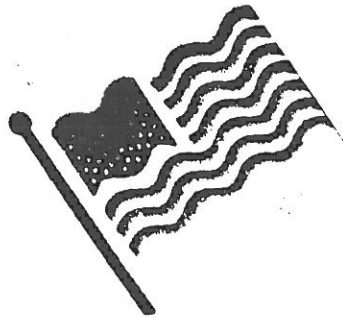


VOTER REVIEW

FINAL

REPORT



**Havre City Study
Commission**

March 15, 1996

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March 15, 1996

To the Citizens of the City of Havre, Montana:

The City of Havre Study Commission elected by the voters on November 8, 1994 present this final report to you, the Citizens of the City of Havre, Montana.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the State." After completing these two phases of the study, it is the responsibility of the study commission to submit a report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

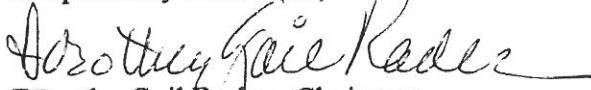
In every phase of this review this study commission sought advice and information from as many people in the city as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings were open to the public. Commission members appeared before some community organizations to explain the work of the commission and also to hear the viewpoints, ideas and concerns of those present. Public hearings were held in hopes of getting some public input.

Our recommendations reflect the thoughts and opinion of those who participated in public hearings, those who attended our regular meetings in addition to the independent efforts of this study commission. We would recommend that future study commissions consist of five (5) members.

In this final report, we present our recommendations for an alternative form of government that we feel we will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsible to local citizens and provide the opportunity for devising solutions to local problems. We feel the citizens of Havre, Montana can achieve these goals by adopting the charter form of government with self-governing powers with the commission/manager form.

The question of adopting this alternative form of government will be placed on the ballot June 4, 1996. We solicit your support for its adoption.

Respectfully Submitted,



Dorothy Gail Rader, Chairman



James P. O'Leary



Robert W. Keeler

CITY OF HAVRE
STUDY COMMISSIONERS

SUMMARY OF RECOMMENDATIONS

The Havre Local Government Study Commission, having thoroughly studied our present form of city government and the alternative forms of government available to cities under the state law, and having studied the future governmental needs of this city, recommends the following:

1. The City of Havre should adopt, a charter form of government, effective Jan. 2, 1998, which will include a commission-manager form of government with self-government powers. A commission or elected body, of five (5) members elected by districts in which candidates must reside and which are apportioned by population as nearly as possible. They shall be elected at large (city-wide) for terms of four (4) years. Terms shall be overlapping. Elections shall be non-partisan or partisan as determined by vote on the ballot..

2. The question on the charter form of government as provided by State Law 7-3-701 shall be submitted to the voters of the City of Havre on June 4, 1996.

