



**BOARD OF CITY COMMISSIONERS  
GOVERNANCE POLICIES**

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## **Policy No. 1 - Organizational Structure**

The Mayor and four Commissioners, collectively known as the Board of City Commissioners, shall be the governing body of the City of Fargo. The Fargo City government shall operate with the Commission form of government.

### **Mayor – Duties - Limitations.**

The Mayor shall (1), when present, preside at all meetings of the Board of City Commissioners; (2) perform all duties prescribed by law and the ordinances of the City of Fargo; and (3) be authorized and empowered to issue proclamations, provided, that any such proclamation may be rescinded upon concurrence of at least three members of the Board of City Commissioners. In addition to these duties, the Mayor will also coordinate and deliver an annual performance review process for the City Administrator.

1. Serving as the elected head of the City of Fargo, the Mayor shall represent or designate a representative at City functions and at meetings, conferences and negotiations relating to policy matters with other units of government and legislative bodies. The Mayor shall represent the City in negotiations with individuals and private or public enterprises when cultural or economic improvement of the City of Fargo may be involved.
2. The Mayor shall be the executive officer of the City and shall see that all the laws of the City are enforced. The Mayor shall have the right to vote as a member of the Board but shall have no veto power.
3. The procedure for making appointments of members to all boards, Commissions and other agencies shall be established by City ordinance.
4. The Mayor shall cause to be prepared and shall present to the governing body on or before September 1st of each year, the proposed budget for the ensuing fiscal year, which starts on January 1st and ends on December 31st. The budget shall be in a form as permitted by state law. The proposed budget shall include all maintenance and operating expenses, all wages and salaries, all carryover cash reserves anticipated from the current fiscal year, and all anticipated revenues from City taxes and fees and all other sources of revenue, and all debt retirement requirements.
5. The proposed budget may establish reserves for equipment replacement and other capital improvement projects.
6. The proposed budget shall include the total anticipated revenue of all City-operated utilities, and the allotment of that revenue to the City treasury, to utility operating expenses, to debt retirement, to capital improvements and to reserves.
7. The Mayor in his budget message shall include all long-range plans, in place or anticipated, for major capital improvement and investment programs. The proposed budget shall contain a review of the economic, physical, and social conditions and needs of the City, and its long-range plans for cultural and economic development.

8. At the first meeting of the new governing body after each biennial election, the governing body shall elect one of its members as deputy mayor. The deputy mayor shall perform all the duties of the office of the Mayor in the absence or inability of the Mayor to act. If the Mayor's office becomes vacant, the Deputy Mayor shall become the acting Mayor until the vacancy is filled, as provided in this charter.

*Reference - Home Rule Charter Article 2 Governing Body and Mayor Section A #5*

#### **Nominating Process for Deputy Mayor**

- a. The Chair (Mayor) can make nominations for the Deputy Mayor position as may be provided in the bylaws or by the adoption of a motion.
- b. Nominations from the floor – the Chair (Mayor) must call for further nominations at the session in which the election is held. The person making the nomination shall provide no more than one name for the office or position.
- c. Once the nominations have been completed, the meeting Chair will call for a roll call vote. The individual receiving a majority of votes shall be declared the successful candidate.

*Reference Roberts Rule of Order page 408.*

#### **Roles and Responsibilities - City Commissioners**

1. Represents City residents at City Commission meetings.
2. Serves on the City Commission and votes on issues before the City Commission at meetings.
3. Engages with City residents to determine City needs.
4. Engage in liaison portfolios and assignments.
5. Participate in the budgeting process and represent their liaison departments.
6. Participate with liaison boards and Commissions.
7. Provide liaison reports at Commission meetings.
8. Adherence to all laws and oath of office.
9. Participate in a designated City of Fargo orientation training.
10. Engage in professional development opportunities.

*Reference Code of Ordinances/Chapter 2 Board of City Commissioners—Duties. General Article 2-0101.*

## **Policy No. 2 - Single Point of Contact**

The Board of City Commissioners sole direction of the operational organization is through the City Administrator. The Board of City Commissioners outlines the powers given to the City Administrator through Operational Expectation Policies (OE's)

## **Policy No. 2a - Operational Expectations Policies (OE)**

Operational expectations are policies that define the parameters or power given to the City Administrator to make decisions and carry out their roles and responsibilities. They are also policies that monitor the City Administrators' performance.

