

CHARTER OF THE CITY OF GREAT FALLS¹

Preamble

We, the people of Great Falls, Montana, grateful for our past, confident of our future, and having considered the form of government which will best serve our needs, do adopt this charter to establish our self-determination as a city.

Article I - General Provisions of Charter Government

Section 1 - Charter Government

The City of Great Falls, Montana, establishes this charter form of government in accordance with Article XI, Section 5, of the Constitution of Montana.

Section 2 - Powers of City Government.

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

Section 3 - Mill Levy Limit.

The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana law, except that the City Commission may levy not more than seventeen (17) additional mills for the purpose of providing funds for the operation, maintenance and capital needs of the Great Falls Public Library.

(Ord. 3254, 2023)

Section 4 - Exercise of Powers.

All powers of the City of Great Falls are vested in and derived from the people of Great Falls. These powers shall be exercised by the City Commission unless otherwise provided for by this charter or by Montana law. Enumeration of powers, rights, or duties in this charter shall not be considered exclusive or restrictive.

Article II - City Commission

¹As Amended by the voters November 7, 2000 Charter - 1

Section 1 - Composition.

The City Commission shall be composed of five voting members: four City Commissioners and the Mayor. The City Commission shall be the legislative and policy-making body of the City of Great Falls.

Section 2 - Duties and Responsibilities.

The City Commission shall:

- a) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.
- b) Appoint and supervise, and may remove, the City Manager.
- c) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue.
- d) Adopt procedures for contracting with private and public agencies.
- e) Appoint citizens to boards, councils, committees or any other body or group pursuant to law.
- f) Set the salary of the City Commissioners and the Mayor by ordinance.

Section 3 - Administrative Review.

On a majority vote of the whole of the City Commission, the City Commission may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the City. The City Commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager.

Article III - The Office of the Mayor

Section 1 - Election of the Mayor.

- a) The City of Great Falls shall have a Mayor.
- b) The Mayor shall be elected for a term of two years.
- c) The Mayor shall meet all requirements and qualifications for election to the office of City Commissioner.

Section 2 - Powers and Duties of the Mayor.

- a) The Mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at City Commission meetings and the performance of ceremonial functions. These functions of the Mayor shall not be construed as conferring upon the mayor executive, personnel, or administrative powers or functions.
- b) The Mayor shall serve as a member of the Commission with all the rights and privileges of City Commissioners. The Mayor shall possess no veto over actions taken by the City Commission.

Section 3 - Office of the Mayor Pro Tempore.

The mayor pro tempore shall serve in the absence of the elected mayor. The City Commission shall elect from among its members a Mayor Pro-Tempore no later than one month after taking office. The Mayor Pro-Tempore shall serve a term of two years, or until the City Commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining City Commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term in which the vacancy occurred.

Article IV - Elections and Vacancies

Section 1 - Election of City Commissioners and the Mayor.

- a) City Commissioners and the Mayor shall be residents and qualified electors of the City of Great Falls.
- b) Elections for City Commissioners and for the Mayor shall be non-partisan.
- c) City Commissioners shall be elected for a term of four years and the Mayor shall be elected for a term of two years. Except in the case of a previous vacancy, two City Commissioners and the Mayor shall be elected every two years. City Commissioners and the Mayor shall take office the first Tuesday after January 1st in the year following the election.
- d) City Commissioners and the Mayor shall be nominated and elected at large.

Section 2 - Vacancy in the Office of City Commission or Mayor.

- a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
 - (1) Loss of eligibility for election;
 - (2) Violation of any express provision of this charter;
 - (3) Conviction of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on the Commission;
 - (4) Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
 - (5) Inability to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the Commissioner or Mayor has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21; or;
 - (6) Neglecting or refusing to discharge the Commissioner or Mayor's duties;
- b) A majority of the City Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office. A City Commissioner or Mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the City Commission.
- c) When a vacancy occurs, the City Commission, may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of City Commissioner or Mayor until the next regular City election. The person elected at the next regular City election shall serve the unexpired term of the office in which the vacancy occurred.

Article V - Municipal Court

There shall be a municipal court as provided by Montana law.

(Ord. 3245, 2022)

Article VI - City Government Administration

Section 1 - Position of the City Manager.

The City Commission shall employ a City Manager on the basis of merit.

Section 2 - Appointment and Removal of the City Manager.

The City Commission shall appoint or remove the City Manager by majority vote of the whole number of the Commission.

Section 3 - Salary of the City Manager.

The salary of the City Manager shall be set by the City Commission.

Section 4 - Duties of the City Manager.

