

CHARTER OF THE CITY OF ROUNDUP

PREAMBLE

WE, THE PEOPLE OF THE CITY OF ROUNDUP, State of Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, do adopt this Charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers of City

The City of Roundup 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 City of Roundup 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 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 City of Roundup 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 City officials shall take and subscribe the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II

CITY COUNCIL

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

- (1) There shall be a Council of the City of Roundup of four (4) members, with two (2) members elected every two (2) years, with overlapping terms.
- (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 by districts also known as wards in which candidates must reside and are apportioned by population.
- (5) (a) For purposes of representation on the City Council, the City of Roundup shall be divided into four districts or wards. Boundaries of Council districts or wards may be changed in accordance with this Charter.
 - (b) (i) Within six (6) months after the availability of the official U. S. Census, the Council shall modify the boundaries of districts or wards so that they are as equal in population as is practicable.
 - (ii) District or ward boundaries may be changed at any time by

ordinance to comply with the equal population requirements of this section.

(c) District or ward boundaries may be changed by ordinance, provided that any such revised district or ward boundaries must comply with the population standars prescribed in Section 2.01 (5) (b) of this Charter.

(6) (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 members 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.

(7) 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 City election at which time the remainder of the term shall be filled as provided by law.

(8) The Council shall be the judge of the election and qualifications of its members and of the grounds of forefeiture 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.

Section 2.02 Powers of City Council

All legislative, executive and administrative powers of the City 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 City purposes;
- (e) to approve all contracts subject to bid;
- (f) to employ a City 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 City
- (i) to approve the budget except as otherwise provided by law, ordinance, resolution or this Charter;
- (j) to authorize community councils to advise the Council.

Section 2.03 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

CITY MAYOR

Section 3.01 Election, Compensation

- (1) There shall be elected at large a Mayor who shall serve a two-year term. Elections for Mayor shall be non-partisan. The candidate for mayor must be a resident of Roundup.
- (2) The salary of the Mayor shall be determined by the City 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 City election.

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 measurers 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

CITY CLERK-TREASURER

Section 4.01 Appointment, Duties, Bonding

- (1) A City 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 City 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 Council 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 Council Wards or Districts

Until modified in accordance with the provisions of this Charter, Council districts or wards shall remain the same as now established.

Section 6.03

- (1) The first meeting of the Roundup City 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) Four (4) Council members shall be elected in the local government

general election on April 5, 1977. At the organizational meeting of the City Council, the newly elected members shall draw lots for the overlapping term of office with two (2) of the members to serve a four-year term and two members serving an initial term of two years

Section 6.04 Present Ordinances

- (1) All existing ordinances of the City of Roundup, 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 City Council for review, amendment and adoption by ordinance.