- I. City Administrators' Roles and Responsibilities
- II. Succession Planning and Continuity of Operations
- III. Treatment of Community Members
- IV. Personnel Administration
- V. Financial Planning and Administration
- VI. Asset Protection
- VII. Communication with the Board of Commissioners

## **I. City Administrator's Roles and Responsibilities**

The City Administrator is appointed by the City Commission and reports to the commission. He or she serves as the head of the administrative branch of the City of Fargo and is responsible for administering the City's affairs to the Board of City Commissioners. The city commission is responsible for participating in the city administrator's annual performance reviews. The mayor will coordinate the city administrator's annual performance review.

4-1401. City administrator supervises all city departments.

The city administrator shall supervise the activities of all city departmental managers. Ensures completion of all reports and correspondences required by state and federal rules and regulations.

4-1402. City administrator establishes goals and objectives.

The city administrator shall establish goals and objectives for all departments and the city to ensure compliance with city commission policy directives and any applicable local, state or federal laws rules and regulations.

4-1403. City administrator coordinates budget.

The city administrator coordinates financial status of city with departmental goals, objectives and actual performance. The city administrator aids in development of the budget, and recommends and monitors the budget for all departments and monitors expenditures for various items to ensure compliance with guidelines.

4-1404. City administrator represents departments to commission.

The city administrator represents city departments to the city commission to present the plans and accomplishments of each department and to provide recommendations regarding current plans, projects and programs.

4-1405. Liaison for city.

The city administrator shall serve as liaison for the city with non-governmental organizations, contractors and citizens concerning city projects and policies.

***Reference Code of Ordinances/Chapter 4 Officers – General Article 4-14 2002***

## **II. Succession Planning and Continuity of Operations**

To protect the City of Fargo in the event of an unexpected absence of the City Administrator's services, the City Administrator shall ensure that at least one other executive staff member is familiar with the Board of City Commissioners and City Administrator issues and processes, and can assume those responsibilities on a temporary basis, should the need arise.

1. The Assistant City Administrator shall serve as the Interim City Administrator when the office of the City Administrator is vacant and unfilled or unable to serve.
2. Designation as an interim City Administrator does not guarantee promotion to the City Administrator position, however the employee would be entitled to a previous position.
3. If the City Administrator position becomes vacant, procedures for replacing the City Administrator shall be initiated and follow the guidelines outlined in the City Code of Ordinance, Chapter 7 Civil Service, Article 7-03 - Rules and Regulations, 7-0302 - Recruitment.

In addition, the City Administrator shall:

1. Ensure Succession Plans are in place for all Departments.



### **III. Treatment of Community Members**

Concerning interactions with the community, the City Administrator shall not cause or knowingly allow conditions, procedures, and actions that are unlawful, unethical, unsafe, disrespectful, disruptive or undignified.

The City Administrator shall ensure the following:

1. Protect confidential information;
2. Effectively handle concerns or complaints;
3. Maintain an organizational culture that values individual differences in opinion;
4. Protect against wrongful or illegal conditions;
5. Establish policies and procedures to ensure compliance with all federal and state laws; and
6. Establish policies and procedures to protect against discrimination, bullying, hazing and harassment, which explicitly includes everyone but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information or status concerning marriage or public assistance, or standing in any group protected by federal, state or local law.

#### **IV. Personnel Administration**

The City Administrator shall ensure a process is in place to recruit, employ and evaluate all City of Fargo employees.

1. The City Administrator recommends, as per Chapter 7—Civil Service, that employees be appointed based on merit and fitness and are subject to the City of Fargo's applicable personnel policies or rules.
2. The City Administrator may remove or suspend appointed employees subject to the Civil Service Commission and all applicable personnel policies or rules.
3. The City Administrator may delegate tasks and projects to City of Fargo employees.

The City Administrator shall ensure the following:

1. Clear personnel rules and procedures for employees should be administered as per the City Code of Ordinances, Chapter 7 - Civil Service, and the employee handbook;
2. Effective handling of complaints and concerns;
3. Adequate job descriptions for all staff positions;
4. A process is in place to evaluate all employees' performance according to their contribution toward achieving the organization's goals and policies and their compliance with the City of Fargo policies;
5. Protection of confidential information;
6. Ensure that compensation and benefit plans are in place to attract and retain the highest-quality employees by compensating employees within available resources in a manner consistent with the applicable marketplace;
7. Ensure that all staff members are qualified and trained to perform their responsibilities;
8. An organizational culture that positively impacts staff's ability to perform their jobs responsibly and allows them to work in an environment of professional support and courtesy; and

9. Establish policies and procedures to protect against discrimination, bullying, hazing, and harassment, which explicitly includes everyone but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information or status concerning marriage or public assistance, or standing in any group protected by federal, state or local law.

