
24-0201. Established; status of commission.

There is hereby created a commission known as the Grand Forks Events Center Commission. It is hereby determined that the creation of the Grand Forks Events Center Commission and the performance of its stated purpose is in all respects for the public benefit of the people of the City of Grand Forks. The commission shall be regarded as performing a governmental function in the exercise of powers conferred upon it by the city council under this article and by resolution of the city council.

(Ord. No. 3851, § I, 6-5-00; Ord. No. 3865, § I, 11-6-00)

24-0202. Powers.

The commission may exercise the following powers and functions:

- (1) *Powers and functions, generally.* Subject to the restrictions of this article, the commission shall have the power to adopt such policies, procedures, rules and/or regulations as it may determine to be reasonably necessary and/or convenient to manage and promote the events center, which shall include the following powers:
 - (A) To improve, develop, enlarge, operate, manage, regulate and maintain the events center and related facilities, and to contract for the operations or maintenance of any parts thereof or for services to be performed.
 - (B) To acquire, lease, trade, or purchase and to hold and dispose of personal property.
 - (C) To establish rules, policies and guidelines for the rental and usage of the events center and to amend said rules, policies and guidelines as necessary and convenient.
 - (D) To fix and collect parking, rental, and other fees and charges, and to grant concessions.
 - (E) To purchase and sell supplies, goods, and equipment as may be reasonably necessary and/or convenient for the operation of the events center.
 - (F) To coordinate the efforts of public, private and volunteer agencies involved with events center developments and activities.
 - (G) To promote, market, advertise, sponsor, and fund events or activities which provide a better utilization of the events center and commission resources, including but not limited to conventions, shows, concerts, festivals, gatherings, and sporting events.
 - (H) To enter into contracts and leases and to execute all instruments necessary and/or convenient to provide a better utilization of the events center and commission resources, including but not limited to contracts and leases for conventions, shows, concerts, festivals, gatherings, sporting events, and other events or activities.
 - (I) To hire and employ employees and to prescribe their qualifications and fix their compensation and benefits; provided, however, such employees shall not be subject to civil service or merit system laws, ordinances and/or regulations, including but not limited to chapter VI of the Grand Forks City Code.
 - (J) To hire and retain consultants, independent contractors and professional personnel to meet the needs of the event center and commission however, such persons shall not be subject to civil service or merit system laws or other laws, ordinances and/or regulations pertaining to the status of municipal employees.

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- (K) To establish committees, determine committee membership, and delegate powers to such committees, employees, and staff as the commission sees fit.
 - (L) To permit and regulate the sale and consumption of alcoholic beverages upon the premises and within and outside of the events center in accordance with the ordinances of the City of Grand Forks and the statutes of the State of North Dakota.
 - (M) To establish and adopt such bylaws, policies, procedures, rules and/or regulations as it may determine to be reasonably necessary and/or convenient to the exercise of commission powers and the implementation of events center programs and activities provided that the adoption thereof shall not be in conflict with any city ordinance, policy, procedure, or resolution.
 - (N) To exercise such other powers as delegated by the city council.
- (2) *Limitation upon exercise of powers.*
- (A) Title to any real or personal property acquired by the commission shall be in the name of the City of Grand Forks.
 - (B) Any change in the name of the facility or of its ballroom shall be subject to approval by the city council.
 - (C) No contract or agreement shall be entered into by the commission that exceeds any appropriation or authorization within the annual budget approved by the city council.

(Ord. No. 3851, § I, 6-5-00; Ord. No. 3865, § I, 11-6-00; Ord. No. 4354, § II, 12-19-2011)

24-0203. Members and general provisions.

- (A) **Membership and officers.** The events center commission shall consist of seven (7) voting members and two (2) nonvoting members. Six (6) of the voting members shall be nominated from the public at large by the mayor and ratified by the city council. One (1) voting member shall be a member of the city council nominated by the mayor and ratified by the city council. One (1) nonvoting member shall be a representative of the University of North Dakota, designated by the president of the University of North Dakota, nominated by the mayor and ratified by the city council. One (1) nonvoting member shall be a representative of the Greater Grand Forks Convention and Visitors Bureau designated by the chairperson of the Grand Forks Convention and Visitors Bureau, nominated by the mayor and ratified by the city council. The members of the commission shall chose from the voting members appointed from the public at large to act as a chairperson and vice chairperson.
- (B) **Terms.** Of the members first appointed, three (3) shall be appointed for a term of three (3) years, two (2) shall be appointed for a term of two (2) years, and two (2) shall be appointed for a term of one (1) year. At the expiration of such terms, the term of office of their successor shall be three (3) years. Each member shall continue to serve until the appointment and qualification of the successor. In the event any subsequent new appointments not filling an unexpired term are made, the terms of such appointments shall be established by the mayor prior to city council ratification so as to avoid any more than three (3) membership terms on the commission expiring in any one (1) year. No members appointed from the public at large to the commission shall serve on the commission for more than two (2) consecutive three-year terms from and after January 1, 2010. A member filling an unexpired term, regardless of the length of such unexpired term, shall not be considered as a "three-year term" for purposes determining the application of term limits as set forth in this section.
- (C) **Vacancies.** Vacancies in the commission, occurring other than by expiration of term, shall be filled for the unexpired term by the appointment of the mayor with ratification by the city council.

