

CERTIFICATE
ESTABLISHING THE PROPOSED CHARTER OF GOVERNMENT
FOR
THE CITY OF WOLF POINT
IN ROOSEVELT COUNTY, MONTANA

Upon approval of the majority of voters the City of Wolf Point, of Roosevelt County shall be organized under the following provisions of Section 47A-3-208 R.C.M. 1947.

CHARTER OF THE CITY OF WOLF POINT

PREAMBLE

WE, THE PEOPLE of Wolf Point, Roosevelt County, State of Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, do adopt this Charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers of the City

Wolf Point 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 unit 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 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.

Section 1.04 Intergovernmental Cooperation

As provided by Article XI, Section 7 of the Constitution of Montana, Wolf Point unless prohibited by law or this charter, may

- (a) cooperate in the exercise of any function, powers or responsibility with,
- (b) share the services of any officer or facilities with,
- (c) transfer or delegate any function, power, responsibility or duty of any officer to one or more other local government units, school districts, county, the state or the United States .

Section 1.05 Oath of Office

Before entering upon the duties of office, all elected City Officials shall take and subscribe the Oath of Office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II
CITY COUNCIL

Section 2.01

Composition, terms, election, qualifications, compensation, removal, filling of vacancies.

- (1) There shall be a Council of Wolf Point composed of six (6) members. Three of whom shall be elected every two years.
- (2) Members of the Council shall be elected for terms of four (4) years.
- (3) Elections for the Council shall be non-partisan.
- (4) As provided in Article V of this Charter four (4) council members shall be nominated and elected by ward and two (2) council members shall be elected at large. Nominees for council members elected by ward shall reside in such ward. Nominees elected at large shall reside within the City. All nominees shall be registered voters.
- (5) By ordinance adopted at least six (6) months prior to the next City general election, the Council may determine the annual salary of its members. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office, or the council may establish per diem and mileage allowances in lieu of such expenses.
- (6) (a) The Office of council member and/or mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.
(b) A Council member and/or Mayor shall forfeit their office if he:
 - (i) loses his eligibility for election to his position;
 - (ii) violates any express prohibition of this charter;
 - (iii) is convicted of a felony or other offense involving moral turpitude; or,
 - (iv) without council approval, fails to attend two consecutive regularly scheduled council meetings or absents himself from the City continuously for thirty (30) days without consent of council.
- (7) In the event of vacancy, the Council shall by majority vote of the remaining members, appoint a person, eligible to hold such council seat, to fill the vacancy until the next regular city election at which time the remainder of the terms shall be filled as provided by law.

- (8) The Council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.
- (9) The council shall elect from its members a president who shall serve at its pleasure. It at any meeting the mayor is not present, or is unable to act, the president shall preside at the meeting.

Section 2.02 Powers of City Council

The City Council shall be the legislative and policy determining body of the City. Except as otherwise provided by this charter, the council shall have all powers of the City.

(1) The Council shall not without voter approval, levy more tax than comparable cities under general government powers.

(2) Electorate shall control by vote, the levying of new taxes.

Section 2.03 Restriction on the City Council

(1) Neither the Council nor any of its members may dictate the appointment or removal of any employee whom the mayor or any of his subordinates are empowered to appoint.

(2) Except for the purpose of inquiry or investigation under this charter or the code of local government, the council or its members shall deal with the local government employees who are subject to the direction and the 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 2.04 Council Procedure, Public Participation

(1) Council procedure shall be as prescribed by state law.

(2) The Council shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings.

(3) All meetings shall be open to the public except in such circumstances as are prescribed in state law.

(4) All documents and records of the Council shall be public records and shall be made available for examining or copying.

ARTICLE III

MAYOR

Section 3.01 Qualifications, term, election, compensation, removal, filling of vacancies

(1) The mayor shall:

- (a) Be elected at large by the City electorate for a term of two (2) years. The Council shall fix his compensation.
- (b) Be a resident within the City at the time of his election. He shall be a registered voter.
- (c) Have the same grounds for removal as council members

- (2) In the event of vacancy, the council shall by majority appoint a person eligible to hold such office as mayor, to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled as provided by Law.

Section 3.02 Powers and Duties of Mayor

(1) The Mayor shall be the chief administrative officer of the City: He shall be responsible to the electorate for the administration of all city affairs placed in his charge by this charter, law ordinance or resolution.

