

CITYScan

APPENDIX D

Volume 78 ■ Issue 3

March 2010



Sam Coleman

MARCH MADNESS vs SENSE & SENSIBILITY

(See pages 6-7)

Service, Advocacy, Leadership, Education & Support

ASK THE LEAGUE

The League staff provides technical assistance to North Dakota cities and this regular column contains summaries of recent inquiries. Do you have a question? Call 1-800-472-2692 (hjelmsstad@ndlc.org).

What is the procedure for dissolving a city park district?

A proposal for dissolving a city park district may be initiated either by (1) a resolution incorporating a dissolution plan, approved by a majority vote of the board of park commissioners and submitted to the governing body of the city; or (2) by a petition incorporating a dissolution plan, signed by 25 percent or more of the total number of qualified electors of the city park district voting at the last regular city election and submitted to the governing body of the city. The governing body of the city shall submit the question of dissolution to the electors of the park district at any regular city election or primary or general election as specified in the resolution or petition. The plan incorporated in the resolution or petition becomes operative according to its terms if a majority of the qualified electors voting on the question approves the plan. (NDCC 40-49-07.2)

What should be included in a plan for dissolving a park district?

The dissolution plan may specify the disposition and maintenance of park district property, the manner for payment of park district obligations, the disposition of any outstanding special assessments, the transition in implementing the plan and other considerations that are consistent with state law. (NDCC 40-49-07.2(3))

How much notice is required before an election to dissolve a park district?

The city governing body shall cause the complete text, or a fair and accurate summary, of the park district dissolution plan to be published in the official newspaper of the city, not less than two weeks nor more than 30 days, before the date of the election. Public forums may also be held. (NDCC 40-49-07.2(4))

At least 55 days before the election, when the city has entered into an agreement to hold a joint election with the county, the city auditor shall notify the county auditor of any measures appearing on the city's election ballot for ballot preparation and publication purposes. (NDCC 40-21-02)

Is the municipal judge required to be a resident of the city?


In a city with a population of less than 5,000, the municipal judge is not required to be a resident of the city. In a city of 5,000 or more, the municipal judge is required to be a resident. (NDCC 40-18-01)

Is the municipal judge required to have a license to practice law?

The municipal judge within a city having a population of 5,000 or more must be licensed to practice law in this state, unless no person so licensed is available in the city. In a city with a population of less than 5,000, the municipal judge need not be licensed to practice law. However, a city with a population of less than 5,000 may by resolution or ordinance require the municipal judge to be licensed to practice law in this state. (NDCC 40-18-01)

Are there restrictions on the types of cases a municipal judge can hear if that judge is not licensed to practice law?

A municipal court in which the judge is not a person licensed to practice law in this state has no jurisdiction to hear an offense that would be a violation of NDCC 39-08-01, relating to persons under the influence of alcohol or drugs operating a motor vehicle, or an equivalent ordinance. (NDCC 40-18-01)




TRANSFORMERS


DISTRIBUTION AND SUBSTATION

T&R ELECTRIC
SUPPLY COMPANY INCORPORATED
BOX 180
COLMAN, SOUTH DAKOTA 57017
"THE TRANSFORMER PEOPLE"

CALL TOLL-FREE
800-843-7994 • FAX 605-534-3861
E-MAIL: t-r@t-r.com • Internet: www.t-r.com



Modern Rewind Facilities
More than 61 Acres Inventory
Prompt Delivery - Coast to Coast
BUY - SELL - RENT
Complete Outdoor Substations, Circuit Breakers, Regulators & Switchgear



CITYScan
March '10