

CHARTER OF THE TOWN OF DENTON

PREAMBLE

WE, THE PEOPLE OF THE TOWN OF DENTON, 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 Town

The Town of Denton 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 the Town of Denton shall be liberally construed. Every reasonable doubt as to the existence of a town 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, the Town of Denton unless prohibited by law or this charter may:

- (a) cooperate in the exercise of any function, power 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, the state, or the United States.

Section 1.05 Oath of Office

Before entering upon the duties of office, all elected Town officials shall take and subscribe the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II

TOWN COUNCIL

Section 2.01 Composition, terms, election, qualifications, compensation, removal, filling of vacancies

- (1) There shall be a Council of the Town of Denton of SIX (6) members, at least THREE (3) of whom shall be elected every two (2) 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) Members of the Council shall be elected at large.
- (5) Members of the council shall be residents of the Town of Denton and qualified electors.
- (6) The Town Council shall determine the annual salary of its members by ordinance. Such ordinance must be adopted at least six (6) months before the next regular town general election and shall be effective on the date of the commencement of the terms of Town Council members elected at that time.

- (7) (a) The office of Council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office;
- (b) Council member shall forfeit his or her office if he or she:
 - (i) loses his or her eligibility for election to his or her council seat;
 - (ii) violates any express prohibition of this charter;
 - (iii) is convicted of a felony or other offense involving moral turpitude;
 - (iv) without Council approval, fails to attend three (3) consecutive regularly scheduled Council meetings.
- (8) In the event of vacancy, the Council shall by majority vote of its remaining members, appoint a person, eligible to hold such Council seat, to fill the vacancy until the next regular Town election at which time the remainder of the term shall be filled as provided by law.
- (9) The Council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture or their office. A member charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand and notice of such hearing shall be published in such a manner consistent with state law.

- (10) There shall be a chairman who shall be elected by members of the commission from their own number for a term established by ordinance. The chairman shall preside if the mayor is absent.

Section 2.02 Powers and Duties

- (1) The town council shall be the legislative and policy determining body of the Town. Except as otherwise provided by this charter, the Council shall have all powers of the Town.
- (2) The Town Council may override a veto of the Mayor by a two-thirds vote.

Section 2.03 Restriction on the 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 town 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.

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- (3) All meetings shall be open to the public except in such circumstances as are allowed by state law.
 - (4) All documents and records of the commission shall be public records and shall upon request be made available for examining or copying, except as provided by state law.

ARTICLE III

TOWN MAYOR

Section 3.01 Election, term, qualification compensation, vacancy, removal and acting executive

- (1) The elected executive (who shall be known as the mayor) shall be nominated and elected at large by the qualified electors of the town.
- (2) The mayor shall be elected for a four (4) year term.
- (3) The election for mayor shall be non-partisan.
- (4) The mayor shall be a resident of the Town of Denton and a qualified elector.
- (5) The salary of the mayor shall be established by the council. No reduction in compensation of the mayor shall become effective during the term of office for which the mayor is elected.
- (6) The office of mayor shall be deemed vacant or forfeit for the same reasons that a council office shall be deemed vacant or forfeit as prescribed in section 2.01 of this charter.
- (7) The council shall be the judge of the grounds of forfeiture of the office of mayor. A mayor 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.

- (8) In the event of a vacancy in the office of mayor, the Council by majority vote of all its members shall elect one of its members to assume the office and duties of the mayor for the remainder of the unexpired term.
- (9) In the event of temporary absence or disability the chairman of the Council shall assume the duties of mayor.

Section 3.02 Powers and duties of mayor

- (1) The mayor shall be the chief executive and administrative officer of the Town.
- (2) The mayor shall:
 - (a) enforce laws, ordinances, and resolutions;
 - (b) perform duties required of him or her by this charter, law, ordinance, or resolution;
 - (c) administer affairs of the local government;
 - (d) carry out policies established by the council;
 - (e) recommend measures to the council;
 - (f) report to the council on the affairs and financial condition of the county;
 - (g) execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
 - (h) report to the council as the council may require;
 - (i) attend council meetings and may take part in discussion;
 - (j) execute the budget adopted by the council;
 - (k) appoint, with the consent of the council, all members of boards; except, the executive may appoint without

THE CONSENT OF THE COUNCIL TEMPORARY ADVISORY COMMITTEES
ESTABLISHED BY THE EXECUTIVE.

- (L) SHALL DECIDE ALL TIE VOTES OF THE COUNCIL BUT SHALL
HAVE NO OTHER VOTE.
 - (M) SHALL APPOINT AND REMOVE ALL EMPLOYEES OF THE LOCAL GOVERN-
MENT, EXCEPT AS PROVIDED IN THIS CHARTER.
- (3) THE MAYOR MAY:
- (a) APPOINT ONE OR MORE ADMINISTRATIVE ASSISTANTS TO
 - (b) VETO ORDINANCES AND RESOLUTIONS, SUBJECT TO OVER-
RIDE BY A TWO-THIRDS VOTE OF THE COMMISSION.
 - (c) PREPARE THE BUDGET AND PRESENT IT TO THE COMMISSION
FOR ADOPTION.
 - (d) EXERCISE CONTROL AND SUPERVISION OF THE ADMINISTRATION
OF ALL DEPARTMENTS AND BOARDS.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

SECTION 4.01 GENERAL

THE ACTIVITIES UNDER THE DIRECTION AND SUPERVISION OF THE
TOWN MAYOR SHALL BE DISTRIBUTED AMONG SUCH DEPARTMENTS,
AGENCIES, AND OFFICERS AS ARE ESTABLISHED BY THIS CHARTER OR
MAY BE ESTABLISHED THEREUNDER BY ORDINANCE OF THE TOWN COUNCIL
IN ORDER TO EXECUTE AND ENFORCE POLICIES AS DETERMINED BY THE
COUNCIL AND TO CARRY OUT OBLIGATIONS IMPOSED ON THE TOWN BY
STATE LAW.

SECTION 4.02 FINANCIAL OFFICER

A FINANCIAL OFFICER (WHO MAY BE CALLED THE "TREASURER") MAY

at the discretion of the Council be selected as provided by ordinance.

Section 4.03 Law Enforcement Officer

(The question of including Section 4.03 in the charter shall be presented to the voters as a sub-option. If approved by the voters, it shall become part of the charter.)

A law enforcement officer shall be appointed by the mayor with consent of the council. Duties, compensation, qualifications and removal shall be determined by ordinance.

ARTICLE V

NOMINATIONS AND ELECTIONS

Section 5.01 Elected Town Offices

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

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01 Amendment of Charter

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

Section 6.02 Effective Date

This charter shall become effective on May 2, 1977.

Section 6.03 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 VII

TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by state law. The town council may provide for such transition by ordinance or resolution not inconsistent with law.

WE, THE STUDY COMMISSIONERS OF THE TOWN OF DENTON, SO HEREBY CERTIFY THAT THIS IS THE PROPOSED PLAN OF GOVERNMENT APPROVED BY THE STUDY COMMISSIONERS OF DENTON.

IN TESTIMONY WHEREOF, WE SET OUR HANDS.

DONE AT DENTON, MONTANA THIS 3 DAY

OF May, 1976.

ATTEST

Lorraine Stapleton

TOWN CLERK, DENTON, MONTANA

Joseph P. Shannon

Max J. Ward

Robert Gattusa

LOCAL GOVERNMENT STUDY COMMISSIONERS