INTRODUCED BY South A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE IN THE ALTERNATIVE FORMS OF LOCAL GOVERNMENT FOR THE ELECTION OF MUNICIPAL COMMISSIONERS BY A PLAN INVOLVING ELECTION AT LARGE AND NOMINATION THAT MAY NOT PRECLUDE THE POSSIBILITY OF THE MAJORITY OF THE ELECTORS NOMINATING CANDIDATES FOR THE MAJORITY OF THE SEATS ON THE COMMISSION FROM PERSONS

RESIDING IN THE DISTRICT OR DISTRICTS WHERE THE MAJORITY OF 10 THE ELECTORS RESIDE; AMENDING SECTONS 47A-3-203, 47A-3-204, 11 47A-3-205. 47A-3-206. AND 47A-3-208. R.C.H. 1947.* 12

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 47A-3-203, R.C.M. 1947, is amended 15

to read as follows: 16

17 #47A-3-203. Commission-executive form. (1) The commission-executive form (which may be called the 18 "council-mayor", the the OF 19 "council-executive", "commission-mayor" form) consists of an elected commission 20 (which may be referred to as the "council" and one elected 21 executive (who may be referred to as the "mayor") who is 22 23 elected at large.

(2) The executive shall:

(a) enforce laws, ordinances, and resolutions;

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Ł (b) perform duties required of him by law, ordinance, or resolution: 2 з (c) administer affairs of the local government; carry out policies established by the commission: 4 (d) 5 (e) recommend measures to the commission; (f) report to the commission on the affairs and 6 7 financial condition of the local government; (g) execute bonds, notes, contracts, and written 8 obligations of the commission, subject to the approval of 9 the commission; 10 11 (h) report to the commission as the commission may 12 require; (i) attend commission meetings and may take part in 13 14 discussions; 15 (i) execute the budget adopted by the commission; (k) appoint, with the consent of the commission, all 16 17 members of boards; except, the executive may appoint without 16 the consent of the commission temporary advisory committees 19 established by the executive. 20 (3) The plan of government submitted to the qualified 21 electors shall further define the structural characteristics 22 of the form by including one item from each of the choices

listed below:

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- **Z**4 (a) The executive:
- 25 (i) shall appoint опе or more administrative
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assistants to assist him in the supervision and operation of
 the local government. Such administrative assistants shall
 be answerable solely to the executive; or
 (ii) may appoint one or more administrative assistants

5 to assist him in the supervision and operation of the local 6 government. Such administrative assistants shall be 7 answerable solely to the executive.

8 (b) The executive may:

9 {i) appoint and remove all employees of the local
 10 government; or

11 (ii) appoint and remove, with the consent of a majority 12 of the commission, all employees of the local government; or 13 (iii) appoint, with the consent of a majority of the 14 commission, all department heads. The executive may remove 15 department heads and may appoint and remove all other 16 department employees; or

17 (iv) appoint and remove, with the consent of a majority 18 of the commission, all department heads. The executive may 19 appoint and remove all other employees of the local 20 government.

21 (c) The executive may:

22 (i) veto ordinances and resolutions, subject to
23 override by a majority plus one of the whole number of the
24 commission; or

25 (ii) veto ordinances and resolutions, subject to

ı override by a two-thirds vote of the commission; or 2 (iii) sign all ordinances and resolutions with no veto 3 power. 4 (d) The executive mav: 5 (i) prepare the budget and present it to the 6 commission for adoption; or 7 (ii) prepare the budget in consultation with the 8 commission and department heads. 9 (e) The executive may: 10 (i) exercise control and supervision of the 11 administration of all departments and boards; or a11 12 (ii) exercise control and supervision of 13 departments and boards to the degree authorized by ordinance 14 of the commission. 15 (f) A financial officer (who may be called the "treasurer"): 16 17 (i) shall be elected; or (ii) shall be appointed by the executive with the 18 consent of the council; or 19 (iii) shall be selected as provided by ordinance; or 20 **Z**1 (iv) may, at the discretion of the commission, be 22 selected as provided by ordinance. 23 (g) The commission shall be: 24 (i) elected at large; or

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(ii) elected by districts in which candidates must

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1	reside and which are apportioned by population; or	1	(iii) the executive who shall decide all∶tie votes of
2	(iii) nowinated-by-districts-in-which-candidates-must	2	the commission, but shall have no other vote. The chairman
3	reside-and-which-arc-apportioned-by-populationy-butelected	3	of the commuission shall preside if the executive is absent;
4	stlorge <u>elected_at_large_and_nominated_by_a_plan_of</u>	4	Or
5	nomination that may not preclude the possibility of the	5	(iv) the executive, but he may not vote.
6	majority of the electors, nominating candidates for the	6	(k) Commission members shall be elected for:
7	<u>majority of the seats on the commission from persons</u>	7	(i) concurrent terms of office; or
8	residing in the district or districts where the majority of	8	(ii) overlapping terms of office.
9	<u>the electors reside;</u> or	9	(1) The size of the communission, which shall be a
10	(iv) elected by any combination of districts in which	10	number not less than three (3), shall be established when
11	candidates must reside and which are apportioned by	11	the form is adopted by the voters, and;
12	population, and at large.	12	(i) community councils of at least three (3) members
13	(h) Local government elections shall be conducted on	13	shall be elected within each district to advise the
14	a:	14	comissioner from that district. Local governments conducting
15	(i) partisan basis as provided in this title; or	15	elections at large shall district according to population
16	(ii) nonpartisan basis as provided in this title.	16	for the purpose of electing community councils; or
17	(i) The commuission shall have a chairman who shall be:	17	(ii) community councils to advise commissioners may be
18	(i) elected by the members of the communission from	18	authorized by ordinance.
19	their own number for a term established by ordinance; or	19	(m) The term of office of elected officials may not
20	(ii) selected as provided by ordinance.	20	exceed four (4) years, and shall be established when the
21	(j) The presiding officer of the commission shall be:	21	form is adopted by the voters.
2 2	(i) the chairman of the commission who may vote as	22	(4) The plan of government submitted to the qualified
23	other members of the commission; or	23	electors shall determine the powers of the local government
24	(ii) the executive who may vote as the commissioners;	24	unit by authorizing:
25	or	25	(a) general government powers; or

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1	(b) self-government powers."	1 (f) prepare the commission agenda;	
2	Section 2. Section 47A-3-204, R.C.M. 1947, is amended	2 (g) recommend measures to the commission;	
з	to read as follows:	3 (h) report to the commission on the affairs	and
4	¶47A-3-204₀ Commission-manager form₀ (1) The	4 financial condition of the local government;	
5	commission-manager form (which may be called the	5 (i) execute bonds, notes, contracts, and wri	tten
6	■council-manager" form) consists of an elected commission	6 obligations of the commission, subject to the approva	1 of
7	(which may be called the "council") and a manager appointed	7 the commission;	
8	by the commission who shall be the chief administrative	8 (j) report to the commission as the commission	ana y
9	officer of the local government. The manager shall :be	9 require;	
10	responsible: to the commission for the administration of all .	10 (k) attend commission meetings and may take par	t in
11	local government affairs placed in his charge by law,	ll the discussion, but he may not vote;	
12	ordinance, or resolution.	12 (1) prepare and present the budget to the commis	sion
13	(2) The manager shall be appointed by the commission	13 for its approval and execute the budget adopted by	the
14	for an indefinite term on the basis of merit only, and	14 commission;	
15	removed only by a majority vote of the whole number of the	15 (m) appoint, suspend, and remove all employees of	the
16	Commission	16 local government except as otherwise provided by la	w or
17	(3) The manager shall:	17 ordinance. Employees appointed by the manager and	his
18	(a) enforce laws, ordinances, and resolutions;	18 subordinates shall be administratively responsible to	th e
19	(b) perform the duties required of him by law,	19 manager;	
20	ordinance, or resolution;	20 (n) appoint members of temporary advisory commit	tees
21	(c) administer the affairs of the local government;	21 established by the manager.	
22	(d) direct, supervise, and administer all departments,	22 (4) Neither the commission nor any of its members	may
23	agencies and offices of the local government unit except as	23 dictate the appointment or removal of any employee whom	the
Z4	otherwise provided by law or ordinance;	24 . manager or any of his subordinates are empowered to appo	int.
25	(e) carry out policies established by the commission;	25 (5) Except for the purpose of inquiry or investiga	tion
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1	under this title, the commission or its members shall deal
2	with the local government employees who are subject to the
3	direction and supervision of the manager, solely through the
4	manager, and neither the commission nor its members may give
5	orders to any such employee, either publicly or privately.
6	(6) The plan of government submitted to the qualified
7	electors shall further define the structural characteristics
8	of the form by including one item from each of the choices
9	listed below:
10	(a) All members of boards, other than temporary
11	advisory committees established by the manager, shall be
12	appointed by:
13	(i) the chairman with the consent of the commission;
14	or
15	(ii) the manager with the consent of the commission; or
16	(iii) the commission.
17	(b) The commission shall be:
18	(i) elected at large; or
19	(ii) elected by districts in which candidates must
20	reside and which are apportioned by population; or
21	(iii) nominatedbydistricts-in-which-candidates-must
22	reside-and-which-are-apportioned-by-populationy-butelected
23	atlarge elected at large and nominated by a plan of
24	nomination that may not preclude the possibility of the
25	<u>majority of the electors nominating candidates for the</u>

