

Cow Palace

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July 21, 1986

RECEIVED

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POLITICAL SCIENCE
DEPARTMENT

Mr. Ken Weaver
Department of Political Science
Montana State University
Bozeman, Mt. 59717

Dear Mr. Weaver:

I am enclosing the "charter" for a new city government. If you have any suggestions, we would be glad to hear them.

The only doubt I have, that has not been spelled out, is the qualifications required for the city employees.

Any comments you have will be helpful.

Sincerely,

GOVERNMENT STUDY COMMISSION

Elmer Schye

Elmer Schye

ES/or

Enclosure

Almer

White Sulphur Springs

Charter

PREAMBLE

WE THE CITIZENS OF THE CITY OF WHITE SULPHUR SPRINGS, FOR THE PURPOSE OF ESTABLISHING A JUST FORM OF FUNDAMENTAL LAW --- ONE THAT IS RESPONSIBLE TO THE PUBLIC FOR PROVIDING EQUAL AND ADEQUATE SERVICES AND PROTECTIONS, WITH EFFICIENT USE OF THE CITY'S REVENUE FOR ALL; A GOVERNMENT THAT PROVIDES FOR SELF GOVERNMENT POWERS WITH RESPECT TO THE HEALTH, SAFETY, AND WELFARE OF EVERY CITIZEN; AND ONE THAT UTILIZES THE UTMOST FLEXIBILITY TO PROVIDE FOR THE CITIZENS OF THE CITY --- DO ESTABLISH THIS CHARTER FOR THE CITY OF WHITE SULPHUR SPRINGS OF THE STATE OF MONTANA.

ARTICLE 1 -- POWERS OF THE CITY

Section 1.01. Powers of the City. The City shall have all powers possible for a self government city to have under the constitution and laws of the state of Montana as fully and completely as though they were specifically enumerated in this charter.

Section 1.02. Construction. The powers of the city under this charter shall be construed literally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers stated in this article.

Section 1.03. Mill Levy Limit. The Council shall not levy more than 75 mills on real and personal property for all purposes. The mill levy on real and personal property may be increased only by an affirmative vote of a simple majority of the votes cast in an election on this question.

ARTICLE 11--Legislation

Section 2.01. Legislative Branch. The legislative branch shall consist of the City Council and the Mayor.

Section 2.02. City Council: Composition and Powers.

A. There shall be a City Council of the City of White Sulphur Springs composed of (3) three Councilmembers.

B. All powers of the city shall be vested in the City Council, except as otherwise provided by law or this charter. and the

Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Section 2.03 City Council: Elections, Terms and Qualifications.

A. Councilmembers shall be elected at large for (4) four year overlapping terms. One councilmember shall be elected at one election and two councilmembers elected at the next election.

B. Councilmembers shall serve for terms of four (4) years and shall be limited to two consecutive terms.

C. Councilmembers shall reside within the City of White Sulphur Springs and be qualified voters of the City.

Section 2.04. Mayor: Election, Powers and Duties.

A. The Mayor shall be a resident and qualified voter of the City of White Sulphur Springs and shall be elected by the Councilmembers from their membership at the first meeting after each general election.

B. The Mayor shall be the presiding officer of the City Council and shall have voting powers the same as other councilmembers.

C. The Mayor shall be recognized as the head of the City government for ceremonial purposes and by the Governor for purposes of military law, and shall execute contracts, deeds and other documents.

D. The Mayor shall have administrative duties as required to carry out the responsibilities of the city and this charter.

Section 2.05 Deputy Mayor. The City Council shall elect at its first meeting following each general election one of its members to serve as Deputy Mayor, who shall act as Mayor during the absence or disability of the Mayor.

Section 2.06. Election. The procedure for the nomination and election of all City Officials shall be as prescribed by state law for non-partisan elections.

Section 2.07. Appointments and Removals. The Administrator shall appoint with the consent of the council all city administrative officers and employees subordinate to him. The Administrator shall have power to remove employees for cause without the consent of the Council.

Section 2.08. Interference with Administration. Except for the purposes of inquiries and investigations, the Council and the Mayor shall deal with the city officers and employees who are subject to the direction and supervision of the city administrator solely through the Administrator.

Section 2.09. Vacancies, Forfeiture of office and Filling of vacancies.

A. Vacancies. The Office of Councilmember or Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

B. Forfeiture of office. Councilmember or Mayor shall forfeit his or her office if he or she: (1) Lacks at any time during his or her term of office any qualifications for the office prescribed by the charter or by law, (2) or violates any express prohibition of this charter, (3) or is convicted of a felony.

