

CHARTER FOR THE CITY OF LEWISTOWN, MONTANA

The citizens of Lewistown establish a Charter because it expands our democratic freedoms for self government. Under the constraints of the laws of the United States and of Montana, this Charter allows for increased flexibility to govern for the present and to plan for the future, while clearly defining the duties of its governing officials. Presently the government is restricted in its' ability to function because it is established using standard state codes for all Montana cities and towns, regardless of size, topography and other differences.

ARTICLE I POWERS OF THE CITY

Section 1.01 Powers of the City.

The city shall have all possible powers of a self-government city under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

Section 1.02 Mill Levy Limit

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.

Section 1.03 Construction

The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter will not be construed as limiting in any way the general power stated in this article.

ARTICLE II LEGISLATIVE

Section 2.01 Legislative Branch

The Legislative Branch shall consist of the city council.

Section 2.02 City Council; Composition and Powers

A. There shall be a City Council of the City of Lewistown, composed of six council members.

B. All of the powers of the city shall be vested in the city council except where otherwise prohibited by law or this Charter.

C. The city council shall meet regularly at least once a month at such times and places as the council may prescribe. Special meetings may be held on the call of the council President or four members of the council. All meetings shall be public except when the council recesses for the purpose of discussing, in a closed meeting, limited to its own membership, any matter which would tend to defame or prejudice the character or reputation of any person.

A. These elections shall be non-partisan.

B. The council members shall be elected from wards.

C. The council members shall serve for terms of four years.

D. Council members shall reside within the ward from which they are elected and shall be qualified voters of the city of Lewistown. One council member shall be elected from each ward every two years.

E. The council shall establish, by ordinance, the compensation of its members.

F. The council shall elect a President of the council from among its' members on an annual basis. The council President shall serve as President for no more than two consecutive terms.

G. The council President shall conduct council meetings, shall call special meetings, and in conjunction with the Mayor, shall set the meeting agenda.

H. The President of the council shall, no later than January 31, prepare a report on the "state of the city". This report shall set goals for the upcoming year as well as review the goals set for the preceding year.

I. The President of the council shall be the Deputy Mayor.

J. The council will be nominated and elected as prescribed by state law for non-partisan elections.

K. Council can override the Mayors veto with $\frac{2}{3}$ majority vote.

ARTICLE III EXECUTIVE

Section 3.01 City Mayor; Election

- A. The Mayor shall be a resident, qualified voter of the city of Lewistown.
- B. The Mayor shall be elected at large for a term of four years.
- C. The procedure for the nomination and election of the Mayor shall be as prescribed by State law for non-partisan elections.

Section 3.02 The Mayor; Powers and Duties

- A. The Mayor shall be the Executive, Administrative and Ceremonial Officer of the city. The Mayor shall exercise day-to-day supervision over all city departments.
- B. Carry out the policies established by the council.
- C. Enforce laws, ordinances, resolutions.
- D. Administer the affairs of the City.
- E. Direct, organize, establish, supervise and administer all departments, agencies and offices of the City.
- F. Appoint, suspend or remove all employees of the local government, with the approval of the council.
- G. Prepare and present the city budget to the Council for its' approval and administer the budget adopted by the Council.
- H. Report publicly to the Council at least quarterly on the financial condition of the City.
- I. Recommend measures to the Council.
- J. Report to the Council as the Council may require.
- K. Attend council meeting and take part in the discussion, but shall have no votes except in the case of a tie.
- L. Shall have veto power over council decisions.
- M. Assist the President of the Council with the meeting agenda.

Section 3.03 The Mayor - Compensation

- A. The compensation of the Mayor will be determined by the Council.

ARTICLE IV VACANCIES, FORFEITURE OF OFFICE , FILLING OF VACANCIES OF ALL ELECTED GOVERNMENT OFFICERS.

A. Vacancies. The office of Council Member or Mayor will 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. A council member or Mayor will forfeit their office if he or she: (1) lacks at any time during the term of office any qualification 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. Filling of Vacancy in the Office of Mayor. If a vacancy occurs in the office of Mayor, the Deputy Mayor will 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.

