

**CERTIFICATE OF THE PROPOSED CHARTER**

**OF**

**THE CITY OF DILLON**

**PREAMBLE**

**WE, THE PEOPLE OF THE CITY OF DILLON, MONTANA**, in accordance with Article XI, Section 5 of the Montana Constitution, in order to modernize our form of local government, increase its efficiency and to provide for local self determination, do hereby adopt this Charter.

**ARTICLE I  
POWERS OF THE CITY**

**Section 1.01 Powers of the City of Dillon**

The City of Dillon shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

**Section 1.02 Interpretation of Powers**

The powers and authority of this self-governing city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

**Section 1.03 Restrictions**

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

2. No change in any city license fee, user fee, permit fee or utility charge shall be made without a prior public hearing or hearings as prescribed by law.

**Section 1.04 Charter Supremacy**

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

## **ARTICLE II LEGISLATIVE BRANCH**

### **Section 2.01 Legislative Branch**

The legislative branch shall consist of the city council which shall be the governing body of the city.

### **Section 2.02 Composition**

The City of Dillon shall have a city council of eight (8) members, two (2) of whom shall be elected from each of four (4) districts.

### **Section 2.03 Qualifications for Office**

Every resident of the City of Dillon who is 18 years of age or older and a citizen of Montana is eligible to hold the office of council member for the district in which he or she resides.

### **Section 2.04 Term of Office**

Members of the council shall be elected for four (4) year overlapping terms of office.

### **Section 2.05 Election**

Local government elections shall be conducted on a partisan or nonpartisan basis (to be determined by the voters at the November 5, special election). Council members shall be elected by districts in which candidates must reside and which are apportioned by population. One council member from each district shall be elected every two years. ?

### **Section 2.06 Apportionment of Districts**

Following each federal decennial census, the city council shall cause the city to be divided into four (4) districts, as compact and equal in population as possible.

### **Section 2.07 President of the Council**

The council shall have a president who shall be elected by the members of the council from their own number for a term established by ordinance. The president of the council shall preside when the mayor is absent, and may only vote as other members of the council.

### **Section 2.08 Vacancy in Office**

The office of council member becomes vacant as prescribed by law.

**Section 2.09 Removal from Office**

A council member may be removed from office by a finding, adopted by the affirmative vote of five (5) council members that the office has become vacant as prescribed by law, or by the recall of the council member by the electors of Dillon as prescribed by law.

**Section 2.10 Filling Vacancy on Council**

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of five (5) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

**Section 2.11 Powers and Duties**

1. The council shall be the legislative and policy determining body of the City of Dillon. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

2. Neither the council, nor council members shall in any manner dictate the appointment or removal of any city officers or employees whom the mayor or any subordinates are empowered to appoint.

3. Except for the purpose of inquiry or investigation under this title, the council or its members shall deal with the local government employees who are subject to the direction and supervision of the mayor solely through the mayor, and neither the council nor its members may give orders to any such employee, either publicly or privately.

**Section 2.12 Council Appointments**

The president of council shall nominate council members to committees of council with the advice and consent of the council.

**Section 2.13 Restrictions on Council**

Except where authorized by law, no council member shall hold any other city office or city employment for compensation.

**Section 2.14 Legislative Action**

1. The affirmative vote of four (4) council members shall be required for all official actions

of the council. A minimum of five (5) council members must be present when official actions are taken by the council.

2. The council may override the mayor's veto with the affirmative vote of six (6) council members.

### **Section 2.15 Procedure**

The council shall establish by resolution its rules of procedure and time and place of meetings.

### **Section 2.16 Compensation**

The compensation of council members shall be set annually by the city council.

## **ARTICLE III EXECUTIVE BRANCH**

### **Section 3.01 The Mayor**

The mayor shall be the chief executive officer of the city.

### **Section 3.02 Qualifications for Office**

Every resident of the City of Dillon who is 21 years of age or older and a citizen of Montana for at least three years and a resident of Dillon for at least two years preceding the election to office is eligible to hold the office of mayor.

### **Section 3.03 Term of Office**

The mayor shall be elected for a four (4) year term of office.

