

● ***CERTIFICATE OF THE 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.

We, the Mayor and the President of the Red Lodge City Council, do hereby certify that this is the official proposed plan of government for the City of Red Lodge approved by the Red Lodge City Council.

SEAL

In testimony thereof, we set our hands.

Done at Red Lodge, Montana this \_\_\_\_\_ day of August, 2002.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
President of the City Council