## **V. Financial Planning and Administration**

The City Administrator aids in budget performance and recommends and monitors all departments' budgets to ensure compliance with the guidelines. The City Administrator must keep the Board of City Commissioners updated about the ongoing performance of the budget throughout the year.

### **Financial Planning**

1. The City Administrator shall assist the Mayor and City Commissioners in developing the budget in collaboration with the City of Fargo Board of City Commissioners.
2. The City Administrator shall develop a budget that:
  - a. In a summary format, is understandable to the Board of City Commissioners and presented to allow the Board to understand the relationship between the budget and the priorities of the City of Fargo; and
  - b. Assures fiscal soundness in future years.

### **Financial Administration**

The City Administrator shall delegate the authority to the Finance Director or designee to ensure the following:

1. Ongoing performance of the budget throughout the year;
2. Not cause or allow any financial activity or condition that deviates from the budget the Board of City Commissioners adopted. This includes expending more funds than have been received in the fiscal year unless revenues are made available through other legal means, including the use of fund balances or the authorization to transfer funds from reserve or other funds;
3. The City of Fargo reviews contracts, bonds, instruments, and documents to which it is a party annually;
4. Ensure that payroll and legitimate debts are paid promptly when due;
5. Ensure that all purchases are based upon the purchasing policies of the City;
  - a. reasonable precaution against conflict of interest;
  - b. comparative prices based on items of similar quality;
  - c. a balance between long-term quality and cost;
6. Coordinate with the City of Fargo's appointed financial auditor for an annual audit of all funds and accounts;

7. Keep complete and accurate financial records by funds and accounts following Governmental Accounting Standards Board (GASB) standards and official positions;
8. Maintain compliance with the City of Fargo's Purchasing Policy, which includes entering a purchase or contract in the amount as per the purchasing policy approved by the Board on behalf of the City of Fargo without the approval of the Board of City Commissioners; and
9. Communicate Year-to-Date and projected Year-End financial results and foster ongoing dialogue on new and/or existing financial matters through a quarterly Finance Committee meeting of the Board of City Commissioners.
10. Budget line items are not transferred from one fund to another unless reviewed by the Finance Committee and authorized by the Board of City Commissioners.

## **VI. Asset Protection**

The City Administrator shall not allow assets to be unprotected, inadequately maintained, inappropriately used or unnecessarily risked.

The City Administrator shall ensure the following:

1. Obtain insurance coverage complying with the City of Fargo policies;
2. Take reasonable steps to ensure that the facilities and equipment are sufficiently maintained;
3. Ensure that actions do not knowingly, recklessly or negligently expose the organization to legal liability;
4. A process is in place to make purchases by weighing:
  - a. a reasonable precaution against conflict of interest;
  - b. comparative prices based on items of similar quality;
  - c. a balance between long-term quality and cost;
5. A process is in place to protect intellectual property;
6. A process is in place to protect information and files from loss or significant damage; and
7. A process is in place to preserve and dispose of all records related to the affairs or business of the City of Fargo by all applicable state and federal laws.

## **VII. Communication with the Board of City Commissioners**

The City Administrator shall ensure that the Board of City Commissioners are fully and adequately informed about matters relating to the City of Fargo's work and significant organizational concerns.

The City Administrator shall ensure the following:

1. Attendance at meetings of the Board of City Commissioners. The City Administrator may participate in discussions at the meetings but not vote;
2. Recommend procedures or actions necessary to efficiently administrate the City of Fargo's affairs to the Board of City Commissioners;
3. Promptly provide information about trends, facts and other information relevant to the Board of City Commissioners;
4. Inform the Board of City Commissioners of significant money transfers within funds or other changes substantially affecting the organization's financial condition;
5. The Board of City Commissioners has adequate information from various internal and external viewpoints to ensure informed Board decisions;
6. Inform the Board of City Commissioners of anticipated significant media coverage;
7. Present information in a simple and concise form, indicating clearly whether the information is incidental, intended for decision preparation or for formal monitoring;
8. Treat all Board of City Commissioners members impartially and ensure all members have equal access to information;
9. Inform the Mayor if, in the City Administrator's opinion, the Board or individual members have encroached into areas of responsibility assigned to the City Administrator or if the Board or its members are non-compliant with any Governance policies; and
10. Inform the Board of City Commissioners of any actual or anticipated noncompliance with any Board Operational Expectation policy or any expected failure to achieve reasonable progress toward compliance with these policies.