1	<u>majority of the seats on the commission from persons</u>
2	residing in the district or districts where the majority of
3	the electors reside; or
4	(iv) elected by any combination of districts in which
5	candidates must reside and which are apportioned by
6	population, and at large.
7	(c) Local government elections shall be conducted on
8	a:
9	(i) partisan basis as provided in this title; or
10	(ii) nonpartisan basis as provided in this title.
11	(d) The chairman of the commission shall be:
12	(i) elected by the members of the commission from
13	their own number for a term established by ordinance; or
14	(ii) elected by the qualified electors for a term of
15	office; or
16	(iii) selected as provided by ordinance.
17	(e) Commission members shall be elected for:
18	(i) concurrent terms of office; or
19	(ii) overlapping terms of office.
20	(f) The size of the commission, which shall be a
21	number of not less than three [3], shall be established when
22	the form is adopted by the voters, and:
23	(i) community councils of at least three (3) members
24	shall be elected within each district to advise the
25	commissioner from that district. Local governments

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1 conducting elections at-large shall district according to 2 population for the purpose of electing community councils; 3 or

4 (ii) community councils to advise commissioners may be 5 authorized by ordinance.

6 (q) The term of office of elected officials may not
7 exceed four (4) years, and shall be established when the
8 form is adopted by the voters.

9 (7) The plan of government submitted to the qualified 10 electors shall determine the powers of the local government 11 unit by authorizing:

12 (a) general government powers; or

13 (b) self-government powers."

14 Section 3. Section 47A-3-205, R.C.N. 1947, is amended 15 to read as follows:

"47A-3-205. Commission form. (1) The commission form 16 17 consists of an elected commission (which may also be called 18 the "council") and other elected officers as provided in 19 this section. All legislative, executive. and 20 administrative powers and duties of the local government not 21 specifically reserved by haw or ordinance to other elected 22 officers shall reside in the commission. The commission 23 shall appoint the heads of departments and other employees. 24 except for those appointed by other elected officials. 25 Cities and towns which adopt this form may distribute by

ordinance the executive and administrative powers and duties 1 2 into departments headed by individual commissioners. 3 (2) The plan of government submitted to the gualified 4 electors shall further define the structural characteristics 45 of the form by including one item from each of the choices 6 listed below: 7 (a) The commission shall be: 8 (i) elected at large; or 9 (ii) elected by districts in which candidates must reside and which are apportioned by population; or 10 11 (iii) nominated-by--districts-in-which-condidates-must 12 reside-and-which are apportioned by populationy-but-elected 13 at-large elected at large and nominated by a plan of nomination that may not preclude, the possibility of the 14 majority of the electors nominating candidates, for the 15 majority of the seats on the commission from persons 16 17 residing in the district or districts where the majority of 18 the electors reside; or (iv) elected by any combination of districts in which 19 candidates must reside and which are apportioned by 20 21 population, and at large. (b) Local government elections shall be conducted on 22 23 a:

24 . (i) partisan basis as provided in this title; or

25 (ii) nonpartisan basis as provided in this title.

1 (c) The chairman of the commission, who may be 2 referred to as the "mayor", shall be the presiding officer 3 of the commission. All members of boards and committees 4 shall be appointed by the chairman with the consent of the 5 commission. The chairman shall be recognized as the head of 6 the local government unit and may vote as other members of 7 the commission. The chairman shall be:

8 (i) elected by the members of the commission from 9 their own number for a term established by ordinance; or

10 (ii) selected as provided by ordinance; or

11 (iii) elected directly by the voters for a term 12 established by ordinance.

13 (d) The commission:

(i) shall appoint one or more administrative
assistants to assist them in the supervision and operation
of the local government; or

17 (ii) may appoint one or more administrative assistants
18 to assist them in the supervision and operation of the local
19 government.

20 (e) Commission members shall be elected for:

21 (i) concurrent terms of office; or

22 (ii) overlapping terms of office.

23 (f) The size of the commission, which shall be a
24 number of not less than three (3), shall be established when
25 the form is adopted by the voters, and:

1 (i) community councils of at least three (3) members 2 shall be elected within each district to advise the 3 commissioner from that district. Local governments 4 conducting elections at-large shall district according to 5 population for the purpose of electing community councils; 6 or

7 (ii) community councils to advise commissioners may be
 8 authorized by ordinance.

9 (g) The term of office of elected officials may not 10 exceed four (4) years, except the term of office for 11 commissioners in counties adopting the form authorized by 12 Article. XI, section 3 (2), of the Montana constitution, may 13 not exceed six (6) years. Terms of office shall be 14 established when the form is adopted by the voters.

15 (3) In county and consolidated local governments, the 16 plan of government submitted to the qualified electors shall further define the structural characteristics of the form by 17 including one item from each of the choices listed below. 18 The officers shall have the powers and duties established by 19 ordinance. After the establishment of any office, the 20 commission may consolidate, as provided by law, two or more 21 of the offices. 22

23 (a) A legal officer (who may be called the "county 24 attorney"):

25 (i) shall be elected; or

1	(ii) shall be appointed by the local government	1 (iii) shall be appointed by the chairman of the local
2	commission; or	2 government commission; pr
3	(iii) shall be appointed by the chairman of the local	3 (iv) shall be selected as provided by ordinance; or
4	government commission; or	4 (v) may at the discretion of the commission be
5	(iv) shall be selected as provided by ordinance; or	5 selected as provided by ordinance; pr
6	(v) may at the discretion of the commission be	6 (vi) shall not be included in this form as a separate
7	selected as provided by ordinance; or	7 office.
8	(vi) shall not be included in this form as a separate	8 (d) A clerk of district court:
9	office.	9 (i) shall be elected; or
10	(b) A law enforcement officer (who may be called the	10 (ii) shall be appointed by the local government
11	"sheriff"):	11 commission; or
12	(i) shall be elected; or	12 (iii) shall be appointed by the chairman of the local
13	(ii) shall be appointed by the local government	13 government commission; or
14	commission; or a	14 (iv) shall be selected as provided by ordinance; or
15	(iii) shall be appointed by the chairman of the local	15 (v) may at the discretion of the commission be
16	government commission; or	16 selected as provided by ordinance; or
17	(iv) shall be selected as provided by ordinance; or	17 (vi) shall not be included in this form as a separate
19	(v) may at the discretion of the communission be	18 office.
19	selected as provided by ordinance; or	19 (e) A treasurer:
20	(ví) shall not be included in this form as a separate	20 (i) shall be elected; or
21	office.	21 (ii) shall be appointed by the local government
22	(c) A clerk and recorder:	22 commission; or
23	(i) shall be elected; or	23 (iii) shall be appointed by the chairman of the local
24	(ii) shall be appointed by the local government	24 government commission; or
25	commission; or	25 (iv) shall be selected as provided by ordinance; or

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1	(v) may at the discretion of the commission be
2	selected as provided by ordinance; or
3	(vi) shall not be included in this form as a separate
4	office.
5	(f) A surveyor:
6	(i) shall be elected; or
7	(ii) shall be appointed by the local government
8	commission; or
9	(iii) shall be appointed by the chairman of the local
10	government commission; or
11	(iv) shall be selected as provided by ordinance; or
1 Z	(v) may at the discretion of the commission be
13	selected as provided by ordinance; or
14	(vi) shall not be included in this form as a separate
15	office.
16	<pre>{g} A superintendent of schools:</pre>
17	(i) shall be elected; or
18	(ii) shall be appointed by the local government
19	commission; or
20	(iii) shall be appointed by the chairman of the local
21	government commission; or
22	(iv) shall be selected as provided by ordinance; or
23	(v) may at the discretion of the commission be
24	selected as provided by ordinance; or
25	(vi) shall not be included in this form as a separate