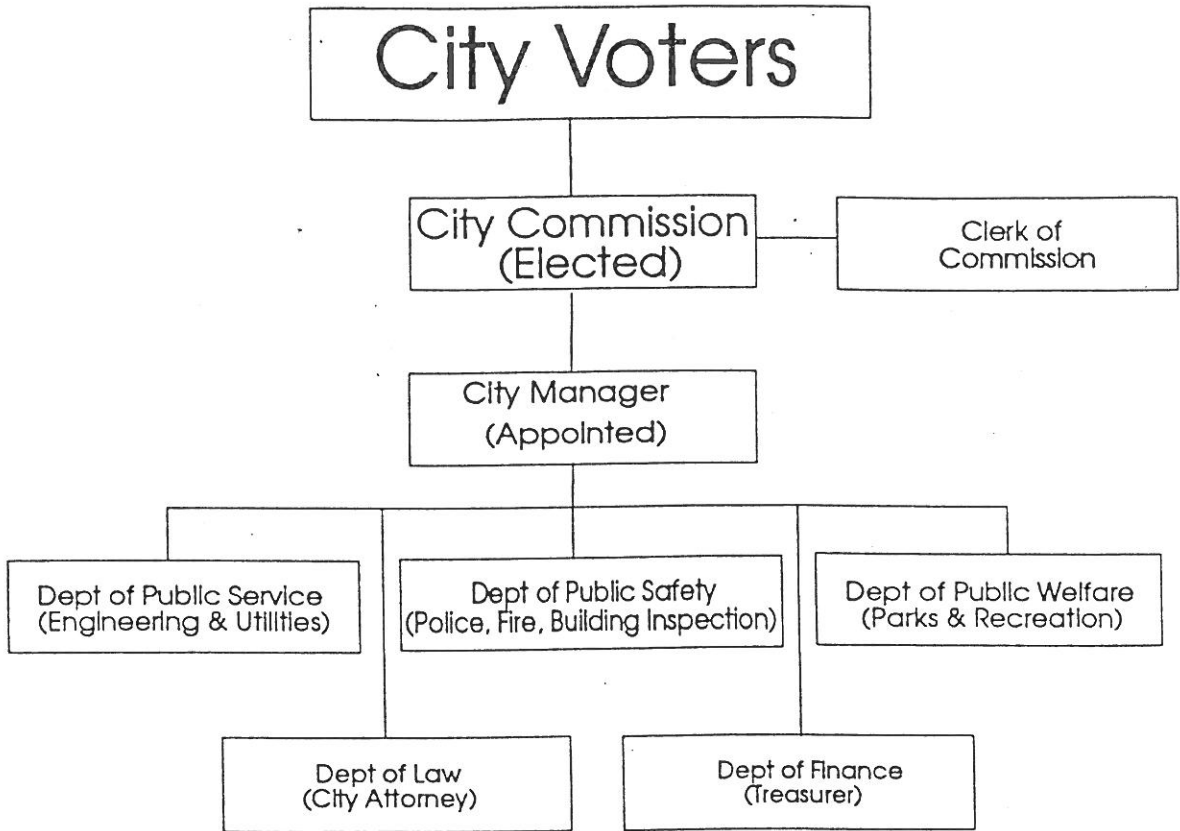
SUMMARY OF FINDINGS

- After an intensive study of almost two years, it is the decision of the study commission to recommend changes in the structure and power of city government that will provide a governmental framework to meet the changing needs of this city. Problem areas that were identified during the course of this work by research, discussion, public hearings and testimony of public officials indicate that in exercising its traditional functions, city government lacks the authority it needs.
- The "traditional" form of city government has existed in Havre since the creation of the city in 1893, and is basically the same government as was originally described in the 1889 Constitution. Havre city study commissioners felt that city government and operation represented a major business endeavor on behalf of, and in the service of, its citizens. They felt it needed:
 1. a qualified, full-time administrator endowed with sufficient power to accomplish efficiency and economy in operation, and
 2. a balancing, strong, policy-making body representative of the community, to establish and continue policies for operation.
- Separation of the administrative day-to-day operations, as assigned to the manager, from the over-all legislative and policy duties of the commission, seemed advisable to permit greater strength in each area. The commission, free of administrative detail, would have more time to deal with matters of policy and development; while the manager, with prior background and experience, would be prepared to devote full time to administrative detail.
- Only the commission-manager form establishes qualifications and conditions of employment for the administrator. Only this form seems to draw the lines of responsibility more clearly. In an attempt to achieve this, the study commission is recommending a commission-manager form of government with a charter defining the powers, structures, privileges, rights and duties of the unit and a five (5) person commission.

