

Governance Committee Meeting Wednesday, January 29, 2025; 8:15 a.m. Fargo Park District Board Room 6100 38th Street S, Fargo, ND 58104

AGENDA

- 1. Review Governance Annual Work Plan Monitoring Report; Commissioner Hill, presenter
- 2. Review and Discuss Park Ordinance; Commissioner Hill, presenter
- 3. Review and Discuss Fargo Park Board Gold Card; Commissioner Hill, presenter
- 4. NDRPA Legislative Update; Broc Lietz, presenter
- 5. Other

Next Park Board Meeting: February 11, 2025; 5:30 p.m. Next Planning Committee Meeting: February 19, 2025; 8:30 a.m. Next Governance Committee Meeting: February 26, 2025; 8:15 a.m.

Susan Faus, Executive Director
Park Commissioners – Zoe Absey * Vicki Dawson * Joe Deutsch * Aaron Hill * Jerry
Rostad Clerk -Jeff Gunkelman



M E MO R A N D U M

DATE: January 29, 2025

TO: Fargo Park Board Commissioners

FROM: Susan Faus, Executive Director

RE: Agenda Item #1 – Review Governance Annual Work Plan –

Monitoring Report

Governance policies are monitored per the annual work plan. Monitoring determines the degree to which board policies are being met. The standard for compliance shall be whether the Executive Director has reasonably interpreted the Board policy being monitored.

Operational Expectations (OE) being monitored for the month of January 2025

- OE-1 Emergency Succession
- OE-5 Asset Protection

If you have any questions, do not hesitate to contact me prior to the meeting.

Thank you.

FPD Governance Annual Work Plan

Month	Governance Policies	Commissioners/ ED Relationships	Operational Expectations	Board/Planning Committee Meetings	Other Meetings
January			OE 1 and 5	1/14/25 Board 1/22/25 Planning 1/29/25 Governance	
February	GP 8			2/11/25 Board 2/19/25 Planning 2/26/25 Governance	
March				3/11/25 Board 3/19/25 Planning 3/26/25 Governance	Board Workshop 3/19/2025
April		C/ED 3		4/8/25 Board 4/16/25 Planning 4/23/25 Governance	
May				5/13/25 Board 5/21/25 Planning 5/28/25 Governance	
June			OE 7	6/10/25 Board 6/18/25 Planning 6/25/25 Governance	
July	GP 1-2-7	C/ED 1 and 2		7/8/25 Board 7/16/25 Planning 7/23/25 Governance	New Board Member Orientation
August	GP 3 and 5	C/ED 4 and 5		8/12/25 Board 8/20/25 Planning 8/27/25 Governance	
September	GP 4		OE 2	9/9/25 Board 9/24/25 Planning	NRPA 16-18 NDRPA 30-2
October			OE 3	10/7/25 Board 10/15/25 Planning 10/22/25 Governance	Board Workshop 10/15/2025
November			OE 4	11/4/25 Board 11/19/25 Planning 11/26/25 Governance	
December	GP 6	C/ED 6 and 7	OE 6	12/9/25 Board 12/17/25 Planning 12/31/25 Governance	

FARGO PARK DISTRICT - 2025-26

January 14, 2025

RE: Monitoring Report on OE - 1: Emergency Succession

FROM: Susan Faus, Executive Director

BOARD FOCUS: Action Required

Responding Board members: Zoë Absey, Vicki Dawson, Joe Deutsch, Aaron Hill, Jerry Rostad

DIRECTIONS:

Board members will provide an individual assessment of compliance with the policy using response options of "Compliant" or "Not Compliant." If marked "Not Compliant," the responding Board member will provide a short explanation of why the response was assessed. Questions regarding operational items associated with the policy must be lodged with the Executive Director, separate from the monitoring assessment. Suggestions for possible policy changes must be included in the area at the bottom of this document.

OE-1: Emergency Succession

OE-1 Compliance Issue	Summary Response-Executive Director	Admin. Opinion of Compliance Status	Board Members' Assessment
To protect the Board in the		Compliant	
event of an unexpected loss	Deputy Director of Operations		
of Executive Director	Deputy Director of Administration		
services, the Executive			
Director shall ensure that at			
least one other staff			
member, such as a Deputy			
Director, is familiar with			
Board and Executive Director			

OE-1 Compliance Issue	Summary Response-Executive Director	Admin. Opinion of Compliance Status	Board Members' Assessment
issues and processes and can assume those responsibilities immediately should the need arise.			
Accordingly, the Executive Director shall: • Annually, provide a list of individuals whom the Board shall consider as Interim Executive Director.			

Thoughts on Possible Policy Changes:				

FARGO PARK DISTRICT - 2025-26

January 14, 2025

RE: Monitoring Report on OE – 5 Asset Protection

FROM: Susan Faus, Executive Director

BOARD FOCUS: Action Required

Responding Board members: Zoë Absey, Vicki Dawson, Joe Deutsch, Aaron Hill, Jerry Rostad

Governance policies are monitored per the schedule. Monitoring determines the degree to which board policies are being met. Information that does not contribute directly to this purpose is not considered monitoring data. The standard for compliance shall be whether the Executive Director has reasonably interpreted the Board policy being monitored.

DIRECTIONS:

Board members will provide an individual assessment of compliance with the policy using response options of "Compliant" or "Not Compliant." If marked "Not Compliant," the responding Board member will provide a short explanation of why the response was assessed. Questions regarding operational items associated with the policy must be lodged with the Executive Director, separate from the monitoring assessment. Suggestions for possible policy changes must be included in the area at the bottom of this document.

