City of Kramer Municipal Code
**CHAPTER 1 – Administration and the City of Kramer Governing Body**

Be it ordained by the Kramer City Council of the City of Kramer, North Dakota: There is hereby adopted by the City of Kramer, North Dakota, that certain code entitled, “City of Kramer Municipal Code” containing certain ordinances of a general and permanent nature, as compiled, consolidated, codified and indexed inclusive, of which code has been filed with the City Auditor, and which is hereby adopted pursuant to the North Dakota Century Code, Section 40-08: Governing Body and Executive in Council Cities. Furthermore, the City of Kramer Municipal Code as defined herein shall negate and replace all previous Ordinances and Resolutions, and any and all, written or spoken agreements regarding the Administration and rules of procedure for the Kramer City Council.

Section 1 - Jurisdiction of Kramer Municipal Code
Section 2 - Governing Body
Section 3 – Meeting and Scheduling
Section 4 - Executive Council Meeting
Section 5 – Office of Mayor
Section 6 – Appointed Officers

**Section 1. Jurisdiction of Kramer Municipal Code**

* 1. **. Persons and Property**.

The jurisdiction of the City of Kramer, 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.

**1.1.2.** **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-quarter (1/4) mile of the municipal limits for the purpose of promoting the peace, order, safety and general welfare of the municipality.

**Section 2. Governing Body**

* 1. **Governing Body - City Council**

The governing body of the City of Kramer, North Dakota shall be the Kramer City Council which will be composed of the mayor, two (2) council members, and a city auditor. The mayor and the two (2) council members shall be elected as provided by law and the city auditor shall be appointed by the mayor and approved by the council.

**1.2.1. Election - Voting at Large**

Pursuant to North Dakota Century Code 40-08-04.2, the election of all Council Members will be under an “at large” system, and any previously designated wards in the city are hereby abolished. Furthermore, as defined, only residents within the City of Kramer are eligible to vote in elections for city officials.

* + 1. **Term of Office of Council Members and Auditor.**

Council members shall hold office for four years and until their successors are elected and qualified. Terms of council members shall be arranged, to the extent possible, so that only one-half of the council members shall be elected in any one election. The city auditor shall serve two-year terms, and shall if retained, shall require reappointment, every two years by the mayor and with approval of the council.

* + 1. **Salaries of Elected Officers and City Auditor - Fixed by Ordinance or Resolution.**

Any elected officer of this city and the city auditor shall receive the salary, fees or other compensation fixed by city resolution within the limitations set by NDCC Section 40-08-07, 40-08-15 and 40-18-06.

**1.2.4.** **Vacancies on city council - How filled.**

If a vacancy occurs in the council by death, resignation, or otherwise, the city shall appoint an individual to fill such vacancy until the next city election, at which election the unexpired term shall be filled.

**1.2.5.**  **Restrictions on council members.**

A city council member is not eligible for any other “office,” whereas the salary of which is payable out of the city funds and may not hold any other office under the city government.

**1.2.6.**  **Additional Duties of Council Members.**

The mayor shall assign council members to essential standing and special committees to ensure the smooth and efficient operation of city government. These appointments will last for two years, unless the mayor decides otherwise for the benefit of the council’s peace and functionality. However, under the doctrine of incompatible offices, council members shall not hold any other “office” within the city government. The Kramer City Council has two special committees. These special committees allow council members to study issues in greater detail than possible in a full council meeting. They serve as a way for council members to get early feedback on complex policy questions. Committees often formulate and develop proposals or recommendations to be presented to the entire City Council.

**1.2.6.1. Recreation Committee**

To assist the Kramer City Council:

* To address the care, maintenance, and operation of Kramer City Park, City Hall, and Kramer Skating the council has formed a Recreation Committee. The committee’s purpose is to provide detailed recommendations and or plans on the management and operation of these city assets in an efficient and productive manner. Your concepts should also aim at attracting people across the region to our community, with an emphasis on the youth for skating. Lastly, the committee is to ensure that planning incorporates sustainability at the forefront of all plans and/or recommendations.
* The committee shall consist of one appointed council member, and one, but no more than two community members, who may volunteer, or the city council may approach specific community members and seek their participation due to specific expertise or experience.
* The council member shall serve as committee chairman and is required at a minimum to report quarterly to the city council (January, April, July, October). Source code in NDCC Chapter 40-55.