### **Section 3.04 Election**

The mayor shall be nominated and elected at-large on a partisan or nonpartisan basis (to be determined by the voters at the November 5, 1996 special election).

### **Section 3.05 Vacancy in Office**

The office of mayor becomes vacant as prescribed by law.

### **Section 3.06 Removal from Office**

The mayor may be removed from office by a finding, adopted by the affirmative vote of five (5) council members that the office has become vacant as prescribed by law, or by the recall

of the mayor by the electors of Dillon as prescribed by law.

### **Section 3.07 Filling Vacancy of Mayor**

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of five (5) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

### **Section 3.08 Powers and Duties**

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform duties required of him by law, Charter, ordinance or resolution;
3. administer affairs of city government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. prepare the council agenda, preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

### **Section 3.09 Administrative Duties**

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint and remove with the consent of the council, all department heads and appoint and remove all other employees in consultation with the appropriate department head.
4. exercise control and supervision of all departments and boards to the degree authorized by ordinance.

### **Section 3.10 Legislative Authority**

1. The mayor shall decide all tie votes of the council, but shall have no other vote.

2. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of six (6) council members.

**Section 3.11 Compensation**

The compensation of the mayor shall be set annually by the city council.

**ARTICLE IV  
JUDICIAL BRANCH**

**Section 4.01 City Court**

There shall be a city court as provided by law.

**ARTICLE V  
DEPARTMENT STRUCTURE**

**Section 5.01 Organization of Departments**

The organization of city departments shall be prescribed by ordinance.

**Section 5.02 Administrative Plan**

The complete plan of organization and structure of the city government which shall include department organization, the nature and scope of responsibilities of each department, and all required rules and procedures for department operation and the procedures regarding boards, commissions or any other government activities shall be prescribed by ordinance.

**Section 5.03 Personnel Management System**

A city personnel management system shall be established which shall include a salary schedule, provisions for vacations, sick leaves, insurance and other employee benefits, procedures for employees to be heard upon their request pending discharge, suspension, or any disciplinary action, and which establishes such other procedures as are appropriate for the conduct of an efficient personnel management system.

**ARTICLE VI  
GENERAL PROVISIONS**

**Section 6.01 Amendment of Charter**

This Charter may be amended only as prescribed by state law.

### **Section 6.02 Effective Date**

This Charter shall become effective on July 1, 1997.

### **Section 6.03 Oath of Office**

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

### **Section 6.04 Recall**

The elected officers of city government may be recalled by the qualified electors of Dillon as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

### **Section 6.05 Public Participation in Government**

1. All meetings of the city council must be open unless otherwise provided by law.
2. Citizens are entitled to inspect and copy public writings of the City of Dillon as provided by law.

### **Section 6.06 Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE VII TRANSITION PROVISIONS**

### **Section 7.01 General Transition**

Transition to this charter form of government shall be as prescribed by law. The Dillon Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after July 1, 1998. The language regarding the sub-optional choice in Sections 2.05 and 3.04 may be removed following the July 1, 1997 effective date.

### **Section 7.02 Continuation in Office**

No city employee or elected official currently holding a city office shall lose employment

or elected position solely because of the adoption of this Charter . Existing elected officials may continue in office until the end of the term for which they were elected.

**Section 7.03 Development of Management Plans**

The mayor shall submit to the council for review and adoption an administrative plan and a personnel management system for the city as required by Article V by July 1, 1998.

**Section 7.03 Financial Obligations**

Financial obligations of the City of Dillon shall not be altered as the result of the adoption of this Charter.

**Section 7.04 Review of Existing Ordinances**

All city ordinances, resolutions and rules of the City of Dillon shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than July 1, 1998.

We, the Study Commission of the City of Dillon do hereby certify that this is the proposed plan of government approved by the Study Commission of the City of Dillon.

SEAL

In testimony whereof, we set our hands.

Done at Dillon, Montana this \_\_\_\_ day of August, 1996.

ATTEST: \_\_\_\_\_  
Faye Jones, Dillon City Clerk

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Keith Reeder, Chair.

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Martin Malesich

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Cindy Eccleston