OE-5 Asset Protection

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

Policy Statement	Summary Response	Administrative Opinion of Status	Board Members' Assessment
Accordingly, the Executive Director shall: 1. Obtain insurance coverage against theft and casualty losses to 100% of replacement value and against liability losses to Board members, staff, and the organization itself.	The Fargo Park District has property, casualty, and general liability insurance through MarshMcLennan Agency. Attached are the limits for each area of coverage.	Compliant	

2.	Take reasonable steps to ensure the facilities and equipment are sufficiently maintained.	The Fargo Park District is developing a preventative maintenance plan to ensure the facilities and equipment are sufficiently maintained.	Compliant	
		Strategic Plan – Objective 1.3.2 Develop standards for and expectations for replacement of all equipment used within the park district.		
3.	Ensure that actions do not knowingly, recklessly, or negligently expose the organization, Board, or staff to legal liability.		Not Compliant	
4.	Protect intellectual property.		Not Compliant	
5.	Commit to any non-budgeted purchase or expenditure of more than \$50,000.00 without Board approval.	Long Range Financial Plan. As a component of the 2025 Operational Work Plan, the Park District will be developing a Long-Range Financial Plan will spell out non-budgeted purchase limitations and line-item adjustment limitations requiring board approval.	Compliant (In process)	

6. Make any purchase without weighing: 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. *Reference: Procurement Policy No. 390	Procurement Policy. Fargo Park District Procurement Policy – 390 addresses spending limits, approval requirements, necessity for written specifications, and competitive bidding, which all speak directly to the care given competitive pricing, quality expectations, and protection against individuals purchasing without proper approvals.	Compliant	
7. Use a competitive bidding procedure for the purchase of all supplies, materials, and equipment, and any contracted services except professional services (architectural, engineering, construction management, research, consulting) of \$50,000 or more or \$200,000 for those costs associated with construction as specified by law. *Reference: Procurement Policy No. 390	Fargo Park District Procurement Policy. Attached is the Procurement Policy.	Compliant	
8. Protect information and files from loss or significant damage.	Fargo Park District Records Retention Policy and Schedule. Attached is the DRAFT policy and schedule.	Compliant (In Process)	

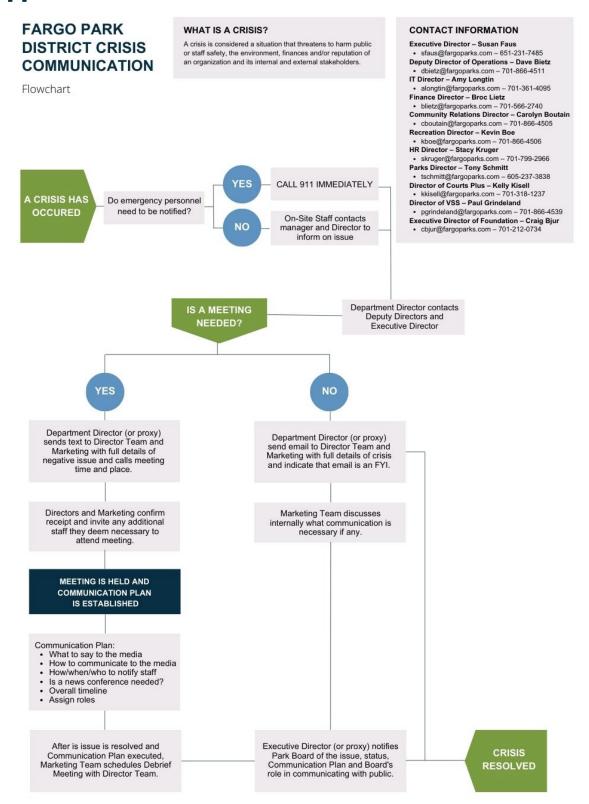
9. Ensure that a policy is in place for the encumberment or disposal of real property.			
10. Preserve and dispose of all records related to affairs or business of the organization following state and federal law.	Fargo Park District Records Retention Policy and Schedule. Attached is the DRAFT policy and schedule.	Compliant (In Process)	
11. Ensure that any action knowingly, recklessly, or negligently endangers the organization's public image or credibility, jeopardizing its ability to accomplish its mission.	Fargo Park District Crisis Communication Plan	Compliant See attached Crisis Communication Plan	

Possible Policy Changes

DIRECTIONS: Please use the area below to suggest possible policy changes for the Governance Committee to review. Proposed edits must be included below using strike throughs or word additions and be accompanied by a rationale for the change.

RECOMMENDATION: that the monitoring report be accepted and filed.

Appendix E: Crisis Communications Flow Chart



Fargo Park District Records Retention Policy and Schedule

Effective Date: [Insert Date]

Review Date: Annually, [Insert Month/Day] **Approved by:** [Director/Manager Name]

Purpose:

The purpose of this policy is to ensure the proper maintenance, retention, and disposal of records for Fargo Park District. This policy aims to facilitate efficient management of records, safeguard historical and vital information, and ensure transparency and accountability.

Scope:

This policy applies to all employees, volunteers, and contractors within the Fargo Park District. It covers all records, regardless of format, including paper documents, electronic files, emails, photographs, and video recordings.

Definitions:

- **Records:** Any recorded information created, received, and maintained as evidence of activities, decisions, and operations.
- **Retention Period:** The length of time a record must be kept before it is eligible for disposal.
- **Disposition:** The final action taken with records, such as destruction, transfer to archives, or permanent retention.

The following documents will be retained for the following periods of time:

Administrative Records	Retention Period	Disposal Method
Strategic Plan	Updated/Update	Archives
Master Plan – Working Files & Final Plan	Updated/Update	Archives
Master Plan – Data Files	5 years	Landfill/Delete Backups
Meeting Minutes (Board/Committee)	Permanent	
General Correspondence	3 years	Landfill/Delete Backups
Associations	3 years	Archives
Policy/Procedure Manuals	Update/Updated	Archives
Historic Site and Recreation Areas	Permanent	
Special Projects	APC+5 – After Project	Archives
	Completed/Closed Plus 5	
	years	
Parks & Recreation Surveys	2 Years	Archives
Proposed Programs	APC+1 – After Project	Archives
	Completed/Closed Plus 1	
	year	
Education Reports	2 years	Landfill/Delete Backups
Accounting Records	Retention Period	Disposal Method
Bank Account Authorization	Updated/Update	Landfill/Delete Backups
Sales and Tax Reporting	ACFY+3 – After Current	Landfill/Delete Backups
	Fiscal Year Plus 3 years	
State Tax Exemption Certificates	Current	Landfill/Delete Backups
Land and Building – Value History	Permanent	Archives
Land Acquisition and Deeds	Permanent	Archives

