

FINAL REPORT GREAT FALLS CITY STUDY COMMISSION

SUMMARY OF CHANGES

The city study commission has studied city government for over a year and strongly believes that the current government, with an elected city commission and an appointed city manager, is the best for Great Falls.

- **CITY CHARTER** The city charter embodies the current commission manager form of government. In addition, the proposed charter would allow more local control of local issues. The charter is limited by state law and by the charter itself, including a **strict limitation on taxation**.
- **DIRECTLY ELECTED MAYOR** The charter includes a provision for a directly elected mayor for a term of two years. The office of mayor is a demanding job. By electing the mayor specifically for that office, we would be sure of electing a person ready to dedicate the time required. Choosing the mayor every two years also means the voters will elect a majority of the city commission at each election. This proposal would not affect the current powers and duties of the mayor.
- **OPTIONAL LARGER CITY COMMISSION** The charter gives you, the voter, the choice of retaining a city commission of five members or enlarging the commission to seven members.

REMEMBER TO VOTE ON JUNE 3rd

Complete copies of the charter are available at the Civic Center and the Public Library. If you would like the complete text mailed to you, or if you have a question on the Charter, call 727-5881, Extension 395, and leave your name, address and/or phone number.

	EXISTING FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
✓ 1. FORM OF GOVERNMENT	<u>COMMISSION-MANAGER FORM</u> Elected Commission determines policy. Manager is hired to administer policy.	<u>CHARTER</u> details form of government, which is substantially the same as current commission-manager form.	A charter will allow the City of Great Falls to govern itself more independently of the state government.
✓ 2. POWERS	<u>GENERAL GOVERNMENT POWERS</u> State law defines what local government may do and specifically how it shall do it.	<u>SELF-GOVERNMENT POWERS</u> City Commission may exercise powers which the State does not deny. Legislative power is vested in the Commission.	Self-government powers would allow more local control of local issues.
✓ 3. GOVERNING BODY SIZE	5 COMMISSIONERS elected at large for a 4-year term. City Commission includes Mayor.	5 or 7 COMMISSIONERS, depending on the voters' preference in the sub-option, elected at large for a 4-year term. City Commission includes Mayor.	Voters will have the opportunity to choose a City Commission of 5 members or 7 members.
✓ 4. GOVERNING BODY DUTIES	Commission is a legislative, policy-making body.	Same	No change
✓ 5. TERM OF COMMISSION	4-year term overlapping, non-partisan election	Same	By choosing the Mayor and half the Commissioners every 2 years, the voters will elect a majority of the Commission each time.
✓ 6. TERM OF MAYOR	4-year term, same as other Commissioners, non-partisan election	2-year term, non-partisan election	
✓ 7. ELECTION OF MAYOR	The Commissioner receiving highest number of votes becomes Mayor.	Elected at large specifically as Mayor for a 2-year term.	Lets the voters choose whom they want to be Mayor. Candidates know the time required in the office for which they are running.
✓ 8. POWERS AND DUTIES OF MAYOR	Same as other City Commissioners. Additional duties include presiding over meetings and ceremonial appearances.	Same	No change
✓ 9. CHIEF ADMINISTRATIVE AND EXECUTIVE OFFICER	CITY MANAGER supervises day-to-day operations and administration of all departments. Manager is hired, and can be fired, by the Commission.	Same	No change Provides for the administration of City government by a skilled and experienced specialist. Manager is accountable to the elected Commission.
10. APPOINTIVE POWERS	COMMISSION appoints and removes City Manager, members of boards and commissions. CITY MANAGER appoints and removes all department heads and employees.	Same	No change
11. MILL LEVY LIMIT	Set by State law.	Charter requires SAME MILL LEVY LIMIT as State law.	No change
12. BUDGET PREPARATION	CITY MANAGER prepares tentative budget. CITY COMMISSION reviews, modifies, and adopts final budget.	Same	No change

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE CITY OF GREAT FALLS

**CHARTER
OF THE
CITY OF GREAT FALLS**

Preamble

We, the people of Great Falls, Montana, grateful for our past, confident of our future, and having considered the form of government which will best serve our needs, do adopt this charter to establish our self-determination as a city.

Article I - General Provisions of Charter Government

Section 1 - Charter Government

The City of Great Falls, Montana, establishes this charter form of government in accordance with Article XI, Section 5, of the Constitution of Montana.

Section 2 - Powers of City Government

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

Section 3 - Mill Levy Limit

The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana law.

Section 4 - Exercise of Powers

All powers of the City of Great Falls are vested in and derived from the people of Great Falls. These powers shall be exercised by the city commission unless otherwise provided for by this charter or by Montana law. Enumeration of powers, rights, or duties in this charter shall not be considered exclusive or restrictive.

