time may require new and additional bonds of any officer or employee.

Source: 1952 Rev. Ord. 4-0108.

4-0109. Salary of city officials and appointive officers.-- The salary of city officials and appointive officers, except as otherwise provided by law, shall be in such sums and amounts as may be fixed from time to time by resolution of the board of city commissioners.

Source: 1952 Rev. Ord. 4-0109.

4-0110. Department payrolls and salaries of officers--Semi-monthly payment--Warrants for payment.--The payroll of each department, when certified to by the department head and approved by the board of city commissioners, and the salary of city officials and appointive officers fixed by the board of city commissioners shall be paid semi-monthly. The president of the board of city commissioners and the auditor are hereby authorized to draw warrants for the same as the same shall become due and payable.

Source: 1952 Rev. Ord. 4-0110.

4-0111. Duties of officers--General provision.--Each officer mentioned in § 4-0101 shall do and perform each, every, and all the duties and things prescribed for him to do by the statutes of the state, or by any ordinance, resolution, or proper instruction of the board of city commissioners.

Source: 1952 Rev. Ord. 4-0111.

4-0112. Obstructing a city official or employee prohibited.---No person shall willfully delay or obstruct a city official or employee in the discharge or attempt to discharge any duty of his office.

Source: 1952 Rev. Ord. 4-0112.

4-0113. Records and reports of officials or employees--Review by board of city commissioners.--All officials or employees of the city shall, at all times when required by the board of city commissioners, submit the books, records, and papers of their respective offices and make a

report of their transactions in such offices to the board of city commissioners.

Source: 1952 Rev. Ord. 4-0113.

4-0114. Officers to turn over property, books, and other effects at expiration of term.--All city officers at the expiration of their term of service shall turn over and deliver to their successor or successors-in-office all books, accounts, records, and property of whatever kind or description in their possession as such, and shall be entitled to a receipt therefor, if desired.

Source: 1952 Rev. Ord. 4-0114.

4-0115. Mileage and travel expense of city officers and employees.--City officials, whether elective or appointive, and their deputies, assistants, clerks or other city employees, because of the nature of their duties requiring travel, shall be allowed and paid mileage and travel expense in the following amounts:

1. The sum as provided by the laws of the state of North Dakota for state government travel for each mile actually and necessarily traveled in the performance of official duties when such travel is by privately-owned motor vehicle, provided, however, that the board of city commissioners may, by resolution, vary the amount to be paid for travel. No allowance shall be made or paid for such mileage for travel to or from said official's or employee's residence and his place of employment. When official travel is by motor vehicle owned by the city, no allowance shall be made or paid for such mileage, it being intended that when at all possible, city-owned vehicles should be utilized. This subsection shall not apply, however, to such work agreements as may be approved by the city commission or its designees.

2. When travel is by rail or certified air taxi, commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount of the fare, including taxes, for the most economical class of service, provided, however, that the board of city commissioners may, by resolution, vary the amount to be paid for travel.

3. The sum as provided by the laws of the state of North Dakota for expense reimbursement and lodging expenses provided, however, that the board of city commissioners may, by resolution, vary the amount to be paid for travel as regards meals and lodging.

Before any allowance for any such mileage or travel expense shall be made, the official or city employee shall file with the finance director an itemized statement showing the mileage traveled, the days, when and how traveled, the purpose thereof and such other information and documentation as may be prescribed by the city. The statement accompanied by a voucher as required by the city shall be submitted for approval and paid in the same manner as other city bills and claims.

Source: 1965 Rev. Ord. 4-0115, 1454 (1972), 1515 (1973), 2755 (1995).

4-0116. Direct deposit of paychecks--Mandatory for new employees.--

Source: 2969 (1998), repealed by Ord No. 4433 (2004).

ARTICLE 4-02

REMOVAL OF CITY OFFICIALS AND EMPLOYEES

Section

- 4-0201 Removal of officers or employees serving without letter or commission.
4-0202 Removal of appointive officers--Filling vacancies.
4-0203 Removal of elective officers.

