

CHARTER OF THE CITY OF CONRAD

REC'D DEC 7 2006

PONDERA COUNTY, MONTANA

PREAMBLE

WE, THE PEOPLE OF THE CITY OF CONRAD, COUNTY OF PONDERA, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City

The City of Conrad 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 this self-government city 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 Restrictions

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of the electors voting on the question in a general or special municipal election.
2. No change in any city license fee, user fee, permit fee or utility charge shall be made without prior public notice, as prescribed by law.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, charter provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.05 Oath of Office

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

**ARTICLE II
CITY COUNCIL**

Section 2.01 Legislative Branch

The legislative branch and governing body shall be the city council.

Section 2.02 Composition

The City of Conrad shall have a city council of four (4) elected members.

Section 2.03 Qualifications for Office

Every resident of the City of Conrad who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member.

Montana Code Annotated 2009

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Constitution of Montana -- Article IV -- SUFFRAGE AND ELECTIONS

Section 2. Qualified elector. Any citizen of the United States 18 years of age or older who meets the registration and residence requirements provided by law is a qualified elector unless he is serving a sentence for a felony in a penal institution or is of unsound mind, as determined by a court.

Provided by Montana Legislative Services

Section 2.04 Powers and Duties

The council shall be the legislative and policy determining body of the city. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter.

Section 2.05 Term of Office

Members of the council shall be elected for a four (4) year term of office.

Section 2.06 Election

1. The election of council members shall be conducted on a non-partisan basis.
2. There shall be two wards apportioned by population following every federal decennial census, each of which shall be represented by two council members.
3. Candidates for the city council must reside in the ward they seek to represent at the time of their election and during their entire term of office.
4. One council member from each of the two wards shall be elected every two years.

Section 2.07 President of the Council

The council shall have a president who shall be elected by the members of the council from their own number for a term established by resolution. The president of the council shall preside at council meetings when the mayor is absent.

Section 2.08 Council Procedures

The council shall, by resolution, adopt its own rules of procedure.

Section 2.09 Absence of a Council Member

A council member must receive the consent of the council for an absence from the city for ten (10) or more consecutive days.

Section 2.10 Vacancy In Office

The office of council member becomes vacant as prescribed by law.

Section 2.11 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of three (3) council members, that the office has become vacant as prescribed by law, or by recall by the electors of Conrad, as prescribed by law.

Section 2.12 Compensation

The compensation of council members shall be set by council resolution.

Section 2.13 Override of Veto

The entire council may override the mayor's veto with a two-thirds vote of the council.

Section 2.14 Filling Vacancy on Council

1. When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.
2. If there are fewer than three (3) council members serving in office at the time an appointment to fill council vacancies is required, the mayor shall appoint with the written consent of each of the incumbent council members, a person possessing the qualifications for office required by law and this charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

ARTICLE III MAYOR

Section 3.01 The Executive Branch

The mayor shall be the chief executive and chief administrative officer of the City.

Section 3.02 Qualifications for Office

Every resident elector in the City of Conrad who is 21 years of age or older and a citizen of Montana and a resident of Conrad for at least two (2) years preceding the election to office is eligible to hold the office of mayor.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor, who must reside within the city limits of Conrad at the time of his or her election and throughout the term of office, shall be nominated and elected at large on a non-partisan basis.

Section 3.05 Powers and Duties

The mayor shall:

1. Enforce laws, ordinances, resolutions, and this Charter;
2. Perform duties required of him/her by law, charter, ordinance, or resolution;
3. Administer affairs of the local government;
4. Carry out policies established by the council;
5. Recommend measures to the council;
6. Report to the council on the affairs and financial condition of the city government;
7. Execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. Report to the council as the council may require;
9. Chair council meetings, approve agendas, and may take part in discussion;
10. Execute the budget adopted by the council;
11. Appoint, with the consent of the council, all members of boards and committees.

Section 3.06 Administrative Duties

The mayor may:

1. Prepare the budget in consultation with the council and department heads;
2. Appoint one or more administrative assistants, with the consent of the council, to assist him/her in the supervision and operation of the city government;
3. Appoint and remove, with the consent of two-thirds majority of the entire council, all department heads, the city attorney, the finance officer and all other city employees.
4. Exercise control and supervision of all departments and boards to the degree authorized by resolution of the council.

Section 3.07 Legislative Authority

1. The mayor shall decide all tie votes of the council, but shall have no other vote.
2. The mayor may veto ordinances and resolutions, subject to override of said veto by a two-thirds vote of the entire council.

Section 3.08 Compensation

The compensation of the mayor shall be set by council resolution.

Section 3.09 Absence of the Mayor

The mayor must receive the consent of the council for an absence from the city for ten (10) or more consecutive days.

Section 3.10 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.11 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative majority vote of the entire council that the office has become vacant as prescribed by law, or by recall by the electors of the City of Conrad, as prescribed by law.

Section 3.12 Filling the Vacancy in the Office of Mayor

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of the majority of the entire council, a person possessing the qualification for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.13 City Attorney

1. There shall be a legal officer of the city, appointed by the mayor, with the approval of the council, who shall serve as chief legal advisor to the council, mayor, and all city departments, offices, and agencies. The chief legal advisor shall represent the city in all legal proceedings unless otherwise determined by the council, and shall perform any other duties prescribed by ordinance or resolution. The chief legal advisor may be called the city attorney.
2. Nothing in the Charter shall be construed as preventing the city council from employing in special cases on a contract basis additional or other counsel.

**ARTICLE IV
JUDICIAL**

Section 4.01 City Court

There shall be a city court as provided by law and ordinance.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance or resolution.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only with the approval of the voters of the City of Conrad, as prescribed by state law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 2007.

Section 6.03 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 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.

Section 6.04 Public Access

1. All meetings of the city council must be open to the public unless otherwise provided by law.
2. Citizens are entitled to inspect and copy public writings of the City of Conrad unless otherwise provided by law.