

City Government Basics

Forms of Government

North Dakota law provides for three forms of city government: city council, city commission, and modern council. The largest differences between these three types of government is whether the executive officer votes at meetings and whether he or she has veto power. These forms of government may be modified in city's home rule charter.

City Officers

Elected Officers

City Council

Mayor

- Executive officer of the city
- Ensures laws and ordinances are carried out
- Chairs council meetings but does not vote unless a tie occurs
- Vetoes or signs resolutions and ordinances

City Council President

- Elected by city council at organizational meeting
- Serves as acting mayor in mayor's absence or temporary disability

City Council Vice President

- Elected by city council at organizational meeting
- Serves as acting mayor in mayor and city council president's absence or temporary disability

City Council Member

- Serves on city council and votes on issues that come before city council at city council meetings
- Represents city residents at city council meetings
- Engages with city residents to determine city needs

City Commission

City Commission President

- Executive officer of the city
- Ensures all laws of the city are carried out
- Presides at city commission meetings and votes on issues before the commission
- No veto powers

City Commission Vice President

- Elected by the city commission at the first meeting after the election
- Performs duties of city commission president in absence or disability of president

City Commissioner

- Serves on city commission and votes on issues that come before city commission at meetings
- Represents city residents at city commission meetings
- Manages portfolio designated to him or her by majority vote of the commission (Portfolio examples: police and fire, streets and improvements, waterworks and sewerage, finance and revenue)
- Engages with city residents to determine city needs

Modern Council

Mayor

- Head of city for ceremonial purposes
- Presides at council meetings and votes on matters before the city council

Mayor Pro Tempore

- Elected by city council if mayor is absent or disabled to serve in mayor's place

Modern Council Member

- Serves on council and votes on issues that come before the council at meetings
- Represents city residents at council meetings
- Ensures laws and city ordinances are carried out
- Engages with city residents to determine city needs

City Council, City Commission, and Modern Council

Municipal Judge

- Decides cases based on city ordinances
- Must be licensed attorney in cities with a population over 5,000
- Cities with populations under 5,000 can require the judge to be a licensed attorney
- Not every city has a municipal judge

Appointed Officers*

City Council, City Commission, and Modern Council

Auditor – responsible for city finances and generally day-to-day function of city

Attorney – advises city governing body on legal issues impacting city

Assessor – assesses value of parcels in city

Engineer – provides surveys, profiles, plans and estimates for city

City Commission

Cities under this form of government also have treasurer, health officer, street commissioner, chiefs of fire department and police department, police officers, and a board of public works

*The governing board may dispense with any *appointed* position and assign the duties to another office

Governing Board Meetings

Cities have the authority to set their own rules of procedure; however, most cities follow Robert's Rules of Order. City governing boards meet at least once a month.

To conduct business, there must be a quorum of city governing board members at the meeting. A quorum is more than one half the governing board. For city council cities the mayor counts as a member of the governing board. For example, if there is 1 mayor and 4 council members on the city council, any 3 of these individuals would be a quorum.

There is no legal requirement that citizens be able to speak at meetings, unless the meeting is for a public hearing.

Budgeting

Once a year a city governing board approves a budget that considers all predicted revenues and expenses for the following year. As part of this process, the governing board approves a tax levy which is the amount of money the city needs to receive through the property tax levy. The preliminary budget and budget hearing date must be provided to the county auditor by August 10. That means, the city governing board will likely need to approve the preliminary budget at the first meeting after the election. **City governing board candidates need to familiarize themselves with the city budget prior to the election to provide meaningful input on the preliminary budget.** The city auditor can be consulted about any questions about the budget. The certified final budget and certified tax levy must be provided to the county auditor by October 10.

Open Records

Under North Dakota open records law, all city records are open to the public unless an exception applies. This includes records that a city governing board member may have. An example of this is emails to and from a city governing board member regarding public business, even if it is in the board member's private email account, is generally a public record.

Open Meetings

Under North Dakota open meetings law, anytime a quorum of the governing body of the city or any city bureau or committee discusses public business, it is subject to open meeting laws which requires the meeting to be open to the public, that notice be provided to the public and that meeting minutes be kept. For purposes of open meeting laws, a quorum means one-half or more, of the governing body, bureau or committee. These rules also apply to telephone calls, text messages, and emails when communication is occurring between one-half or more of the board regarding public business.

Home Rule Charter

Some cities have enacted home rule charters. A home rule charter gives a city additional authority to govern itself. One of the most utilized authorities, under a home rule charter, is the ability for a city to have a city sales tax to help pay for city expenses. Enacting and amending a home rule charter requires a vote of the citizens.

Conflicts of Interest

North Dakota law prohibits a city governing board member from being employed by the city and from holding another elected or appointed position with the city. Exceptions apply for ambulance crew members and for volunteer firefighters and volunteer ambulance crew members. In cities with a population under 500, a city can employ a city governing board member if it is not an appointed position (ex. city auditor), there is no one to fill the position at an equal cost, and there is unanimous approval from the other board members which is documented in meeting minutes.

Elected and appointed officers from cities with a population of 10,000 or more people cannot be directly or indirectly interested in contracts with the city, unless approved unanimously by the members of the governing body because the services or property obtained are not otherwise available at equal cost.

If a member of the governing body has a direct and substantial personal or pecuniary interest in a matter before the board, that member must disclose the situation to the board and can only vote on the matter before the board if a majority of the remaining members of the governing board consent. 