D. Filling A Vacancy of the office of council member. The vacancy shall be appointed by the council President for the duration of the vacant term.

ARTICLE V BOARDS, COMMISSIONS, AND COMMITTEES

Section 5.01 The Mayor shall appoint with the consent of the City Council boards, commissions or committees.

Section 5.02 The Powers. Boards, commissions, or committees of city government will be advisory only. They shall have no administrative authority unless specifically required by Federal or State law, or interlocal agreement.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment Procedure. The Charter shall be amended only as provided by state law.

Section 6.02 Recall. An elected city official may be recalled as provided by state law

Section 6.03 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 circumstances shall not be affected thereby.

ARTICLE VII TRANSITION

Section 7.01 Review of existing ordinances.

The City Council shall review, and where necessary revise or repeal, all city ordinances and resolutions to provide for their compliance with this Charter.

Section 7.02 Effective date.

This Charter shall become effective upon passage by the electors at the November 4th, 1986 election. Lewistown shall thereby become a Charter city of self government under the laws of the State of Montana.

Section 7.03 Transition procedure for elected officials.

A. The governing officials that were in place before the passage of the Charter shall stay in office until the end of their elected term. These elected officials shall be considered interim officials so that they shall have the same eligibility for office as the other town citizens when their interim term expires.

ARTICLE VIII INTENT STATEMENT

It is the intent of the Government Review Commission for the town of Lewistown to:

1. Establish the council as the policy making body of town government. Pursuant to this direction, long range goals need to be developed, promulgated to the electorate, and periodically reviewed.
2. Direct the Mayor, the administrator/executive of the town, to provide guidance and continuity to the daily affairs of the town.
3. Ensure that town government be flexible and responsive to the needs of its' citizens.

COMPARISON AND SUMMARY OF THE PRESENT FORM OF CITY GOVERNMENT VERSUS THE PROPOSED FORM

	EXISTING FORM	PROPOSED FORM
FORM OF	Mayor-/council form Merges legislative, administrative and executive functions in the council.	Mayor-/Council GOVERNMENT with Charter. Council determines policy and the Mayor and his departments execute these policies.
Comment	Proposed form provides separation of legislative and administrative responsibilities.	
POWERS	General Government Powers. State law defines what city gov't. may do and specifically how it should be done.	Self-Government powers. City Council may exercise any power which the state does not deny.
Comment	Self-government powers give the local government more flexibility in solving local problems.	
COUNCIL	Six (6) councilmen elected non-partisan from three (3) wards for four (4) yr. terms.	Six (6) council persons elected as they are now on a non-partisan ballot.
Comment	Present system of electing Council seems appropriate.	
MAYOR	Elected at large every four years on a non-partisan ballot. Presides at Council meetings and votes in case of a tie. Has veto power over council decisions.	Elected as he is presently but he is no longer a part of the council proceedings other than in an advisory capacity. Votes in case of tie. Carries out the policies of the Council and reports to them on how this policy was executed. Has veto power over council decisions.
Comment	It was intended to separate the powers and duties of the Council and the Mayor as Legislative and Executive.	
COUNCIL	Conducts council meetings when the Mayor is absent.	Presides and conducts Council meetings. Prepares and submits the goals of the town to the Council.
Comment	Under the proposed Charter it was intended to separate the powers and duties of the Mayor and the Council and for this reason the Council President replaces the Mayor as presiding officer at council meetings.	
DUTIES OF	Policy making and through various committees, responsible for the day-to-day administration of the city.	Policy-Legislative body. Would set policy and have final control over the Mayor's administration of council policy.
Comment	The Mayor will perform day-to-day administrative duties.	
APPOINTMENT POWERS	Mayor appoints and removes with the consent of the council.	The Mayor's appointment powers are not changed by the proposed charter.
Comment	Department heads are appointed on the basis of qualifications and experience and are responsible to the Mayor, who in turn is responsible to the Council.	
BUDGET	Prepared by city council and implemented by city council.	Prepared by the Mayor and submitted to the council for approval.
Comment	The Mayor can balance priorities set by the council with available city resources.	