C. Fillings of vacancies of the City Council . Vacancies on the City Council shall be filled by appointment by the Mayor with the consent of the majority of the remaining members of the Council. A vacancy shall be filled within (30) thirty days. At the next general election, an appointed councilmember shall stand for election for any remaining portion of the term of office to which he or she has been appointed. In the event that all members of the Council are removed by death, disability, forfeiture of office, or other cause, the District Judge shall appoint an interim Council which shall hold office until a special election can be held within (90) ninety days.

D. Filling the vacancy of the office of Mayor. If a vacancy occurs in the office of Mayor, the Deputy Mayor shall become Mayor for the remainder of the unexpired term of the Mayor. Upon assuming the office of Mayor, the Deputy Mayor vacates his or her council position and that vacancy shall be filled as provided in this charter.

Section 2.10. Procedure . The Council shall establish by ordinance its rules of procedure and time and place of meetings.

Section 2.11. Compensation. The Council shall establish by ordinance the compensation of its members including the Mayor, but no Councilmember's or Mayor's compensation may be raised during his or her term of office and shall not exceed (20) twenty percent increase for the following term.

ARTICLE 111---Administrator

Section 3.01. City Administrator: Employment, Compensation, and Qualifications.

The Council shall employ a city Administrator on the basis of merit for an indefinite term. He or she need not be a resident of the city at the time of employment.

The administrator shall have had experience in local government administration or related experience;

have knowledge of operation of water and sewage systems;

have an understanding of street maintenance and drainage; and

must demonstrate knowledge of the Budgeting Accounting and Reporting System (BARS) adopted by Montana for Local Government.

Section 3.02. City administrator: Powers and Duties.

The Administrator shall:

A. Carry out policies established by the city council;

- B. Perform the duties required by law, ordinance, resolution, or this charter;
- C. Enforce laws, ordinances and resolutions;
- D. Administer the affairs of the city;
- E. Prepare and present the city budget to the council for its approval and administer the budget adopted by the council;
- F. Report publicly to the council each month on the financial conditions of the city;
- G. Recommend measures to the council;
- H. Report to the council as the council may require;
- I. Attend council meetings and take part in the discussion but have no vote.

Section 3.03. City Administrator: Removal.

The council may remove the Administrator with or without cause by an affirmative vote of a majority of all its members.

Article IV--Boards, Commissions and Committees.

Section 4.01. Powers. Boards, Commissions and Committees of city government shall be advisory only. They shall have no administrative authority unless specifically required by Federal or State law, or interlocal agreement.

Section 4.02. Appointment, Compensation, Terms and Qualifications.

A. Boards, Commissions and Committees shall be appointed by the Mayor with the consent of the council, unless otherwise provided by Federal or State law or interlocal agreement.

B. Board, Commission and Committee members shall serve without compensation.

C. Members of Boards, Commissions and Committees shall hold no other elected city office unless required by Federal or State law or interlocal agreement.

D. Terms shall be limited to (2) two consecutive (2) two year terms.

ARTICLE V--General Provisions

Section 5.01. Effective Date.

The effective date of this charter shall be January 1, 1987.

Section 5.02. Amendment Procedure.

This charter shall be amended only as provided by State law.

Section 5.03. Recall.

An elected city official may be recalled as provided by State law.

Section 5.04 Review of existing Ordinances. The Council shall review and where necessary revise or repeal all city ordinances

to provide for their compliance with this charter. The Council may employ qualified persons to revise and update the ordinances when deemed necessary but must review and update the ordinances at least every (5) five years.

Section 5.05. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstance shall not be affected thereby.

ARTICLE VI--Transition

Section 6.01. General Transition

Transition to this charter form of government shall be as prescribed by State law. The city council may provide for transition by ordinance, rule or resolution not inconsistent with State law. This transition article shall not be published as part of this charter after the provisions have been implemented.

Section 6.02. Temporary Appointments

Prior to the employment of the Administrator the Mayor with the consent of the Council may appoint temporary department heads.

Section 6.03. Transition Schedule

A. At the first election following the adoption of this charter a council of three (3) councilmembers shall be elected and the Councilmembers shall elect one of their members to the position of Mayor.

B. Staggering of terms. At the first meeting of the Council, the Council members shall draw lots to establish their respective terms of office. Two Councilmembers shall serve initial term of (4) four years. The remaining Councilmember shall serve an initial term of (2) two years.

C. Initial Expenses. The initial expenses of the Council, including the expense of recruiting a city Administrator, shall be paid from the general fund by city vouchers signed by the Mayor.

D. Initial salary of Council and Mayor. Members of the Council shall be paid (\$50.00) fifty dollars per month, and the Mayor shall be paid (\$100.00) one hundred dollars per month. These amounts shall remain in force until changed by the council in accordance with this charter.