

CHAPTER ONE

GOVERNMENT ORGANIZATION

MAYOR - COUNCIL 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 Council

- 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 City Council - Who Constitutes
- 1.0302 Term of Office of Council Members
- 1.0303 Mayor - Qualifications - Term
- 1.0304 When President and Vice President of a Council are Elected
- 1.0305 Vacancies on Council or in Office of Mayor - How Filled
- 1.0306 Absence or Disability of Mayor - Who to be Acting Mayor
- 1.0307 Mayor to Preside at Council Meetings - Voting Power of Mayor
- 1.0308 Mayor May Remove Appointive Officers - Reasons for Removal to be Given
- 1.0309 Mayor May Suppress Disorder and Keep Peace
- 1.0310 Mayor to Perform Duties Prescribed by Law - Enforced Laws and Ordinances
- 1.0311 Inspection of Books, Records and Papers of City by Mayor
- 1.0312 Ordinance or Resolution Signed or Vetoed by Mayor
- 1.0313 Message to Council
- 1.0314 Mayor Shall Call on Male Inhabitants to Aid in Enforcing Ordinance
- 1.0315 Police Chief and Policemen Appointed by Mayor
- 1.0316 Mayor May Administer Oath

ARTICLE 4 - Elective Officers Other than Governing Body

- 1.0401 Municipal Judge
- 1.0402 Transfer of Municipal Ordinance Cases to District Court **(amended 11/11/2015 ord. 101)**

ARTICLE 5 - Appointive Offices

- 1.0501 Appointive Officers in Council Cities - Appointment of More Than One Assessor
- 1.0502 Term of Appointive Officers
- 1.0503 General Duties of City Auditor
- 1.0504 General Duties of City Attorney
- 1.0505 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 Elected Officers Fixed by Ordinance or Resolution
- 1.0604 Salaries of Appointive Officers and Employees
- 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 **(Amendment #116, 03/2020); (Amendment 2021-5; 5/19/21)**
- 1.0707 Real Property Transfer Requirements
- 1.0708 Sale of Property by Exclusive Listing Agreement **(Amendment 2021-6; 5/19/2021)**
- 1.0709 The Development of City Owned Property

ARTICLE 8 - Municipal Elections

- 1.0801 Qualified Electors in Municipal Elections - Restrictions
- 1.0802 Elections in Council Cities - Polling Places - Polls Open - Notice
- 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

(resolution 16-04) (resolution 16-09) (resolution 16-10) (resolution 18-02) (resolution 18-04)

ARTICLE 10 - Donations **(Amendment 2021-4; 5/5/2021)**

- 1.1001 Authority
- 1.1002 Purpose
- 1.1003 Implementation and Supervision
- 1.1004 Identity of recipients

CHAPTER ONE

GOVERNMENT ORGANIZATION

MAYOR – COUNCIL CITIES

ARTICLE 1 - Jurisdiction

1.0101 Over Persons and Property

The jurisdiction of the City of Alexander, 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 Council 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 one precinct within the City to be known and designated as: Alexander City 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: Alexander City Hall

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 - City Council

1.0201 Regular Meetings

The City Council shall meet regularly at the City Hall on the first Wednesday of each month at the hour of 7:00 p.m. unless some other time and place shall be specifically fixed by the council. The council shall meet in addition thereto, as often as required by section 40-08-10 of the North Dakota Century Code.

1.0202 Special Meetings

Special meetings may be called at any time by the mayor or any two (2) members of the governing body to consider matters mentioned in the call of such meetings. Notice of any special meeting shall be given to each member of the governing body at least three hours before the time of the meeting. (Source: North Dakota Century Code section 40-08-10)

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 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 City Council - Who Constitutes

The governing body of the City shall be the City Council which shall be composed of the mayor and council members. The mayor and four council members shall be elected as provided by law. (Source: North Dakota Century Code sections 40-08-01, 40-08-03)

1.0302 Term of Office of Council Members

Council members shall hold offices for four years and until their successors are elected and qualified. Terms of council members shall be arranged so that only one-half of the council members shall be elected in any one election.

1.0303 Mayor - Qualifications - Term

The chief executive officer of the City is the mayor. The mayor shall be a qualified elector within the City and shall hold office for four years and until a successor is elected and qualified. (Source: North Dakota Century Code section 40-08-14)

1.0304 When President and Vice President of a Council are Elected

The provisions of section 40-08-11 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. At the organization meeting in each even numbered year, the members of the City Council shall proceed to elect from their number a president and vice president who shall hold their respective offices until their successors are elected at the organization meeting following the next biennial election.

