

PREAMBLE

SO THAT the ability of our governing body be responsive and efficiency may be increased;

AND SO THAT the power of decision in local government affairs be drawn more closely to the people, by self-government powers and geographically the population will be considered in representation;

THEREFORE in accord with the mandate received from the Montana State Constitution adopted in 1972, we, the Richland County Commission on Local Government Review, offer this as an alternate form of Richland County Government.

ARTICLE I

Richland County shall have self-government powers as established in Section 6, Article XI, of the 1972 Constitution of Montana and Chapters one and two of Part 7, Title 47A, RMC 1947.

ARTICLE II

COUNTY COMMISSION

Section 2.01

- (1) There shall be a commission of Richland County composed of three (3) members, one of whom shall be elected every two years.
- (2) Members of the commission shall be elected for terms of six (6) years.
- (3) Elections for the commission shall be partisan.
- (4) Commissioners shall be nominated from the districts in which they reside but elected at large.
- (5) By ordinance adopted at least (6) months prior to the next general election, the commission may determine the annual compensation of its members. By ordinance, the commission may set per diem and mileage allowances.
- (6) (a) The office of commissioner shall become vacant upon his death, resignation, ^{OR} removal from office in any manner authorized by law, or forfeiture of his office;
 - (b) A commissioner shall forfeit his office if he:
 - (i) loses his eligibility for election to his commission seat;

- (ii) violates any express prohibition of this charter;
- (iii) is convicted of a felony or other offense involving moral turpitude;

(7) In the event of vacancy, the commission shall by majority vote of the remaining members, appoint a person, eligible to hold such commission seat, to fill the vacancy until the next regular county election at which time the remainder of the term shall be filled. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) The commission 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 a manner consistent with state law.

(9) The commission shall select one of their number to serve as chairman and one to serve as vice-chairman. The chairman shall be recognized as the head of the county and shall preside at the commission meetings. If, at any meeting the chairman is not present, or is unable to act, the vice-chairman shall preside at the meeting.

(10) A member of the commission shall be a member of all boards and commissions in Richland County.

Section 2.02 Powers of the County Commission

All legislative, executive and administrative powers of the county not specifically reserved by law, ordinance or this charter to other elected officials shall reside in the commission. 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) to raise and borrow money;
- (d) to make appropriations for county purposes;
- (e) to approve or reject all contracts subject to bid; including all road equipment, and all court house manager expenditures. All warrants must be signed by an authorized commissioner.
- (f) to approve all wages for county employees.
- (g) to provide for an annual audit of the finances of the county.
- (h) to approve the budget except as otherwise provided by law, ordinances, resolution or this charter;
- (i) to appoint the members of all boards and commissions except as otherwise provided by law, ordinance, resolution or this charter; and, in the event that any board or commission does not meet for one year, reappoint the members or dissolve the boards or commissions.
- (j) to appoint the court house manager and the road manager;
- (k) to approve the appointment of other officials as provided in this charter;
- (l) to provide by ordinances, all powers and duties except as otherwise provided in this charter of elected officials established by this charter;
- (m) after the establishment of any office, to consolidate as provided by law, two or more of the offices;
- (n) to appoint successors for any elected official who resigns, is removed, or dies in office, until the next regular county election.

Section 2.03 Restrictions on the County Commission

(1) Neither the commission nor any of its members may dictate the appointment or removal of any employees whom any elected official is empowered to appoint.

(2) Except for the purpose of inquiry or investigation under this charter or the code of local government, the commission or its members shall deal with the county employees who are subject to the direction and supervision of any appointed or elected official, solely through the appointed or elected official, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

(3) The County Commission shall be limited to a levy of 65 mills. This levy can only be exceeded by referendum.

Section 2.04 Commission Procedure, Public Participation

(1) The commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings.

(2) All meetings shall be open to the public except in such circumstances as are prescribed by state law.