~~(D) *Removal.* The commission may remove any of its members for inefficiency, neglect of duty, misconduct in office, or the unexcused absence from three (3) consecutive meetings of the commission.~~

(E) *Compensation.* Commission members shall be entitled to no compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(F) *Meetings.* The commission shall hold regularly scheduled meetings, as deemed necessary, and shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. The minutes shall be filed with the city auditor's office. The commission shall submit a full and complete report of all transactions of each meeting. All such materials shall be maintained as public records in accordance with North Dakota Century Code, Section 44-04-18.

(G) *Quorum.* A quorum of the commission shall consist of four (4) voting members.

(H) *Conduct.* The powers of the commission shall be exercised by a majority of its voting members. In the exercise of the powers granted under this article, the commission shall be subject to the supervision or oversight of the city council and shall comply with this article and any ordinance amending or supplementing this article or any resolution of the city council.

(Ord. No. 3851, § I, 6-5-00; Ord. No. 3865, § I, 11-6-00; Ord. No. 4289, § 1, 3-15-10; Ord. No. 4553, § I, 12-7-15; Ord. No. 4711, § I, 5-6-19)

24-0204. Regulations.

(1) The commission shall keep a full and complete record of its transactions and activities. The commission shall provide a detailed report on or before the first day of July of each year to the mayor and city council.

(2) The commission shall provide the mayor and city council with monthly reports of all income from all sources and all expenses attributed to the Events Center. On or before June 1 of each year the commission shall provide the mayor and city council with a financial statement of all activities of the Events Center for the prior calendar year. On or before June 1 of each year the commission shall present to the mayor and city council a capital improvement budget setting forth proposed capital improvements anticipated for the Events Center over the next three (3) years. On or before June 1 of each year the commission shall prepare and submit to the mayor and city council a detailed budget which sets forth projected income and expenses for the maintenance of the Events Center for the upcoming calendar year.

(3) The city auditor or other legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, contracts, leases, sinking funds, and other records and papers relating to its financial standing.

(4) In the exercise of the powers granted in section 24-0202, the commission shall comply with provision of all resolutions adopted by the city council under which warrants or bonds of the city are issued for acquisition and construction of facilities comprising the Events Center, and all laws governing the issuance of such bonds; including, where applicable, but without limitation, statutory requirements for the advertisement and award of construction contracts and the disbursements of warrant and bond proceeds by or under the supervision of the city council.

(5) In the exercise of said powers, the commission shall be subject to all police powers and shall also comply with the provisions of this article or any ordinance amending or supplementing this article; but no provision of this article shall constitute a covenant enforceable by the holder of any warrant or bond of the city and the security of all such obligations shall be governed exclusively by the resolutions and laws under which they are issued.

(Ord. No. 3851, § I, 6-5-00; Ord. No. 3865, § I, 11-6-00)

24-0205. Commission funds.

All monies of the commission shall be paid to the City of Grand Forks and shall be deposited in a city account in the name of the commission. The money in such account shall be paid out by the auditor on requisition of the chairperson of the commission or the designated agent. Approval of the payment of an account or claim shall be recorded in the record of the proceedings of the commission.

(Ord. No. 3851, § I, 6-5-00; Ord. No. 3865, § I, 11-6-00)

24-0206. Existing agreements.

All agreements in existence between the city and third parties which relate to all or part of the real and personal property involved herein, management, naming rights, service agreements, advertising agreements, supplier agreements, or other agreements under which the city has assumed certain obligations are hereby assumed by the commission and the commission shall honor and/or pay the same pursuant to the terms thereof.

(Ord. No. 3851, § I, 6-5-00; Ord. No. 3865, § I, 11-6-00)