### **Policy No. 3 - Single Unit of Control**

The Board of City Commissioners will direct the City Administrator only through official decisions of the Board.

Accordingly:

1. The Board of City Commissioners will make decisions by formal, recorded vote to avoid ambiguity about whether direction has been given;
2. The City Administrator is neither obligated nor expected to follow the directions or instructions of individual Board members or committees unless the Board has specifically delegated the exercise of authority;
3. It is not unusual for citizens to ask questions of or express concerns to a Board member or members. The Board member is responsible for appropriately referring operational and personnel issues and concerns to the City Administrator. If citizens express concerns that a Commissioner believes require a different course of action, the Commissioner has the responsibility to appropriately inform or discuss the matter with the Liaison Commissioner or Mayor; and
4. If the City Administrator determines that an information request from an individual Board member or a Committee is unreasonable or requires a material amount of staff time, the City Administrator shall ask the Committee or the Board member to refer such requests to the entire Board of City Commissioners for authorization.



## **Policy No. 4 - Culture Policy**

The Board of City Commissioners will govern lawfully, make all official decisions by a formal vote of the Board and govern with a long-term vision.

1. The Board of City Commissioners will function as a single unit. Individual members' opinions and personal strengths will be used to the Board's best advantage. The Board will make decisions as a group by a formal vote. No individual or committee will be permitted to limit the Board of City Commissioners' performance or prevent the Board from fulfilling its commitments.
2. The Board of City Commissioners is responsible for its performance and commits itself to continuous improvement. The Board of City Commissioners will ensure its members receive the training and professional support necessary to govern effectively.
3. To ensure that the Board of City Commissioners business meetings are conducted with maximum effectiveness and efficiency, members will:
  - a. Come to meetings adequately prepared.
  - b. Support the Mayor's efforts to facilitate an orderly meeting.
  - c. Communicate openly and actively in conversation and dialog.
  - d. Encourage balanced participation of all members.
4. To ensure the Board of City Commissioners are prepared for each Commission meeting and conduct the meetings in an orderly fashion, the following rules will be used to develop the agenda for the meeting:

### **Meeting Agenda**

- a. There shall be one agenda prepared for each meeting.
- b. Any City Commissioner, City Board, Committee or Commission through the liaison City Commissioner, may place an item or issue on a future agenda working with the City Administrator and Executive Assistant. The City Commissioner shall present the appropriate background material for said item, including a suggested motion.
- c. A City Commissioner may place an item on the agenda at the request of a resident of the City of Fargo. Staff is not expected to speak to this item unless a majority of the Board of City Commissioners approves a recommended motion on the citizen-initiated agenda item.

- d. In preparation for each Commission Meeting, the City Administrator and Executive Assistant of the Board of City Commissioners shall review and finalize the meeting agenda.
- e. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- f. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- g. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public record of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. All necessary and appropriate redactions must be accomplished before being submitted. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- h. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there prior to finalization and publication of the meeting agenda.
- i. Any items or issues which have not qualified for the Regular Agenda under the rules as stated above, or any new and timely issues which arise after preparation of the Regular Agenda may, with the consent of a majority of the City Commissioners may be added to the agenda.
- j. Ordinances shall be sponsored by the City Administrator or Department Head working with the Department Liaison Commissioner and legal counsel.
- k. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
  - 1. Consent agenda at the beginning of the agenda. The consent agenda shall be determined by the City Administrator and Executive Assistant; and
  - 2. Non-consent agenda at the end of the agenda. Non-consent items shall be determined by the City Administrator and Executive Assistant.

- l. The calling and conduct of Special Meetings shall be in accordance with the laws of the State of North Dakota.
- m. Protocols for Special Meetings shall be established in advance of the meeting by the Mayor to the extent possible.