1.0305 Vacancies on Council or in Office of Mayor - How Filled

If a vacancy occurs in the office of council member by death, resignation or otherwise, City Council may call a special City Election to fill such vacancy for the unexpired term or may, after fifteen days of 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 last general election, the council shall call a special election to fill a vacancy occurring more than six months before the next City Election, provided such petition has been

submitted within fifteen (15) days and before 4:00 p.m. of the fifteenth (15th) day of the date of such vacancy or of the vacancy being filled by appointment. If the petition is mailed, it shall be in possession of the council or its representative before 4:00 p.m. on the fifteenth (15th) day after the vacancy occurs or after the vacancy was filled by appointment. (Source: North Dakota Century Code section 40-08-08)

If a vacancy occurs in the office of mayor, the City Council 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, elect one of its members to act as mayor, the member so elected shall possess all of the rights and powers of the mayor until the next election and until a mayor is elected and qualified. 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 council shall call a special election to fill a vacancy occurring more than six months prior to the next City Election, provided such petition is submitted within fifteen days of the date of such vacancy. During the interim between date when a vacancy occurs in the office of the mayor and election and qualification of a successor, the president of the City Council shall be acting mayor. (Source: North Dakota Century Code section 40-08-16)

1.0306 Absence or Disability of Mayor - Who to be Acting Mayor

During the absence of the mayor from the City or during his temporary disability, the president of the City Council shall be the acting mayor and shall possess all of the powers of the mayor. In the absence or disability of the mayor and the president of the City Council, the vice president of the City Council shall be the acting mayor. (Source: North Dakota Century Code section 40-08-13)

1.0307 Mayor to Preside at Council Meetings - Voting Power of Mayor

The mayor shall preside at all meetings of the City Council, but shall not vote except in case of a tie, when he shall cast the deciding vote. (Source: North Dakota Century Code section 40-08-18)

1.0308 Mayor may Remove Appointive Officers - Reasons for Removal to be Given

The mayor may remove any office appointed by him whenever he is of the opinion that the interest of the City demands such removal, but he shall report the reasons for such removal to the council at its next regular meeting. (Source: North Dakota Century Code section 40-08-19)

1.0309 Mayor may Suppress Disorder and Keep Peace

The mayor may exercise within the City limits the powers conferred upon the sheriff to suppress disorder and keep the peace. (Source: North Dakota Century Code section 40-08-20)

1.0310 Mayor to Perform Duties Prescribed by Law - Enforced Laws and Ordinances

The mayor shall perform all duties prescribed by law or by the city ordinances, and shall see that the laws and ordinances are faithfully executed. (Source: North Dakota Century Code section 40-08-22)

1.0311 Inspection of Books, Records and Papers of City by Mayor

The mayor, at any time, may examine and inspect the books, records and papers of any agent, employee or officer of the City. (Source: North Dakota Century Code section 40-08-23)

1.0312 Ordinance or Resolution Signed or Vetoed by Mayor

The mayor shall sign or veto each ordinance or resolution passed by the council. (Source: North Dakota Century Code section 40-08-24)

1.0313 Message to Council

The mayor annually and from time to time shall give the council information relative to the affairs of the City and shall recommend for consideration such measures that he may deem expedient. (Source: North Dakota Century Code section 40-08-25)

1.0314 Mayor May Call on Male Inhabitants to Aid in Enforcing Ordinances

When necessary, the mayor may call on each male inhabitant of the City over the age of eighteen years to aid in the enforcing of the laws and ordinances of the City. (Source: North Dakota Century Code section 40-08-26)

1.0315 Police Chief and Policemen Appointed by Mayor

The mayor may appoint any number of policemen which he and the City Council may deem necessary to preserve the peace of the City, and he shall appoint one of the number as chief of police. Such appointment shall be subject to approval of the council. (Source: North Dakota Century Code section 40-08-27)

1.0316 Mayor May Administer Oath

The mayor of the City may administer oaths and affirmations. (Source: North Dakota Century Code section 40-08-28)

ARTICLE 4 - Elective Officers Other Than Governing Body

1.0401 Municipal Judge

Reserved for future use.

1.0402 Transfer of Municipal Ordinance Cases to District Court **(amended 11/11/2015 ord. 101)**

1. The District Court of the County of McKenzie is empowered to exercise all powers and duties authorized by law in the adjudication of all municipal ordinance cases of the City of Alexander.
2. The provisions of this Ordinance are intended and shall be construed to fully implement the provisions of N.D.C.C. Section 40-18-06.2 to effectively transfer all municipal ordinance cases to the McKenzie County District Court.