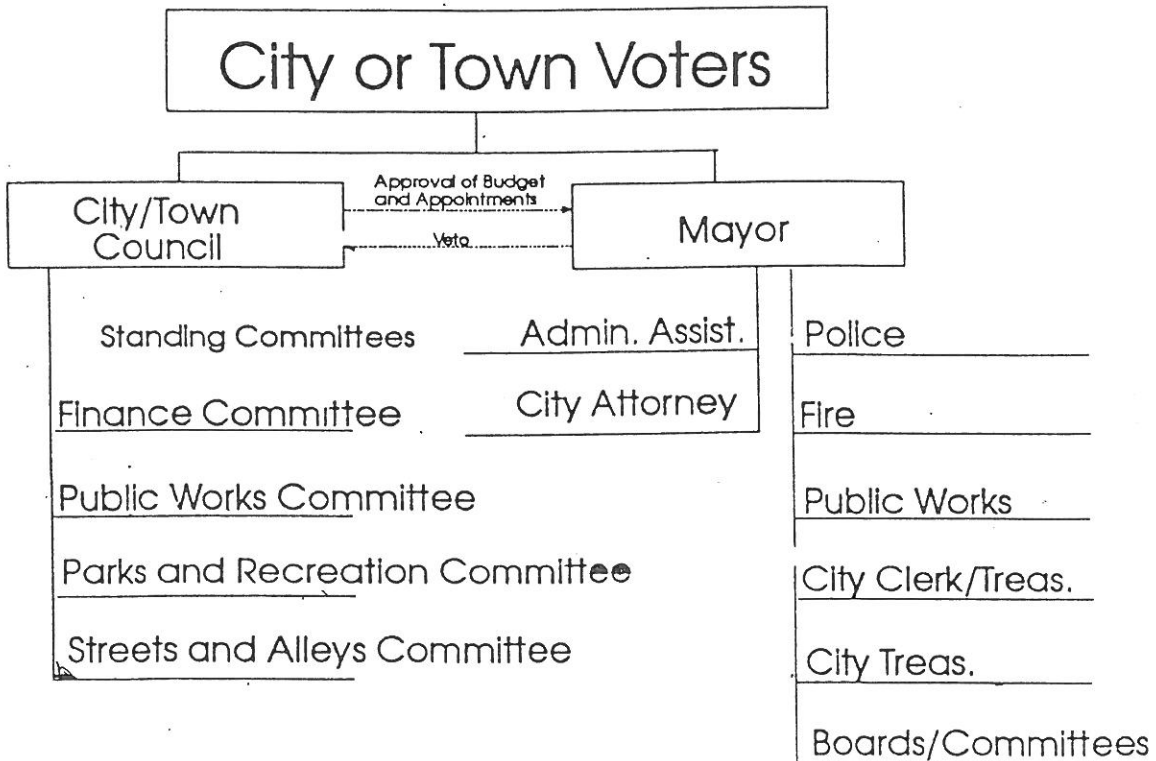
KEY PROVISIONS OF PROPOSED FORM

- Separation of administrative and legislative (policy making) functions:
The present form of government provides for no clear delineation of administrative and policy-making functions between the mayor and the council. Whenever lines of authority are blurred, misunderstandings easily occur, accountability and responsibility are more difficult, delays are inevitable and time and effort may be duplicated. Separations of these functions, along with a clear definition of powers and duties, suggest a sensible and practical solution to problems of the present form.
- In the commission-manager form of government the administrative head of government and his/her duties are clearly defined by law. The elected commission, representative of the public, sets qualifications for the position of manager, screens applicants, and exerts control over terms of employment.
- The major function of the commission is legislative or policy making. The commission, consisting of five persons elected from the districts in which they reside, composes the legislative body. As such they can devote time and expertise to policy making decisions and functions much in the same manner as an executive board in the business world sets policy, leaving the administrative details to the manager. Four year, overlapping terms of office would provide for continuity.
- A commission of five members provides a working body large enough to insure adequate representation and small enough to be efficient. Additional representation could be provided through the creation of Citizens Councils as established by ordinance. Assorted boards and committees would continue to function in an advisory capacity.

Commission-Manager Form



Commission-Executive Form (Council-Mayor)



*Does not include Judicial Branch

CITY OF HAVRE
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
MAYOR-COUNCIL AND COMMISSION-MANAGER FORMS OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	CHARTER with COMMISSION-MANAGER Elected commission performs policy making functions. Manager is hired to administer policy with commission direction.	Separation of executive (administrative) and legislative powers is blurred with mayor-council form. With commission-manager form the executive and legislative powers are separated. The manager is appointed on the basis of experience and training.
POWERS	General government powers State law defines what government may do and specifically how it shall do it.	Self-government powers City government shall exercise any power which the state does not prohibit. Legislative power is vested in the commission.	Self-government powers bring to the city the power to act in its own best interest, and flexibility in shaping government structure.
GOVERNING BODY			
Size	8 councilmembers elected by ward.	5 commission members nominated from five districts and elected at large.	Number is decreased from eight to five. Commissioners elected from districts in which they reside by all voters of Havre.
Election	Partisan	Nonpartisan (to be decided by the voters as a suboptional choice).	Issues at the local level deal with delivery of services and are not partisan.
Term	Four year overlapping terms	Four year overlapping terms	Commission chooses mayor who serves for two year terms of office.
Presiding Officer	Mayor	The mayor is elected by the members of the commission.	The chairman presides at commission meetings, but has no executive or administrative authority.
Duties	Administers city government.	Chairs commission meetings.	

