

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

CUT BANK, MONTANA

EFFECTIVE JULY 1, 2006

CITY CHARTER •
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 powers 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 or 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.

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 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 6.06 PUBLIC PARTICIPATION IN GOVERNMENT

1. All meetings of the city council must be open to the public unless otherwise 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

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 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 OBLIGATIONS

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

7-3-218 (2). 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 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220 (1). 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 (3). 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 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223 (2). Size of commission and community councils. The size of the commission shall be four (4), 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.

CITY OF CUT BANK
COMPARISON OF CHARACTERISTICS OF COUNCIL-MAYOR FORM OF GOVERNMENT
WITH THE
CHARTER FORM OF GOVERNMENT WITH MAYOR AND COUNCIL

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 advice and consent of the council.	CHARTER Elected council performs policy making functions. Elected mayor administers government with the advice and consent of council.	No change in the basic plan of government, but the charter clarifies the governing roles of the mayor and council.
POWERS	General government powers	Self-government powers	The charter limits the city's taxing authority to that of a general powers government and requires public hearings be held for any increase in fees and utility rates. Provides greater flexibility to city council to address unforeseen problems or opportunities.
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council and mayor responsible for all legislative, executive and administrative functions.	No change.
Size	4 council members elected from districts in non-partisan elections. Four year overlapping terms.	4 council members elected at large in non-partisan elections. Four year overlapping terms.	Changes to at large election of council members but no change in number of council members. Regularizes nonpartisan election of local officials.
Term Presiding Officer	Mayor	Mayor	No change. No change.
CHIEF EXECUTIVE/ADMINISTRATIVE OFFICER	The elected mayor administers the government on a part time basis.	The elected mayor administers the government on a part time basis.	No change.
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 mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	No change.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads and members of boards and commissions with the consent of the council.	No change.
Budget Preparation	Mayor prepares budget in cooperation with department heads. Budget is then modified and approved by the city council.	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.	No change.