

CHARTER OF JUDITH GAP

Preamble

This Charter and all amendments hereto shall constitute the form of government for the Town of Judith Gap. Among the purpose of this charter are; to establish the Town Meeting Over-ride of the Mayor-Council form of government; to secure all possible municipal home rule; to provide municipal services and facilities with the highest degree of efficiency and economy; and to provide for the health, safety and well-being of its citizens.

ARTICLE II. Section

1.01

General Provisions

Judith Gap shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, the Constitution of the United States, or this Charter.

1.02

Judith Gap's self-government powers shall be liberally construed. Every reasonable doubt as to the existence of a power or authority shall be resolved in favor of the existence of that power or authority.

1.03

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.

1.04

The people of Judith Gap retain the right to amend provisions of this Charter as provided in state law. A proposal for Charter amendment shall be presented to the voters for approval or rejection as the sole ballot issue.

1.05

The municipal corporation now known as the "Town of Judith Gap" shall continue to be a municipal corporation under the same name and with the actual boundaries of the municipality at the time this Charter takes effect and as lawfully changed thereafter.

1.06

All self-government powers of the Town of Judith Gap belong to the people of Judith Gap. The powers shall be exercised by their elected representatives on the Council and by the Primary Town Meeting and any Special Town Meetings.

1.07

Existing Obligations

Any bond, debt, contract, obligation, or cause of action already accrued or established by the Town of Judith Gap shall be unaffected by this Charter.

Article I. General Provisions cont.

1.08

Power Limitations

- A. The Council may impose no new form of taxation without approval by the Primary Town Meeting.
- B. The Council may impose no all-purpose mill levy on real and personal property in excess of the limits allowed to towns with general government powers without approval of the Primary Town Meeting.
- C. The Council shall not obligate the town government to match funds with any other level of government without the express approval of the Primary Town Meeting. This shall not be a restriction on any agreement between the Town of Judith Gap and Wheatland County for the provisions or exchange of services.

1.09

Oath of Office

Before entering upon official duty, all elected officials shall take and subscribe to the oath of office as follows:
"I, _____ do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States, the Constitution of the State of Montana, and the Judith Gap Charter, and I will faithfully and honorably discharge the duties of my office."

ARTICLE II.

The Town Meetings

Section

2.01

Town Meetings

The Primary Town Meeting and any Special Town Meetings shall consist of an assembly of the qualified electors of Judith Gap, each of whom has one vote at any Town Meeting. The Mayor shall be the moderator at all town meetings.

- A. The Primary Town Meeting shall convene each year on the first Tuesday in March.
- B. A quorum of the Primary Town Meeting shall consist of at least ten percent (10%) of the qualified electors of the Town.
 1. A quorum of any Special Town Meetings shall consist of at least fifteen percent (15%) of the qualified electors of the Town.
 2. In the event that a quorum can not be assembled, no meeting can be held.
 3. In the event that a quorum can not be assembled, the mayor and the Council may take the absence of a quorum to imply consent to any proposals that they submitted on the agenda.

Article II. The Town Meetings cont.

D. Special Town Meetings may be called by:

1. The Mayor;
2. A majority of the Council; or
3. Fifteen percent (15%) of the qualified electors petitioning the mayor or the town clerk.

Section
2.02

Powers of Town Meetings

- A. A town Meeting may review the annual town budget, the existing town ordinances and
 1. by majority resolution accept the budget and ordinances,
 2. require the Town Council to modify the budget and ordinances, or
 3. require the Town Council to repeal the ordinances.
4. If the Town Meeting does not choose to take action on an ordinance, that ordinance shall stand as is. Each ordinance must be voted on separately, but the Town Meeting need not consider every ordinance.
- B. A Town Meeting resolution that is binding on the ~~Council~~ Council must be adopted by a majority of the qualified electors present and voting, after time for discussion has been allowed. A resolution is that decision agreed to by a majority of the qualified electors present and voting.
- C. Town Meeting resolutions proposing ordinances, ordinance changes, and budgetary changes are binding on the Town Council. The Council shall enact ordinances which embody both the spirit and the intent of Town Meeting resolution.
- D. The Council shall be bound by the resolution of a Town Meeting for a period of one ~~1/2~~ (1) year, or until another Town Meeting alters the resolution.
- E. Any member of the Town Meeting may initiate from the floor a procedural motion.
- F. Town Meeting procedures shall be adopted by the Town Meeting other than those prescribed by this Charter.

Artical II. The Town Meetings

Section
2.03

Town Meeting Agenda

A. The Primary Town Meeting agenda shall include the following items in the following order:

1. The Mayor shall present the following at each Primary Town Meeting:
 - a. a summary of the preliminary annual budget, which shall be placed in a prominent public place two(2) weeks prior to the Primary Town Meeting;
 - b. an explanation of any increases or any decreases in budgetary allotments from the preceding year;
 - c. an outline for discussion for each proposal to use town funds on a matching basis with either the state or federal governments or their agencies;
 - d. any proposals that would change the structure of the town government's permanent boards, commissions, or committees.
 - e. any business proposed by the Mayor or a majority of the council;
 - f. any petition presented by at least ten percent (10%) of the qualified voters.
2. Any business concerning the use of town funds;
3. Any Business proposed by any qualified elector from the floor of the Town Meeting, except business dealing with town funds, which must be discussed as the first(1st) item on the agenda.