The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Commission for the administration of all City affairs required by this charter, law, ordinance or resolution. The City Manager shall:

- a) Carry out policies established by the City Commission.
- b) Perform the duties required by this charter, law, ordinance, or resolution.
- c) Enforce laws, ordinances and resolutions.
- d) Administer the affairs of the City.
- e) Direct, organize, supervise, and administer all departments, divisions, agencies, bureaus, and the offices of the City.
- f) Make recommendations to the City Commission.
- g) Report to the City Commission on the fiscal affairs and the financial condition of the City.
- h) Prepare and present the budget to the City Commission.
- i) Execute bonds, notes, contracts, and written obligations of the City Commission and the City of Great Falls subject to the approval of the City Commission.
- j) Report to the City Commission on the affairs of the City as the City Commission may require.
- k) Attend City Commission meetings with the right to take part in the discussion but not to vote.

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- l) Appoint and be administratively responsible for all City employees, including their suspension or removal; including adopting as necessary an administrative and personnel code and/or policies.
 - m) Appoint with the approval of the City Commission a qualified acting City Manager to exercise the powers and perform the duties of the City Manager during temporary absences.
 - n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the City Commission.
 - o) May, without notice, cause the affairs of any department, division, office, agency or other City administrative unit or employee to be examined.

Section 5 - Administrative Departments.

Administrative departments, divisions, bureaus, agencies, offices, and other administrative entities shall be subject to the control and supervision of the City Manager and shall be established by ordinance.

Article VII - Citizen Involvement in Government

Section 1 - Initiative, Referendum, and Recall.

The qualified electors of the City of Great Falls may exercise the powers of Initiative, Referendum, and Recall as provided by Montana law.

Section 2 - Open Government.

All records of the City of Great Falls, including the City Commission and all boards, councils, and committees, shall be open to the public as provided by Montana law. All meetings of such bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

Section 3 - Citizen Involvement.

The City Commission may establish and appoint persons to boards, councils, committees, commissions, and other bodies of an advisory or substantive nature to assist the commission in the exercise of its duties. The City of Great Falls encourages citizens to participate in these bodies by serving as members, attending meetings, and other similar methods.

Section 4 - Neighborhood Councils.

- a) Purpose: There shall be neighborhood councils. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies, and may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents, including, but not limited to, public finance, public works, public safety, planning and zoning, and public health and sanitation.
- b) Provision of Neighborhood Districts; Composition of Councils; Election: The City Commission shall, by ordinance, divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district. Each district shall have a council comprised of five (5) members; elected to a two (2) year term at the election held

in conjunction with the City general election. Nominees for election to a neighborhood council must be residents of their designated neighborhood district.

- c) **Organization:** Each council shall select from its members a chairman, secretary, and an official delegate to attend City Commission meetings, and may appoint a Vice Chair or other officers as it deems necessary. The chairman must be one of the five elected council members. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. In the event that the Council cannot agree upon the appointment of a replacement member, the City Commission shall fill the vacancy. On or before January 30, after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into office, each neighborhood council shall meet to organize as provided in the section. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate and which are not inconsistent with the provisions of this charter and the laws of Montana. The City Commission may provide model by-laws for use by the councils in drafting their own by-laws.
- d) **Open Meetings and Right to Know:** All meetings of the neighborhood councils shall be open to the public. All records maintained by the council shall be available for public inspection.
- e) **Organization of a Great Falls Citizen's Council:** A majority of the neighborhood councils may provide for the creation of a Great Falls Citizen's Council, consisting of one (1) member from each of the participating neighborhood councils. The Citizen's Council may determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this Charter or the laws of Montana. The City Commission may provide model by-laws for use by the Council in drafting its own by-laws. The purposes of the Citizen's Councils shall be set forth in paragraph (a) of this section.
- f) **Obligations of the City Commission; City of Great Falls:** Nothing in this section shall obligate the City Commission to appropriate funds to any council for its operation, or to the Great Falls Citizen's Council authorized in paragraph (e). The City of Great Falls shall not be liable for any obligations incurred by the councils or the Citizen's Council during their existence except as provided for by the City Commission.

Article VIII - Amendment, Effective Date, and Severability

Section 1 - Amendment.

This charter may be amended only as provided by Montana law. A majority of the qualified electors of the City of Great Falls voting on the question shall be required for passage of a charter amendment.

Section 2 - Effective Date.

This charter shall become effective on July 1, 1986, and as amended and approved by the electors of the City of Great Falls November 7, 2000, November 7, 2017, January 1, 2023, and July 1, 2023.

Section 3 - 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 this charter, or any part of its provision, to any person or circumstances, is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Article IX - Reserved

Editor's note(s)—Ord. No. 3162, § 3, adopted July 5, 2017, repealed Art. IX, which pertained to Transitional Provisions.