Camping Permits	AA+1 – After Audit and Report are Complete Plus	Landfill/Delete Backups
	1 year	
Concession Inventory	AA+1 year	Landfill/Delete Backups
Budget Reports	7 years	Landfill/Delete Backups
Purchase Orders – Invoices	7 years	Landfill/Delete Backups
Grant Documentation	APC+10 years	Archives
Accounts Payable	7 years	Landfill/Delete Backups
Accounts Receivable	7 years	Landfill/Delete Backups
Chart of Accounts	Permanent	Archives
Depreciation Schedules	Permanent	Archives
Expense Records	7 years	Landfill/Delete Backups
Financial Statement (Annual)	Permanent	Archives
General Ledger	Permanent	Archives
Fixed Asset Purchases	Permanent	Archives
Loan Payment Schedules	7 years	Landfill/Delete Backups
Bank Statements	7 years	Landfill/Delete Backups
Bank Reconciliations	2 years	Landfill/Delete Backups
Payroll/Tax Records	Retention Period	Disposal Method
Paychecks/Stubs, W-2s, W-4s,	4 years	Landfill/Delete Backups
Returned Form W-2	4 years	Landfill/Delete Backups
Earnings Register	4 years	Landfill/Delete Backups
Employee Withholding	4 years	Landfill/Delete Backups
Federal Forms 1099	4 years	Landfill/Delete Backups
Time Sheets/Cards	4 years	Landfill/Delete Backups
Direct Deposit Records/Authorization	Termination or revocation + 2 years	Landfill/Delete Backups
Planning and Development Records	Retention Period	Disposal Method
Major Improvement Projects	ACFY+3 – After Current	Landfill/Delete Backups
3,5	Fiscal Year Plus 3 Years	, ,
Construction Projects – Correspondence & Contra	Permanent	Archives
Construction Projects – Plans & Specs	LOB – Life of Building	Archives
Project Work Plans & Volunteers	LOP – Life of Program	Landfill/Delete Backups
Facility Maintenance, History	LOB	Archives
Recreation Records	Retention Period	Disposal Method
Outdoor Recreation Plans	Updated/Update	Archives
Trails Program: Policy and Procedures	UD+3 –Updated/update Plus 3 years	Landfill/Delete Backups
Trail Files (Retain for Life of the Trail	WA-While Active	Archives
Study and Program Files	UD	Archives
Public Information	Retention Period	Disposal Method
Visitation Statistics – Monthly		Archives
·	1 year	
Pre-Employment/Employment Records Hiring Documents (job descriptions, advertisements, applications, resumes, interview questions and notes, Background and reference check materials)	1 year from the date the records were made (hires and non-hires).	Disposal Method Landfill/Delete Backups
Form I-9	3 years after employment begins or 1 year beyond	Landfill/Delete Backups

	termination, whichever is	
	later.	
Employee Exposure Records (toxic substance)	30 Years	Landfill/Delete Backups
Employee Medical Records	Termination + 30 Years	Landfill/Delete Backups
Accommodation Requests	Termination + 1 year	Landfill/Delete Backups
Drug Test Results	1 Year Negative; 5 years	Landfill/Delete Backups
	Non-Negative	
FMLA Records	Termination + 1 year	Landfill/Delete Backups
Offer Letter	Termination + 1 year	Landfill/Delete Backups
Disciplinary Records	Termination + 1 year	Landfill/Delete Backups
Employee Development Records	Termination + 1 year	Landfill/Delete Backups
Employee Performance Reviews	Termination + 1 year	Landfill/Delete Backups
Employee Complaint Records	Termination + 1 year	Landfill/Delete Backups
Employee Certifications or continuing education	Until new certification is	Landfill/Delete Backups
completion	created or termination + 1	
	year	
Terminations (Voluntary/Involuntary)	Termination + 3 years	Landfill/Delete Backups
COBRA Election Notice	Termination + 3 years	Landfill/Delete Backups
Exit Interviews	Termination + 3 years	Landfill/Delete Backups
Unemployment Claims	Termination + 4 years	Landfill/Delete Backups
Health & Benefits Records	Retention Period	Disposal Method
Medical, Dental/Vision Plan Elections	Termination + 3 years	Landfill/Delete Backups
Health & Benefits Beneficiary Forms	Termination + 3 years	Landfill/Delete Backups
Workers' Compensation Records	5 years	Landfill/Delete Backups
Accident Reports & Settlements	7 years	Landfill/Delete Backups
Legal And Compliance	Retention Period	Disposal Method
Insurance Policies	5 years After Policy	Landfill/Delete Backups
	Expiration	
Litigation Records	Permanent	Archives

Disposition of Records:

Records reaching the end of their retention period shall be reviewed by the Finance Department shall ensure records are either securely destroyed, transferred to archives, or preserved based on their historical or operational value.

Electronic Records:

Electronic records shall follow the same retention schedule as physical records. Regular backups and cybersecurity measures must be implemented to protect digital records.

Policy Review and Updates:

This policy shall be reviewed annually and updated as necessary to reflect changes in state laws, operational needs, or best practices.

Contact Information:

For questions regarding this policy or the retention schedule, **contact** ______, **Finance Director**

PARK DISTRICT OF THE CITY OF FARGO PROCUREMENT POLICY

POLICY NO. 390

Date Approved by Park Board: 10/13/20, 7/11/23 Date Reviewed by Staff: 10/13/20, 6/1/23

The procurement policy has been developed for the purpose of obtaining the best possible price of goods and services for the Park District while ensuring compliance with state law. The procurement policy provides contractors and vendors an equitable method of providing the goods and services on a competitive basis. It is recommended to obtain quotes if the goods or services are common items and it would be in the Park District's best interest to obtain competitive quotes.