- (2) The Mayor shall:
- (a) enforce laws, ordinances and resolutions;
 - (b) perform the duties required of him by this charter, law, ordinance or resolution;
 - (c) administer the affairs of the local government;
 - (d) direct, supervise and administer all departments, agencies and offices of the local government unit except as otherwise provided by this charter, law or ordinance;
 - (e) carry out policies established by the Council;
 - (f) recommend measures to the Council;
 - (g) report to the Council on the affairs and financial condition of the local government;
 - (h) execute bonds, notes, contracts and written obligations of the council, subject to the approval of the council;
 - (i) report to the council as the council may require;
 - (j) attend and preside over all council meetings and may take part in the discussion. He may vote to break a tie.
 - (k) prepare and present the budget to the council for its approval and execute the budget adopted by the Council;
 - (l) appoint suspend and remove all employees of the City except as otherwise provided by law or ordinance.
Employees appointed by the mayor and his subordinates shall be administratively responsible to the mayor;
 - (m) appoint members of advisory committees established by the Council;
 - (n) have veto power over the council. This power may be over-ridden by 2/3 vote of council;
 - (o) hire an administrative assistant. The Council shall fix the administrative salary.

Section 3.03 Administrative Assistant

- (1) The administrative assistant, at the Mayors discretion, shall:
- (a) Have full administrative authority responsible solely to the mayor;
 - (b) Have power to hire and fire all city employees
 - (c) Have power over all city departments
 - (d) Attend all City Council meetings and other meetings as deemed necessary by the mayor.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01 General

The activities under the direction and supervision of the Mayor shall be distributed among such departments, agencies, and offices as are established by this charter or may be established thereunder by ordinance of the city council in order to execute and enforce policies as determined by the City Council and to carry out obligations imposed on the City by state law.

Section 4.02 The Council shall make provision for the following:

- | | |
|----------------------|-------------------------|
| a. City Clerk | e. Fire protection |
| b. City Treasurer | f. Public Works |
| c. City Attorney | g. Parks and Recreation |
| d. Police Protection | |

ARTICLE V
NOMINATIONS AND ELECTIONS

Section 5.01 Elected City Offices

The procedure for the nomination and election of all elected city offices shall be as prescribed by state law for non-partisan elections.

Section 5.02 Wards

For the purposes of representation on the City Council Wolf Point shall be divided into two (2) wards. Boundaries of council wards may be changed in accordance with this charter.

Section 5.03 Redistricting

Ward boundaries may be changed by ordinance, provided that any such revised ward boundaries must comply with the population standards prescribed by law.

ARTICLE VI

Section 6.01 Ward Meetings

(1) Council members elected from a ward shall meet at least once annually with their electorate during the last four calendar months of the year .

(2) Council members elected at large shall meet at least once annually with their electorate during the last four calendar months of the year. They may meet with one each of the two ward meetings conducted by council members elected from wards.

(3) All ward meetings must be publically announced by news media.

ARTICLE VII
MISCELLANEOUS PROVISIONS

Section 7.01 Amendment of Charter

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

Section 7.02 Effective Date

This charter shall become effective on May 2, 1977.

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Section 7.03 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.

ARTICLE VIII
TRANSITIONAL PROVISIONS

Section 8.01 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, 1978.

Section 8.02 Ward Districts

For the purpose of implementing this charter, there shall initially be two wards established east and west of a line formed by the street-- 4th Avenue North connecting with 3rd Avenue South. These Wards shall be known as Ward #1 and Ward #2. Ward #1 being the West Ward and Ward #2 being the East Ward.

Section 8.03 Salaries and Expenses

(1) The initial expenses of the mayor, including the expense of advertising for applicants for the position of administrative assistant and of interviewing and investigating such applicants in the City or elsewhere, shall be paid by the City on claims signed by the Mayor and President of the Council.

(2) Salaries of all elected city officials and employees shall continue at their present level until the discontinuance of such office or position in accordance with the provisions of this charter, or the change in salary or employment of such officials and employees in accordance with the provisions of this charter.

We, the Study Commission of the City of Wolf Point in Roosevelt County do hereby certify that this is the Proposed Plan of Government as established by Section 47A-3-208 Revised Codes of Montana 1947.

In testimony whereof, we set our hands.

Done at Wolf Point this 2nd day of June 1976

Clarence L. Land
John W. Hubbard
Carl L. Merges
LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL
ATTEST: Selena J. Whitmus
CITY CLERK OF

THE CITY OF Wolf Point
IN
Roosevelt County