7government commission; or8(iv) shall be selected as provided by ordinance; or9(v) may at the discretion of the commission be10selected as provided by ordinance; or11(vi) shall not be included in this form as a separate12office.13(i) A coroner:14(i) shall be elected; or15(ii) shall be appointed by the local government16commission; or17(iii) shall be appointed by the chairman of the local18government commission; or19(iv) shall be selected as provided by ordinance; or20(v) may at the discretion of the commission be21selected as provided by ordinance; or22(vi) shall not be included in this form as a separate23office.24(j) A public administrator:		
 (i) shall be elected; or (ii) shall be appointed by the local government. commission; or (iii) shall be appointed by the chairman of the local government commission; or (iv) shall be selected as provided by ordinance; or (iv) shall be selected as provided by ordinance; or (v) may at the discretion of the commission be selected as provided by ordinance; or (vi) shall not be included in this form as a separate office. (i) A coroner: (ii) shall be elected; or (ii) shall be appointed by the local government commission; or (iii) shall be appointed by the chairman of the local government commission; or (v) may at the discretion of the commission be selected as provided by ordinance; or (iii) shall be selected as provided by ordinance; or (v) may at the discretion of the commission be selected as provided by ordinance; or (v) may at the discretion of the commission be selected as provided by ordinance; or (v) may at the discretion of the commission be selected as provided by ordinance; or (v) shall not be included in this form as a separate office. (vi) shall not be included in this form as a separate 	1	office.
 4 (ii) shall be appointed by the local government 5 commission; or 6 (iii) shall be appointed by the chairman of the local i 7 government commission; or 8 (iv) shall be selected as provided by ordinance; or 9 (v) may at the discretion of the commission be 10 selected as provided by ordinance; or 11 (vi) shall not be included in this form as a separate 12 office. 13 (i) A coroner: 14 (i) shall be elected; or 15 (ii) shall be appointed by the local government 16 commission; or 17 (iii) shall be appointed by the local government 18 government commission; or 19 (iv) shall be selected as provided by ordinance; or 20 (v) may at the discretion of the commission be 21 selected as provided by ordinance; or 22 (vi) shall not be included in this form as a separate 23 office. 24 (j) A public administrator: 	2	(ħ) An assessor:
 commission; or (iii) shall be appointed by the chairman of the local signernment commission; or (iv) shall be selected as provided by ordinance; or (iv) may at the discretion of the commission be selected as provided by ordinance; or (vi) shall not be included in this form as a separate office. (i) A coroner: (i) shall be elected; or (ii) shall be appointed by the local government commission; or (iii) shall be appointed by the local government commission; or (iv) shall be selected as provided by ordinance; or (ii) shall be appointed by the chairman of the local government commission; or (iv) may at the discretion of the commission be selected as provided by ordinance; or (v) may at the discretion of the commission be selected as provided by ordinance; or (vi) shall not be included in this form as a separate office. 	3	(i) shall be elected; or
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7government commission; or8(iv) shall be selected as provided by ordinance; or9(v) may at the discretion of the commission be10selected as provided by ordinance; or11(vi) shall not be included in this form as a separate12office.13(i) A coroner:14(i) shall be elected; or15(ii) shall be appointed by the local government16commission; or17(iii) shall be appointed by the chairman of the local18government commission; or19(iv) shall be selected as provided by ordinance; or20(v) may at the discretion of the commission be21selected as provided by ordinance; or22(vi) shall not be included in this form as a separate23office.24(j) A public administrator:	5	commission; or
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10 selected as provided by ordinance; or 11 (vi) shall not be included in this form as a separate office. 13 (i) A coroner: 14 (i) shall be elected; or 15 (ii) shall be appointed by the local government commission; or 17 (iii) shall be appointed by the chairman of the local government commission; or 19 (iv) shall be selected as provided by ordinance; or 20 (v) may at the discretion of the commission be selected as provided by ordinance; or 21 selected as provided by ordinance; or 22 (vi) shall not be included in this form as a separate office. 24 (j) A public administrator:	8	(iv) shall be selected as provided by ordinance; or
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21 selected as provided by ordinance; or 22 (vi) shall not be included in this form as a separate 23 office. 24 (j) A public administrator:	19	(iv) shall be selected as provided by ordinance; or
 22 (vi) shall not be included in this form as a separate 23 office. 24 (j) A public administrator: 	20	(v) may at the discretion of the commission be
23 office. 24 (j) A public administrator:	21	selected as provided by ordinance; or
24 (j) A public administrator:	22	(vi) shall not be included in this form as a separate
	23	office.
25 (i) shall be elected: or	24	(j) A public administrator:
	25	(i) shall be elected; or

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1	(ii) shall be appointed by the local government
Z	commission; or
3	(iii) shall be appointed by the chairman of the local
4	government commission; or
5	(iv) shall be selected as provided by ordinance; or
6	(v) may at the discretion of the commission be
7	selected as provided by ordinance; or
8	(vi) shall not be included in this form as a separate
9	office.
10	(k) An auditor:
11	(i) shall be elected; or
12	(ii) shall be appointed by the local government
13	commission; or
14	(iii) shall be appointed by the chairman of the local
15	government commission; or
16	(iv) shall be selected as provided by ordinance; or
17	(v) may at the discretion of the commission be
18	selected as provided by ordinance; or
19	(vi) shall not be included in this form as a separate
20	office.
21	(4) Local governments that adopt this form shall have
22	general government powers."
23	Section 4. Section 47A-3-206, R.C.M. 1947, is amended
24	to read as follows:
25	■47A-3-206。 Commission-chairman form。 (1) The

commission-chairman form consists of an elected commission 1 (which may also be referred to as the "council"), and a z commission chairman (who may also be referred to as "mayor" 3 or as "president") elected by the members of the commission 4 from their own number. 5

(2) The commission chairman (who may also be referred 6 7 to as "mayor") shall be elected by the members of the commission from their own number to serve at the pleasure of 8 9 the commission. He shall: be the presiding officer of the commission, be recognized as the head of the local 10 11 government unit, have the power to vote as other members of 12 the commission, be the chief executive officer of the local 13 government, and: 14

(a) enforce laws, ordinances, and resolutions;

15 (b) perform duties required of him by law, ordinance, or resolution: 16

- 17 (c) administer the affairs of the local government;
- (d) direct, supervise, and administer all departments. 18

agencies, and offices of the local government, except as 19 20 otherwise provided by law or ordinance;

- 21 (e) carry out policies established by the commission;
- 22 (f) prepare the commission agenda;
- 23 (g) recommend measures to the commission;
- 24 (h) report to the commission on the affairs and
- 25 financial condition of the local government;

1 (i) execute bonds, notes, contracts, and written 2 obligations of the commission, subject to the approval of 3 the commission: (j) report to the commission as the commission may 4 require; 5 (k) attend commission meetings and may take part in 6 discussions: 7 ()) execute the budget adopted by the commission; 8 9 (m) appoint with the consent of the commission all members of boards and committees; except the chairman may 10 appoint without the consent of the commission temporary 11 advisory committees established by the chairman; 12 (n) appoint with the consent of a majority of the 13 commission all department heads. The chairman may remove 14 15 department heads and may appoint and remove all other employees; 16 (o) prepare the budget and present it to the 17 commission for adoption; 18 (p) exercise control and supervision over 19 t he administration of departments and boards. 20

21 (3) The plan of government submitted to the qualified
22 electors shall further define the structural characteristics
23 of the form by including one item from each of the choices
24 listed below:

25 (a) The commission shall be:

1 (i) elected at large; or 2 (ii) elected by districts in which candidates must 3 reside and which are apportioned by population; or 4 (iii) nominated-by-districts-in-which--candidates--must 5 6 at-large elected at large and nominated by a plan of 7 nomination that may not preclude the possibility of the 8 majority of the electors nominating candidates for the 9 majority of the seats on the commission from persons 10 residing in the district or districts where the majority of the electors reside; or 11 12 (iv) elected by any combination of districts in which 13 candidates must reside and which are apportioned by 14 population, and at large. 15 (b) Local government elections shall be conducted on 16 a: (i) partisan basis as provided in this title; or 17 18 (ii) nonpartisan basis as provided in this title. 19 (c) The commission chairman: 20 (i) shall appoint one or more administrative 21 assistants to assist him in the supervision and operation of 22 the local government. Such administrative assistants shall 23 be answerable solely to the chairman; or 24 (ii) may appoint one or more administrative assistants

