CHAPTER 40-15
OFFICERS IN COMMISSION CITIES, GENERAL

40-15-01. Officers to be elected in commission cities.

The following officers shall be elected in each city operating under the commission system of government:

1. A president of the board of city commissioners.
2. Four city commissioners.

Each city operating under the commission system of government may choose to have a municipal judge who shall be elected.

40-15-02. Terms of elective officers.

The terms of office of the president of the board of city commissioners and of each commissioner shall be as provided in chapter 40-09. The municipal judge shall hold office for four years and until the judge's successor is elected and qualified.

40-15-03. When term of elective officers begins.

The term of each elective officer in a city operating under the commission system of government commences on the fourth Tuesday in June of the year in which the officer is elected.

40-15-04. Extension of terms of officers in commission cities elected to terms expiring in 1943 and 1945.

Repealed by omission from this code.

40-15-05. Appointive officers in commission cities - Right to dispense with offices.

At the first meeting after the qualification of its members, or as soon thereafter as possible, the board of city commissioners shall appoint the following officers:

1. A treasurer;
2. An auditor;
3. An attorney;
4. One or more assessors;
5. A city health officer who shall be a physician;
6. A street commissioner;
7. A chief of the fire department;
8. A chief of police;
9. One or more police officers;
10. A city engineer;
11. A board of public works; and
12. Such other officers or boards as the board of city commissioners may deem necessary.

The board of city commissioners by a majority vote may dispense with any appointive office and provide that the duties thereof shall be performed by other officers or boards, by the board of city commissioners, or by a committee or committees thereof.

40-15-06. Term of appointive officers.

The terms of all appointive officers of a city operating under the commission system of government commences on the first day of July succeeding their appointment unless otherwise provided by ordinance, and the officers shall hold their respective offices for the term provided by ordinance, and until their respective successors are qualified.

40-15-07. Appointive officers - Removal upon hearing - Suspension - Appointment and removal of temporary officer.

Any person appointed to any office of a city operating under the commission system of government and any employee of the city may be removed by a majority vote of all the

members of the board of city commissioners, but no officer or employee shall be removed except for cause and unless charges are preferred against the person and the person is accorded an opportunity to be heard in the person's own defense. Within ten days after charges are filed against any such person in the office of the city auditor, the board shall proceed to hear and determine the case upon its merits. The president of the board of city commissioners, or the board, by a majority vote of its members, may suspend any officer or employee against whom charges have been preferred until the disposition of the charges. The president may appoint a person to fill any vacancy temporarily until charges against the incumbent of such office have been disposed of. Any person appointed by the president without confirmation may be removed by the president when the president deems it is for the best interests of the city.