(3) All documents and records of the commission shall be public records and shall be made available for examining or copying.

(4) The commission will be in session the first five (5) working days of each month from 8:00 a. m. to 5:00 pm and any other days found necessary by the commission

ARTICLE III

COURT HOUSE MANAGER

Section 3.01 Qualifications, Compensation, Appointment and Removal

(1) The Court House manager shall be appointed by the commission for maximum terms of two (2) years. The commission shall fix his compensation.

(2) The Court House manager shall be a resident of the county.

(3) The ~~county~~ commission may remove the Court House manager from office at any time.

(4) The county commission shall designate another officer of the county to serve as Court House manager during the absence or disability of the Court House manager.

Section 3.02 Powers and duties of Court House Manager

(1) The Court House manager shall be an administrative officer of the county; he shall be responsible to the commission for the administration of all county affairs placed in his charge by this charter, law, ordinance or resolution.

(2) The Court House manager shall:

(a) enforce laws, ordinances and resolutions;

(b) Perform duties required of him by this charter, 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 unit except as otherwise provided by this charter, law or ordinance;

(e) carry out policies established by the commission;

(f) prepare the commission agenda

- (g) recommend measures to the commission;
- (h) report to the commission on the affairs and financial condition of the local government;
- (i) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (j) report to the commission as the commission may require;
- (k) attend commission meetings and may take part in the discussion, but he may not vote;
- (l) prepare and present the budget for all departments, to the commission for its approval and execute the budget for all departments, as adopted by the commission;
- (m) Appoint, suspend or remove department heads who are not elected, with approval of the commission. All department heads who were elected in 1974 shall be appointed to the department designated in this charter and shall not be recommended for replacement until 1978.
- (n) appoint, suspend and remove all other employees of the county with the advice of the department heads; except those under the road manager, the sheriff or the county attorney.
- (o) Perform the duties of the superintendent of schools, and the clerk of court, or hire assistants with qualifications required by state law;

ARTICLE IV

ADMINISTRATIVE STRUCTURE

Section 4.01 Departmental Structure

- (1) The county government shall be administered according to the following departments: court house, roads, law enforcement, records, legal, assessment, engineering, finance, extension, health, welfare, and other agencies established by the county.

(2) The department heads of the county shall be known respectively as the court house manager, the road manager, the clerk and recorder, the sheriff, the county attorney, the assessor, the surveyor, the treasurer, the coroner, the health officer, the welfare officer, and any other officials designated by the county commission. The Sheriff and the County Attorney shall be elected.

(3) All department heads, except those elected, and first assistants shall be appointed by the court house manager with the approval of the county commiaaion.

(4) All elected Department heads shall be elected to four (4) year terms on a partisan basis.

(5) The sheriff may appoint a first assistant, and the county attorney may appoint a first assistant, with the approval of the county commission. The sheriff may appoint all other deputies and the attorney may appoint any employees in the legal department. If the Treasurer and Clerk and Recorder are elected they shall also name their first assistants.

(6) All Department heads may take any grievance directly to the county commiccion. All heads of boards, commissions and agencies shall also have this privilege.

(7) All County employees except as otherwise provided in this section, shall be hired by the courthouse manager at the recommendation of the department head and shall be subject to shifting between departments at the discretion of the courthouse manager.

(8) All wages and salaries must be approved by the county commission.

(9) All purchases shall be handled through the court house manager.

(10) All court house manager expenditures shall be approved by the county commission.

(11) All boards, commissions and agencies shall be subject to re-organization by the county commission, except as required by state law, and all boards, commissions and agencies shall be subject to the budget and purchasing provisions of this section.

(12) Department heads shall perform all duties required by state law of elected county officials. The county commission shall interpret the requirements of state law.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 5.01 Amendment of Charter

(1) Unless otherwise provided by state law this charter may be amended by vote of two-thirds (2/3) of the commission and ratified by a majority of the voters, who vote on said amendment, which vote may be at a special election or at any regular election following the adoption of the amendment by the commission.

