

## **CHAPTER 40-04.1 MODERN COUNCIL FORM OF GOVERNMENT**

**40-04.1-01. City council - Membership - Terms.** The governing body of a city operating under the modern council form of government is the city council, which is composed of not less than four members, one of whom is the mayor, all elected at large or by wards. Candidates for the council shall run for either mayor or council member but not both at the same time. The terms of members of the council shall be four years, or until their successors are elected and qualified. However, the council shall establish by ordinance a procedure whereby one-half of all council members, as nearly as is practicable, are elected biennially. The number of council members may be increased or decreased pursuant to section 40-06-09.

**40-04.1-02. Compensation of council members.** The members of the council are entitled to receive such compensation for their services as is fixed by ordinance.

**40-04.1-03. Vacancies on city council - How filled.** If a vacancy occurs in the office of councilman by death, resignation, or otherwise, the city may call a special election to fill such vacancy for the unexpired term or may after fifteen days of the date of such vacancy appoint a person from the ward or city at large by which the councilman previously holding was elected or appointed to fill such vacancy until the next city election, at which election the unexpired term shall be filled.

**40-04.1-04. Restrictions on council member.** A city council member is not eligible for any other office the salary of which is payable out of the city treasury and may not hold any other office under the city government.

**40-04.1-05. Meetings - Regular, special, and for organization.** The city council shall hold its regular meetings at least once a month and may prescribe by ordinance the manner in which special meetings may be called. The city council shall establish by resolution or ordinance the date of its regular meetings. The first meeting for the organization of the city council must be held on the fourth Tuesday in June of each even-numbered year.

**40-04.1-06. Mayor.** The mayor shall preside at meetings of the council, and be the recognized head of the city for all ceremonial purposes and by the governor for purposes of military law. The mayor continues to have all the rights and privileges as a member of the council. If a vacancy occurs in the office of mayor or if the incumbent is absent or disabled, a mayor pro tempore shall be selected by the council from among their number to act for the unexpired term or during continuance of the absence or disability.

**40-04.1-07. Council - Duties and powers.** The council shall perform all duties prescribed by law or by city ordinances and shall see that the laws and ordinances are faithfully executed.