

CHARTER OF THE TOWN OF MELSTONE

PREAMBLE

WE, THE PEOPLE OF THE TOWN OF MELSTONE, State of Montana, in accordance with Article XI, Section 5 of the Constiution of Montana, do adopt this Charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers of Town

The Town of Melstone shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of the Town of Melstone shall be liberally construed. Every reasonable doubt as to the existence of a Town power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 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.

Section 1.04 Intergovernmental Cooperation

As provided by Article XI, Section 7 of the Constitution of Montana, the Town of Melstone unless prohibited by law or this Charter may:

- (a) cooperate in the exercise of any function, power or responsibility with;
- (b) share the services of any officer or facilities with;

- (c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

Section 1.05 Oath of office

Before entering upon the duties of office, all elected Town officials shall take and subscribe the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II

TOWN COUNCIL

Section 2.01 Composition, terms, election, qualifications, compensation, removal, filling of vacancies

- (1) There shall be a Council of the Town of Melstone of five (5) members, at least two (2) of whom shall be elected every two (2) years.
- (2) Members of the Council shall be elected for terms of four (4) years.
- (3) Elections for the Council shall be non-partisan.
- (4) Council members shall be elected at large.
- (5) (a) The Office of Council members shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office;
- (b) Council member shall forfeit his or her office if he or she:
  - (i) loses his or her eligibility for election to his or her council seat;
  - (ii) violates any express prohibition of this Charter;
  - (iii) is convicted of a felony or other offense involving moral turpitude;
  - (iv) without Council approval, fails to attend three (3) consecutive regularly scheduled Council meetings.

- (6) In the event of vacancy, the Council shall by majority vote of the remaining members, appoint a person, eligible to hold such Council seat, to fill the vacancy until the next regular Town election at which time the remainder of the term shall be filled as provided by law.
- (7) The Council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in such a manner consistent with state law.
- (8)
  - (a) There shall be a chairman who shall be referred to as Mayor, and a vice-chairman of the Council. The Mayor shall be recognized as the head of the Town and shall preside at the Council meetings. If, at any meeting the Mayor is not present, or is unable to act, the vice-chairman shall preside at the meeting.
  - (b) The Mayor shall be elected by the members of the Council from their own number to serve at the pleasure of the Council.
  - (c) The vice-chairman shall be elected by the members of the Council from their own number and shall serve at the Council's pleasure.

Section 2.02 Powers of Town Council

All legislative, executive and administrative powers of the Town not specifically reserved by law, ordinance or this Charter to other elected officials shall reside in the Council. These powers include, but are not limited to, the power:

- (a) to adopt and enforce ordinances and resolutions;
- (b) to establish departments, offices or agencies in addition to those created by this charter and to prescribe their functions;

- (c) subject to the limitations provided by law, to raise and borrow money;
- (d) to make appropriations for Town purposes;
- (e) to approve all contracts subject to bid;
- (f) to employ a Town legal advisor;
- (g) to cooperate with other governmental agencies as prescribed in Section 1.04 of this Charter;
- (h) to provide for an annual independent audit of the finances of the Town;
- (i) to approve the budget except as otherwise provided by law, ordinances, resolution or this Charter;
- (j) to authorize community councils to advise the Council.

Section 2.03 Restrictions on the Town Council

The Town Council is limited to levying taxes on the taxable property in the Town of Melstone to seventy (70) mills each year for the operation of the Town Government, unless an extra mill levy over and above seventy (70) mills is approved by the majority of voters voting on the issue. A special election may be held to approve the extra mill levy or the issue may be submitted to the voters at the regular Town election.

Section 2.04 Council Procedure, Public Participation

- (1) Council procedure shall be as prescribed by state law.
- (2) The Council shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings.
- (3) All meetings shall be open to the public except in such circumstances as are prescribed by law.
- (4) All documents and records of the Council shall be public records and upon request shall be made available for examining or copying.

ARTICLE III

TOWN MAYOR

Section 3.01 Election, Compensation

- (1) The Mayor shall be elected by the members of the Council following each regular election of Council members, except that he may be removed by majority vote of the Council.
- (2) The salary of the Mayor shall be determined by the Town Council.
- (3) In the event of vacancy in the office of Mayor, a new Mayor shall be elected by the members of the Council to serve until the next Town electi

Section 3.02 Powers and Duties of the Mayor

- (1) The Mayor shall be recognized as the head of the local government unit and chief executive officer of the local government.
- (2) The Mayor shall be the presiding officer of the Council and have the power to vote as other members of the Council.
- (3) The Mayor shall:
  - (a) enforce laws, ordinances and resolutions;
  - (b) perform duties required of him by law, ordinance, or resolution;
  - (c) administer the affairs of the local government;
  - (d) direct, supervise, and administer all departments, agencies and offices of the local government, except as otherwise provided by law or ordinance;
  - (e) carry out policies established by the Council;
  - (f) prepare the Council agenda;
  - (g) recommend measures to the Council;
  - (h) report to the Council on the affairs and financial condition of the local government;
  - (i) execute bonds, notes, contracts, and written obligations of the Council, subject to the approval of the Council;

- (j) report to the Council as the Council may require;
  - (k) attend Council meetings and may take part in discussions;
  - (l) execute the budget adopted by the Council;
  - (m) appoint with the consent of the Council all members of boards and committees; except the chairman may appoint without the consent of the Council temporary advisory committees established by the Mayor;
  - (n) appoint with the consent of a majority of the Council all department heads. The Mayor may remove department heads and may appoint and remove all other employees;
  - (o) prepare the budget and present it to the Council for adoption;
  - (p) exercise control and supervision over the administration of department and boards.
- (4) The Mayor may appoint one or more administrative assistants to assist him in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the Mayor.

#### ARTICLE IV

##### TOWN CLERK-TREASURER

###### Section 4.01 Appointment, Duties, Bonding

- (1) A Town clerk-treasurer shall be appointed by the Mayor with consent of the Council.
- (2) Compensation shall be determined by the Council.
- (3) The clerk-treasurer shall keep the Town ordinances and records and financial records and other duties required by ordinance.
- (4) The clerk-treasurer shall be bonded in an amount established by the Council.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 5.01    Amendment of Charter

This Charter may be amended only as prescribed by state law.

Section 5.02    Effective Date

This Charter shall become effective on May 2, 1977.

Section 5.03    Separability

If any provision of this Charter is held invalid, the other provisions of this 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.

ARTICLE VI

TRANSITIONAL PROVISIONS

Section 6.01    General Transition

Transition to this Charter form of government shall be as prescribed by state law. The Commission may provide for such transition by ordinance, rule, or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after July 1, 1978.

Section 6.02

- (1) The first meeting of the Melstone Town Council shall be held at 7:30 o'clock P. M. on May 2, 1977, at which time the members shall take the oath of office prior to assuming the duties of office.
- (2) Five (5) Council members shall be elected in the local government general election on April 5, 1977. At the organizational meeting of the Town Council, the newly elected members shall draw lots for

the overlapping term of office with three (3) of the members to serve a four-year term and two (2) members serving an initial term of two years.

Section 6.03 Present Ordinances

- (1) All existing ordinances of the Town of Melstone, except those in conflict with provisions of this Charter, shall remain in effect unless and until superseded by action of the Council.
- (2) Within two (2) years of the effective date of the Charter, the Mayor shall submit a qualification of ordinances and resolutions to the Town Council for review, amendment and adoption by ordinance.