**1.2.6.2. Flood and Wastewater Control Committee**

To assist the Kramer City Council:

* The committee’s purpose is to address the management of wastewater in and away from the community. The committee shall be asked to provide specific recommendations based on locations and action to be taken but is likewise empowered to provide general observations and recommendations that address the community as a whole.
* The committee shall consist of one appointed council member, and one, but no more than two community members, who may volunteer, or the city council may approach specific community members and seek their participation, due to specific expertise or experience.
* The council member shall serve as committee chairman and is required at a minimum to report quarterly to the city council (January, April, July, October).

**1.2.6.3.** Any previous boards, groups or committees are hereby dissolved.

**Section 3: Meetings and Scheduling**

**1.3. Regular Meetings.**

The City Council shall meet regularly at a minimum of once a month as required by Section 40-08-10 of the North Dakota Century Code. The day of the week, time, and location shall be outlined in a city resolution.

**1.3.1. 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 public shall be informed by public notice is the same time frame.

**1.3.2. Meeting to be Public - Journal of Proceedings to be Kept.**

All meetings of the Kramer City Council shall be open to the public, and a journal of its proceedings shall be kept as provided by NDCC 44-04-20. All public records and accounts of every office, committee or working group of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press, radio, television and other news media at all reasonable times and under reasonable regulations established by the governing body.

* + 1. **Notice of Meetings**

Prior written notice is required for all meetings of a public entity, including committees; however, there is no minimum advance notice period dictated for public meetings by North Dakota Code, with exception that it be reasonable. The Kramer City Council shall establish the dates, times, and locations of council meetings as a standing city resolution and shall not deviate from its established protocol, except for emergency operations.

* + 1. **Council Agenda**

As soon as an agenda is prepared and given to the governing body, it must be posted and provided to the public. The Kramer City Council shall endeavor to post the agenda on the city website and post office information board within thirty-six hours (36) of any regular council meeting and twenty-four hours (24) for special meetings. It is the citizen’s responsibility to monitor these public spaces for council activity.

For special meetings, only the specific topics included in the agenda and the public notice may be discussed.

For regular meetings, an agenda may be added to or altered at the time of the meeting.

**1.3.5.** **Meetings - Order of Business.**

At each regular meeting of the City Council the order of business shall be reviewed for consideration and disposition in the following order:

* Pledge of Allegiance
* Recognition of Members Present and Excuse of Absent Members.
* Approval of Agenda.
* Approval of Prior Minutes.
* Approval of Financial Reports, Reconciliation of Finances and City Mail.
* Unfinished Business.
* New Business.
* Reading of Ordinances and Resolutions.
* Mayor’s Report.
* Community Commentary
* Adjournment.

	+ 1. **Recognition of Members Present and Absent**

The mayor shall conduct a roll call to formally identify council members present and the those absent, and for those absent if it is an excused absence or not, all of which shall be entered in as such in the minutes by the City Auditor.

* + 1. **Voting Procedure - Demand for Roll Call.**

All motions except passage of ordinances shall be put in this form: “Those who are in favor of the motion (state the question) say ‘Aye’; those opposed say ‘No’.”

**1.3.7.1. Voting – Silence – Abstention – Roll Call**

Unless a member states that he is not voting, his silence shall be recorded as an affirmative vote. An abstention is not an affirmative vote and shall not be counted as such. In doubtful cases, or before the vote is called, any member may call for ayes and nays by roll call, and when a roll call is so called, the fact shall be entered in the minutes with the names of those voting and the nature of their vote.

* + 1. **Approval of Minutes**

The mayor may distribute copies of the previous council meeting minutes to members before the regular meeting. This allows members to read and approve the minutes without reading them aloud, making the session more efficient. The mayor must motion for the 'Approval of Minutes without Reading.' If any council member wishes to have the minutes read aloud, they can oppose the motion by voting 'No,' and the minutes will then be read aloud.