- 1. Purchases up to \$5,000 for routine and reoccurring items may be made by employees that have been designated with purchasing authority for a department. Staff must ensure the purchase is made at the best value possible. Supervisor approval is required for any purchase. Director approval is required for any purchases that exceed \$2,500
- 2. For purchases of \$5,001 to \$10,000 it is required to obtain quotes. Quotes must be documented with date, name of vendor, vendor's contact person and price. The purchasing department will retain copies of the quotes for three years. Director approval is required.
- 3. A purchase of \$10,001 to \$50,000 requires written specifications and a minimum of three informal price quotes must be obtained. Quotes must document the date, name of vendor, vendor's contact person and price. The department making the purchase will retain copies of the quotes for three years. All purchases from \$10,001 and up must be reviewed and approved by Supervisor, Director, and Finance Director.
- 4. All formal requests for written quotes and specifications must be reviewed and approved by the Department Director prior to distributing requests to vendors.
- 5. In the event only one price quote is available, a sole source purchase may be used. Sole source shall be allowed only in the following situations:
 - Material, product, or item is regarded as one-of-a-kind and is the only known source;
 - The item or product is a manufacturer direct sale with no distributors;
 - The item or product is a patented or proprietary item; or
 - The purchase is necessary for repairing or replacing parts or components of existing assets or equipment.
 - One for which users have had extensive training and experience and the use of any other similar piece of equipment would require considerable reorientation and training.
- 6. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase, however, no procurement may be artificially divided or structured to avoid the effect of a certain procurement method established in this policy.

STATE COOPERATIVE PURCHASING AGREEMENT

Staff, Supervisors, and/or Directors may purchase commodities or services through the State's cooperative purchasing agreement under section 54-44.4-13 (5). All purchases made through State Cooperative Purchasing Agreement must be approved in the same direction as laid out in steps 1, 2, and/or 3 above. Purchases exceeding \$50,000 must be approved by the Board of Park Commissioners through the annual budget process or by Board action. The State's cooperative purchasing agreement is awarded through full and open competition.

CONTRACTS EXCEEDING \$50,000

- 1. A purchase with an estimated cost in excess of \$50,000 must be made in accordance with Section 40-49-14 of the North Dakota Century Code.
- 2. Bids must be reviewed by staff and the Executive Director. A recommendation is then presented to the Board of Park Commissioners for their review and action.
- 3. The Board of Park Commissioners awards the contract to the lowest responsible bidder. The Board of Park Commissioners may reject any or all bids (NDCC 40-49-14).
- 4. An emergency situation is an exception to these bid requirements (NDCC 40-49- 14 (1)). An emergency situation, as used in this section of the law, means a sudden or unexpected occurrence that requires immediate action to protect public health, safety, or property.
- 5. If the Board of Park Commissioners declares an emergency situation, the Board of Park Commissioners may contract for the construction of a public improvement without seeking bids.

PUBLIC IMPROVEMENT PROJECTS OVER \$200,000

- 1. When the construction of a public improvement is estimated to cost in excess of two hundred thousand dollars, the Board of Park Commissioners shall advertise for bids by publishing for three consecutive weeks. (NDCC 48-01.2-04)
- 2. The publication of advertisement for bids and the contents of the advertisements must be in accordance with the North Dakota Century Code at sections 48-01.2-04 and 48-01.2-05.
- 3. Multiple prime bids for the general, electrical, and mechanical portions of a project are required when any individual general, electrical, or mechanical contract or any combination of individual contracts is in excess of two hundred thousand dollars. If a general, mechanical, or electrical contract is estimated to be less than twenty-five percent of the threshold established under section 48-01-.2-02.1, the contract may be included in one of the other prime contracts. The Board of Park Commissioners may allow submission of a single prime bid for the complete project or bids for other specialized portions of the project. The Board of Park Commissioners may not accept the single prime bid unless that bid is lower than the combined total of the lowest responsible multiple bids for the project. (NDCC 48-01.2-06)
- 4. Bids must be reviewed by professional consultants, staff and the Executive Director. A recommendation is then presented to the Board of Park Commissioners for their review and action.
- 5. At the time and place specified in the notice, a governing body shall open publicly and read aloud each responsible bid received and award the contract to the lowest responsible bidder. The Board of Park Commissioners may reject any and all bids and re-advertise for bids if no bid is satisfactory. (NDCC 48-01.2-07)
- 6. If the Board of Park Commissioners declares an emergency situation, the Board of Park Commissioners may contract for the construction of a public improvement without seeking bids. (NDCC 48-01.2-04)
- 7. For public improvement projects with estimates costs that do not exceed \$200,000, if there is reason to believe that engineering or architectural services are necessary to protect the health, safety, or welfare of the public, the Board of Park Commissioners shall consider consulting with an engineer or architect.

Financial Budget Expenditure Accounts and Coding Standards

All transactions shall be coded to the correct budget lines as established during the budget process. Departmental budget accountability levels are measured at the department total so it is permissible to overrun individual line items as long as budget appropriations are not exceeded in total. No expenditure shall be made with respect to a particular fund unless supported by total appropriations in the fund in the annual budget.

Capital Asset Purchases

Capital assets purchases are for capital items with a value of at least \$5,000 per unit. All capital asset purchases have special reporting requirements which include adding related asset description data to our accounting software. An Asset Inventory Sheet is completed for each asset which includes an asset number. A corresponding asset tag is assigned to the piece of equipment and attached to the Asset Inventory Sheet. The information from this sheet is keyed into our accounting program for tracking, insurance, and depreciation purposes. The Asset Inventory Sheet is sent to the relevant Park District staff and the tag is applied to the equipment. The Asset Inventory Sheet is then returned to the Business Office for record keeping.

Internal Controls/Approval Process

The purchase card payment systems have been established with a reasonable level of internal controls. Supervisor and/or Director approvals are required and essential in this approval process. Staff, Supervisors, and Directors certify that budgetary resources have been appropriated where required, that goods and supplies have been delivered when ordered, and that all purchases follow the procurement policy.

REVISED ORDINANCES OF THE PARK DISTRICT OF THE CITY OF FARGO

WHEREAS, The Park District of the City of Fargo is a municipal subdivision organized pursuant to 40-49 of the North Dakota Century Code; and

WHEREAS, Section 40-49-13 of the North Dakota Century Code provides for the exercise of the powers of the Board of Park Commissioners by ordinance; and

WHEREAS, The Park District of the City of Fargo has heretofore from time to time, enacted ordinances pursuant to law and desires to amend and restate such ordinances.

NOW, THEREFORE, Be it enacted by the Board of Park Commissioners of the Park District of the City of Fargo:

SECTION 1 AUTHORITY

These ordinances are enacted pursuant to Section 40-49-12, N.D.C.C., and shall be known and cited as the ordinances of the Park District of the City of Fargo (hereinafter "Ordinances").