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to assist him in the supervision and operation of the local

25

1 government. Such administrative assistants shall he 2 answerable solely to the chairman. 3 (d) Commission members shall be elected for: (i) concurrent terms of office; or 4 (ii) overlapping terms of office. 5 (e) The size of the commission, which shall be a 6 7 number of not less than five (5), shall be established when 8 the form is adopted by the voters, and: 9 (i) community councils of at least three (3) members shall be elected within each district to advise the 10 commissioner from that district. Local governments 11 conducting elections at-large shall: district according to 12 population for the purpose of electing community councils; 13 14 or 15 (ii) community councils to advise commissioners may be authorized by ordinance. 16 17 (f) The term of office of elected officials may not exceed four (4) years, and shall be established when the 18 form is adopted by the voters. 19 (4) The plan of government submitted to the qualified 20 electors shall determine the powers of the local government 21 unit by authorizing: Z2 (a) general government powers; or 23 24 (b) self-government powers." 25 Section 5. Section 47A-3-208, R.C.N. 1947, is amended

1 to read as follows:

2 #47A-3-208. Charter form. (1) The purpose of this 3 section is to comply with Article XI, section 5 (1), of the Montana constitution, which provides: "(1) The legislature 4 5 shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or 6 abandon a self-government charter with the approval of a 7 majority of those voting on the guestion. The procedures 8 shall not require approval of a charter by a legislative Q. body." 10

{2) Charter provisions establishing executives
 legislative, and administrative structure and organization
 are superior to statutory provisions.

14 (3) A charter form of government shall possess 15 self-government powers.

16 (4) Charter form of government shall be established by
17 a charter which is a written document defining the powers,
18 structures, privileges, rights, and duties of the unit of
19 local government and limitations thereon.
20 (5) The charter shall provide for an elected

21 legislative body, called a commission or council, or shall 22 provide for a legislative body comprised of all qualified 23 electors. For elected legislative bodies the charter shall 24 specify the number of members thereof, their term of office, 25 election on a partisan or nonpartisan basis, the grounds for

1 (i) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of 2 3 the commission; (j) report to the commission as the commission may 4 5 require; (k) attend commission meetings and may take part in 6 7 discussions; (1) execute the budget adopted by the commission; 8 (m) appoint with the consent of the commission all 9 10 members of boards and committees; except the chairman may appoint without the consent of the commission temporary . 11 advisory committees established by the chairman; 12 (n) appoint with the consent of a majority of the 13 commission all department heads. The chairman may remove 14 department heads and may appoint and remove all other 15 16 employees; (o) prepare the budget and present it to the 17 18 commission for adoption; the 19 (p) exercise control and supervision over

(3) The plan of government submitted to the qualified
electors shall further define the structural characteristics
of the form by including one item from each of the choices
listed below:

administration of departments and boards.

25 (a) The commission shall be:

20

1 (i) elected at large; or 2 (ii) elected by districts in which candidates must 3 reside and which are apportioned by population; or 4 (iii) nominated-by-districts-in-whick--candidates--must 5 reside--and-which-are-apportioned-by-populationy-but-elected 6 at-large elected at large and nominated by a plan of 7 nomination that may not preclude the possibility of the 8 majority of the electors nominating candidates for the q majority of the seats on the commission from persons 10 residind in the district or districts where the majority of 11 the electors reside; or (iv) elected by any combination of districts in which 12 candidates must reside and which are apportioned by 13 population: and at large. 14 (b) Local government elections shall be conducted on 15 16 a: 17 (i) partisan basis as provided in this title; or (ii) nonpartisan basis as provided in this title. 18 19 (c) The commission chairman: 20 (i) shall appoint one or more administrative assistants to assist him in the supervision and operation of 21 22 the local government. Such administrative assistants shall 23 be answerable solely to the chairman; or 24 (ii) may appoint one or more administrative assistants

25 to assist him in the supervision and operation of the local

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1 government. Such administrative assistants shall be 2 answerable solely to the chairman. 3 (d) Commission members shall be elected for: 4 (i) concurrent terms of office; or 5 (ii) overlapping terms of office. 6 (e) The size of the commission, which shall be a 7 number of not less than five (5), shall be established when я the form is adopted by the voters, and: 9 (i) community councils of at least three (3) members 10 shall be elected within each district to advise the commissioner from that district. Local governments 11 conducting elections at-large shall: district according to 12 population for the purpose of electing community councils; 13 14 oг 15 (ii) community councils to advise commissioners may be authorized by ordinance. 16 17 (f) The term of office of elected officials may not exceed four (4) years, and shall be established when the 18 19 form is adopted by the voters. (4) The plan of government submitted to the qualified 20 electors shall determine the powers of the local government 21 22 unit by authorizing: (a) general government powers; or 23 24 (b) self-government powers." 25 Section 5. Section 47A-3-208, R.C.N. 1947, is amended

to read as follows:

1

*47A-3-208. Charter form. (1) The purpose of this 2 section is to comply with Article XI, section 5 (1), of the 3 Montana constitution, which provides: "(1) The legislature 4 5 shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or 6 7 abandon a self-government charter with the approval of a majority of those voting on the guestion. The procedures 8 9 shall not require approval of a charter by a legislative 10 body."

(2) Charter provisions establishing executives
 legislatives and administrative structure and organization
 are superior to statutory provisions.

14 (3) A charter form of government shall possess
 15 self-government powers.

(4) Charter form of government shall be established by
a charter which is a written document defining the powers,
structures, privileges, rights, and duties of the unit of
local government and limitations thereon.
(5) The charter shall provide for an elected

21 legislative body, called a commission or council, or shall
22 provide for a legislative body comprised of all qualified
23 electors. For elected legislative bodies the charter shall
24 specify the number of members thereof, their term of office,
25 election on a partisan or nonpartisan basis, the grounds for

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1 their removal, and the method for filling vacancies. 2 [6] The charter shall provide for the nomination and election of commissions at-large, or by districts in which 3 candidates must reside and which are apportioned by 4 population, or by a combination of districts in which 5 candidates must reside and which are apportioned by 5 7 population and at large or elected at large and nominated by 8 a plan of momination that may not preclude the possibility 9 of the majority of the electors nominating candidates for 10 the majority of the seats on the commission from persons residing in the district or districts where the majority of 11 12 the electors reside. 13 (7) The charter shall specify which official of the local government will be the chief administrative and 14

15 executive officer, the method of his selection, his term of 1.6 office, except that it may be at the pleasure of the selecting authority if such officer is not elected by 17 18 popular vote, the grounds for his removal, and his powers and duties. Notwithstanding the foregoing, the charter may 19 20 allocate the chief executive and the chief administrative functions among two or more officials specified as above, or 21 the charter may provide that chief executive and 22 23 administrative functions of the local government will be performed by one or more members of the legislative body. 24

25 (8) The charter may establish other legislative,

1 administrative, and organizational structures.

2 (9) A charter form of government shall have such
3 officers, departments, boards, commissions, and agencies as
4 are established in the charter, by local ordinance, or
5 required by state law.

6 (10) Charter provisions may not conflict with the
7 provisions of Title 47-A, Part 7 which establish statutory
8 limitations on the powers of self-government units.

9 (11) Charter forms are subject to state laws
10 establishing election, initiative and referendum procedures
11 and charters shall not contain provisions establishing
12 election, initiative and referendum procedures.

13 (12) The charter shall not contain provisions
14 establishing or modifying local court systems.

(13) The enumeration of powers in a charter shall not
be construed as a limitation or prohibition on the residual
or self-governing powers granted by the constitution.

18 (14) The charter may contain prohibitions on the
19 exercise of power by a unit of local government.

20 (15) The charter may include such provisions as may be 21 necessary to permit an orderly transition to the new form of 22 government.