4-0201. Removal of officers or employees serving without letter or commission.--Officers or employees not serving by virtue of a letter or commission of authority may be removed by the board of city commissioners subject, however, to civil service laws, ordinances, and regulations.

Source: 1952 Rev. Ord. 4-0201.

4-0202. Removal of appointive officers--Filling vacancies.--Every person appointed to any office may be removed and any vacancy may be filled in the manner provided by law subject, however, to civil service laws, ordinances, and regulations.

Source: 1952 Rev. Ord. 4-0202.

4-0203. Removal of elective officers.--Elective officers of the city of Fargo may be removed in the manner provided by law.

Source: 1952 Rev. Ord. 4-0203.

ARTICLE 4-03

CITY AUDITOR

Section

- 4-0301 General powers and duties--Books and records.
4-0302 Destruction of city records.

4-0301. General powers and duties--Books and records.--The city auditor shall perform all the duties prescribed by law and the ordinances of the city. He shall issue the calls for all special meetings of the board of city commissioners when requested so to do by the president of the board of city commissioners. He shall keep a full and complete record of all meetings of the board of city commissioners and shall record in proper books all business of the board of city commissioners. He shall keep a book to be styled the "Ordinance Book" and shall record therein at length all ordinances of the city. All books of the city auditor shall have full and complete indices of the contents thereof.

Source: 1952 Rev. Ord. 4-0301.

4-0302. Destruction of city records.--In addition to the provisions of § 40-16-10 of the North Dakota Century Code, the city auditor may also destroy all bonds, bond coupons for interest, warrants, special assessment warrants, and any and all other documents evidencing debt made or executed by the city when five years have elapsed after their payment, and when the period within which an action might be commenced to determine the validity of such documents has expired.

Source: 1965 Rev. Ord. 4-0302, 1768 (1977).

ARTICLE 4-04

CITY TREASURER

Section

- 4-0401 General powers and duties--Reports.
- 4-0402 Treasurer to deposit city funds--Interest to accrue to city.

4-0401. General powers and duties--Reports.--The city treasurer shall perform all the duties prescribed by law and the ordinances of the city. He shall make a monthly report to the board of city commissioners of all monies received by him and all monies paid out by him and, when requested so to do, shall furnish the board of city commissioners with a complete statement of all monies in his hands belonging to the city or any other, information pertaining to the finances of the city required by the board of city commissioners.

Source: 1952 Rev. Ord. 4-0401.

4-0402. Treasurer to deposit city funds--Interest to accrue to city.--The city treasurer shall organize his records and establish the various accounts and funds required by law in order to show the receipts, disbursements and balances in said accounts and funds. Said treasurer shall be authorized to hold and invest such funds as follows:

- A. He may hold all funds of the city in one or several bank accounts in banking institutions approved in accordance with law; and
- B. He may from time to time, with the assistance of the city auditor, determine the expected cash needs of the city and may accordingly invest the funds of the city for short terms, depending upon the financial needs of the city as hereinbefore determined; and
- C. Such short-term investments may be in United States Treasury debentures or debentures guaranteed by the United States or the United States Treasury, as well as interest-bearing deposits of financial intermediaries which are approved according to law.

Any interest earned from the deposit or investment of any funds of the city shall accrue to and be paid over to the general fund of the city unless specifically prohibited by law for any particular fund or account.

Source: 1965 Rev. Ord. 4-0402, 1481 (1973).

ARTICLE 4-05

CITY ASSESSOR

Section

- 4-0501 General powers and duties.

4-0501. General powers and duties.--The assessor shall be governed by and shall make assessments and returns as provided by the state law.

Source: 1952 Rev. Ord. 4-0501.

ARTICLE 4-06

CITY ATTORNEY

Section
4-0601 General duties.

4-0601. General duties.--It shall be the duty of the city attorney, when requested to do so, to draft all ordinances; to draft and supervise the execution of all instruments in writing to which the city shall be a party; and to advise all city officers in matters relating to their official duties. He shall conduct, on behalf of the city, all suits and legal proceedings in which the city may be a party and shall handle such matters in a manner which he shall deem to be for the best interests of the city and its citizens and for the promotion of justice; provided, that the city attorney shall consult with the board of city commissioners with regard to all extraordinary lawsuits or proceedings wherein the city may become involved in heavy or unusual expense or damage.