SECTION 2 <u>DEFINITIONS</u>

"Park District" means the Park District of the City of Fargo.

"<u>Commissioners</u>" means the members of the Board of Park Commissioners of the City of Fargo.

"<u>Executive Director</u>" means the Executive Director of Parks and Recreation appointed by the Commissioners.

"Park Property" means any real property owned, controlled or managed by the Park District and any building or other improvement located on such real property.

"<u>Park District Employee</u>" means the Commissioners, any adult employee of the Park District, and any police officer of the City of Fargo whether on or off duty while acting in the scope of his employment.

"His, and any other masculine pronoun" means the female as well as the male.

"<u>Rules</u>" means rules promulgated by the Commissioners under these ordinances or by the Executive Director under the direction of the Commissioners.

"Beer, Wine, Alcoholic Beverages and Intoxicating Liquors" have the meanings defined in the North Dakota Century Code.

"Special Function" includes, but is not limited to, athletic events, whether indoor or outdoor, political rallies, religious rallies, and other similar gatherings at which large numbers of persons may be present.

"Motor Vehicle" means every vehicle which is self propelled including motorcycles, motorscooters, and the like.

SECTION 3 EXISTENCE OF PARK DISTRICT

The Park District of the City of Fargo has been heretofore created in accordance with the laws of the State of North Dakota. The Park District embraces all of the territory within the City of Fargo city limits and such other areas as may be incorporated in the city limits in the future, and such other areas as may be in the future acquired by the Park District.

SECTION 4 REPEAL

All Ordinances heretofore adopted by the Park District are hereby repealed as of the date of enactment of these revised Ordinances provided that such prior Ordinances shall apply to any acts or offenses committed prior to their repeal.

SECTION 5 ADOPTION BY REFERENCE

All provisions of the ordinances of the City of Fargo which are by their terms applicable to parks, playgrounds, streets, alleys, public highways, parking lots or to the entire City of Fargo, shall be applicable to similar property of the Park District and are hereby adopted and enacted by reference, including all definitions and penalties for violation of such Ordinances.

SECTION 6 ENFORCEMENT

- 1. The Commissioners may appoint one or more persons as park policemen to enforce the Ordinances and Rules of the Park District.
- 2. Every policeman of the City of Fargo, whether on or off duty, is hereby designated a park policeman with full authority to enforce Ordinances and Rules of the Park District and Ordinances of the City of Fargo on Park Property.

- 3. Any person designated by the Executive Director as responsible for the maintenance of law and order at a Special Function is designated a park policeman for the duration of that function.
- 4. All Ordinances and Rules of the Park District and ordinances of the City of Fargo shall be enforced by park policemen and other employees of the Park District under the supervision of the Executive Director. All policemen of the City of Fargo acting as park policemen shall enforce the Park District Rules and Ordinances and the Ordinances of the City of Fargo under the supervision of the Chief of Police of the City of Fargo.
- 5. Any person who violates any of the Ordinances or Rules of the Park District or any provision of the Fargo Municipal Code may be prohibited from using that Park Property upon which the violation occurred, consistent with the provisions of Section 14.

SECTION 7 PENALTIES

Full and exclusive jurisdiction to try and determine all violations of these Ordinances shall be vested in the municipal judge of the City of Fargo. The procedure, including the right of appeal, and the penalties provided shall be the same as in actions involving offenses against Ordinances of the City of Fargo. Where no other penalty is provided by the ordinances of the City of Fargo, or the Ordinances of the Park District, the penalty for violation of a Park District Ordinance shall be a fine not exceeding \$100.

SECTION 8 VIOLATIONS

It shall be unlawful for any person to violate the provisions of these Ordinances or to do any of the following acts upon Park Property:

- 1. Place litter or rubbish of any kind on Park Property except in designated rubbish containers.
- 2. Destroy, deface or damage any Park Property or any tree, shrubbery or personal property located on Park Property.
- 3. Refuse to obey a lawful command or instruction of a Park District Employee or park policeman.
- 4. For any person under the age of 21 years to have in his possession or consume any alcoholic beverages on Park Property.
- 5. To appear on Park Property in a state of nudity or indecent or lewd dress or make any indecent exposure of his person or be guilty of any indecent, obscene or lewd act or behavior.

- 6. To engage in conduct that would constitute disorderly conduct as defined in the ordinances of the City of Fargo.
- 7. To obstruct a Park District Employee or park policeman in the discharge of his duties.
- 8. To throw stones or other missiles against Park Property or vehicles or at any person on Park District property.
- 9. To molest any person on Park Property by hindering or impeding his passage, or by rude, obscene vulgar, indecent or threatening language or behavior.
- 10. To participate in any part or other gathering of people on Park Property giving rise to noise and disturbing the peace of other persons using Park Property.
- 11. To refuse to leave Park Property upon being ordered to do so by any Park District Employee or park policeman after such employee or policeman has determined that a gathering is disturbing the peace or that an individual is violating the Ordinances or regulations of the Park District.
 - 12. To operate a snowmobile or all terrain vehicle on Park Property.
- 13. To use roller skates, roller blades, skateboards and similar devices on Park District property except upon paved walks, trails, roads and parking lots. The use of such devices within 100 feet of any building or structure is prohibited.
- 14. To use golf clubs on Park District property except upon golf courses and golf driving ranges.
 - 15. To violate posted or printed Rules.
- 16. To launch a watercraft from or dock such watercraft upon any Park District property except at locations determined by the Executive Director and posted with signs permitting such use. Docking and launching shall not take place at anytime while the parks are closed. The Executive Director may make appropriate rules for the launching and docking of watercraft on Park District property for the safety of persons and property.

SECTION 9 HOURS OF OPERATION

1. The Executive Director shall, from time to time, determine the hours of operation of parks, swimming pools, golf courses, ball diamonds, skating rinks and other Park District facilities, and shall post and promulgate these hours as they deem appropriate.

2. No person shall enter upon or remain on Park Property during the hours of darkness, except where permitted by posted or printed Rules, except persons authorized to camp overnight on Park Property. The Executive Director may promulgate Rules with respect to overnight camping on Park Property.