(16) The charter shall specify the date on which the
 charter will take effect, except that provisions may be made
 for temporary partial effectiveness consistent with an

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orderly transition of government.
 (17) The listing of charter provisions in this section
 shall not be construed to prevent the inclusion of
 additional provisions in charters.
 (18) A charter may be amended only as provided by state
 law.*

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Approved by Comm. on Local Government

SECOND READING

1	<u> </u>
2	INTRODUCED BY Bouch
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE IN THE
5	ALTERNATIVE FORMS OF LOCAL GOVERNMENT FOR THE ELECTION OF
6	MUNICIPAL COMMISSIONERS BY A PLAN INVOLVING ELECTION AT
7	LARGE AND NOMINATION THAT MAY NOT PRECLUDE THE POSSIBILITY
8	OF THE MAJORITY OF THE ELECTORS NOMINATING CANDIDATES FOR
9	THE MAJORITY OF THE SEATS ON THE COMMISSION FROM PERSONS
10	RESIDING IN THE DISTRICT OR DISTRICTS WHERE THE MAJORITY OF
11	THE ELECTORS RESIDE; AMENDING SECTONS 47A-3-203, 47A-3-204,
12	47A-3-205, 47A-3-206, AND 47A-3-208, R.C.M. 1947.*
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 47A~3-203, R.C.M. 1947, is amended
16	to read as follows:
17	"47A-3-203. Commission-executive form. (1) The
18	commission-executive forma (which may be called the
19	"council-executive", the "council-mayor", or the
20	"commission-mayor" form) consists of an elected commission
21	(which may be referred to as the "council" and one elected
22	executive (who may be referred to as the "mayor") who is
23	elected at large.
24	(2) The executive snall:
25	(a) enforce laws, ordinances, and resolutions;

1	(b) perform duties required of him by lawy ordinance,
2	or resolution;
3	(c) administer affairs of the local government;
4	(d) carry out policies established by the commission;
5	(e) recommend measures to the commission;
6	(f) report to the commission on the affairs and
7	financial condition of the local government;
8	(g) execute bonds, notes, contracts, and written
9	obligations of the commission, subject to the approval of
10	the commission;
11	(h) report to the commission as the commission may
12	require;
13	(i) attend commission meetings and may take part in
14	discussions)
15	(j) execute the budget adopted by the commission;
16	<pre>(k) appoint, with the consent of the commission, all</pre>
17	members of boards; except, the executive may appoint without
18	the consent of the commission temporary advisory committees
19	established by the executive.
20	(3) The plan of government submitted to the qualified
21	electors shall further define the structural characteristics
22	of the form by including one item from each of the choices
23	listed below:
24	(a) The executive:
25	(i) shall appoint one or more administrative

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1 assistants to assist him in the supervision and operation of 1 the local government. Such administrative assistants shall 2 2 3 be answerable solely to the executive; or 3 (ii) may appoint one or more administrative assistants 4 4 to assist him in the supervision and operation of the local 5 5 government. Such administrative assistants shall be 6 6 7 answerable solely to the executive. 7 8 (b) The executive may: 8 9 (i) appoint and remove all employees of the local 9 10 government; or 10 11 (ii) appoint and removey with the consent of a majority 11 12 of the commissiony all employees of the local government; or 12 13 (iii) appoint, with the consent of a sajority of the 13 14 commission, all department heads. The executive may remove 14 department heads and may appoint and remove all other 15 15 department employees; or 16 16 17 (iv) appoint and remove, with the consent of a majority 17 18 of the commission, all department heads. The executive may 18 appoint and remove all other employees of the local 19 19 20 government. 20 21 (c) The executive may: 21 22 (i) veto ordinances and resolutions, subject to 22 23 override by a majority plus one of the whole number of the 23 commission: or 24 24 25 (ii) veto ordinances and resolutions, subject to 25

override by a two-thirds vote of the commission; or (iii) sign all ordinances and resolutions with no veto power. (d) The executive may: (i) prepare the budget and present it to the commission for adoption: or (ii) prepare the budget in consultation with the commission and department heads. (e) The executive may: (i) exercise control and supervision of t he administration of all departments and boards; or all (ii) exercise control and supervision of departments and boards to the degree authorized by ordinance of the commission. (f) A financial officer (who may be called the *treasurer*): (i) shall be elected; or (ii) shall be appointed by the executive with the consent of the council; or (iii) shall be selected as provided by ordinance; or (iv) may, at the discretion of the commission, be selected as provided by ordinance. (g) The commission shall be: (i) elected at large; or (ii) elected by districts in which candidates must

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ı	reside and which are apportioned by population; or	1	(iii) the executive who shall decide all tie votes of
2	(iii) nowinated-by-districts-in-which-condidates-bust	2	the commission, but shall have no other vote. The chairman
3	reside-and-which-are-apportioned-by-populationy-butelected	3	of the commission shall preside if the executive is absent;
4	at-large elected at large and nominated by a plan of	4	OF
5	nomination that may not preclude, the possibility of the	5	(iv) the executive, but he may not vote.
6	majority of the electors nominating candidates for the	6	(k) Commission members shall be elected for:
7	majority of the seats on the commission from persons	7	(i) concurrent terms of office; or
8	residing in the district or districts where the majority of	8	(ii) overlapping terms of office.
9	the electors reside; or	_ 9	(1) The size of the commission, which shall be a
10	(iv) elected by any combination of districts in which	10	number not less than three (3), shall be established when
11	candidates must reside and which are apportioned by	11	the form is adopted by the voters, and;
12	population, and at large.	12	(i) community councils of at least three (3) members
13	(h) Local government elections shall be conducted on	13	shall be elected within each district to advise the
14	a:	14	comissioner from that district. Local governments conducting
15	(i) partisan basis as provided in this title; or	15	elections at large shall district according to population
16	(ii) nonpartisan basis as provided in this title.	16	for the purpose of electing community councils; or
17	(i)∙ The commission shall have a chairman who shall be:	17	(ii) community councils to advise commissioners may be
18	(i) elected by the members of the communission from	18	authorized by ordinance.
19	their own number for a term established by ordinance; or	19	(m) The term of office of elected officials may not
20	(ii) selected as provided by ordinance.	20	exceed four (4) years, and shall be established when the
21	(j) The presiding officer of the commission shall be:	21	form is adopted by the voters.
22	(i) the chairman of the commission who may vote as	22	(4) The plan of government submitted to the qualified
2 3	other members of the commission; or	23	electors shall determine the powers of the local government
24	(ii) the executive who may vote as the commissioners;	24	unit by authorizing:
25	or	25	(a) general government powers; or

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1	<pre>(b) self-government powers."</pre>	1 (f) prepare the commission agenda;
2	Section 2. Section 47A-3-204, R.C.M. 1947, is amended	2 (g) recommend measures to the commission;
3	to read as follows:	3 (h) report to the commission on the affairs and
4	"47A-3-204. Commission-manager form. (1) The	4 financial condition of the local government;
5	commission-manager form (which may be called the	5 (i) execute bonds, notes, contracts, and written
6	"council-manager" form) consists of an elected commission	6 obligations of the commission, subject to the approval of
7	(which may be called the "council") and a manager appointed	7 the commission;
8	by the commission who shall be the chief administrative	8 (j) report to the commission as the commission may
9	officer of the local government. The manager shall be	9 require;
10	responsible: to the commission for the administration of all	10 (k) attend commission meetings and may take part in
11 .	local government affairs placed in his charge by law.	11 the discussion, but he may not vote;
12	ordinance, or resolution.	12 (1) prepare and present the budget to the commission
13	(2) The manager shall be appointed by the commission	13 for its approval and execute the budget adopted by the
14	for an indefinite term on the basis of merit only, and	14 commission;
15	removed only by a majority vote of the whole number of the	15 (m) appoint, suspend, and remove all employees of the
16	commission.	16 local government except as otherwise provided by law or
17	(3) The manager shall:	17 ordinance. Employees appointed by the manager and his
18	(a) enforce laws, ordinances, and resolutions;	18 subordinates shall be administratively responsible to the
19	(b) perform the duties required of him by law,	19 manager;
20	ordinance, or resolution;	20 (n) appoint members of temporary advisory committees
21	(c) administer the affairs of the local government;	21 established by the manager.
21 22	<pre>(c) administer the affairs of the local government; (d) direct, supervise, and administer all departments,</pre>	21 established by the manager. 22 (4) Neither the commission nor any of its members may
22	(d) direct, supervise, and administer all departments,	22 (4) Neither the commission nor any of its members may
22 23	(d) direct, supervise, and administer all departments, agencies and offices of the local government unit except as	22 (4) Neither the commission nor any of its members may 23 dictate the appointment or removal of any employee whom the