CHIEF ADMINISTRATIVE OFFICER	The elected mayor administers the government on a full time basis.	The hired manager administers government on a full time basis.	The voters now determine who shall administer government. The proposal allows the commission to hire the administrator on the basis of merit and skills.
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The manager carries out the policies of the commission, advises the commission, executes the budget, and enforces laws, ordinances and resolutions.	Role of mayor will be to serve as a voting commission member and preside over commission meetings and perform civic duties. Mayor's role is legislative. Manager's role is administrative.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The commission appoints and removes the manager. The manager appoints department heads and employees. The commission appoints members of boards and commissions.	Department heads are appointed on the basis of their qualifications under both forms. The commission will be responsible for appointing the manager and members of boards and commissions.
Budget Preparation	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.	Manager prepares the budget, with the cooperation of department heads. The commission considers, modifies and approves the budget.	Manager balances priorities set by the commission with available resources, and also balances the needs of each department with overall needs and the resources of the community.

INTENT STATEMENT OF THE HAVRE CITY CHARTER

The intent statement was adopted by the Havre City Study Commission at its regular meeting March 5, 1996. There were two objectives that were foremost in the minds of the Study Commissioners at the time they drafted the City of Havre Charter.

- (1) To use language that was understandable, explainable and consistent with other charters previous adopted in the State of Montana for the purpose of developing a comprehensive document. Consistent decisions were reached on behalf of simplicity and understandability.
- (2) To offer a document that would give locally elected officials as much authority and flexibility as state law would allow. The rationale is that people are both more responsive and accountable to local needs than those at other levels of government.

ARTICLE I POWERS OF THE CITY

Section 1.01 through Section 1.04. Allows the city to have powers not prohibited by the Constitution of Montana, laws of Montana, or this charter. Included in these powers are self-government powers, which allow the city to become more responsive to its needs and not have to wait for legislative action by the state of Montana. Financial restrictions will be controlled by current mandates and any future changes. The charter allows the City to be superior to statutory provisions.

ARTICLE II CITY COMMISSION

Section 2.01 through Section 2.13. This article explains that the legislative branch will be the commission and shall be the governing body of the City. The commission members shall be a resident of the City of Havre and represent the district in which they live. The commission shall consist of five members, with four (4) year overlapping terms with a maximum of two consecutive terms of office. They may run for office after a lapse of one term.

The Commissioners must live in the district in which they reside, but are elected by ALL the residents of the City of Havre (city-wide). The reason for this issue is to motivate all residents to become interested in the election because all commissioners must then decide issues concerning all citizens of Havre, not just their district. This election will be either partisan or non-partisan which will be decided by the electorate of Havre.

The Chairman of the commission (who may be called the Mayor) will be selected by their fellow commissioners to serve a two year term up to three consecutive terms. This is similar to the Hill County Commissioner form of government currently in use. The reason for limitation of consecutive terms is to prevent a monopoly of City policy by only three members. This position shall be ceremonial and shall be compensated no less than current law allows or 1.5 times of the other commissioners.

The other items under Section II are controlled by law.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 through 3.04. This article deals with the executive/administrative branch which is the Manager. The commission will determine the qualifications for and negotiate the salary for the City Manager. The manager shall enforce provisions of this Charter and the administrative duties so directed by the commission. The manager shall not be the mayor or commission member.

It is the belief of the Study Commission that because of the size of the city budget, the complexity of present day government, timeliness of decision making, research and a multitude of reasons, it is reasonable to have a paid professional manager to be in control.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 This area is controlled by current laws and the commission.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 through 5.02. All current departments will be maintained until a review during the two year transition period.

Residency requirements for employees will be put on the ballot as a suboption. Currently, 19 out of 90 employees are not living within the boundaries of the City of Havre. It is the believe of the majority of the City Study Commission that all employees should be residents of the City. Current employees will not lose their employment but may not be promoted or change positions until they become residents, waive and request annexation, move into the city and follow the ordinance. No future employees of the City will be non-residents and no waivers shall be given.

Section 5.02 RESIDENCY REQUIREMENTS FOR EMPLOYEES. (This section is included as an example for ordinance.)

1. It shall be required that all employees be residents within the incorporated limits of the City of Havre and remain so for the duration of their employment.

2. PROOF OF RESIDENCY. Employees must give satisfactory proof of primary residency and promise to continue residency within the City of Havre. Proof of residency must include a few of the following documents: home address; mailing address; voter registration; motor vehicle registration or drivers license; withholding and payment of individual income taxes; certified deed, lease, or rental agreement for real property; canceled checks or receipts for mortgage or rental payments; utility bills and payment receipts; and sworn testimony of witnesses. Employees must be the occupant of a dwelling unit to include eating, sleeping and the keeping of personal belongings and not just the receipt of mail.

