

ORDINANCE NO. _____

An ordinance to amend Grand Forks City Code §§ 24-0203, 24-0204 relating to the Events Center Commission.

BE IT ORDAINED by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

Section 1: Amending Grand Forks City Code § 24-0203

Grand Forks City Code § 24-0203 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

24-0203. Members and general provisions.

- (1A) Membership and officers. The events center commission shall consist of the members of the Grand Forks City Council and the Mayor of the City of Grand Forks. 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.**
- (2B) Terms. The term of the members of the event center commission shall be concurrent with their respective term as a member of the City Council member or as the Mayor. 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.~~

- (3C) *Vacancies.* Vacancies shall be filled pursuant to the North Dakota statutes for filling the vacancy of a city council member or a mayor. ~~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.~~
- (4E) *Compensation.* The members of the City Council and Mayor Commission members shall be entitled to no additional compensation for their services relating to the commission or matters relating to the Events Center. ~~but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.~~
- (5F) *Meetings.* The separate meetings of the commission shall not be held, but rather all matters of the commission and matters relating to the Events Center, shall be considered during and be agenda items at meetings of Grand Forks City Council. ~~hold regularly scheduled meetings, as deemed necessary, and shall keep minutes~~ Minutes and records of all meetings and such proceedings, including voting records, attendance, resolutions, findings, transactions, determinations and decisions of the commission and Events Center shall be kept as part of the minutes of the City Council meeting and. ~~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.~~
- (6H) *Conduct.* The powers of the commission shall be exercised by a majority vote of the City Council voting members where a quorum at such meeting exists, and pursuant to N.D.C.C. § 40-08-18, the Mayor shall not vote except in the case of a tie, when the Mayor shall case the deciding vote. 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.

Section 2: Amending Grand Forks City Code § 24-0204

Grand Forks City Code § 24-0204 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

24-0204. Regulations.

- (1) The commission shall keep a full and complete record of its transactions and activities. At the first meeting of each month of the Grand Forks City Council, a report of all income from all sources and all expenses attributed to the Events Center shall be presented to the City Council. On or before June 1 of each year, a detailed report on the activities and management of the Events Center for the immediately preceding calendar year, which shall include a financial statement of all activities of the Events Center for such preceding calendar year, shall be presented at a meeting of the City Council. In addition, on or before June 1 of each year, a report providing a detailed budget of income and expenses for the operation and maintenance of the Events Center for the immediately succeeding calendar year and a capital improvement budget setting forth capital improvements anticipated for the Events Center over the immediately succeeding three (3) calendar years shall be presented a meeting of the City Council.~~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.~~
- (23) The city auditor, its designee or other legally authorized representatives are authorized and empowered from time to time to examine the accounts and books relating to the Events Center of the commission, including its receipts, disbursements, contracts, leases, sinking funds, and other records and papers relating to its financial standing.
- (34) 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.

- (45) 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.

Section 3: Effectivity.

This ordinance shall be in full force and effect after its final passage and approval as provided by law.

Brandon Bochenski, Mayor

Dated: _____

ATTEST:

Maureen Storstad, City Auditor

Dated: _____

Introduction and first reading: _____

Public Hearing: _____

Second reading and final passage and approval: _____

Approved: _____

Published: Not required by law.