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1	under this title, the commission or its members shall deal	1	majority of the seats on the commission from persons
2	with the local government employees who are subject to the	2	residing in the district or districts where the majority of
3	direction and supervision of the manager, solely through the	3	the electors reside; or
4	manager, and neither the commission nor its members may give	4	(iv) elected by any combination of districts in which
5	orders to any such employee, either publicly or privately.	5	candidates must reside and which are apportioned by
6	(6) The plan of government submitted to the qualified	6	population, and at large.
Т	electors shall further define the structural characteristics	7	(c) Local government elections shall be conducted on
8	of the form by including one item from each of the choices	9	a:
9	listed below:	9	(i) partisan basis as provided in this title; or
10	(a) All members of boards, other than temporary	10	(ii) nonpartisan basis as provided in this title.
11	advisory committees established by the manager, shall be	11	(d) The chairman of the commission shall be:
12	appointed by:	12	(i) elected by the members of the commutation from
13	(i) the chairman with the consent of the commission;	13	their own number for a term established by ordinance; or
14	or	14	(ii) elected by the qualified electors for a term of
15	(ii) the manager with the consent of the commission; or	15	office; or
16	(iii) the commission.	16	(iii) selected as provided by ordinance.
17	(b) The commission shall be:	17	(e) Commission members shall be elected for:
18	(i) elected at large; or	18	(i) concurrent terms of office; or
19	(ii) elected by districts in which candidates must	19	(ii) overlapping terms of office.
20	reside and which are apportioned by population; or	20	(f) The size of the commission, which shall be a
21	(iii) nominatedbydistricts-in-whi ch- candidates-must	21	number of not less than three (3), shall be established when
22	reside-and-which-are-apportioned-by-populationy-butelscted	22	the form is adopted by the voters, and:
23	st-large <u>elected at large and nominated by a plan of</u>	23	(i) community councils of at least three (3) members
24	nomination that may not preclude the possibility of the	24	shall be elected within each district to advise the
25	majority of the electors nominating candidates for the	25	commissioner from that district. Local governments

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i	conducting elections at-large shall district according to
z	population for the purpose of electing community councils;
3	or
4	(ii) community councils to advise commissioners may be
5	authorized by ordinance.
6	(g) The term of office of elected officials may not
7	exceed four (4) years, and shall be established when the
8	form is adopted by the voters.
9	(7) The plan of government submitted to the qualified
10	electors shall determine the powers of the local government
11	unit by authorizing:
12	(a) general government powers; or
13	(b) self-government powers."
14	Section 3. Section 474-3-205, R.C.N. 1947; is amended
15	to read as follows:
16	¶47A→3-205。 Commission form。 (1) The commission form
17	consists of an elected commission (which may also be called
18	the "council") and other elected officers as provided in
19	this section. All legislative, executive, and
20	administrative powers and duties of the local government not
21	specifically reserved by haw or ordinance to other elected
22	officers shall reside in the commission. The commission
23	shall appoint the heads of departments and other employees,
24	except for those appointed by other elected officials.
25	Cities and towns which adopt this form may distribute by

1	ordinance the executive and administrative powers and duties
2	into departments headed by individual commissioners.
3	(2) The plan of government submitted to the gualified
4	electors shall further define the structural characteristics
5	of the form by including one item from each of the choices
6	listed below:
7	(a) The commission shall be:
8	(i) elected at large; or
9	(ii) elected by districts in which candidates must
10	reside and which are apportioned by population; or
11	(ili) nowinated-by-districts in-which candidates must
12	reside-and-whick-are-apportioned-by-populationy-but-slatted
13	at
14	nomination that may not ; preclude: the possibility; of the
15	majority of the electors composing candidates for the
16	<u>majority of the seats on the commission from persons</u>
17	residing in the district or districts where the majority of
18	the electors reside; or
19	(iv) elected by any combination of districts in which
20	candidates must reside and which are apportioned by
21	population, and at large.
22	(b) Local government elections shall be conducted on
23	a: .
24	(i) partisan basis as provided in this title; or
25	(ii) nonpartisan basis as provided in this title.
	•••••••••••••••••••••••••••••••••••••••

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(c) The chairman of the commission, who may be 1 referred to as the "mayor", shall be the presiding officer 2 3 of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the 4 5 commission. The chairman shall be recognized as the head of the local government unit and may vote as other members of 6 the commission. The chairman shall be: 7 (i) elected by the members of the commission from 8 their own number for a term established by ordinance; or 9 (ii) selected as provided by ordinance; or 10 (iii) elected directly by the voters for a term 11 established by ordinance. 12 13 (d) The commission: (i) shall appoint one or more administrative 14 assistants to assist them in the supervision and operation 15 of the local government; or 16 (ii) may appoint one or more administrative assistants 17 to assist them in the supervision and operation of the local 18 government. 19 (e) Commission members shall be elected for: 20 (i) concurrent terms of office; or 21 (ii) overlapping terms of office. 22 (f) The size of the commission, which shall be a 23 number of not less than three (3), shall be established when 24 the form is adopted by the voters, and: 25

3 commissioner from that district. Local governments conducting elections at-large shall district according to 4 5 population for the purpose of electing community councils; 6 or 7 (ii) community councils to advise commissioners may be authorized by ordinance. 8 (q) The term of office of elected officials may not 9 10 exceed four (4) years, except the term of office for 11 commissioners in counties adopting the form authorized by 12 Article: XI, section 3 (2), of the Montana constitution, may 13 not exceed six (6) years. Terms of office shall be 14 established when the form is adopted by the voters. (3) In county and consolidated local governments, the 15 16 plan of government submitted to the gualified electors shall further define the structural characteristics of the form by 17 18 including one item from each of the choices listed below-The officers shall have the powers and duties established by 19 ordinance. After the establishment of any office, the 20 commission may consolidate, as provided by law, two or more 21 22 of the offices. 23 (a) A legal officer (who may be called the "county 24 attorney*):

(i) community councils of at least three (3) members

shall be elected within each district to advise the

25 (i) shall be elected; or

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1	(ii) shall be appointed by the local government	1 (iii) shall be appointed by the chairman of the local
2	commaission; or	2 government commission; or
3	<pre>(iii) shall be appointed by the chairman of the local</pre>	3 (iv) shall:be selected as provided by ordinance; or
4	government commission; or	4 (v) may at the discretion of the commission be
5	(iv) shall be selected as provided by ordinance; or	5 selected as provided by ordinance; or
6	(v) may at the discretion of the commission be	6 (vi) shall not be included in this form as a separate
7	selected as provided by ordinance; or	7 office.
8	(vi) shall not be included in this form as a separate	8 (d) A clerk of district court:
9	office.	9 (i) shall be elected; or
10	(b) A law enforcement officer (who may be called the	10 (ii) shall: be appointed by the local government
11 .	"sheriff"):	11 commission; or
12	(i) shall be elected; or	12 (iii) shall be appointed by the chairman of the local
13	{ii) shall be appointed by the local government	13 government commission; or
14	commission; or a	14 (iv) shall be selected as provided by ordinance; or
15	(iii) shall be appointed by the chairman of the local	15 (v) may at the discretion of the commission be
16	government commission; or	16 selected as provided by ordinance; or
17 .	(iv) shall be selected as provided by ordinance; or	17 (vi) shall not be included in this form as a separate
18	<pre>{v} may at the discretion of the commission be</pre>	18 office.
19	selected as provided by ordinance; or	19 (e) A treasurer:
20	(vi) shall not be included in this form as a separate	20 (i) shall:be elected; or
21	office.	21 (ii) shall: be appointed by the local government
22	(c) A clerk and recorder:	22 commission; or
23	(i) shall be elected; or	23 (iii) shall be appointed by the chairman of the local
24	(ii) shall be appointed by the local government	24 government commission; or
25	commutission; or	25 (iv) shall be selected as provided by ordinance; or

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1	(v) may at the discretion of the commission be
2	selected as provided by ordinance; or
3	<pre>{vi) shall not be included in this form as a separate</pre>
4	office.
5	(f) A surveyor:
6	(i) shall be elected; or
7	(ii) shall be appointed by the local government
8	commission; or
9	(iii) shall be appointed by the chairman of the local
10	government commission; or
11	(iv) shall be selected as provided by ordinance; or
12	(v) may at the discretion of the commission be
13	selected as provided by ordinance; or
14	(vi) shall not be included in this form as a separate
15	office.
16	(g) A superintendent of schools:
17	<pre>(i) shall be elected; or</pre>
18	(ii) shall be appointed by the local government
19	commission; or
20	(iii) shall be appointed by the chairman of the local
21	government commission; or
22	(iv) shall be selected as provided by ordinance; or
23	(v) may at the discretion of the commission be
24	selected as provided by ordinance; or
25	(vi) shall not be included in this form as a separate

