

CHAPTER 34

THE FARGODOME

Article

34-01 Fargo Dome Authority, §§ 34-0101 to 34-0107.

ARTICLE 34-01

FARGO DOME AUTHORITY

Section

34-0101 Fargo Dome Authority created.
34-0102 Number of members--Officers--Compensation.
34-0103 Nomination and appointment of authority members--Terms-Vacancies.
34-0104 Meetings--Quorum.
34-0105 Powers of the authority.
34-0106 Fiscal matters.
34-0107 Contract restrictions--Approval required.

34-0101. Fargo Dome Authority created.--There is hereby created, pursuant to Article 3(P) of the Fargo Home Rule Charter, a body to be known as the Fargo Dome Authority which shall have all of the powers and duties relating to the FargoDome, as hereinafter provided.

Source: 2437 (1989).

34-0102. Number of Members--Officers--Compensation.--The Fargo Dome Authority shall consist of seven members, who shall be appointed as hereinafter provided. The members of said authority shall elect a president, vice-president, secretary and treasurer annually to serve one-year terms and shall adopt rules and regulations for the transaction of its business. Members of the authority shall serve without compensation provided that they shall be entitled to reimbursement of expenses incurred in conducting the business of the authority.

Source: 2437 (1989).

34-0103. Nomination and appointment of authority members--Terms--Vacancies.--The board of city commissioners of the city of Fargo shall appoint seven members of the Fargo Dome Authority from a list of candidates who are nominated as follows:

- A. One member from a list of nominees to be provided by the board of education of the city of Fargo who are residents of the city. The initial appointment of this member shall be for a term of two years.
- B. One member from a list of nominees to be provided by the board of park commissioners of the city of Fargo who are residents of the city. The initial appointment of this member shall be for a term of two years.
- C. One member from a list of nominees to be provided by the board of county commissioners of Cass County, North Dakota, who are residents of Cass County. The initial appointment of this member shall be for a term of two years.

- D. Two members from a list of nominees to be provided by the president of North Dakota State University who are residents of the city. The initial appointment of these members shall be for a term of three years.
- E. Two members who are residents of the city of Fargo. The initial appointment of these members shall be for a term of four years.

The initial term of each member shall commence on April 1, 1989, and shall continue for the term of the appointment. Subsequent appointments shall be for a term of four years. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired portion of said term. Notwithstanding the expiration of a member's term, such member may serve until his or her successor has been appointed and qualified.

The nominating entity shall submit at least two names for each position to be filled. In the event that the board of city commissioners refuses to appoint any of the nominees of a nominating entity, such entity shall submit two additional names for consideration and the process shall continue until all positions are filled. The board of city commissioners shall take action, either appointing or rejecting the nominees within 30 days of submission by the nominating entity. In the event any nominating entity fails to submit a list of nominees within 60 days after notification of vacancy in its member position on the authority, the board of city commissioners may appoint additional members who are residents of the city.

Source: 2437 (1989).

34-0104. Meetings--Quorum.--The Fargo Dome Authority shall conduct meetings on a regular basis at an interval to be determined by the authority. A majority of the members of the authority shall constitute a quorum and minutes of all meetings shall be kept and copies filed in the office of city auditor of the city of Fargo. The time and place of such meetings shall be as determined by the authority and appropriate notice shall be given to the public as required by city ordinance and North Dakota statutes relating to open meetings.

Source: 2437 (1989).

34-0105. Powers of the authority.--The authority shall have the following powers:

- A. To construct, maintain, and manage the FargoDome.
- B. To adopt an annual budget, which shall be subject to approval of the board of city commissioners of the city of Fargo.
- C. To purchase and sell supplies, goods and equipment as may be necessary for the operation of the dome.
- D. To employ management personnel and such other employees, either permanent or temporary, as may be required and shall determine their duties, qualifications and compensation. Such employees, other than management personnel, shall be deemed to be city employees and members of the civil service of the city of Fargo; provided, that this provision shall not be construed to limit the power to contract for the operation and management of the FargoDome.
- E. To execute such contracts for management and operation of the FargoDome and any other contracts or instruments as may be necessary in the construction, maintenance, and operation of the FargoDome.
- F. To acquire, by purchase, gift, devise, lease or otherwise any and all property which may be necessary for the construction, maintenance, and operation of the FargoDome.

- G. To establish rules and regulations for the rental and operation of the FargoDome.
- H. To permit the sale and consumption of alcoholic beverages in the FargoDome in accordance with the ordinances of the city of Fargo and the statutes of the state of North Dakota.

In the exercise of its powers as hereinabove provided, the Fargo Dome Authority shall be limited in that it may not obligate the authority or the city of Fargo for any financial obligations in excess of its annual budget, as approved by the board of city commissioners; and may not undertake financial obligations or commitments which are not to be discharged in the current budget year. The authority shall submit a financial report to the city of Fargo on a monthly basis or as otherwise requested by the board of city commissioners.

Source: 2437 (1989), 2510 (1990).

34-0106. Fiscal matters.--The authority shall keep appropriate books, files, and records which shall be filed in the office of the city auditor. All income from the operation of the dome shall be deposited into a separate fund to be established by the city finance office. All expenditures for the operation of the dome shall be paid from such separate fund, after approval by the authority. The books and accounts of the dome authority shall be audited in the same manner and at the same time as all other departments of the city of Fargo.

The authority shall prepare its annual budget which shall be submitted to the city on or before September 1 of each year. The budget shall be incorporated into the budget of the city and shall be subject to final approval by the board of city commissioners. All budgetary practices shall be in accordance with the ordinances of the city of Fargo and the statutes of the state of North Dakota.

Source: 2437 (1989), 2510 (1990).

34-0107. Contract restrictions--Approval required.--No contracts or agreements may be executed by the Fargo Dome Authority, or its agents, concerning the subjects which are set out below without first receiving a written opinion that such contract or agreement will not affect the tax exempt status of any bonds issued in connection with the construction or maintenance of the FargoDome:

- A. All management contracts concerning the FargoDome.
- B. All concession contracts giving a non-governmental entity or person control over the sale of concessions in the FargoDome.
- C. Any long-term lease or long-term rental agreement with a non-governmental entity or person involving the FargoDome or any part thereof.
- D. Any sale of the FargoDome or a portion thereof.
- E. Any agreement with a non-governmental entity reserving parking facilities available at the FargoDome.

Such written opinion must be given by nationally-recognized bond counsel who has been approved by the board of city commissioners of the city of Fargo. The requirement for a written opinion shall terminate upon the retirement of all tax-exempt bonds issued to finance the construction or maintenance of the FargoDome.

For purposes of this section, a “governmental entity” shall mean any political subdivision including, but not limited to, public school districts, the North Dakota State Board of Higher Education, and any state institutions of higher education, but excluding the federal government or any of its agencies. “Long-term lease” or “long-term rental” agreement shall mean any lease of the

FargoDome for a period in excess of 30 days, whether consecutive or not, or which involves terms, charges or conditions which are different than that available to any member of the general public who wishes to lease the FargoDome for a similar use or period.

Source: 2506 (1989).