SECTION 10 CROWD CONTROL

Any person renting or using Park Property shall be responsible for the maintenance of law and order upon the premises. The Executive Director shall promulgate appropriate Rules for the maintenance of law and order on all Park Properties. The Rules need not be uniform and may vary from place to place having due regard for the nature of the activity and the anticipated size of the gathering. The Executive Director or Park District Employee in charge of the premises on which any activity is conducted shall have authority to suspend or terminate any activity, and/or order the removal of any person from the activity or the area of the activity, if, in their opinion, public safety is endangered or the Ordinances of the Park District are being violated.

SECTION 11 TRAFFIC REGULATIONS

In addition to any applicable Ordinances of the City of Fargo, the following provisions shall govern the use of motor vehicles on Park Property:

- (a) No vehicle shall exceed a speed of 15 miles per hour.
- (b) No vehicle other than a Park District vehicle shall be driven off the paved or graveled surface of the road except that vehicles may be parked no more than 20 feet from the edge of the traveling surface or in areas maintained as parking lots.
- (c) No vehicle other than a bicycle shall be driven upon any recreational trail or in any area where vehicular traffic is prohibited by signing. A recreational trail is any path, paved or unpaved, which is not more than 12 feet wide.

SECTION 12 PERMITS AND FEES

1. No person shall conduct a business for profit on Park Property nor use Park Property or facilities in connection therewith without a permit from the Executive Director. In granting or refusing a permit, the Executive Director shall consider the safety of persons and property, including property of the Park District, the propriety of conducting such business in a public park and such other factors as the Director deems appropriate. The Park District may charge a fee for such use, which shall take into account additional expense to the Park District caused by the conduct of such

business and may require the person conducting such business to procure public liability and property damage insurance with limits specified by the Executive Director naming the Park District as an additional insured.

- 2. The Commissioners shall, from time to time, determine fees to be charged for the use of Park Property and shall determine which Special Functions and which use of Park District facilities shall be by permit only.
- 3. The Executive Director shall issue a permit for the conduct of any Special Function or the use of any facility requiring a permit after the applicant has:
 - (a) paid the required fee;
 - (b) entered into any contract required by the Executive Director;
 - (c) provided proof of any required insurance;
 - (d) agreed to hire sufficient personnel to maintain order;
 - (e) agreed to repair or pay for any damage caused to Park Property;
 - (f) agreed to clean up the premises subsequent to use if required by the Executive Director.
- 4. In addition to any other Special Function or facility used for which a permit may be required, it shall be unlawful for any person to do any of the following acts on Park Property without first receiving a permit from the Executive Director:
 - (a) Hold any public meeting or deliver any public address or participate in any parade or other public demonstration;
 - (b) Use any equipment to amplify or project talking, singing or music;
 - (c) Perform any musical program;

SECTION 13 BEVERAGES

- 1. No intoxicating liquor shall be consumed on Park Property.
- 2. No beer shall be consumed upon Park Property, except as provided by this section. Beer may be consumed on Park Property pursuant to a permit issued by the Executive Director, but only in those areas which have been posted as areas where beer consumption by permit is permitted.

The issuance of beer permits shall be in the discretion of the Executive Director and pursuant to policies and rules approved by the Commissioners for the issuance of such permits.

3. No person shall bring glass bottled beverages upon Park Property.

SECTION 14 USE OF FACILITIES

The following provisions shall apply to all Park Property, including golf courses, swimming pools, ball diamonds, skating rinks and indoor facilities:

- 1. The Executive Director shall promulgate Rules for the conduct of activities conducted on Park Property.
- Any person violating the Park District Ordinances, Park District Rules, or the Fargo Municipal Code may be ordered to leave Park Property and may further be banned or otherwise barred from entering upon or using the Park Property upon which the violation occurred for a period of ninety (90) days. The Fargo Police Department is expressly authorized to enforce this provision. At any time before the expiration of the ninety (90) days, the Executive Director may inform the Fargo Police Department that the ban or bar has been lifted and that person is otherwise allowed on Park Property. Any person who has been banned or otherwise barred from entering upon or using the Park Property, upon which a violation has occurred, may appeal the prohibition to the Executive Director within fourteen (14) days of being banned or barred from Park Property. No person shall receive a refund of fees paid in connection with Park District sponsored activities by reason of such ban or bar.
- 3. Rules promulgated by the Executive Director may be brought to the attention of Park District patrons by signs, tags, season ticket applications, or any other matter reasonably calculated to bring the Rules to the attention of the patron.

SECTION 15 SMOKING

Smoking is prohibited in all buildings owned or controlled by the Park District.

SECTION 16 DOGS AND CATS

Every person having custody or control of any dog, cat or other animal on Park Property shall maintain control of such animal by use of a chain or leash or by confinement within a vehicle or otherwise, and such person shall be equipped to and shall collect the animal's solid waste when eliminated. Any such waste shall be deposited in a refuse container or removed from Park District property.

SECTION 17 DEPOSITS ON PARK DISTRICT PROPERTY

- 1. No person shall deposit snow, earth, construction material or other substance on Park Property without a written permit from the Park District. The permit shall specify the place of deposit and shall identify the substance. The Park District may charge an administrative fee for issuance of the permit, charge a fee for allowing the deposit and may require a security deposit as an indemnity against damage to Park Property. Notwithstanding any permit issued by the Park District, no person shall deposit any material containing salt, sand or other substance which may be harmful to vegetation on Park Property.
- 2. No owner, occupant or user of property abutting Park Property shall cause or allow water from any downspout, sump or similar device to be directly or indirectly deposited on Park Property. Any violation of this provision is declared to be a public nuisance and may be abated by means of any remedy provided by law. Each day such nuisance remains unabated after five (5) days written notice from the Park District to the person causing or allowing the nuisance shall be considered a separate violation.

SECTION 18 EFFECTIVE DATE

This Ordinance shall be in full force and effect three (3) days after the publication thereof.

THE PARK DISTRICT OF THE					
CITY OF FARGO					
CITI	or rinto				
By:					
•	Tom Barr	nhart, President			
	of the Boa	ard of Park			
	Commiss	ioners			
By:					
_ ;	Christoph	er Kennelly, Clerk			
First R	First Reading: September 13, 2005				
Second Reading: January 10, 2006					
Final Reading: March 14, 2006					
Publication: March 20, 2006					

PARK BOARD COMMISSIONER LIFETIME MEMBERSHIP (Gold Card)

The privileges of the gold card:

As a new board member you receive a lifetime pass (referred to as a gold card). This applies to you and your spouse.