(Section 1.0401 amended by Ord. No. 101, section 1, passed Nov. 11th 2015)

ARTICLE 5 – Appointive Offices

1.0501 Appointive Officers in Council Cities

The mayor, with the approval of the City Council, shall appoint the following officers:

1. city auditor;
2. city assessor;
3. city attorney;
4. city engineer;
5. such other officers as the City Council deems necessary and expedient.

The city assessor shall be appointed at the first meeting of the City Council in September of each odd numbered year. The City Council, by majority vote, may dispense with any appointive office and provide that the duties of that office be performed by others. (Source: North Dakota Century Code section 40-14-04)

1.0502 Term of Appointive Officers

The term of all appointive officers of the City operating under the council form of government shall commence the first day of July succeeding their appointment unless otherwise provided by ordinance, and such officers shall hold their

respective offices for two years, and until their successors are appointed and qualified. (Source: North Dakota Century Code section 40-14-05)

1.0503 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 Council when requested to do so by the mayor or any two (2) members of the City Council. (Source: North Dakota Century Code section 40-08-10) The city auditor shall also keep a full and complete record of all meetings of the City Council 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 to keep all records of special assessments. The city auditor shall report to the City Council 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 by him during the month and he shall duly give to the council a copy of his receipt therefore. The city auditor shall further handle all correspondence, permits and licenses and shall do and perform all other duties prescribed by statutes of this state, or by an ordinance, resolution or proper instruction of the City Council. (Source: North Dakota Century Code chapter 40-16)

1.0504 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 Council 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 Council.

1.0505 General Duties of Other Appointive Officers

All other appointive officers shall perform such duties as directed by the City Council, 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 accordance with the provisions of section 40-13-02 and chapter 26.1-21 of the North Dakota Century Code:

1. mayor
2. city auditor
3. municipal judge
4. city assessor
5. city administrator

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 his 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 North Dakota Century Code section 44-02-01. (Source: North Dakota Century Code section 40-13-03)

1.0603 Salaries of Elected Officers Fixed by Resolution

The Mayor and Council Members of this City shall receive compensation as established by resolution. (Source: North Dakota Century Code section 40-08-07 and 40-08-15).

1.0604 Salaries of Appointive Officers and Employees

Salaries of City Appointive Officers and Employees, 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 governing body.

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 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 City Council 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 (Amendment #116, 03/2020) (Amendment 2021-5;

5/19/21)

Real property belonging to the municipality shall be conveyed, sold, leased or disposed of only as approved by a two-thirds vote of all members of the City Council. Instruments affecting such conveyance, sale, lease, or disposal shall be valid only when duly executed by the Mayor and attested by the City Auditor. The provisions of Sections 40-11-04.1 and 40-11-04.2, North Dakota Century Code, and subsequent amendments thereto shall be followed in conveying, selling, leasing, or disposing of property, real or personal, of the municipality unless the property is sold via exclusive listing agreement as provided in ordinance 1.0708. If the prospective buyer, renter, tenant, is not the Mayor, a member of the City Council, an employee of the City, or a contractor for the City, or a spouse, parent or child of those individuals, or any business entity or Trust in which any of the above-named individuals are entitled to at least fifty (50) percent of the proceeds, the City Council

may convey, sell lease, or dispose of real property to the prospective buyer without requiring the provisions of sections 40-11-04.1 and 40-11-04.2 be followed if the City Council finds the considerations offered by the prospective buyer is at least equal to fair market value for the real property. If the prospective buyer is the Mayor, a member of the City Council, an employee of the City, or a contractor for the City, or a spouse, parent or child of those individuals, or a business entity or Trust in which any of the above-named individuals are entitled to at least fifty (50) percent of the proceeds, the City Council may convey, sell, lease, or dispose of real property to the prospective buyer without requiring the provisions of Sections 40-11-04.1 and 40-11-04.2 be followed if unanimously approved by the entire City Council, and if the City Council finds the consideration offered by the prospective buyer is at least equal to fair market value for the real property. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be directed to the City Council and submitted to the City Auditor, who shall present any and all such bids to the City Council for action. The City Council may enter into lease agreements regarding city-owned real property for up to twenty (20) years. If the 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 are as follows:

1. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-05 NDCC. 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 Section 24-01-46, NDCC.
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 Chapter 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.