Source: 1952 Rev. Ord. 4-0601.

ARTICLE 4-07

MUNICIPAL JUDGE

Section
4-0701 General duties.
4-0702 Refusal to turn over money collected or permit inspection of records.

4-0701. General duties.--The municipal judge shall perform all the duties prescribed by law and the ordinances of the city.

Source: 1952 Rev. Ord. 4-0701.

4-0702. Refusal to turn over money collected or permit inspection of records.--If the municipal judge shall neglect or refuse to pay over the money collected by him or shall refuse to allow the board of city commissioners to examine his records in regard to such matters, he shall be deemed guilty of willful neglect in office.

Source: 1952 Rev. Ord. 4-0702.

ARTICLE 4-08

CITY ENGINEER

Section

4-0801 Qualifications and general duties.

4-0802 Duty to make surveys, plans, plats, statements, and estimates--Duty to keep records of streets, and sewage and water systems--Report to board of city commissioners.

4-0803 Duty to superintend building or repair of sewers, waterworks systems, paving, and construction work.

4-0801. Qualifications and general duties.--The city engineer shall have the qualifications prescribed by law and shall perform the duties pertaining to his office as prescribed by law and the ordinances of the city.

Source: 1952 Rev. Ord. 4-0801.

4-0802. Duty to make surveys, plans, plats, statements, and estimates--Duty to keep records of streets, and sewage and water systems--Report to board of city commissioners.--The city engineer shall make all surveys, plans, plats, statements, and estimates required by the board of city commissioners and keep a record thereof in a book kept especially for that purpose. He shall also keep a record of all grades of streets, together with a profile of such street grades, in a book kept for that purpose alone. He shall also keep a complete record of the sewage and water pipe systems of the city. He shall make a monthly report to the board of city commissioners of all work done in his department. He shall make such plats, maps, or profiles as may be required by the city attorney in the prosecution of or defense of any action in which the city is an interested party.

Source: 1952 Rev. Ord. 4-0802.

4-0803. Duty to superintend building or repair of sewers, waterworks systems, paving, and construction work.--The city engineer shall superintend in person and carefully watch the building or repairing of any sewers built or ordered by the board of city commissioners, the extension or repair of the waterworks system, the construction and repair of paving, and the doing of all construction work contracted for by the city, and shall see that the work is done in conformity with the contract, ordinance or resolution authorizing the same. He shall see that improvements of all streets, sidewalks, and culverts are in conformity with the grade of the street on which such improvements are being made.

Source: 1952 Rev. Ord. 4-0803.

ARTICLE 4-09

SUPERINTENDENT OF WATER AND SEWAGE UTILITIES

Section

4-0901 General duties--Monthly and annual reports.

4-0901. General duties--Monthly and annual reports.--The superintendent of water and sewage utilities shall perform all the duties pertaining to his office as are prescribed by law and the ordinances of the city. He shall be responsible for all waterworks property of the city including all

books, records, and files of the department. He shall make a monthly report to the board of city commissioners and at the first meeting of the board in April of each year shall make an annual report containing a full list of all property connected with the waterworks system and a general statement of the condition of such property and the waterworks plant.

Source: 1952 Rev. Ord. 4-0901.

ARTICLE 4-10

SUPERINTENDENT OF STREETS

Section

- 4-1001 General duties.
- 4-1002 Monthly and annual reports.
- 4-1003 Duty to superintend and see to repair of streets, bridges, and sidewalks.
- 4-1004 Duty to keep streets and alleys clean.
- 4-1005 Duty to report violations of health ordinances and aid health officer.
- 4-1006 Defective sidewalks--Inspection--Notices to property owners to repair--Reports to board of city commissioners--Repealed.
- 4-1007 Defective sidewalks--Power and duty to prevent use of, post danger signals, and repair--Repealed.

4-1001. General duties.--The superintendent of streets shall perform all the duties pertaining to his office as are provided by law and the ordinances of the city.