For golf, Children (21 or younger) only receive green fees. This is accommodated by using the golf pass cards. As a gold card holder, you receive free green fees, free carts, free range tokens and free guests. Free golf for guests applies only if you are golfing with them. Free golf for guests includes green fees, cart rentals, and range tokens. Spouses cannot extend guest privileges.

For Courts Plus Community Fitness, current/former Fargo Park District board members, spouses, children (children must live in the same household and be 21 or younger) will receive membership privileges, league fees, tournament fees, court fees, specialty classes, etc....at no charge. Not included are private tennis lessons and personal training as they are by commission.

Your gold card is good for free admission to the swimming pools, recreation programs, and shelter rentals at no cost.





M E MO R A N D U M

DATE: January 29, 2025

TO: Fargo Park Board Commissioners

FROM: Susan Faus, Executive Director

RE: Agenda Item # 4 – NDRPA Legislative Update

The NDRPA Public Policy Committee is dedicated to reviewing and developing policies aimed at enhancing the quality of life in North Dakota through the advancement of parks and recreation. During each legislative session, the committee meets weekly to track bills that impact parks and recreation across the state.

The attached information outlines the bills currently being followed by NDRPA and the Public Policy Committee. The highlighted bills represent those identified as high priority for park districts.

If you have any questions or need further clarification before the meeting, please feel free to reach out.

Thank you.

Bill

Date/Time	Number	Bill Title	Committee	Room	Position
MONDAY					
1/20/2025 11:00 AM	SB 2166	Relating to a property tax information portal; to provide a report; and to provide an appropriation.	Senate Finance and Taxation	Fort Totten	MONITOR
WEDNESDAY					
1/22/2025 9:00 AM	SB 2189	Relating to reporting the value of prizes distributed by an organization using a permit to conduct raffles, bingo, sports pools, paddlewheels, twenty one, and poker.	Senate Judiciary	Peace Garden	MONITOR
1/22/2025 10:00 AM	HB 1390	Relating to the determination of state school aid, the primary residence credit, and removal of the homestead and disabled veterans' credit; repeal sections 57 02 08.1, 57 02 08.2, and 57 02 08.8 of the North Dakota Century Code, relating to the homestead credit and disabled veterans' credit; to provide an effective date; and to declare an emergency.	House Finance and Taxation	327E	TRACK
THURSDAY					
1/23/2025 9:00 AM	HB 1256	A BILL for an Act to provide an appropriation to the parks and recreation department for a walking trail recreation grant.	House Energy and Natural Resources	Coteau AB	TRACK
FRIDAY					
1/24/2025 9:00 AM	SB 2180	Relating to the opportunity to provide public comment at a meeting of a public entity.	Senate State and Local Government	216	MONITOR
1/24/2025 9:30 AM	HB 1198	Relating to cooperative purchasing pursuant to a joint powers agreement and authorizing a board of park commissioners to engage in cooperative purchasing.	House Political Subdivisions	327B	SUPPORT
1/24/2025 11:00 AM	HB 1312	Relating to school board and park district member elections; and to repeal sections _ 15.1 09 09, 15.1 09 10, 15.1 09 11, 15.1 09 12, 15.1 09 13, 15.1 09 14, 15.1 09 15, 15.1 09 16, 15.1 09 18, 15.1 09 19, 15.1 09 20, 15.1 09 21, 15.1 09 22, and 15.1 09 24 of the North Dakota Century Code, relating to election procedures in school district elections.	House Political Subdivisions	327B	SUPPORT?

BILL TITLE STATUS NDRPA NOTES POSITION

HB 1019	A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department; and to provide for a transfer.	01/14 H Committee Hearing - 02:00 PM	MONITOR	NDPRD appropriations Doesn't include grant funding for park districts
HB 1026	Relating to changing the administration of the state bonding fund from the insurance commissioner to the office of management and budget; to repeal sections of the North Dakota Century Code relating to the administration of the state bonding fund; and to provide a continuing appropriation.	House Industry, Business and Labor Committee 01/14 H Committee Hearing - 09:00 AM	MONITOR	State Bonding Fund Administration
HB 1027	Relating to changing the administration of the state fire and tornado fund from the insurance commissioner to the office of management and budget; to repeal sections of the North Dakota Century Code relating to the administration of the state fire and tornado fund; and to provide a continuing appropriation.	House Industry, Business and Labor Committee 01/13 H Committee Hearing - 02:00 PM		Fire & Tornado Fund Administration
HB 1113	Relating to payment of administrative expenses for the public employees retirement system deferred compensation plan; and to provide a continuing	House: PASSED, yeas 91 nays 2	MONITOR	Updates to the 457 plan
HB 1121	Relating to the threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement.	House Government and Veterans Affairs Committee 01/13 H Reported back, do not pass, placed on consent calendar 14 0 0 01/09 H Committee Hearing - 01:15 PM	SUPPORT	NDPRD request bill fail
HB 1138	Relating to bonding elections.	House Political Subdivisions Committee 01/16 H Committee Hearing - 09:00 AM		Requires filing with Sec of State 64 days instead of 20 days prior to holding a political subdivision bonding election
HB 1141	Relating to using public services or property for a political purpose.	01/10 H Rereferred to House Industry, Business and Labor		Doesn't allow for public funds to be used for membership to an organization that has supported or opposed a ballot measure within 10 years preceding the date

