

**CITY CHARTER
OF THE
CITY OF CUT BANK**

CUT. BANK, MONTANA

EFFECTIVE JULY 1, 2006

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OF
THE CITY OF CUT BANK, MONTANA**

PREAMBLE

WE, THE PEOPLE OF THE CITY OF CUT BANK, COUNTY OF GLACIER, 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 powers of the government of the City of Cut Bank shall be self-government powers as provided by the laws and Constitution of the State of Montana. This government may exercise any power, or provide any service, or perform any function not expressly prohibited by the state constitution, law, or this charter.

The powers, services or functions granted under this charter include, but are not limited to, those which general power governments are granted or authorized. The limitations placed on general power governments shall not apply to the providing of any service or performance of any function, except such limitations as are contained in this charter and the laws of the state which are specifically applicable to self-governed cities.

SECTION 1.02 INTERPRETATION OF POWERS

The powers and authority of this self-governing 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 of 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 a majority 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 a prior public hearing or hearings as prescribed by law.

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 LEGISLATIVE BRANCH

SECTION 2.01 COMPOSITION

- 1) The City of Cut Bank shall have a City Council of four (4) members elected at large from within the City of Cut Bank.
- 2) The compensation of council members shall be set annually by council resolution.

SECTION 2.02 QUALIFICATIONS FOR OFFICE

Candidates for the City Council must be qualified electors of and reside within the city limits of the City of Cut Bank at the time of their election and during their entire term of office.

SECTION 2.03 TERM OF OFFICE

Two (2) Council members shall be elected every two (2) years for four (4) year overlapping terms of office.

SECTION 2.04 ELECTION

Elections for the Council shall be nonpartisan. Council members shall be elected at large from within the City of Cut Bank.

SECTION 2.05 PRESIDENT/CHAIRMAN OF COUNCIL

The Council shall have a chairperson who may be called President and who shall be elected by the members of the council from among their own number for a term established by resolution. The Chairman of the Council shall preside when the Mayor is absent and may vote as other members of the council.

SECTION 2.06 VACANCY IN OFFICE

The office of Council Member becomes vacant as prescribed by law.

SECTION 2.07 REMOVAL FROM OFFICE

A council member may be removed from office by a finding, adopted by the affirmative vote of three (3) council members that the office has become vacant as prescribed by law, or by the recall of the council member or by the electors of Cut Bank, as prescribed by law.

SECTION 2.08 FILLING VACANCY ON COUNCIL

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, 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 council shall appoint, by affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

SECTION 2.09 POWERS AND DUTIES

- 1) 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, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this charter.
- 2) The Council may override the Mayor's veto by the affirmative vote of three (3) members of the Council.

SECTION 2.10 COUNCIL APPOINTMENTS

The President of the Council shall nominate council members to committees of the Council with the advice and consent of the Council.

SECTION 2.11 RESTRICTIONS ON COUNCIL

Except where authorized by law, no council member shall hold any other city office or city employment for compensation.

SECTION 2.12 LEGISLATIVE ACTION

The affirmative vote of two (2) members of the Council shall be required for all official actions of the council. A minimum of three (3) council members must be present when official actions are taken by the Council.

SECTION 2.13 PROCEDURE

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

**ARTICLE III
EXECUTIVE BRANCH**

SECTION 3.01 MAYOR

The Mayor shall be the chief executive and administrative officer of the City.

SECTION 3.02 QUALIFICATIONS FOR OFFICE

Every resident elector in the City of Cut Bank who is 21 years of age or older and a citizen of Montana for at least three (3) years and a resident of Cut Bank for at least two (2) years preceding the election to office is eligible to hold the office of Mayor.

SECTION 3.03 TERM OF OFFICE

The Mayor shall be elected for a four (4) year term of office.

SECTION 3.04 ELECTION

The Mayor, who must reside within the city limits at the time of election and throughout the term of office, shall be elected on a nonpartisan basis.

SECTION 3.05 VACANCY IN OFFICE

The office of Mayor becomes vacant as prescribed by law.

SECTION 3.06 REMOVAL FROM OFFICE

The Mayor may be removed from office by a finding, adopted by an affirmative vote of three (3) council members, that the office has become vacant as prescribed by law, or by the recall of the Mayor by the electors of Cut Bank as prescribed by law.