(a) Notice of the election for ratification of the amendment shall contain the proposed amendment and shall be published, once a week, for four (4) consecutive weeks prior to the date of election.

(2) This charter may also be amended by the filing of initiative petitions, therefore, setting forth the proposed amendment which petitions shall have been signed by not less than 10% of the qualified voters in each of the commissioner districts in the county, and ratification of the proposed amendment by a majority of the voters who voted on said amendment.

(a) Notice of the election for ratification of the amendment and the election shall be in accordance with sub-section (1).

Section 5.02 Initiative and Referendum

Unless otherwise provided by state law:

(1) The commission shall be bound by the decision of a majority vote of the electors voting on any measure enacted by initiative, and shall refer any question relating to county matters to the voters, when requested to do so by petitions signed by ten (10) percent of the qualified voters of such commission district.

(a) Notice of elections on all initiated or referred matters shall be given in the same manner as provided for amendments to this charter.

(b) Whenever a vote of the electors is required by reason of referendum petitions, the act of any county officer inconsistent therewith shall be invalid until the election has been held and approval thereof determined as provided by law for the canvas of elections.

Section 5.03 Effective Date

This charter shall become effective on May 2, 1977

Section 5.04 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 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 Commission Districts

Commission districts shall be as follows:

(a) District number one (1) shall include all of Richland County, Montana, situated North and East of the following described boundary; Beginning at the intersection of the Missouri River and the Township Line between Range 55 East and Range 56 East; thence, South along said Township Line to it's intersection with Highway No. 201; thence, East along said Highway to it's intersection with the Township Line between Range 56 East and Range 57 East; thence South along said Township Line to it's intersection with Highway No. 200; thence Easterly along last said Highway to it's intersection with Lincoln Avenue of the City of Sidney; thence along Lincoln Avenue to it's intersection with Holly Street and it's extension to it's intersection with the Westerly boundary of the Yellowstone River; thence Northeasterly along said river to it's intersection with the Montana State Line.

(b) District number two (2) shall include all of Richland County, Montana situated South and East of the following described Boundary: Beginning at the Northwest corner of Township 21 North and Range 56 East; thence East to the Northeast corner of the same Township and Range; thence, North along the Township Line to it's intersection with Highway No. 200; thence, on and along the South Boundary of DISTRICT I to it's intersection with the Montana State Line.

(c) District number three (3) shall include All of Richland County, Montana, situated West of DISTRICT I and DISTRICT 2.

Section 6.03 Salaries and Expenses

(1) The initial expenses of the commission, including the expense of advertising for applicants for the position of court house manager and of interviewing and investigating such applicants in the county or elsewhere, shall be paid by the county on claims signed by the chairman of the commission.

(2) Salaries of all elected county officials and employees shall continue at their present level until the discontinuance of such office or position in accordance with the provisions of this charter or the change in salary or employment of such officials and employees in accordance with the provisions of this charter.

Section 6.04 Commission Terms

(1) The County Commissioner elected on November 7, 1972 shall continue to hold office as a commissioner until his successor is elected in 1978 and qualified in 1979. Such commissioner retains his office under the provisions of Section 6 (3) of the transition schedule of the 1972 Montana Constitution.

(2) The remaining two commissioners shall be elected as follows; the commissioner elected from District two (2) shall be for a four (4) year term and the commissioner elected from District three (3) shall be for a six (6) year term.

We, the Study Commissioners of Richland County, do hereby certify that this is the proposed plan of Government approved by the Richland County Study Commissioners.

In testimony whereof, we set our hands.

Done at Sidney this 26 day of

April 1976.

Walter Jensen
John R. Redman
Antone J. Carda

Subscribed and sworn to before me this 26 day of April 1976.

SEAL

Paul J. Gray
Notary Public for the State of Montana
Residing at Sidney
My Commission expires: 7-13-76