**Section 4.** **Executive Council Meeting**

**1.4. Opening the Session**

The city council shall convene in an open session preceded by public notice; and shall announce during the open portion of the meeting the topics to be considered during an executive session and the legal authority for holding an executive session on those topics.

**1.4.1. Motion to Convene Executive Session**

* The council shall pass a motion to hold an executive session.
* Record the executive session electronically.
* Limit the topics considered during the executive session to the announced, authorized topics.
* Take final action on the topics considered in the executive session during the open portion of a meeting. Under these provisions, the city council’s authority to hold an executive session may be invoked only during a properly noticed open meeting, and not during a separate meeting for which public notice is not provided.
* To close a portion of the meeting, the city council shall either excuse the public or reconvene in another location.
* Final action on the topics considered in the executive session must be taken during the open portion of the meeting. Substantive votes must be recorded by roll call.

**Section 5. Office of the Mayor**

**1.5. Mayor Presides and Quorum.**

The mayor shall preside at meetings of the city council but shall not vote except in case of a tie, when the mayor shall cast the deciding vote. The mayor is considered a member of the city council when determining a quorum.  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 the council may employ the Bottineau County Sheriff for that purpose as outlined in NDCC CHAPTER 40-06 GOVERNING BODY IN MUNICIPALITIES, GENERAL PROVISIONS, paragraph 40-06-03.

**1.5.1.**  **Mayor Absent of Duty**.

If a vacancy occurs in the office of mayor or if the incumbent is absent or disabled, the Kramer city council shall elect a council president from among their number to act for the unexpired term or during continuance of the absence or disability. The president shall hold the same authority and responsibilities associated to the Office of the Mayor.

**1.5.2.** **Mayor May Remove Appointive Officers - Reasons for Removal to be Given.**

The mayor may remove any officer or position appointed by those authorities granted to the mayor if investigation reveals that the interest of the city demands such removal, but the mayor shall report the reasons for such removal to the council at its next regular meeting.

* + 1. **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.

* + 1. **Ordinance or Resolution Signed by Mayor.**

The mayor shall sign and date each ordinance or resolution passed by the council.

**1.5.5**. **Mayor May Administer Oath.**

The mayor of the city may administer oaths and affirmations.

**Section 6**. **Appointive Offices**

* 1. **Mayor may appoint.**

The mayor, with the approval of the City Council, shall appoint the following officers as deemed necessary and the budget supports. All such appointments require a motion and majority vote:

* City Auditor - Required
* City Attorney
* Roller Skating Attendant
* City Park Attendant
* City Mowing Attendant
* Such other positions as the City Council deems necessary, expedient, and economically feasible and sustainable. Some positions may be staffed by volunteers from the community.

**1.6.1.** **Dispense of Appointment**

The City Council, by majority vote, may dispense with any appointive office and provide that the duties of that office be performed by others.

**1.6.2. Failure of Council to Confirm Appointment.**

In case of a failure of the City Council to confirm any such appointment, the mayor shall immediately make another appointment to be acted upon in like manner by the City Council and shall so proceed until all such offices are filled. An appointee twice rejected by the Kramer City Council cannot be appointed a third time by the mayor.

**1.6.3. Duties** **of Appointed Officers of the City**

Such officers shall perform the duties prescribed by the statutes of the state and by the provisions of this code and other ordinances of the city and by the rules and regulations which may from time to time be prescribed by the mayor and Kramer City Council.

**1.6.4. Term of Office – Oath.**

Subject to the power of removal as provided by the North Dakota Century Code, Section 40-08-19, the term of office of each appointive officer shall be for a period of two years from the date of such appointment as provided by the North Dakota Century Code, Section 40-14-05, except that where an appointment is made to fill out a vacancy, it shall be for the remainder of such unexpired term. In each case, such officer is to hold office until his successor is appointed and qualified. Any appointive officer shall take the oath as provided by the North Dakota Century Code, Section 40-13-03.