**Rules Governing Conduct of City Commission Meetings**

- a. Meetings shall be conducted in accordance with the most recently revised Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
  - b. The official meeting parliamentarian shall be the Executive Assistant to the Board of City Commissioners.
  - c. At each regular meeting, the first item of business shall be considering and approving the agenda, which may include adding or deleting any item.
  - d. City Commissioners have a duty to vote unless otherwise ineligible by reason of conflict of interest. The conflicted Commissioner is expected to announce the conflict and not vote on the issue. If there is a question as to whether or not a conflict exists, the City Commissioner may advise the entire Board of City Commissioners of the potential conflict and request a ruling from the entire Board to waive the conflict, by a majority vote. A City Commissioner excused from voting by reason of conflict is deemed to be disqualified and shall be noted but not counted.
  - e. Any on duty Police Officer may be considered as a sergeant at arms for Commission meetings and may be summoned to maintain order by any member of the Board of City Commissioners at any time.
5. By majority vote, the Board of City Commissioners may revise or amend its policies at any time. A formal request to revise or amend a Governance Policy (formal resolution of policies) shall be made by a City Commissioner and approved for review through a formal vote of the Commission. If the review is approved, the City Administrator and Executive Assistant will revise and bring back to the Commission a proposal for revision to a policy. A proposed policy revision will be discussed at least one session of the Board before being approved at a Board meeting.

## **Policy No. 5 - Process for Resident Comment**

Board meetings are business meetings held in a limited public—not public forums. Guidelines have been established to ensure that public input is orderly and productive and that special interest groups are not allowed to dominate the proceedings of the Board of City Commissioners.

### **Resident Comment on Agenda Items**

1. Residents or Fargo business owners who wish to address the Board of City Commissioners may do so for topics on the agenda during that section of the agenda following the staff presentation.
2. Sign-up can be completed online or by contacting the City Commission Office ([The City of Fargo – Resident Comment Signup \(fargond.gov\)](https://www.fargond.gov)) by noon on the day of a regularly scheduled meeting.
3. At the beginning of the agenda item, the Mayor will state the number of speakers and the time to be allotted for resident comment. No more than 12 individuals will be allowed to sign up for an agenda item.

### **Public Hearings Pursuant to Legal Notice**

Legally noticed public hearing comments during the meeting will occur when legally required. The time limitation applicable to other comment opportunities shall not apply, but speakers are encouraged to keep their comments to under 3 minutes, when possible.

### **General Resident Comment Period**

At the end of the City Commission meeting, there will be a resident comment period for items not on that evening's Commission meeting agenda. Rules for this comment period will be the same as the Resident Comment on Agenda Items.

### **Rules Applicable to ALL Comment Opportunities**

1. Only those individuals who signed up online or contacted the City Commission Office before the meeting will be permitted to address the Board.
2. Speakers will not be allowed to verbally attack individual Board of City Commission members or employees or use vulgar or profane language.

3. Speakers unwilling to abide by these policies and conform to the rules or time constraints regarding public participation at Board of City Commissioners meetings may be removed from the meeting.
4. Groups will be urged to designate a spokesperson.
5. Speakers may not "donate" their speaking time to another person.
6. Citizen input should not subrogate the regular business of the Board.
7. *Reserved: Future City of Fargo Facilities Security Policy.*

**Guidelines to be read by the Mayor before recognition of the audience**

At this time, the City Commission will hear comments from residents. We ask each speaker who has signed up to address the Board of City Commissioners to state their name for the record.

Speakers must refrain from using this forum to criticize or complain about a specific employee or Commissioner. Vulgar or profane language will not be tolerated. The Board of City Commissioners is interested in your comments and will listen carefully, but is not obligated to respond to or debate issues in this forum.

Should you desire a written response to a specific question, you may request it. This evening each speaker will be allotted 2 ½ minutes for a maximum of 30 minutes for a total of 12 speakers. A timer will be used. You will receive a warning beep when there are 15 seconds of time remaining in the allotted 2 ½ minutes. At the end of the allotted time, a buzzer will sound and the microphone will be switched off.

## Policy No. 6 - Code of Ethics/Conflict of Interest

The purpose of a Code of Ethics/Conflict of Interest policy is to ensure that the Board of City Commissioners adhere to and promote proper ethical standards, abide by the law and preserve the organization's integrity, reputation and professional and business relationships.

Before taking any action or casting a vote regarding a matter before the Board, which would constitute a conflict of interest under North Dakota law:

*44-04-22. Conflict of interest law. A person acting in a legislative or quasi-legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.*

### Conflict of Interest

Recognizing it is not possible to address all ways in which ethical issues may arise; the following principles are intended to guide making sound judgments and decisions on behalf of the Board of City Commissioners and its purpose.