This proof of residency shall be confirmed by all department directors, supervisors or personnel department. Employees are required to keep management informed of the current residence address and must notify the City within 10 days of a change in residency.

3. EMPLOYMENT, PROMOTIONS OR CHANGE OF POSITION: Preference for hiring of employees shall be given to current residents. When hiring of difficult to fill positions, that individual must live within the city limits and upon acceptance of the position become a resident. Any employee wanting advancement for a change of position in the City of Havre must be a resident of the City. This policy applies only to those hired or promoted after effect of this Charter.

4. COLLECTIVE BARGAINING AGREEMENTS. This residency policy shall not be subject to collective bargaining with Unions representing employees. However, when provisions of the residency policy conflict with contract language of an effective bargaining agreement, the provisions of the bargaining agreement shall govern to the extent that there is a conflict or until the expiration of the current agreement.

5. WAIVERS AND EXCEPTIONS. Waivers may be given on temporary basis under the following guidelines:

A. Applicants and employees must become residents of the City within six (6) months employment. Six (6) month extensions may be given by the City Commission, for not longer than 24 months.

B. A waiver of annexation and a request for annexation form must be completed upon employment for their current and present domicile to be annexed to the City of Havre. This property does not have to be contiguous to the City.

C. Only waivers and exceptions to residency requirements shall apply to individuals who are employees prior to these residency requirement. Employees residing outside the designated city limits, who subsequently move into the City shall also continue residency in the city limits.

D. For convenience of the city and for extreme hardship cases:

E. Other than stated, there will be no waivers or exceptions to the policy.

6. GRANDFATHER CLAUSE: Any employee currently living outside the limits of the City of Havre at the time of effect of this Charter may remain non-residents. If they or their spouses change their domicile at any time during their employment, it shall be mandatory that they become residents of the City of Havre. **NOTE:** Promotion or change of position will be not included under this clause.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 THROUGH 6.04. Standard language with the date of this Charter becoming effective.

ARTICLE VII TRANSITION PROVISIONS

Section 7.01 through 7.03. Gives the transition time period for the effect of the Charter, continuation in office of the elected officials, protections of employees and a requirement for the new commission to review current ordinances, resolutions and rules of the City of Havre. During this time period, a plan of transition will be followed as directed by the Study Commission, newly elected commissioners and the manager.

This intent statement shall be added to the Charter for reason of reference.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR THE CITY OF HAVRE, MONTANA

If retained by the voters, the government of Havre shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(2); (City Ordinance authorizes an appointed treasurer pursuant to 7-4-4101(3)(c) M.C.A.).
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

These sections establish the following form of government which shall be called the COMMISSION-EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212. Administrative assistants. The executive may 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 executive.

7-3-213. Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of council.

7-3-218. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220. Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established

by ordinance.

7-3-221. Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be eight (8), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

SEAL

We, the Local Government Study Commissioners of Havre, Montana, do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

In testimony whereof, we set our hands.

Done at Havre, Montana this
15th day of March, 1996.

ATTEST: Lowell Swenson
Lowell Swenson, City Clerk

Dorothy Gail Rader
Dorothy Gail Rader, Chair

Robert W. Keeler
Robert W. Keeler

James P. O'Leary
James P. O'Leary

**DRAFT
CHARTER
OF
THE CITY OF HAVRE**

PREAMBLE

WE, THE PEOPLE OF HAVRE, COUNTY OF HILL, 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 of Havre

The City of Havre 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 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 Restrictions

The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

Section 1.04 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.

**ARTICLE II
CITY COMMISSION**

Section 2.01 Legislative Branch

The legislative branch shall consist of the city commission which shall be the governing body of the city.

Section 2.02 Qualifications for Office

Every resident of the City of Havre who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of commission member for the district in which he or she resides.

Section 2.03 Composition

The City of Havre shall have a city commission of five (5) members.

Section 2.04 Term of Office

Members of the commission shall be elected for four (4) year overlapping terms of office with a maximum of two consecutive terms of office.

Section 2.05 Election

City elections shall be conducted on a partisan or nonpartisan basis (to be determined by the voters). Five (5) members of the commission shall be nominated from districts in which they must reside and shall be elected at large.

Section 2.06 Division of the City into Commissioner Districts

Following each federal decennial census, the commission shall cause the city to be divided into five (5) commissioner districts, as compact and equal in population and area as possible.