B. The Special Town Meeting agenda shall include the following items:

1. The agenda will be set by the person or persons responsible for calling the special meeting. Other items of business introduced from the floor may be considered by the Special Town Meeting at the discretion of the Mayor.
2. The mayor shall post notice of the agenda of each Special Town Meeting one (1) week prior to the Town Meeting in a prominent public place. This notice shall contain all fixed agenda items, and shall also advise voters that additional agenda items may be introduced from the floor of the Special Town Meeting.
3. Business dealing with finance and taxation shall be clearly labeled in the agenda, and shall be the first order of business.

Article III. The Mayor and Town Council

Section
3.01

Form of Government

Judith Gap's Form of government shall consist of an elected Council of ~~two~~ four (4) members and a Mayor.

- A. Elections shall be conducted on a nonpartisan basis, as provided by Montana law.
- B. The Mayor and Council Members shall be nominated and elected at-large.

3.02

Duties of the Mayor

The Mayor shall be a resident and qualified elector of the Town of Judith Gap, and shall:

- A. serve a two(2) year term;
- B. enforce laws, ordinances, and resolutions;
- C. perform duties required of the Mayor by state law, ordinance, or resolution;
- D. administer affairs of the local government;
- E. carry out policies established by the Council and the Town Meetings;
- F. recommend measures to the Council and or the Town Meetings;
- G. report to the Council and Town Meetings on the affairs and financial ~~condition~~/condition of the local government;
- H. execute bonds, notes, contracts, and written obligations of the town government, subject to the approval of the Council and Town Meeting;
- I. serve as moderator at all Town Meetings, and Council meetings and may take part in discussions;
- J. report to the Council and Town Meetings as they may require;
- K. execute the budget adopted by the town meeting and town council;
- L. 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;
- M. present a summary of the annual Town budget to the Primary Town Meeting;
- N. possess only a tie-breaking vote on the Council;

3.02 Duties of Mayor cont.

- O. present an explanation of any use made of emergency budgetary adjustment powers by the Council in the interim between Town Meetings . The Town Meeting shall
 1. vote to continue the emergency action;
 2. modify the emergency action;
 3. repeal the action; or
 4. agree upon a different method to gain the necessary results.

3.03

Discretionary Powers of the Mayor

The Mayor may;

- A. appoint one or more administrative assistants if the majority of the Council determines that the administrative business of the Town requires it. Such administrative assistants shall be answerable solely to the mayor, and their employment shall cease upon the expiration of the mayor's term of office;
- B. appoint, with the consent of a majority of the Council all department heads. The mayor may remove department heads;
- C. veto ordinances and resolutions of the Council, subject to override by three (3) members of the Council or by a resolution of the Town Meeting;
- D. exercise control and supervision of all departments and boards to the degree authorized by ordinance of the Council;
- E. prepare the budget in consultation with the Council and department heads;
- F. initiate, at any time, a Special Town Meeting.

3.04

The Town Council

The Town Council shall consist of four(4) council members who shall be known as aldermen, and whom are residents and qualified electors of the Town of Judith Gap,

The Town Council shall:

- A. be elected for overlapping terms of two(2) years;
- B. have ordinance-making power;
- C. shall elect from among their own number a chairman, who shall be the presiding officer at all Council meetings, and who shall be the executive officer of the Town in the event that the ~~Mayor~~ Mayor is absent, ill or incapacitated. In the event that the chairman of the Council must assume the duties of the Mayor, the chairman will have no vote on the Council while functioning as the executive officer.

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Article III. The Mayor and Town Council Cont.

- 3.05 The activities of the Town government shall be distributed among such departments and agencies as are established by ordinance of the Council.
- 3.06 The salaries and reimbursement for expenses of all elected and appointed officials shall be established by ordinance of the Council.
- 3.07 All elected offices shall become vacant upon the death, resignation, removal from office in any manner authorized by law, or forfeiture of office:
 - A. an elected official shall forfeit office if he:
 1. Loses his eligibility for election to the position;
 2. Violates any express prohibition of this Charter;
 3. is convicted of a felony;
 4. is found by the Town Meeting to have used his office for private enrichment or enrichment of his immediate family, or
 5. is convicted of having been party to a bribe, of fraud, or of conspiracy to commit fraud.
 - B. an elected official shall be suspended from office by a Town Meeting while under indictment for a felony if a Town Meeting determines that the ability to perform official duties is impaired.
- 3.08 In the event of vacancy in any elected office, the Council, shall, by a majority vote, appoint a person eligible to hold such office until the next regular Town election, at which time the remainder of the term shall be filled as provided by law.

Article IV: Miscellaneous Provisions

Section

4.01 Effective Date
This Charter shall become effective on May 2, 1977

4.02 Separability
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.

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Article V. Municipal Provisions

Section

5.01

General Transition

Transition to the 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, 1978.

5.02

Continuation of Employment

All town employees shall continue in the performance of their duties. Adoption of this Charter shall not affect the status of present Town employees.

5.03

First Town Meeting

The first Town Meeting will be held on the first Tuesday of March, 1978. The Mayor will select the time of day and place for the first meeting and be the moderator until a new Mayor is elected.

5.04

Terms of Aldermen

The first meeting of the Town Council four aldermen shall draw lots to establish their respective terms of office, two, two year terms, and holders of two one year terms in order to establish overlapping terms of office. Two aldermen shall serve initial terms of two years and two aldermen shall serve initial terms of one year. This procedure will establish overlapping terms.