	retirement system defined contribution retirement plan, employer contribution requirements for the defined benefit and defined contribution retirement plans, and employee eligibility to elect to transfer to the defined contribution retirement plan; and to provide for retroactive application.	Committee 01/17 H Committee Hearing - 09:30 AM		
HB 1159	Relating to requiring vendors to provide physical copies of tickets upon request.	House Industry, Business and Labor Committee 01/15 H Committee Hearing - 08:30 AM	MONITOR	
HB 1165	Relating to election practices and administration; and to repeal sections of the North Dakota Century Code, relating to election notices and municipal voter registration.	House Political Subdivisions Committee 01/17 H Committee Hearing - 09:00 AM	MONITOR	
HB 1168	Relating to limitations on property tax levies by taxing districts except school districts without voter approval; to amend and reenact North Dakota Century Code, relating to required reports, the state school aid funding formula, and school district levy authority; to repeal sections of the North Dakota Century Code, relating to adjustments to state aid payments; and to provide an effective date.	House Finance and Taxation Committee 01/15 H Committee Hearing - 09:00 AM		"Louser" Bill 3% cap for poli subs; can carry unused % succeeding taxable year. Decreases amount schools can levy on residential property by 60 mills and mirrors change in aid formula
HB 1176	Relating to a legacy earnings fund, a legacy property tax relief fund, a primary residence certification, and a limitation on property tax levies without voter approval; to amend and reenact the North Dakota Century Code, relating to funds invested by the state investment board, property tax definitions, the homestead tax credit and renters refund, the primary residence credit, property classifications, notices to property owners, and the property tax statement; to repeal sections of the North Dakota Century Code, relating to legacy fund definitions, the legacy earnings fund, and estimated property tax and budget hearing notices; to provide an appropriation; to provide a transfer; to provide an effective date; to provide an expiration date; and to declare an emergency.	01/14 H Committee Hearing - 09:00 AM		"Nathe" "Governor" Bill 3% cap for poli subs: can carry unused % in 5 succeeding taxable year. Modifies primary residence credit from \$500 to \$1,550 per year utilizing legacy fund earnings

	A BILL for an Act to amend and reenact sections 44-04-18.1 and 54-23.3-07.1 of the North Dakota Century Code, relating to an exemption for information contained in personnel records of public employees and records related to internal investigations by the department of corrections and rehabilitation. Relating to cooperative purchasing pursuant to a joint powers agreement and authorizing a board of park commissioners to engage in cooperative purchasing.	House Judiciary Committee 01/15 H Reported back, do not pass, placed on calendar 8 6 0 01/15 H Committee Hearing - 11:00 AM		Duplicative of current law? NDRPA requested Rep. Warrey author this bill
	A BILL for an Act to provide an appropriation to the parks and recreation department for a walking trail recreation grant. Relating to the prohibition of a policy, order, or ordinance that limits free		MONITOR MONITOR	
HB 1297	speech. Relating to prohibiting approval voting and ranked choice voting in elections; and to amend and reenact North Dakota Century Code relating to home rule powers in counties and cities.		MONITOR	
HB 1306	Relating to fees assessed for open records requests.		MONITOR	
HB 1312	Relating to election procedures in school district elections.		SUPPORT?	Moves park elections from June to November and appointments to December
HB 1353	Relating to limitations on property tax levies by taxing districts without voter approval; and to provide an effective date.			cap on taxes levied in the preceding taxable year by no more than the consumer price index, but not to exceed three percent, with exceptions
HB 1365	Relating to exemption from liability for public and private entities and possession of firearms or dangerous weapons at a publicly owned or operated building; and to amend and reenact North Dakota Century Code, relating to possession of firearms or dangerous weapons at a school or school-sponsored event on school property.		OPPOSE?	

HB 1369	Relating to weighted average daily membership, the determination of state aid, public improvement construction, and school district levies; to provide for a transfer; and to provide an effective date.		SUPPORT	Section 3 Public Improvements Threshold (page 14)
HB 1388	Relating to income tax rates for individuals, estates, and trusts and the marriage penalty credit; to repeal North Dakota Century Code, relating to the marriage penalty credit; and to provide an effective date.		MONITOR	
HB 1389	Relating to the exemption of infrastructure fees from levy limitations.		MONITOR	
HB 1390	Relating to the determination of state school aid, the primary residence credit, and removal of the homestead and disabled veterans' credit; to repeal the North Dakota Century Code, relating to the homestead credit and disabled veterans' credit; to provide an effective date; and to declare an emergency.		TRACK	
HB 1408	Relating to annually reconvened sessions of the legislative assembly; and to provide an effective date.		TRACK	
HB 1435	Relating to a legacy earnings fund; to amend and reenact North Dakota Century Code relating to funds invested by the state investment board; to repeal sections of the North Dakota Century Code relating to legacy fund definitions and a legacy earnings fund; to provide an effective date; and to declare an emergency.		MONITOR	
HB 1445	Relating to the definition of a pre-engineered structure and the threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement.		SUPPORT	
SB 2035	Relating to the definitions of an educational organization and public spirited organization, and raffles; and to provide for application.	Senate Judiciary Committee 01/14 S Reported back, do pass, place on calendar 5 2 0 01/15 S Laid over one legislative day 01/13 S Committee Hearing	MONITOR	
SB 2045	Relating to contents of advertisement for public improvement projects.	Senate Energy and Natural Resources Committee 01/16 S Committee Hearing - 09:45 AM	MONITOR	
SB 2069	Relating to publication requirements.	Senate State and Local Government Committee 01/09 S Committee Hearing - 11:30 AM	MONITOR	Would require published notices also be published with Sec. of State's Office

SB 2086	Relating to pesticide certification standards; and to amend and reenact sections of North Dakota Century Code, relating to pesticide control.	Senate: PASSED	MONITOR
SB 2094	Relating to the workers' compensation disability benefits and retirement presumption; to repeal sections of the North Dakota Century Code relating to workers' compensation additional benefits payable; and to provide for application.	Senate Industry and Business Committee 01/15 S Committee Hearing - 02:00 PM	MONITOR
SB 2097	, , , , , , , , , , , , , , , , , , , ,	Senate Agriculture and Veterans Affairs Committee 01/17 S Committee Hearing - 09:00 AM	MONITOR
SB 2141	permit.	Senate Energy and Natural Resources Committee 01/16 S Committee Hearing - 11:00 AM	MONITOR
SB 2166	Relating to a property tax information portal; to provide a report; and to provide		MONITOR
SB 2180	Relating to the opportunity to provide public comment at a meeting of a public entity.		MONITOR
SB 2189	Relating to reporting the value of prizes distributed by an organization using a permit to conduct raffles, bingo, sports pools, paddlewheels, twenty-one, and poker.		MONITOR