

WE, the People of Red Lodge . . .

A PROPOSAL TO ADOPT A MUNICIPAL SELF-GOVERNMENT CHARTER

for the

City of Red Lodge, Montana

***To be submitted to the Voters of Red Lodge for their consideration and decision
at a regularly scheduled election to be conducted on November 5, 2002 pursuant
to law and Red Lodge City Ordinance Number 852.***

Contents

- Message from the Red Lodge Mayor and City Council.
- Proposed Red Lodge City Charter
- Present Plan of Red Lodge City Government
- Map of Red Lodge City Council Districts (Wards).
- Comparison of the Proposed and Existing Forms of Government.

(All of these materials are also available on our web site at www.redlodge.com)

● **A MESSAGE FROM THE RED LODGE MAYOR AND CITY COUNCIL** ●

Dear Red Lodge Citizens,

The Mayor and the members of the City Council are unanimous in proposing the attached city charter to the Voters of Red Lodge for your consideration.

We unanimously agree that the advantages of adopting a self-government charter include:

- *Clarification of the roles and responsibilities of the mayor and council.*
- *Specific limits on the taxing powers of city government.*
- *Required public hearings before any increase in city fees.*
- *Continuation of self-government powers for the City of Red Lodge.*

After careful consideration we have also concluded that the adoption of a city charter by the Voters poses no disadvantages for the citizens, taxpayers and residents of Red Lodge. A comparison of the important characteristics of the existing and proposed plans of government is included for your consideration on the back cover.

We urge all Red Lodge Voters to study the proposed charter included on pages 1 - 5 and to discuss its provisions with your Alderman or with the Mayor. If you have any questions, please don't be reluctant to contact any or all of your city officials.

Please vote on November 5.

Sincerely,

Brian Roat, Mayor

Dr. Richard Gessling, President , Ward 3

Doug Carpenter, Ward 3

Anne Rood, Ward 2

Charlie Brandine, Ward 2

Al Miller, Ward 1

Tera Reynolds, Ward 1

● **PROPOSED PLAN OF GOVERNMENT** ●

CHARTER OF THE CITY OF RED LODGE, CARBON COUNTY, MONTANA

PREAMBLE

WE, THE PEOPLE OF THE CITY OF RED LODGE, COUNTY OF CARBON, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City

The City of Red Lodge 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-government 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 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 prior public hearings, as prescribed by law.

Section 1.04 Charter Supremacy

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

Section 1.05 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.

ARTICLE II CITY COUNCIL

Section 2.01 Legislative Branch

The legislative branch and governing body shall be the city council.

Section 2.02 Composition

1. The City of Red Lodge shall have a city council of six (6) members, three of whom shall be elected every two years.
2. The compensation of council members shall be set annually by ordinance.

Section 2.03 Powers and Duties

The council shall be the legislative and policy determining body of the city. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the entire council.

Section 2.04 Term of Office

Members of the council shall be elected for two (2) year overlapping terms of office.

Section 2.05 Election

The election of council members shall be conducted on a non-partisan basis. There shall be three wards apportioned by population following every federal decennial census, each of which shall be represented by two council members. Candidates for the city council must reside in the ward they seek to represent at the time of their election and during their entire term of office. One council member from each of the three wards shall be elected every two years.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by resolution. The chairman of the council shall preside when the mayor is absent.

Section 2.07 Council Procedures

The council shall, by resolution adopt its own rules of procedure. A quorum of the council shall consist of four (4) council members physically present at a meeting of the council. No resolution or ordinance may be adopted without the affirmative vote of at least four (4) council members.

ARTICLE III MAYOR

Section 3.01 The Executive Branch

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

Section 3.02 Term of Office

The mayor shall be elected for a two year term of office.

Section 3.03 Election

The mayor, who must reside within the city limits, shall be nominated and elected at large on a non-partisan basis.

Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, charter, ordinance or resolution;
3. administer affairs of the local 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. chair 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 consent of the council temporary committees established by the mayor.

Section 3.05 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 him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of a majority of the council all department heads and may remove department heads without the consent of the council and appoint and remove all other city employees;
4. Exercise control and supervision of all departments and boards to the degree authorized by resolution of the council.

Section 3.06 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the entire council.

Section 3.07 Compensation

The compensation of the mayor shall be set by ordinance.

Section 3.08 Absence of Mayor

The mayor must receive the consent of the council for an absence from the city for ten (10) or more consecutive days.

Section 3.09 Grounds for Removal

The mayor may be removed from office by a finding of a majority of the entire council that, pursuant to law, there is a vacancy in the office of mayor.