Section 2.07 Chairman of the Commission

The chairman of the commission (who may be called mayor) shall be elected by the members of the commission from their own number for a term of two (2) years, and shall be limited to serving three (3) consecutive terms.

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of three (3) commissioners, that his or her office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Havre, as prescribed by law.

Section 2.10 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nomination and election at the next general municipal except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the commission shall appoint, within 30 days of the vacancy, by the affirmative vote of three (3) commissioners, a qualified resident to hold the office until the successor is elected and qualified.

Section 2.11 Powers and Duties

1. The Commission shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the city commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.
2. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.

Section 2.12 Legislative Action

The affirmative vote of three (3) members of the commission shall be required for all official actions of the commission. A minimum of three (3) commission members must be present when official actions are taken by the commission.

Section 2.13 Procedure

The commission shall establish by resolution its rules of procedure, time and place of meetings.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Manager

The manager shall be appointed by the commission for an indefinite term on the basis of merit only and may be removed only by the affirmative vote of three (3) commissioners.

Section 3.02 Duties of the Manager

The manager shall:

1. enforce laws, Charter, ordinances, and resolutions;

2. perform the duties required of him by law, Charter, ordinance, or resolution;
3. administer the affairs of city government;
4. direct, supervise, and administer all departments, agencies, and offices of the city except as otherwise provided by law, Charter, or ordinance;
5. carry out policies established by the commission;
6. prepare the commission agenda;
7. recommend measures to the commission;
8. report to the commission on the affairs and financial condition of the city government;
9. execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
10. report to the commission as the commission may require;
11. attend commission meetings and may take part in the discussion, but he may not vote;
12. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
13. appoint, suspend, and remove all employees of the city except as otherwise provided by law or ordinance;
14. appoint members of temporary advisory committees established by the manager.

Section 3.03 Administrative Duties

Employees appointed by the manager and his subordinates shall be administratively responsible to the manager. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his or her subordinates are empowered to appoint. Except for the purpose of inquiry or investigation under this charter, the commission or its members shall deal with city employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 3.04 Compensation

The compensation of the manager shall be set by resolution of the city commission.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court as provided by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

Section 5.02 Residency Requirements for Employees (to be decided by suboption)

To assure timely response to the public health and safety needs of the community, persons to be hired as City employees subsequent to the adoption of this Charter shall be residents of the City of Havre, unless otherwise provided by ordinance.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 2, 1998.

Section 6.03 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.

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 law. The

Havre Study Commission may provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after January 1, 2000.

Section 7.02 Continuation in Office

No current city employee will lose employment solely because of the adoption of this Charter. All persons holding elective office at the time this charter is adopted may continue in office until the officers of the new government are elected, qualified and sworn into their respective office, at which time all now existing elected offices of city government shall be vacated. The members of the governing body holding office on the date the new plan of government is adopted by the electors of the city may continue in office and in the performance of their duties until the governing body authorized by the plan has been elected and qualified, whereupon the prior governing body is abolished.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Havre shall remain in effect until reviewed, revised or repealed by the city commission. The city commission 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 January 1, 2000.

We, the Study Commissioners of Havre do hereby certify that this is the proposed plan of government approved by the Havre Local Government Study Commission .

In testimony whereof, we set our hands.

Done at Havre, Montana this 15th day of March 1996.

