



ORDINANCE NO. 5950

AN ORDINANCE AMENDING SECTION 2-48, 2-51, AND 2-53 AND ENACTING SECTION 2-54 OF CHAPTER 2 (ADMINISTRATION), ARTICLE III (CITY OFFICERS), DIVISION 2 (CITY MANAGER), CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO REFLECT POLICY AND PRACTICE CHANGES AND CODIFY THE ASSISTANT CITY MANAGER'S GENERAL DUTIES AND RESPONSIBILITIES.

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and possessing municipal powers and authority pursuant to its home rule charter and provisions of North Dakota Century Code (NDCC) § 40-05.1, as well as statutory provisions codified in NDCC 40-05-01; and

WHEREAS, the City of Minot has the authority, through its home rule charter, to adopt, amend, and repeal ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof; and

WHEREAS, the Minot City Council has transitioned its vacation and sick leave policies to a paid time off policy, and desires to amend city ordinance 2-48 to reflect this transition; and

WHEREAS, the Minot City Council desires to amend city ordinance 2-51 to reflect present practices; and

WHEREAS, the Minot City Council has elected to employ an assistant city manager, and desires to codify the position's general duties and responsibilities in city ordinance by amending city ordinance 2-53, and enacting city ordinance 2-54; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1. That Sec. 2-48, 2-51, and 2-53 of Chapter 2 (Administration), Article III (City Officers), Division 2 (City Manager) of the Code of Ordinances, City of Minot, North Dakota, are hereby amended as follows:

Sec. 2-48. Paid Time Off.

The city manager's paid time off accrual shall be determined by employment contract and at the discretion of the city council.

Sec. 2-51. Notification before leaving the city.

The city manager shall not leave the city for more than forty-eight (48) hours without notifying the mayor or, in the absence of the mayor, the president of the city council or, in the absence of the mayor and president of the city council, the vice-president of the city council.

Sec. 2-53. Duties in case of absence, disability, or vacancy.

- (a) Whenever the position of city manager is vacant, or whenever the city manager is unable to perform his or her duties thereof by reason of absence or disability, the assistant city manager shall perform the duties thereof in an acting capacity.
- (b) If the assistant city manager is unable to perform the duties of city manager pursuant to subsection (a), the line of succession to perform the duties of city manager in an acting capacity shall be as follows: finance director; police chief; fire chief; city engineer.
- (c) As an alternative to subsections (a) or (b), by a majority vote, the city council may direct or designate another individual to perform the duties of city manager in an acting capacity.

§ 2. That Sec. 2-54 of Chapter 2 (Administration), Article III (City Officers), Division 2 (City Manager) of the Code of Ordinances, City of Minot, North Dakota, is hereby enacted as follows:

Secs. 2-54— Assistant City Manager - Generally.

- (a) Generally. The position of assistant city manager is hereby created to assist the city manager in coordinating the operations and proper administration of the affairs of the city. The assistant city manager shall be directly responsible to and under the supervision of the city manager and may be assigned direct supervision of city departments as assigned by the city manager.
- (b) Duties. The assistant city manager shall function as the city manager in the absence of the city manager from the city and/or illness of the city manager. In the event the city manager resigns from office, is removed from office, or dies, the assistant city manager shall act as the city manager until a city manager is formally appointed and assumes the position as city manager, unless the city council directs or designates another individual to perform the duties of city manager in an acting capacity.
- (c) Appointment. The assistant city manager shall be recommended by the city manager and appointed by a majority vote of the city council for an indefinite term to serve at the pleasure of the city council.

Secs. 2-55 — 2-59. Reserved.

§3. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: March 18, 2024

PASSED SECOND READING: April 1, 2024

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Thomas Ross, Mayor