**1.6.5. Self-Regulation of the Kramer City Council**

In accordance with NDCC 40-06-05 the Kramer City Council shall by the procedure herein defined, punish its members or persons present for disorderly conduct by fine, and with the concurrence of two-thirds of its members may expel a member from a session but may not expel the member a second time for the same offense. Any member of the Kramer City Council convicted of bribery shall be deemed to have vacated that member's office. The Kramer City Council may punish its members for the following violations:

* Violations of the City of Kramer rules of procedure for its members. Examples include disorderly conduct during meetings. This shall normally be handled by Reprimand: A formal sanction, less severe than censure, used for violating some codes of conduct, especially for less serious or easily corrected misconduct.
* Violation of the City of Kramer Ethical Code and Conflict of Interest. Examples include using their office for personal gain, failing to disclose or recuse themselves from matters where they have a potential conflict of interest. Depending on the nature of the violation, penalties may range from Reprimand, Censure, and/or Fine and for severe ethical violations the city may seek removal of office through the Office of the Governor of North Dakota.
* Neglection of Duty or Incompetence: Examples include a council member that fails to perform their duties and/or repeatedly fails to attend meetings without a valid excuse or demonstrates incompetence in the performance of duty. Depending on the nature of the violation, penalties may range from Reprimand, Censure, and/or Fine or combination thereof. The salary of Kramer City Council members is tied to attendance at meetings. Failure to attend council meetings without excuse can result in a reduction of salary upon motion by the council and majority approval. Such reduction of salary must apply to the duration of absence as defined by approved city council minutes.
* Conviction of a Crime: Conviction of a serious crime, such as bribery and financial fraud, shall automatically lead to the removal of a council member from office.
* Violations of State or Federal Law: City council members are required to abide by all applicable laws, and violations can result in various penalties, both within the council and through legal action by County and State.  In such circumstances, the City Council shall seek removal through the Office of the Governor of North Dakota as directed by NDCC 40-06-05.

**1.6.5.a. Due Process**

 In all such actions, the Kramer City Council shall adhere to the principles of Due Process and a council member accused of a violation generally has the right to present a defense and have legal representation.

**1.6.5.b. Penalties**

**1.6.5.c.(1).** **Public Reprimand, Censure and Fines Defined:**

* Censure: A formal statement of disapproval by the Kramer City Council, which can serve as a public reprimand or potentially include additional measures like revoking certain duties.
* Reprimand: A formal sanction, less severe than censure, used for violating codes of conduct, especially for less serious or easily corrected misconduct.
* Fines: Fines should be accompanied by a censure and are added when violations require more substance to bring about change in behavior. The fine shall be no less than $25.00 and no more than the council member’s quarterly salary as established by City of Kramer resolution. Fines shall be paid to the city auditor and said payments shall be deposited in the General Operating Fund at FNBT.
* Recall election or request for removal through the Office of Governor of North Dakota

**1.6.5.c.(2) Removal from Committee Assignments:** Limiting the council member's influence and responsibilities.

**1.6.6. Removal from Council – Filling Vacancies**

Any officer appointed by the mayor may be removed by the mayor as provided by the North Dakota Century Code, Section 40-08-19. At the next regular meeting of the council after the removal of any officer, the mayor shall submit to the council his reason in writing for the removal of such officer, and his appointment of a successor, whereupon the council shall proceed to ballot on the appointment as in the case of an original appointment. In case of a vacancy from any other cause, it shall be filled in like manner as an original appointment.

**1.6.7. Change in number of members of city governing body.**

The process for increasing or decreasing the number of members of the Kramer City Council pursuant to sections 40-04.1-01, 40-08-03, and 40-09-01 may be initiated:

* By resolution approved by a majority vote of the governing body of the city; or
* By a petition signed by ten percent or more of the total number of qualified electors of the city voting for governor at the most recent gubernatorial election and submitted to the governing body of the city.

**1.7. Date of Authorization**

This municipal article requires two readings and a vote of approval by the Kramer City Council after which the code shall become effective upon publication of penalties in the Bottineau Courant.

**1.8. Supremacy Clause.**

This ordinance supersedes all previous ordinance and amendments, and negates all and any previous contracts and agreements, written or spoken, concerning the administration and management of City of Kramer Municipal Code and/or the Governing Body.

Date of First Reading:

Date of Second Reading:

Publication in Bottineau Courant:

Council Vote:

Adopted this day: Mayor: Auditor Attests