### Pledge of Personal and Professional Conduct

- **Integrity** -- I will demonstrate the highest standards of individual conduct, personal accountability, trustworthiness, fair dealings, consideration of the rights of others, and the highest principles of good business relationships.
- **Excellence** -- I will strive to meet the highest performance, quality, service and achievement standards.
- **Honesty** -- I will communicate directly, respectfully, honestly and openly, and avoid misrepresentation, including misrepresentation through omission.
- **Diversity** -- I will support and value diversity -- promoting an environment that embraces all people's similarities and differences to the organization.
- **Respect** -- I will respect and act fairly toward all those I encounter and refuse to engage in or tolerate any form of discrimination or harassment.
- **Responsibility** -- I will take responsibility for my actions and decisions, and remain a careful steward of funds and resources.
- **Compliance** -- I will comply with the Board of City Commissioner's Code of Ethics and all laws and regulations.

The Board of City Commissioners commits itself and its members to ethical business and lawful conduct, including proper use of authority and appropriate decorum when acting as a Board member.

Accordingly,

1. All officers of the City, whether elected or appointed, before entering upon the duties of their respective offices shall take and subscribe to the Oath of Office prescribed in Section 4 of Article XI of the Constitution of the State of North Dakota. Such oath shall be filed in the Office of the City Auditor, provided that the Oath of the City Auditor and the City Treasurer shall be filed in the office of the County Auditor.
2. Commission members will represent the interests of the citizens of the entire City of Fargo, and this accountability will supersede the following:
  - Any conflicting loyalty a member may have to other groups;
  - Loyalty is based upon membership to other boards or staff; and
  - Conflicts are based on personal relations with different employers or boards.
3. Commission members who are a liaison to a department are responsible for working with the department head on budgets and issues in their department.
4. Commissioners will show respect to the Department Liaison Commissioner when asking for information or ideas in the different departments. The liaison Commissioner shall accommodate the request or meeting.
5. If there is a disagreement between a Commissioner and a Department Liaison Commissioner, they can appeal to the City Administrator to resolve the issue. If a disagreement happens to be with the Mayor, then the Deputy Mayor would resolve the issue.
6. Commission members will maintain confidentiality appropriate to sensitive issues and information. They will review the open meeting laws annually and note that information that is discussed in the Executive Session is confidential.
7. Commission members will not express individual negative comments about City staff or employees in a public meeting. They will be expected to discuss such issues with the City Administrator.
8. Dialogue at Commission meetings shall be respectful and courteous.
9. When interacting with the public or a legislative body, a Commissioner must make it clear whether they represent the City of Fargo or for a personal purpose.



**Code of Ethics and Conflict of Interest Certificate**

I acknowledge that I have received and read my copy of the Board of City Commissioners Code of Ethics and Conflict of Interest policies for Board Members. I understand that I am responsible for adhering to the Code of Ethics principles, and I confirm that I will conduct myself in accordance with the Code of Ethics principles.

Please sign and date this Code of Ethics and Conflict of Interest certificate and return it to the Executive Assistant to the Board of City Commissioners.

\_\_\_\_\_ Neither I nor, to the best of my knowledge, any member of my family has had or has an interest or taken any action which would contravene the policy of this Board.

\_\_\_\_\_ Neither I, nor to the best of my knowledge, any member of my family has had or has an interest or taken any action which would contravene the policy of this Board, **except** such interest or action fully disclosed below:

\_\_\_\_\_ I am in compliance with the Code of Ethics and Conflict of Interest policies.

Printed Name

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Signature

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Date

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**References -**

ND League of Cities – City Government Basics: Open records, Open meetings and Conflict of Interest [www.ndlc.org](http://www.ndlc.org)

NDCC: 44-04-19. Access to public meetings.

NDCC: 44-04-20. Notice of public meetings required.

NDCC: 44-04-22. Conflict of interest law.

NDCC: 44-01-05. Oath of civil officers.

Attorney General Opinion 95-06 Conflict of Interest – Duty to Vote

Attorney General Opinion 2002- L-54, 2008-L-07, Conflict of Interest

## **Policy No. 7 - Commissioners Addressing Board Member Violations**

The Board of City Commissioners is committed to faithful compliance with the provisions of the Board's policies. A Board member will inform the City Administrator or Mayor if, in the Board member's opinion, the Board or individual members are not in compliance with the Board's policies. If the Mayor is the member whom the Board member feels is not acting in compliance with policy, the Board member will inform the Deputy Mayor. In the event of a member's willful and continuing violation of policy, the Board will seek a remedy in the following order:

1. Conversation privately between the offending member, the City Administrator and the Mayor.
2. Discussion in a public meeting between the offending member and the entire Board.
3. Public Censure of the offending member of the Board.
4. Removal from an officer role on any Boards, Committees and Commissions shall happen by a majority vote of the Board of City Commissioners.