Article II - City Commission

Section 1 - Composition

The city commission shall be composed of (five or seven)* voting members: (four or six)* city commissioners and the mayor. The city commission shall be the legislative and policy-making body of the City of Great Falls.

Section 2 - Duties and Responsibilities

The city commission shall:

- (a) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.
- (b) Appoint and supervise, and may remove, the city manager.
- (c) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue.
- (d) Adopt as necessary an administrative and personnel code and/or policies.
- (e) Adopt procedures for contracting with private and public agencies.
- (f) Appoint citizens to boards, councils, committees or any other body or group pursuant to law.
- (g) Set the salary of city commissioners and the mayor by ordinance.

Section 3 - Administrative Review

On a majority vote of the whole number of the city commission, the city commission may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the city. The city commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry or investigation, the city commission shall be involved with administrative and management operations solely through the city manager.

Article III - The Office of the Mayor

Section 1 - Election of the Mayor

- (a) The City of Great Falls shall have a mayor.
- (b) The mayor shall be elected for a term of two years.
- (c) The mayor shall meet all requirements and qualifications for election to the office of city commissioner.

* Depending on the choice of the voters on the sub-option.

Section 2 - Powers and Duties of the Mayor

- (a) The mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at city commission meetings and the performance of ceremonial functions. These functions of the mayor shall not be construed as conferring upon the mayor executive, personnel, or administrative powers or functions.
- (b) The mayor shall serve as a member of the commission with all the rights and privileges of city commissioners. The mayor shall possess no veto over actions taken by the city commission.

Section 3 - Office of the Mayor Pro Tempore

The mayor pro tempore shall serve in the absence of the elected mayor. The city commissioners shall elect from among themselves a mayor pro tempore no later than one month after taking office. The mayor pro tempore shall serve a term of two years, or until the city commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining city commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term in which the vacancy occurred.

Article IV - Elections and Vacancies

Section 1 - Election of City Commissioners and the Mayor

- (a) City commissioners and the mayor shall be residents and qualified electors of the City of Great Falls.
- (b) Elections for city commissioners and for the mayor shall be non-partisan.
- (c) City commissioners shall be elected for a term of four years and the mayor shall be elected for a term of two years. Except in the case of a previous vacancy, (two or three)* city commissioners and the mayor shall be elected every two years. City commissioners and the mayor shall take office the first Tuesday after January 1st in the year following the election.
- (d) City commissioners and the mayor shall be nominated and elected at large.

Section 2 - Vacancy in the Office of City Commissioner or Mayor

- (a) The office of city commissioner or mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
 - (1) Loss of eligibility for election.

* Depending on the choice of the voters on the sub-option.

- (2) Violation of any express provision of this charter.
- (3) Conviction of a felony.
- (b) A majority of the city commission shall be the judge of the election and qualifications of its members and the grounds of forfeiture of their office. A city commissioner or mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the city commission.
- (c) When a vacancy occurs, the city commission may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of city commissioner or mayor until the next regular city election. The person elected at the next regular city election shall serve the unexpired term of the office in which the vacancy occurred.

Article V - City Court

There shall be a city court and an elected city judge as provided by Montana law.

Article VI - City Government Administration

Section 1 - Position of the City Manager

The city commission shall employ a city manager on the basis of merit.

Section 2 - Appointment and Removal of the City Manager

The city commission shall appoint or remove the city manager by majority vote of the whole number of the commission.

Section 3 - Salary of the City Manager

The salary of the city manager shall be set by the city commission.

Section 4 - Duties of the City Manager

The city manager shall be the chief administrative and executive officer of the city and shall be responsible to the city commission for the administration of all city affairs required by this charter, law, ordinance or resolution. The city manager shall:

- (a) Carry out policies established by the city commission.
- (b) Perform the duties required by this charter, law, ordinance, or resolution.
- (c) Enforce laws, ordinances and resolutions.
- (d) Administer the affairs of the city.
- (e) Direct, organize, supervise, and administer all departments, divisions, agencies, bureaus, and offices of the city.

- (f) Make recommendations to the city commission.
- (g) Report to the city commission on the fiscal affairs and the financial condition of the city.
- (h) Prepare and present the budget to the city commission.
- (i) Execute bonds, notes, contracts, and written obligations of the city commission and the City of Great Falls subject to the approval of the city commission.
- (j) Report to the city commission on the affairs of the city as the city commission may require.
- (k) Attend city commission meetings with the right to take part in the discussion but not to vote.
- (l) Appoint and be administratively responsible for all city employees, including their suspension or removal.
- (m) Appoint with the approval of the city commission a qualified acting city manager to exercise the powers and perform the duties of the city manager during temporary absences.
- (n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the city commission.
- (o) May, without notice, cause the affairs of any department, division, office, agency or other city administrative unit or employee to be examined.