1	office.
z	(h) An assessor:
3	(i) shall be elected; or
4	(ii) shall: be appointed by the local government
5	commission; or
6	(iii) shall be appointed by the chairman of the local
7	government commission; or
8	(iv) shall be selected as provided by ordinance; or
9	(v) may at the discretion of the commission be
10	selected as provided by ordinance; or
11	(vi) shall not be included in this form as a separate
12	office.
13	(i) A coroner:
14	(i) shall be elected; or
15	(ii) shall be appointed by the local government
16	commission; or
17	(iii) shall be appointed by the chairman of the local
18	government commission; or
19	(iv) shall be selected as provided by ordinance; or
20	(v) may at the discretion of the commission be
21	selected as provided by ordinance; or
22	(vi) shall not be included in this form as a separate
23	office.
24	(j) A public administrator:
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1 (ii) shall be appointed by the local government 2 commission; or 3 (iii) shall be appointed by the chairman of the local 4 government commission; or 5 (iv) shall be selected as provided by ordinance; or (v) may at the discretion of the commission be 6 7 selected as provided by ordinance; or 8 (vi) shall not be included in this form as a separate 9 office. 10 (k) An auditor: 11 (i) shall be elected; or 12 (ii) shall be appointed by the local government 13 commission; or 14 (iii) shall be appointed by the chairman of the local 15 government commission; or 16 (iv) shall be selected as provided by ordinance; or (v) may at the discretion of the commission be 17 selected as provided by ordinance; or 18 19 (vi) shall not be included in this form as a separate office. 20 21 (4) Local governments that adopt this form shall have general government powers." 22 23 Section 4. Section 47A-3-206, R.C.M. 1947, is amended 24 to read as follows: 25 #47A-3-206. Commission-chairman form. (1) The

commission-chairman form consists of an elected commission 1 2 (which may also be referred to as the "council"), and a commission chairman (who may also be referred to as "mayor" з or as "president") elected by the members of the commission 4 5 from their own number. (2) The commission chairman (who may also be referred 6 7 to as "mayor") shall be elected by the members of the commission from their own number to serve at the pleasure of 8 9 the commission. He shall: be the presiding officer of the 10 commission, be recognized as the head of the local government unit, have the power to vote as other members of 11 12 the commission, be the chief executive officer of the local 13 government, and: 14 (a) enforce laws, ordinances, and resolutions; (b) perform duties required of him by law, ordinance, 15 or resolution: 16 (c) administer the affairs of the local government; 17 (d) direct, supervise, and administer all departments. 18 19 agencies, and offices of the local government, except as otherwise provided by law or ordinance; 20 (e) carry out policies established by the commission; 21 22 (f) prepare the commission agenda; 23 (q) recommend measures to the commission;

- 24 (h) report to the commission on the affairs and
- 25 financial condition of the local government;

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1 (i) execute bonds, notes, contracts, and written 2 obligations of the commission, subject to the approval of 3 the commission: 4 (i) report to the commission as the commission may 5 require; (k) attend commission meetings and may take part in 6 7 discussions; 8 (1) execute the budget adopted by the commission; 9 (m) appoint with the consent of the commission all 10 members of boards and committees: except the chairman may 11 appoint without the consent of the commission temporary advisory committees established by the chairman; 12 13 (n) appoint with the consent of a majority of the 14 commission all department heads. The chairman may remove department heads and may appoint and remove all other 15 employees; 16 (o) prepare the budget and present it to the 17 commission for adoption; 18 19 (p) exercise control and supervision over the 20 administration of departments and boards. 21 (3) The plan of government submitted to the gualified 22 electors shall further define the structural characteristics 23 of the form by including one item from each of the choices 24 listed below: 25 (a) The commission shall be:

1 (i) elected at large; or 2 (ii) elected by districts in which candidates must reside and which are apportioned by population; or 3 4 (iii) nominated-by-districts-in-which--condidates--must 5 reside-wend-which-are-apportioned-by-populationy-but-elected 6 st-large elected at large and nominated by a plan of 7 nomination that may not preclude the possibility of the 8 pajority of the electors nominating candidates for the 9 majority of the seats on the commission from persons 10 residing in the district or districts where the majority of 11 the electors reside; or 12 (iv) elected by any combination of districts in which 13 candidates must reside and which are apportioned by 14 population, and at large. 15 (b) Local government elections shall be conducted on 16 a: 17 (i) partisan basis as provided in this title; or 18 (ii) nonpartisan basis as provided in this title. (c) The commission chairman: 19 20 (i) shall appoint one or more administrative assistants to assist him in the supervision and operation of 21 22 the local government. Such administrative assistants shall 23 be answerable solely to the chairman; or 24 (ii) may appoint one or more administrative assistants 25 to assist him in the supervision and operation of the local

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1 government. Such administrative assistants shall be 2 answerable solely to the chairman. 3 (d) Commission members shall be elected for: (i) concurrent terms of office; or 4 (ii) overlapping terms of office. 5 6 (e) The size of the commission, which shall be a number of not less than five (5), shall be established when 7 the form is adopted by the voters, and: 8 9 (i) community councils of at least three (3) members 10 shall be elected within each district to advise the 11 commissioner from that district. Local governments conducting elections at-large shall district according to 12 13 population for the purpose of electing community councils; 14 or (ii) community councils to advise commissioners may be 15 authorized by ordinance. 16 17 (f) The term of office of elected officials may not exceed four (4) years, and shall be established when the 18 19 form is adopted by the voters. (4) The :plan of government submitted to the qualified 20 electors shall determine the powers of the local (government 21 22 unit by authorizing: 23 (a) general government powers; or 24 (b) self-government powers." 25 Section 5. Section 47A-3-208, R.C.M. 1947, is amended

1 to read as follows:

2 #47A-3-208. Charter form. (1) The purpose of this section is to comply with Article XI, section 5 (1), of the 3 4 Montana constitution, which provides: "(1) The legislature 5 shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or 6 7 abandon a self-covernment charter with the approval of a majority of those voting on the question. The procedures 8 9 shall not require approval of a charter by a legislative 10 body."

(2) Charter provisions establishing executive;
legislative; and administrative structure and organization
are superior to statutory provisions.
(3) A charter form of government shall possess
self-government powers.
(4) Charter form of government shall be established by

17 a charter which is a written document defining the powers,
18 structures, privileges, rights, and duties of the unit of
19 local government and limitations thereon.
20 (5) The charter shall provide for an elected

21 legislative body, called a commission or council, or shall 22 provide for a legislative body comprised of all qualified 23 electors. For elected legislative bodies the charter shall 24 specify the number of members thereof, their term of office, 25 election on a partisan or nonpartisan basis, the grounds for

1	their removal, and the method for filling vacancies.
2	(6) The charter shall provide for the nomination and
3	election of commissions at-large, or by districts in which
4	candidates must reside and which are apportioned by
5	population, or by a combination of districts in which
6	candidates must reside and which are apportioned by
7	population and at large <u>or elected at large and nominated by</u>
8	a plan of nomination that may not preclude the possibility
9	of the majority of the electors nominating candidates for
10	the majority of the seats on the commission from persons
11	residing in the district of districts where the majority of
12	the electors reside.
13	(7) The charter shall specify which official of the
14	local government will be the chief administrative and
15	executive officer, the method of his selection, his term of
16	office, except that it may be at the pleasure of the
17	selecting authority if such officer is not elected by
18	popular vote, the grounds for his removal, and his powers
19	and duties. Notwithstanding the foregoing, the charter may
20	allocate the chief executive and the chief administrative
21	functions among two or more officials specified as above, or
22	the charter may provide that chief executive and
23	administrative functions of the local government will be
24	performed by one or more members of the legislative body.
25	(8) The charter may establish other legislative,

1 administrative, and organizational structures. z (9) A charter form of government shall have such 3 officers, departments, boards, commissions, and agencies as 4 are established in the charter, by local ordinance, or 5 required by state law. 6 (10) Charter provisions may not conflict with the 7 provisions of Title 47-A, Part 7 which establish statutory limitations on the powers of self-dovernment units. 8 (11) Charter forms are subject to state laws 9 establishing election, initiative and referendum procedures 10 and charters shall not contain provisions establishing 11 12 election, initiative and referendum procedures. (12) The charter shall not contain provisions 13 establishing or modifying local court systems. 14 15 (13) The enumeration of powers in a charter shall not 16 be construed as a limitation or prohibition on the mesidual 17 or self-governing powers granted by the constitution. 18 (14) The charter may contain prohibitions on the 19 exercise of power by a unit of local government. 20 (15) The charter may include such provisions as may be necessary to permit an orderly transition to the new form of 21 22 government.