SECTION 3.07 FILLING VACANCY OF MAYOR

When a vacancy occurs in the office of Mayor, the position shall be considered open and subject to nomination and elected at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification, the council shall appoint, by an affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

SECTION 3.08 POWERS AND DUTIES

The Mayor shall:

- 1) Enforce laws, charter, ordinances and resolutions
- 2) Perform duties required of the mayor by law, charter, ordinance or resolution
- 3) Administer affairs of city 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 consent of the Council, all members of boards and committees

SECTION 3.09 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 in the supervision and operation of the local government and such administrative assistant shall be answerable solely to the Mayor

- 3) Appoint and remove with the affirmative vote of three (3) members of the council, all department heads, including a city clerk-treasurer, and may appoint and remove all other department employees.
- 4) Exercise control and supervision of all departments and boards

SECTION 3.10 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 the affirmative vote of three (3) members of the council.

SECTION 3.11 COMPENSATION

The compensation of the Mayor shall be set annually by Council resolution.

SECTION 3.12 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. The Council may appoint a person meeting the qualifications in Section 3.02 to serve as acting Mayor during the absence of the Mayor.

SECTION 3.13 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 or resolution. The chief legal officer, who will be called the City Attorney, shall have the status of department head, and may not be removed or suspended by the Mayor without the consent of the Council.

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

- 1) The organization of city departments shall be prescribed by ordinance.
- 2) The complete plan or organization and structure of the city government which shall include department organizations, the nature and scope of responsibilities of each department, and all required rules and procedures for department operation and the procedure regarding boards, commissions or any other government activities shall be prescribed by law.

SECTION 5.02 PERSONNEL MANAGEMENT SYSTEM

The City personnel management system shall be established which shall include:

- 1) A salary schedule
- 2) Provisions for vacation, sick leave, insurance and other employee benefits
- 3) Procedures for employees to be heard upon their request pending discharge, suspension or any disciplinary action or grievance
- 4) Such other procedures as are appropriate for the conduct of on an efficient personnel management system

ARTICLE VI
MISCELLANEOUS PROVISIONS

SECTION 6.01 AMENDMENT OF CHARTER

This charter may be amended only with the approval of the voters as prescribed by state law.

SECTION 6.02 EFFECTIVE DATE

This charter shall become effective on July 1, 2006.

SECTION 6.03 OATH OF OFFICE

Before entering upon the duties of office, all elected 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 RECALL

The elected officers of city government may be recalled by the qualified electors of Cut Bank as prescribed by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

SECTION 6.05 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 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.

SECTION 6.06 PUBLIC PARTICIPATION IN GOVERNMENT

- 1) All meetings of the City Council must be open to the public unless provided by law.
- 2) Citizens are entitled to inspect and copy public writings of the City of Cut Bank unless otherwise provided by law.

SECTION 6.07 CAPITAL IMPROVEMENT PROGRAM FUND

The Council shall cause to be established and maintained a capital improvement program (CIP) fund for the purpose of replacement and acquisition of general fund property, plant or equipment.

An amount from the all-purpose levy, not to exceed the amount provided by law, and such other non tax resources as the Council may from time to time cause to be deposited in the capital improvement project fund, may be deposited in this fund.

The money held in the capital improvement program must be invested according to law and the interest earned must be credited to this fund.

SECTION 6.08 BUDGET

The budget shall be balanced each fiscal year as required by law.

ARTICLE VII
TRANSITION PROVISIONS

SECTION 7.01 GENERAL TRANSITION

- 1) Transition to this form of government shall be as prescribed by law. The Cut Bank Study Commission shall provide for such transition with an advisory plan consistent with the law.
- 2) The provisions of the Transition Article shall not be published as part of the charter after July 1, 2006.

SECTION 7.02 CONTINUATION IN OFFICE

No city employee or elected official currently holding a city office shall lose employment or elected position solely because of the adoption of this charter. Existing elected officials may continue in office until the end of the term for which they were elected.

SECTION 7.03 FINANCIAL OBLIGATION

Financial obligations of the City of Cut Bank shall not be altered as the result of the adoption of this charter.