Section 5 - Administrative Departments

Administrative departments, divisions, bureaus, agencies, offices, and other administrative entities shall be subject to the control and supervision of the city manager and shall be established by ordinance.

Article VII - Citizen Involvement in Government

Section 1 - Initiative, Referendum, and Recall

The qualified electors of the City of Great Falls may exercise the powers of Initiative, Referendum, and Recall as provided by Montana law.

Section 2 - Open Government

All records of the City of Great Falls, including the city commission and all boards, councils, committees, and commissions, shall be open to the public as provided by Montana law. All meetings of such bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

Section 3 - Citizen Involvement

The city commission may establish and appoint persons to boards, councils, committees, commissions, and other bodies of an advisory or substantive nature to assist the commission in the exercise of its duties. The City of Great Falls encourages citizens to participate in these bodies by serving as members, attending meetings, and other similar methods.

Article VIII - Amendment, Effective Date, and Severability

Section 1 - Amendment

This charter may be amended only as provided by Montana law. A majority of the qualified electors of the City of Great Falls voting on the question shall be required for passage of a charter amendment.

Section 2 - Effective Date

This charter shall become effective on July 1st, 1986.

Section 3 - 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 this charter, or any part of its provision, to any person or circumstances, is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Article IX - Transitional Provisions

Section 1 - General Transition

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

Section 2 - Compliance of Ordinances

The city commission shall review and where necessary revise or repeal all city ordinances to provide for their compliance and consistency with this charter by no later than June 30, 1987.

Section 3 - Election Transition

The five members of the city commission elected under the previous form of government, including the mayor and mayor-elect elected under the previous form of government, shall serve as city commissioners in the charter form of government until the expiration of the term of office to which they were elected in the previous form of government.

- (a) IF THE SUB-OPTION RESULTS IN A CITY COMMISSION WITH FIVE MEMBERS, in the primary and general elections to be held in September and November of 1987, the two city commission seats that were up for election in 1983 shall be up for election.

In the primary and general elections to be held in September and November of 1989, there shall be two city commissioner seats up for election. These shall be those last elected in 1985. The city commission seat held by the mayor selected under the previous form of government shall cease to exist on the first Tuesday after January 1st, 1990, and shall not be up for election. IF DEFEATED ON THE BALLOT, SUB-SECTION (a) SHALL NOT APPLY.

- (b) IF THE SUB-OPTION RESULTS IN A CITY COMMISSION WITH SEVEN MEMBERS, in the primary and general elections to be held in September and November of 1987, there shall be elected two additional city commissioners on an at-large, non-partisan basis. In those same elections, the two city commission seats that were up for election in 1983 shall be up for election.

As soon as the Cascade County Clerk and Recorder, or the person holding similar office overseeing city election results, has certified the 1987 general election results, the three city commissioners-elect with the highest three vote totals shall be designated as serving a regular term of four years. The city commissioner-elect with the fourth-highest vote total shall be designated as serving a special shortened term of two years and that seat shall be up for election in 1989.

In the primary and general election to be held in September and November of 1989, there shall be three city commissioner seats up for election. Two of the seats shall be those last elected in 1985. One seat shall be the two-year term elected in 1987. The city commission seat held by the mayor selected under the previous form of government shall cease to exist on the first Tuesday after January 1st, 1990, and shall not be up for election.

From the effective date of the charter until the first Tuesday after January 1st, 1988, the five city commissioners elected under the previous form of government shall serve as the interim city commission with all the powers and responsibilities of the city commission as specified in the charter. After the two additional city commissioners take office on the first Tuesday after January 1st, 1988, the new seven-member city commission shall function with all the powers and responsibilities accorded to the city commission in the charter.

IF DEFEATED ON THE BALLOT, SUB-SECTION (b) SHALL NOT APPLY.

From the effective date of the charter until the first Tuesday after January 1st, 1988, the mayor selected under the previous form of government shall serve as mayor of the charter government with all the powers and responsibilities accorded to the mayor in the charter. On the first Tuesday after January 1st, 1988, the mayor-elect selected under the previous form of government shall become mayor of the charter government for a term of two years.

In the primary and general elections to be held in September and November of 1989, there shall be elected a mayor, on a non-partisan citywide basis. The mayor-elect shall take office on the first Tuesday after January 1st, 1990, and serve a term of two years, consistent with provisions contained in this charter.

