

PART 6

Town Meeting Government

Title 7. Local Government

Chapter 3. Alternative Forms of Local Government

Montana Code Annotated 2013

7.3.601. TOWN MEETING FORM.

- (1) The town meeting form consists of an assembly of the qualified electors of a town, known as a “town meeting”, an elected town presiding officer, who must be a qualified elector, and an optional elected town meeting moderator.
- (2) The town meeting form may be adopted only by incorporated cities of less than 2,000 persons and incorporated towns of less than 2,000 persons, as determined by the most recent decennial census as conducted by the United States bureau of the census unless a more recent enumeration of inhabitants is made by the state, in which case that enumeration must be used for the purposes of this part. A unit of local government that adopts this form may retain it even though its population increases to more than 2,000.
- (3) All legislative powers of the town vest in the town meeting. The town meeting may enact rules, resolutions, and ordinances.

7-3-602. NATURE OF GOVERNMENT.

The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; **OR** (2) self-government powers.

7-3-603. HOLDING OF TOWN MEETING.

- (1) Towns adopting this form shall convene an annual town meeting on the first Tuesday of March. Special town meetings may be called by the town presiding officer or upon petition of 10% of the qualified electors of the town, but not by less than 10 qualified electors.
- (2) All qualified electors of the town may attend the town meeting, take part in the discussion, and vote on all matters coming before the town meeting. Others may attend but may not vote or take part in the discussion except by a majority vote of the town meeting.
- (3) A quorum consists of at least 10% of the qualified electors of the town, but a higher quorum requirement may be established by a majority vote of the town meeting.

- (4) The election of town officials must be nonpartisan and must be by a plurality of those qualified electors present and voting. All other voting in the town meeting must be by a simple majority of those qualified electors present and voting.
- (5) Election of officials must be by secret ballot. Other voting must be by secret ballot upon the request of at least five members of the town meeting.

7-3-604. MEETING AGENDA.

An agenda of the town meeting and a list of all elective and appointive offices to be filled must be prepared by the town presiding officer, who shall publish the notice as provided in 7-1-4127. Upon written petition of at least 10% of the qualified electors of the town but not less than 10 qualified electors, the town presiding officer shall insert a particular item or items in the agenda for the next annual or special town meeting. The town meeting agenda may include an item entitled “other business” under which any matter may be considered by the town meeting, except any matter dealing with finance or taxation may not be considered under “other business”.

7-3-605. AGENDA AND CONDUCT OF INITIAL TOWN MEETING.

The first agenda of the first town meeting following the adoption of this form must be established by the local study commission. At that town meeting the presiding officer of the local study commission shall preside over the election of the presiding officer of the town, after which the presiding officer of the town shall preside.

7-3-606. SELECTION, ROLE, AND DUTIES OF TOWN PRESIDING OFFICER.

- (1) The town meeting shall elect a town presiding officer for a term of not less than 1 year or more than 2 years. An unexpired term of a town presiding officer must be filled at the next annual or special town meeting.
- (2) The town presiding officer is the chief executive officer of the town and shall:
 - (A) enforce laws, ordinances, and resolutions;
 - (B) perform duties required by law, ordinance, or resolution;
 - (C) administer the affairs of the town;
 - (D) prepare the town meeting agenda;
 - (E) attend all annual and special town meetings;
 - (F) recommend measures to the town meeting;
 - (G) report to the town on the affairs and financial condition of the town;
 - (H) execute bonds, notes, contracts, and written obligations of the town, subject to the approval of the town;
 - (I) appoint, with the consent of the town meeting, members of all boards and appoint and remove all employees of the town;

- (J) prepare the budget and present it to the town meeting for adoption;
 - (K) exercise control and supervision of the administration of all departments and boards; and
 - (L) carry out policies established by the town meeting.
- (3) Compensation of the town presiding officer must be established by ordinance but may not be reduced during the current term of the town presiding officer.

7-3-607. **COMMITTEES.**

Permanent committees to advise the town presiding officer or the town meeting may be established and dissolved by ordinance. The town presiding officer may establish temporary committees to advise the presiding officer.

7-3-608. **THROUGH 7-3-610 RESERVED.**

7-3-611. **STRUCTURAL SUBOPTIONS.**

The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-612 and 7-3-613.

7-3-612. **TOWN MEETING MODERATOR.**

The town meeting shall:

- (1) elect a town meeting moderator for a term of 1 year, who is the presiding officer of all annual and special town meetings but who does not have other governmental powers;
- OR**
- (2) designate the town presiding officer as presiding officer of all annual and special town meetings.

7-3-613. **ADMINISTRATIVE ASSISTANT.**

- (1) The town presiding officer:
 - (A) shall appoint an administrative assistant to assist in the supervision and operation of the affairs of the town;
 - OR**
 - (B) may appoint an administrative assistant to assist in the supervision and operation of the affairs of the town.
- (2) The administrative assistant is answerable solely to the town presiding officer, and the town presiding officer may delegate powers to the administrative assistant.