Dorothy Gail Rader
Dorothy Gail Rader, Chair

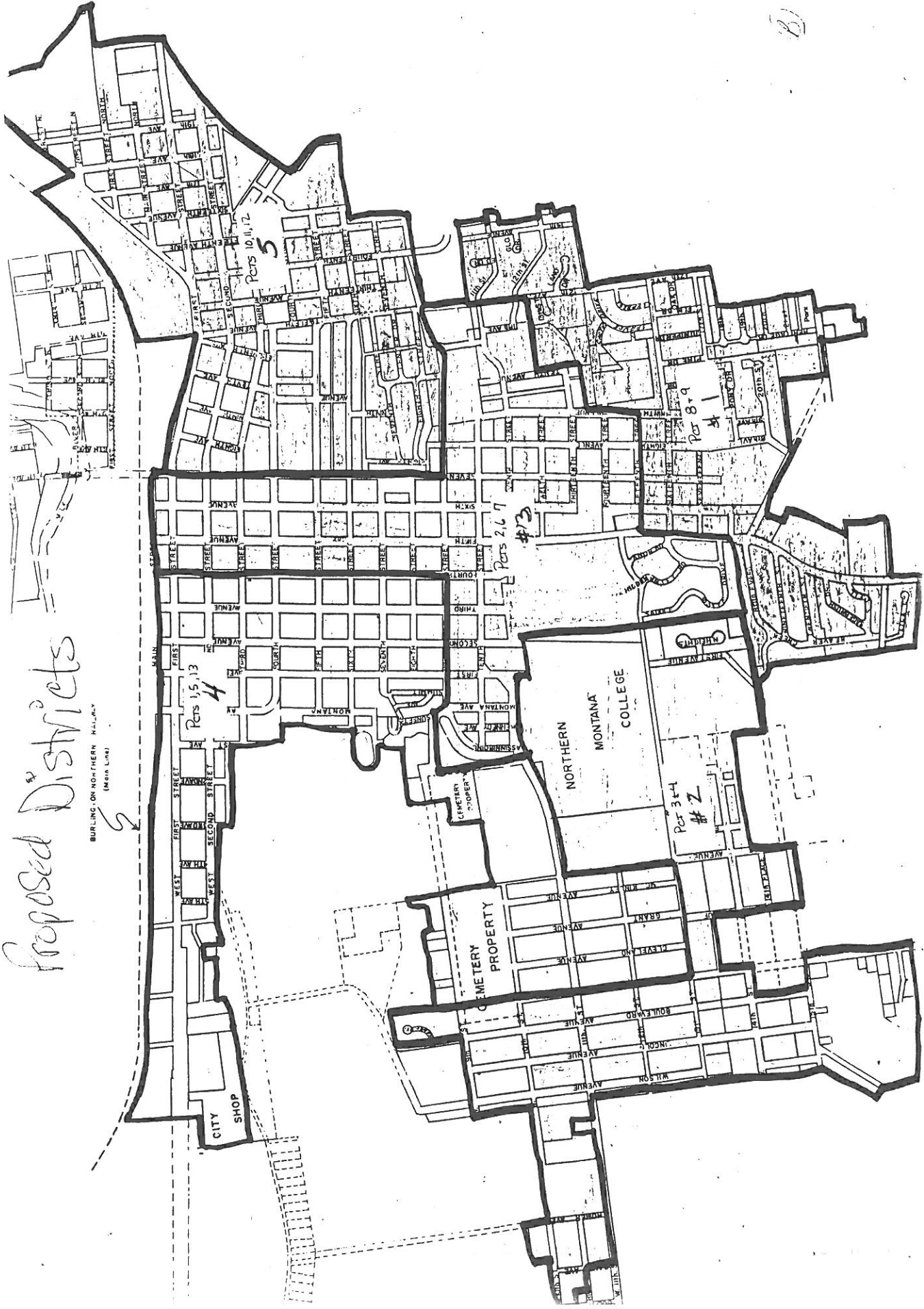
Robert W. Keeler
Robert W. Keeler

James P. O'Leary
James P. O'Leary

SEAL

ATTEST: Lowell Swenson
Lowell Swenson, City Clerk

Proposed Districts



B

SC

C-1

**CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICT**

Districts described by population and deviation from ideal are shown.

1990 population for the City of Havre: 10,201
Mean population of each commissioner district: 2,040

DISTRICT	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	1636	-19.8%
2	1967	- 3.5%
3	1819	-10.8%
4	2581	+26.5%
5	2198	+ 7.7%

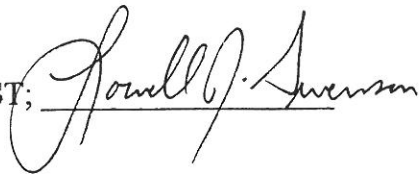
- Notes: 1. Districts divided on 1996 Hill County Clerk & Recorder. Out of 4 proposed, B was selected.
2. Information from 1990 census available at MSU, Northern (94-171 CD files and maps.
3. Compiled by Clay Vincent, City-County Planner and Bob Keeler, Study Commissioner

We, the Study Commissioners of Havre, Montana do hereby certify that this is the official apportionment plan for commissioner districts approved by the Havre Local Government Study Commission.

In testimony whereof, we set our hands.

Done at Havre, Montana this 15th day of March 1996.