This transitional article becomes effective on July 1st, 1986, and expires as soon as the directly-elected mayor takes office.

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE CITY OF GREAT FALLS

7-3-114. Statutory basis for municipal commission-manager government.

(1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the municipal commission-manager form of government shall be governed by the following sections:

- (a) 7-3-301;
- (b) 7-3-302(1);
- (c) 7-3-303;
- (d) 7-3-304;
- (e) 7-3-305;
- (f) 7-3-312(3);
- (g) 7-3-313(1);
- (h) 7-3-314(2);
- (i) 7-3-315(2);
- (j) 7-3-316(2);
- (k) 7-3-317(2);
- (l) 7-3-318.

(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 five members.

These sections establish the following form of government which shall be called a COMMISSION-MANAGER form in this city.

7-3-301. Commission-manager form. The commission-manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.

7-3-302. 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.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required of him by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law 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 local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;

Upon approval of a majority of voters, the government of the City of Great Falls shall be organized under the provisions of Section 7-3-701 to 709 MCA.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the proposed plan of government approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 10th day of March, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
Owen Robinson

Delmont C. Thurber
Delmont C. Thurber

James F. Durkin
James F. Durkin

Turner C. Graybill
Turner C. Graybill

Paul A. Johnson
Paul A. Johnson

Jerry J. McGivern
Jerry J. McGivern

Patti S. Smith
Patti S. Smith

- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion, but 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 local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government.

(1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government 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.

7-3-306 through 7-3-310 reserved.

7-3-312(3). Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.

7-3-313(1). Selection of commission members. The commission shall be elected at large.

7-3-314(2). Type of election. Local government elections shall be conducted on a non-partisan basis.

7-3-315(2). Chairman of commission. The chairman of the commission shall be elected by the qualified electors for a term of office.

7-3-316(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317(2). Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise commissioners may be authorized by ordinance.

7-3-318. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the existing plan of government of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 10th day of March, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
Owen Robinson

Delmont C. Thurber
Delmont C. Thurber

James F. Durkin
James F. Durkin

Turner C. Graybill
Turner C. Graybill

Paul A. Johnson
Paul A. Johnson

Jerry J. McGivern
Jerry J. McGivern

Patti S. Smith
Patti S. Smith

CERTIFICATE
ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF THE CITY OF GREAT FALLS

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Great Falls at a special election to be held with the primary election on June 3, 1986.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the date of the special election approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 10th day of March, 1986.

ATTEST:

Kathryn E. Wright

Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson

Owen Robinson

Delmont C. Thurber

Delmont C. Thurber

James F. Durkin

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Paul A. Johnson

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Jerry J. McGivern

Jerry J. McGivern

Patti S. Smith

Patti S. Smith

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT
FOR THE JUNE 3, 1986, SPECIAL ELECTION

Instructions to voters: Place an "X" in the boxes which express your preferences.

OFFICIAL BALLOT
BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

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

PLEASE VOTE ON BOTH ISSUES

FORM OF LOCAL GOVERNMENT

1. Vote for One.

- For adoption of the charter commission/manager form of government proposed in the report of the City of Great Falls Local Government Study Commission.
- For the existing commission/manager form of government.

SUB-OPTION IF CHARTER FORM IS ADOPTED

2. Vote for One.

If the charter form of government is adopted, the city commission shall be composed of:

- five voting members -- four city commissioners and the mayor.
- seven voting members -- six city commissioners and the mayor.



ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

We, the Study Commissioners of the City of Great Falls do hereby certify that this is the Official Ballot approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 10th day of March, 1986.

Owen Robinson
Owen Robinson

Delmont C. Thurber
Delmont C. Thurber

James F. Durkin
James F. Durkin

Turner C. Graybill
Turner C. Graybill

Paul A. Johnson
Paul A. Johnson

Jerry J. McGivern
Jerry J. McGivern

Patti S. Smith
Patti S. Smith

CERTIFICATE
ESTABLISHING THE DATES OF
THE FIRST PRIMARY AND GENERAL ELECTIONS
FOR OFFICERS OF THE NEW GOVERNMENT
OF THE CITY OF GREAT FALLS
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 the City of Great Falls shall be September 8, 1987.

The date of the general election for officers of the new government of the City of Great Falls shall be November 3, 1987.

The effective date of the alternative plan of local government of the City of Great Falls shall be July 1, 1986.



We, the Study Commissioners of the City of Great Falls do hereby certify that these are the dates of the primary and general elections and the effective date of the alternative plan of local government of the City of Great Falls approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 10th day of March, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
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