Section 3.10 City Attorney

There shall be a legal officer of the city, appointed by the mayor, with the approval of the council, who shall serve as chief legal advisor to the council, the mayor, and all city departments, offices, and agencies. The chief legal advisor shall represent the city in all legal proceedings unless otherwise determined by the council, and shall perform any other duties prescribed by ordinance. The chief legal officer, who may be called the city attorney, shall have the status of a department head, except that he or she may not be removed or suspended by the mayor without the consent of the council.

ARTICLE IV JUDICIAL

Section 4.01 City Court

There shall be a city court and a city judge as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

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, 2003.

Section 6.03 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any person holding the same office, except the term shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a qualified person within 30 days of the vacancy to hold the office until the successor is elected and qualified. A person appointed to fill a vacant council position must reside in the ward wherein the vacancy occurred.

Section 6.04 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 state law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after July 1, 2004.

Section 7.02 City Employee

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Red Lodge 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, 2004.

● PRESENT PLAN OF GOVERNMENT ●

If retained by the voters, the government of Red Lodge shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

- | | |
|-----------------|-----------------|
| (a) 7-3-201; | (i) 7-3-217(3); |
| (b) 7-3-202(2); | (j) 7-3-218(2); |
| (c) 7-3-203; | (k) 7-3-219(2); |
| (d) 7-3-212(2); | (l) 7-3-220(1); |
| (e) 7-3-213(3); | (m) 7-3-221(3); |
| (f) 7-3-214(2); | (n) 7-3-222(2); |
| (g) 7-3-215(2) | (o) 7-3-223(2). |
| (h) 7-3-216(2); | (p) 7-3-224 |

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202 (2). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing self-government powers.

7-3-203. Duties of the executive. The executive shall:

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

(Note: 7-3-204 through 7-3-210 reserved)

7-3-212 (2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213 (3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove departments heads and may appoint and remove all other department employees.

7-3-214 (2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215 (2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216 (2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217 (3). Financial officer. A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-218 (2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219 (2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220 (1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221 (3). Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223 (2). Size of commission and community councils. The size of the commission shall be six (6), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be two (2) years.

● **Red Lodge City Council Districts (Wards)** ●

(To be effective January 1, 2003)

Council districts (wards) are described by "census block" with population and deviation from the ideal population as shown. See the attached map and narrative description of the boundaries of the city council districts.

<u>WARDS</u>	<u>IDEAL POPULATION</u>	<u>2000 POPULATION</u>	<u>% DEVIATION FROM IDEAL POPULATION</u>
1	726	705	- 2.89 %
2	726	761	4.82 %
3	725	711	-1.93 %
TOTALS	2,177	2,177	0 %

Notes:

1. The ideal population is calculated by dividing the total 2000 population of the City of Red Lodge by the number of council districts ($2,177/3 = 726$)

2. The 2000 population is derived from the Bureau of The Census 2000 TIGER and P.L. 94-171 Digital Data Files.

Ward No. 1:

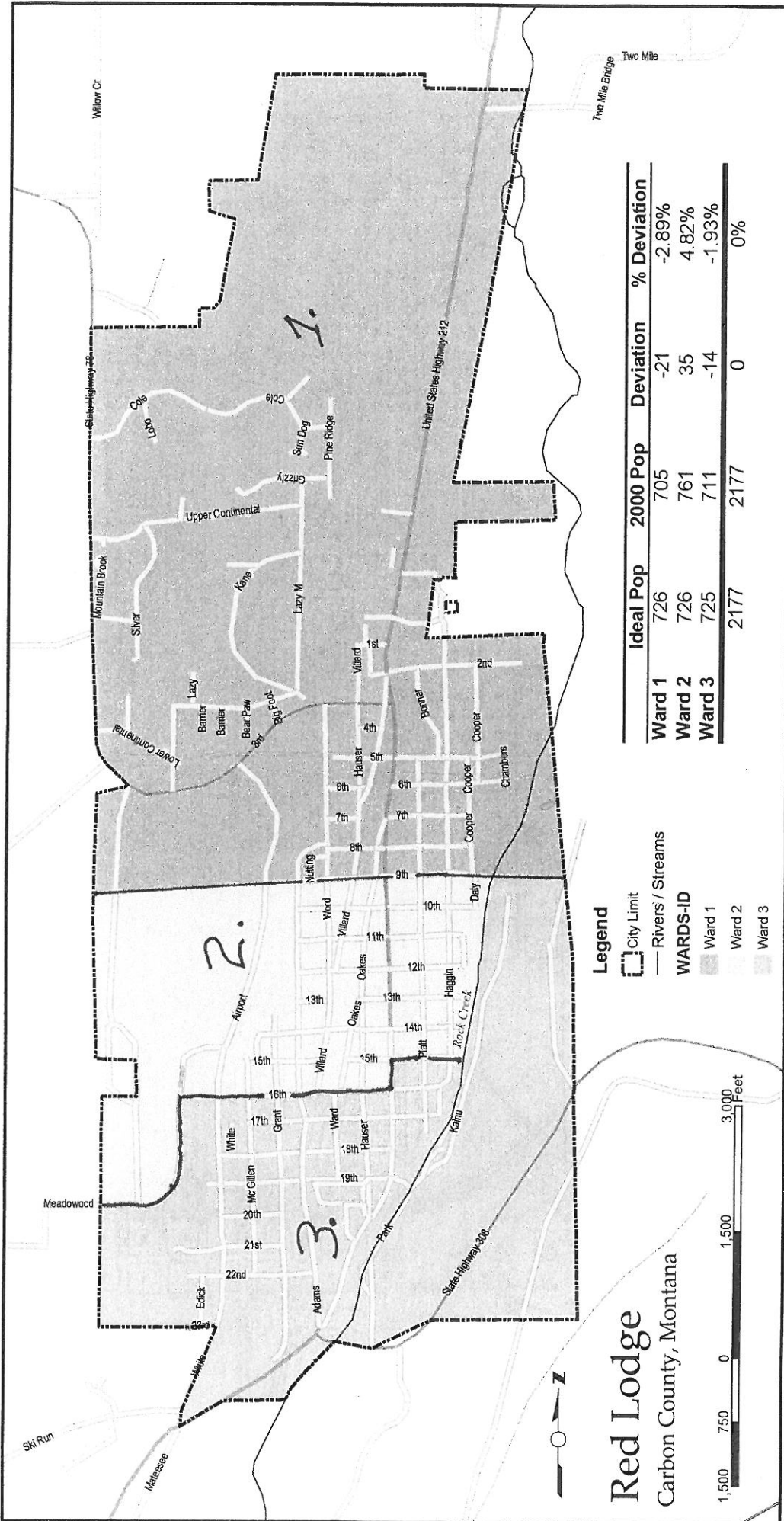
Beginning at the intersection of the northern and western boundaries of the City of Red Lodge and continuing southward along the western boundary to a point of interception formed by a straight line extending westward from 9th Street to the western city boundary; Thence, eastward along 9th Street to a point of interception formed by a straight line extending eastward from 9th Street to the eastern city boundary; Thence, northward along the eastern city boundary to its intersection with the northern city boundary and continuing westerly along the northern city boundary to the point of beginning.

Ward No. 2:

Beginning at a point of interception formed by a straight line extending eastward from 9th Street to the west side of Rock Creek; Thence, westward along 9th Street to a point of interception formed by a straight line extending from 9th Street to the western boundary of the City; Thence, southward along the western city boundary to the intersection with Meadowood Street; Thence, easterly and northerly along Meadowood Street to a point of interception formed by a straight line extending from Meadowood Street to 16th Street; Thence, eastward along 16th Street to its intersection with U.S. Highway 212; Thence, northward along U.S. Highway 212 to its intersection with 15th Street; Thence, eastward along 15th Street to a point of interception of a straight line extending eastward from 15th Street to the west side of Rock Creek; Thence, northerly along the west side of Rock Creek to the point of beginning.

Ward No. 3:

Beginning at the intersection of the western and southern boundaries of the City of Red Lodge and continuing eastward along the southern city boundary to the intersection of the southern and eastern city boundaries; Thence, northward along the eastern city boundary to a point of interception of a straight line extending eastward from 9th Street to the eastern city boundary; Thence, westward to its intersection with the east side of Rock Creek; Thence, southward along the east side of Rock Creek to a point of interception of a line extending eastward from 15th Street to the east side Rock Creek; Thence, westward along the southern boundary of Ward No. 2 to its intersection with the western city boundary and continuing southward along the western city boundary to the point of beginning.



**CITY OF RED LODGE
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE MAYOR-COUNCIL PLAN OF GOVERNMENT
WITH THE CHARTER FORM OF THE MAYOR-COUNCIL PLAN OF GOVERNMENT
2002**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	CHARTER Elected council performs policy making functions. Elected mayor administers government with the advice and consent of council.	No change in the form of government, but the charter clarifies the governing roles of the mayor and council.
POWERS	Self-government powers	Self-government powers	No change except the charter limits the city's taxing authority to that of a general powers government and requires public hearings be held for any increase in fees and utility rates.
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council and mayor responsible for all legislative, executive and administrative functions.	No change.
Size	6 council members elected from districts in non-partisan elections.	6 council members elected from districts in non-partisan elections.	No change in number on council or method of election.
Term	Two year overlapping terms.	Two year overlapping terms.	No change.
Presiding Officer	Mayor	Mayor	No change.
CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER	The elected mayor administers the government on a part time basis.	The elected mayor administers the government on a part time basis.	No change.
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	No change.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads and members of boards and commissions with the consent of the council.	No change.
Budget Preparation	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.	No change.