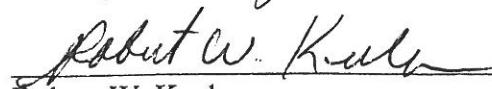
ATTEST;



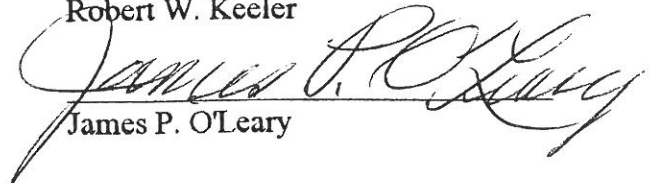
Ronald J. Swenson



Dorothy Gail Rader, Chair



Robert W. Keeler



James P. O'Leary

CERTIFICATE

**ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
HAVRE, MONTANA**

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Havre at a special election to be held with the general election on June 4, 1996.

SEAL

We, the Study Commissioners of Havre, do hereby certify that this is the date of the special election approved by the Havre Local Government Study Commission.

In testimony whereof, we set our hands.

Done at Havre, Montana this 15th day of March, 1996

ATTEST:

Lowell Swenson, Clerk

Dorothy Gail Rader
Dorothy Gail Rader, Chair

Robert W. Keeler
Robert W. Keeler

James P. O'Leary
James P. O'Leary

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE JUNE 4, 1996, SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the suboption also fails. If the proposed form is adopted, the suboption requires only a plurality of votes cast on the suboption for adoption.

PLEASE VOTE ON ALL ISSUES.

1.

Vote for One.

- FOR** adoption of the self-government charter with the manager plan of government proposed for Havre proposed by the Havre Local Government Study Commission.

- FOR** the existing form of government.

2.

Vote for One.

Local government elections shall be conducted on a:

- partisan basis.
- nonpartisan basis.

3.

Vote for One.

The Charter for the City of Havre shall specify:

- Future city employees shall live within the city limits of Havre.
- No residency requirements for city employees.

We, the Study Commissioners of the City of Havre do hereby certify that this is the official ballot approved by the Havre Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Havre, Montana this 15th day of March, 1996.

ATTEST:

Lowell Swenson, City Clerk

Lowell Swenson

Dorothy Gail Rader
Dorothy Gail Rader, Chair

Robert W. Keeler
Robert W. Keeler

James P. O'Leary
James P. O'Leary

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR

THE JUNE 4, 1996 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the questions, the suboption also fails. Only the ballot alternatives within each suboption receiving the highest number of affirmative votes are considered approved and included in the alternative form of government. If the alternative form of government fails, a suboption is of no effect.

PLEASE VOTE ON ALL ISSUES.

FORM OF GOVERNMENT

Vote for one.

- FOR** adoption of the self-government charter with the manager plan of government proposed for Havre proposed by the Havre Local Government Study Commission.
- FOR** the existing form of government.

SUBOPTION NO. 1

Vote for One.

Local government elections shall be conducted on a:

- partisan basis
- nonpartisan basis.

SUBOPTION NO. 2

Vote for One.

The Charter for the City of Havre shall specify:

- Future city employees shall live within the city limits of Havre.
- No residency requirements for city employees.

AP J. S. W. 3-19-96 Resubmitted to the City of Havre

CERTIFICATE
ESTABLISHING THE DATES OF THE
FIRST PRIMARY AND GENERAL ELECTIONS
FOR OFFICERS OF THE NEW GOVERNMENT
OF HAVRE, MONTANA
IF THE ALTERNATIVE PROPOSAL IS APPROVED
AND ESTABLISHING THE EFFECTIVE DATE OF
THE PROPOSAL IF APPROVED

The date of the primary election for officers of the new government of Havre shall be held at a special election on September 9, 1997.

The date of the general election for officers of the new government of Havre shall be held at a special election on November 4, 1997.

The effective date of the alternative plan of local government of Havre takes effect when the officers take office at 10 a.m., January 2, 1998.

We, the Study Commissioners of Havre, do hereby certify that these are the dates of the special primary and general elections and the effective date of the alternative plan of local government of Havre, Montana approved by the Local Government Study Commission of Havre.

SEAL

In testimony whereof, we set our hands.

Done at Havre this 15th day of March, 1996.

ATTEST: Lowell Swenson
Lowell Swenson, City Clerk

Dorothy Gail Rader
Dorothy Gail Rader, Chair

Robert W. Keeler
Robert W. Keeler

James P. O'Leary
James P. O'Leary