Source: 1952 Rev. Ord. 4-1001.

4-1002. Monthly and annual reports.--The superintendent of streets shall make monthly reports to the board of city commissioners and at the first meeting of the board in April of each year shall make an annual report containing a list of all property belonging to the city in his hands or under his control and a statement of its condition.

Source: 1952 Rev. Ord. 4-1002.

4-1003. Duty to superintend and see to repair of streets, bridges, and sidewalks.--The superintendent of streets, under the direction of the board of city commissioners, shall have charge of the streets, bridges, and sidewalks of the city and shall see that all needful repairs are made thereon.

Source: 1952 Rev. Ord. 4-1003.

4-1004. Duty to keep streets and alleys clean.--The superintendent of streets shall see that the streets and alleys are kept clean and free from filth, manure, paper, and other rubbish and from all noxious weeds.

Source: 1952 Rev. Ord. 4-1004.

4-1005. Duty to report violations of health ordinances and aid health officer.--It shall be the duty of the superintendent of streets to report promptly to the health officer all violations of the health ordinances which come to his notice and to render any practical assistance to the health officer which the health officer may require.

Source: 1952 Rev. Ord. 4-1005.

4-1006. Defective sidewalks--Inspection--Notices to property owners to repair--Reports to board of city commissioners.--Repealed by Ord. No. 2516 (1990).

4-1007. Defective sidewalks--Power and duty to prevent use of, post danger signals, and repair.--Repealed by Ord. No. 2516 (1990).

ARTICLE 4-11

DIRECTOR OF PUBLIC HEALTH

Section

- 4-1101 General duties.
4-1102 Recording and documenting violations.

4-1101. General duties.-- The director of public health, or its authorized agents, shall perform all the duties pertaining to said office prescribed by law and the ordinances of the city.

Source: 1952 Rev. Ord. 4-1101, 4395 (2004).

4-1102. Recording and documenting violations.--The director of public health, or its authorized agents, shall record and document violations of the health ordinances and orders or requirements of the board of health, health officer, or public health department.

Source: 1952 Rev. Ord. 4-1102, 4395 (2004).

ARTICLE 4-12

CITY WEIGHMASTER

Note: Article 12 of chapter 4 (section 4-1201) of the Revised Code of 1952 is repealed by omission from the 1965 Revised Ordinances. The article related to the general duties and reports of the city weighmaster. Chapter 15 (sections 15-0101 to 15-0301), relating to the city weighmaster, regulations as to weights and measures, and providing a penalty was repealed by Ord. No. 1209, 1965.

ARTICLE 4-13

AIRPORT MANAGER

Section

- 4-1301 General powers and duties.

4-1301. General powers and duties.--The manager of the airport shall have charge of the maintenance and operation of the municipal airport.

Source: 1952 Rev. Ord. 4-1301.

ARTICLE 4-14
CITY ADMINISTRATOR

- 4-1401 City administrator supervises all city departments.
- 4-1402 City administrator establishes goals and objectives.
- 4-1403 City administrator coordinates budget.
- 4-1404 City administrator represents departments to commission.
- 4-1405 Liaison for city.

4-1401. City administrator supervises all city departments.--The city administrator shall supervise the activities of all city departmental managers. Ensures completion of all reports and correspondences required by state and federal rules and regulations.

4-1402. City administrator establishes goals and objectives.--The city administrator shall establish goals and objectives for all departments and the city to ensure compliance with city commission policy directives and any applicable local, state or federal laws rules and regulations.

4-1403. City administrator coordinates budget.—The city administrator coordinates financial status of city with departmental goals, objectives and actual performance. The city administrator aids in development of the budget, and recommends and monitors the budget for all departments and monitors expenditures for various items to ensure compliance with guidelines.

4-1404. City administrator represents departments to commission.—The city administrator represents city departments to the city commission to present the plans and accomplishments of each department and to provide recommendations regarding current plans, projects and programs.

4-1405. Liaison for city.—The city administrator shall serve as liaison for the city with non-governmental organizations, contractors and citizens concerning city projects and policies.

Source: 4288 (2002).