1.0708 Sale of Property by Exclusive Listing Agreement (Amendment 2021-6; 5/19/2021)

Notwithstanding the requirements of Section 1.0706 of these ordinances and Sections 40-11-04.1 and 40-11-04.2 of the North Dakota Century Code, the City may sell real property owned by the City via exclusive listing agreements. The City Council must approve the sale of real property via an exclusive listing agreement by a unanimous vote. The City shall contact at least three (3) local realtors and request proposed exclusive listing agreements for the real property the City wishes to sell. The City Council shall review all proposed agreements and enter into the exclusive listing agreement that, in the opinion of the City Council, represents the most favorable terms and conditions to the City and will represent the best opportunity to sell the real property at fair market value.

1.0709 The Development and Construction on City owned Property

The City may, in its sole discretion, enter into agreement with other parties for the development of City owned property for residential use, including but not limited to, the construction of single-family homes, multi-family homes, parks, green space, and other improvements typically found in residential neighborhoods. The intent of this ordinance is to allow the City to partner with other persons or businesses in a cost-sharing agreement and/or development agreement to facilitate residential development on City owned properties. Such agreements may include the division of costs or labor for improvements and division of proceeds in future sales. The City shall still be subject to all public bidding requirements for

improvements that are undertaken by the City. All construction activities shall follow all other applicable ordinances, statues, and regulations.

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. When elections are held by wards or precincts, no person may vote in any place other than the ward or precinct of which he is a resident.

1.0802 Elections in Council Cities – Polling Places – Polls Open – Notice

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 City Council shall designate. 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. Ten days notice of the time and place of holding each election and offices to be filled thereat 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.

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 shall be and 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 shall be and 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 shall be and 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. Qualified electors who sign such a petition shall reside within the ward or precinct in and for which such officer is to be elected, if the election is by wards, or within the corporate limits of the City if the officer is elected at large. If a petition is mailed, it must 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 qualified elector who signs a 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 shall be and 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 shall be and 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.

1.0811 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.

1.0812 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.

1.0813 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 s manner it directs. 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.

ARTICLE 10 - Donations

1.1001 Authority

The Home Rule Charter for the City of Alexander provides that the city may control its finances and fiscal affairs and may engage in any utility or enterprises permitted by the Constitution or not prohibited by statute or to grant and regulate franchise therefore to a governmental, educational, private and/or nonprofit entity, or private persons.

1.1002 Purpose

The City of Alexander deems it appropriate and beneficial to the public to engage in the enterprise of donating money to certain governmental, educational, private and/or nonprofit entities for the enhancement and improvement of community facilities or other enterprise activities for the purposes of:

- (1) Promotion or economic benefit;
- (2) Promotion of the city as a trade, service, recreation, tourism or manufacturing center;
- (3) Expansion of cultural opportunities in the city;
- (4) Promotion of health and safety of citizens and meeting a public purpose; and/or
- (5) Promotion of the development or preservation of the city's cultural, natural, historic or physical resources.

1.1003 Implementation and Supervision

- (a) The determination as to whether money will be granted to any governmental, educational, private and/or nonprofit entity in association with the city, through a lawful and permitted enterprise of the city, will be made by decision of the city council. All requests or applications must be made in writing and the written requests must provide:
 - (i) Full and appropriate responses to the application form approved by the city;
 - (ii) The total amount requested;
 - (iii) A description of the project or service;
 - (iv) An outline of the project goals and intended results;
 - (v) Description of the impact of the project in the community;
 - (vi) A project timetable;
 - (vii) An explanation of how the outcome of the project will be evaluated; and
 - (viii) An explanation of how the city will benefit from the expenditure for the enterprise activity or service.

The name and address of the entity, as well as the name and representative capacity of the person making the application must be provided. The written request must be signed and dated by the applicant.

- (b) The city council shall consider the request and will seek to ensure that the request satisfies the purposes of the article and is an enterprise activity in which the city may be lawfully engaged. Other considerations shall include the availability of funds and the overall effect of the project or service on the community the city reserves the right to approve or reject applications and projects on a case-by-case basis, taking into consideration established policies, project criteria, and demand on city services and finances in relation to the potential benefits from a project or request.
- (c) In the event the city council determines the applicable criteria for engaging in an appropriate and lawful enterprise with a governmental, educational, private and/or nonprofit entity has been sufficiently established

by the requirements of this article, the granting of funds by the city for the enterprise shall be accomplished through a written contractual agreement or joint powers agreement. The written contractual agreement or joint powers agreement shall specifically indicate (1) the enterprise the city is authorized to engage in, (2) assurances that the activity has a public purpose, (3) sufficient details as to the manner of implementing the activity, and (4) the providing of supervisory controls to ensure that the public purpose is being met.

1.1004 Identity of Recipients

An Entity that receives a grant of money or proceeds in accordance with this article shall be listed in the city budget as expenditures.