(16) The charter shall specify the date on which the
charter will take effect, except that provisions may be made
for temporary partial effectiveness consistent with an

- 1 orderly transition of government.
- 2 (17) The listing of charter provisions in this section
- 3 shall not be construed to prevent the inclusion of
- 4 additional provisions in charters.
- 5 (18) A charter may be amended only as provided by state
- 6 law."

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1	HOUSE BILL NO. 537	1	(a) enforce laws, ordinances, and resolutions;
2	INTRODUCED BY SOUTH	2	(b) perform duties required of him by law, ordinance,
3		3	or resolution;
4	A BILL FOR AN ACT ENTITLED: MAN ACT TO PROVIDE IN THE	4	(c) administer affairs of the local government;
5	ALTERNATIVE FORMS OF LOCAL GOVERNMENT FOR THE ELECTION OF	5	(d) carry out policies established by the commission;
6	MUNICIPAL LOCAL GOVERNMENT COMMISSIONERS BY A PLAN INVOLVING	6	(e) recommend measures to the commission;
7	ELECTION AT LARGE AND NOMINATION THAT MAY NOT PRECLUDE THE	7	(f) report to the commission on the affairs and
8	POSSIBILITY OF THE MAJORITY OF THE ELECTORS NOMINATING	8	financial condition of the local government;
9	CANDIDATES FOR THE MAJORITY OF THE SEATS ON THE COMMISSION	9	(g) execute bonds, notes, contracts, and written
10	FROM PERSONS RESIDING IN THE DISTRICT OR DISTRICTS WHERE THE	10	obligations of the commission, subject to the approval of
11	MAJORITY OF THE ELECTORS RESIDE; AMENDING SECTONS 47A-3-203,	11	the commission;
12	47A-3-204, 47A-3-205, 47A-3-206, AND 47A-3-208, R.C.M.	12	(h) report to the commission as the commission may
13	1947•"	13	require;
14		14	(i) attend commission meetings and may take part in
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	discussions;
16	Section 1. Section 47A-3-203; R.C.M. 1947, is amended	16	(j) execute the budget adopted by the commission;
17	to re∋d as follows:	17	(k) appoint, with the consent of the commission, all
18	#47A-3-203. Commission-executive form. (1) The	18	members of boards; except, the executive may appoint without
19	commission-executive form (which may be called the	19	the consent of the commission temporary advisory committees
20	"council-executive", the "council-mayor", or the	20	established by the executive.
21	"commission-mayor" form) consists of an elected commission	21	(3) The plan of government submitted to the gualified
22	(whicn may be referred to as the "council" and one elected	22	electors shall further define the structural characteristics
23	executive (who may be referred to as the "mayor") who is	23	of the form by including one item from each of the choices
24	elected at large.	24	listed below:
25	(2) The executive shall:	25	(a) The executive:
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1 (i) shall appoint one or more administrative 2 assistants to assist him in the supervision and operation of 3 the local government. Such administrative assistants shall 4 be answerable solely to the executive; or

5 (ii) may appoint one or more administrative assistants 6 to assist him in the supervision and operation of the local 7 government. Such administrative assistants shall be 8 answerable solely to the executive.

9 (b) The executive may:

10 (i) appoint and remove all employees of the local 11 government; or

12 (ii) appoint and remove, with the consent of a majority 13 of the commission, all employees of the local government: or 14 (iii) appoint, with the consent of a majority of the 15 commission, all department heads. The executive may remove department heads and may appoint and remove all other 16 17 department employees; or

18 (iv) appoint and remove, with the consent of a majority of the commission, all department heads. The executive may 19 20 appoint and remove all other employees of the local 21 government.

22 (c) The executive may:

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23 (i) veto ordinances and resolutions, subject to 24 override by a majority plus one of the whole number of the 25 commission: or

1 (ii) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or 2 (iii) sign all ordinances and resolutions with no veto 3 4 power. (d) The executive may: 5 (i) prepare the budget and present it to the 6 7 commission for adoption; or (ii) prepare the budget in consultation with the 8 9 commission and department heads. (e) The executive may: 10 11 (i) exercise control and supervision of the 12 administration of all departments and boards; or 13 (ii) exercise control and supervision of a11 14 departments and boards to the degree authorized by ordinance 15 of the commission. (f) A financial officer (who may be called the 16 17 #treasurer#): 18 (i) shall be elected; or 19 (ii) shall be appointed by the executive with the 20 consent of the council: or 21 (iii) shall be selected as provided by ordinance; or (iv) may, at the discretion of the commission, be 22

- selected as provided by ordinance.
- 24 (c) The commission shall be:

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25 (i) elected at large; or

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1	(ii) elected by districts in which candidates must	1	٥r
Z	reside and which are apportioned by population; or	2	(iii) the executive who shall decide all tie votes of
3	(iii) nominatedbydistricts-in-which-candidates-must	3	the commission, but shall have no other vote. The chairman
4	reside-and-which-are-apportioned-by-populationy-butelected	4	of the commission shall preside if the executive is absent;
5	atlarge <u>elected at large and nominated by a plan of</u>	5	or
6	nomination that may not preclude the possibility of the	6	(iv) the executive, but he may not vote.
7	majority_of_the_electors_nominating_candidates_for_the	7	(k) Commission members shall be elected for:
8	majority of the seats on the commission from persons	8	(i) concurrent terms of office; or
9	residing in the district or districts where the majority of	9	(ii) overlapping terms of office.
10	the electors reside; or	10	(1) The size of the commission, which shall be a
11	(iv) elected by any combination of districts in which	11	number not less than three $\{3\}_{1}$ shall be established when
12	candidates must reside and which are apportioned by	12	the form is adopted by the voters, and;
13	population, and at large.	13	(i) community councils of at least three (3) members
14	(h) Local government elections shall be conducted on	14	shall be elected within each district to advise the
15	a:	15	comissioner from that district. Local governments conducting
16	(i) partisan basis as provided in this title; or	16	elections at large shall district according to population
17	(ii) nonpartisan basis as provided in this title.	17	for the purpose of electing community councils; or
18	(i) The commission shall have a chairman who shall be:	18	(ii) community councils to advise commissioners may be
19	(i) elected by the members of the commission from	14	authorized by ordinance.
20	their own number for a term established by ordinance; or	2 J	(m) The term of office of elected officials may not
21	(ii) selected as provided by ordinance.	21	exceed four (4) years, and shall be established when the
22	(j) The presiding officer of the commission shall be:	22	form is adopted by the voters.
23	(i) the chairman of the commission who may vote as	23	(4) The plan of government submitted to the qualified
24	other members of the commission; or	24	electors shall determine the powers of the local government
25	(ii) the executive who may vote as the commissioners;	25	unit by authorizing:

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1	(a) general government powers; or	1	(e) carry out policies established by the commission;
2	(b) self-government powers."	2	(t) prepare the commission agenda;
3	Section 2. Section 47A-3-204, R.C.N. 1947, is amended	3	(g) recommend measures to the commission;
4	to read as follows:	4	(h) report to the commission on the affairs and
5	№47A-3-204. Commission-manager form. (1) The	5	financial condition of the local government;
6	commission-manager form {which may be called the	6	(i) execute bonds, notes, contracts, and written
7	"council-manager" form) consists of an elected commission	7	obligations of the commission, subject to the approval of
8	(which may be called the "council") and a manager appointed	6	the commission;
9	by the commission who shall be the chief administrative	9	{j} report to the commission as the commission may
10	officer of the local government. The manager shall be	10	require;
11	responsible to the commission for the administration of all	11	(k) attend commission meetings and may take part in
12	local government affairs placed in his charge by law,	12	the discussion, but he may not vote;
13	ordinance, or resolution.	13	(1) prepare and present the budget to the commission
14	(2) The manager shall be appointed by the commission	14	for its approval and execute the budget adopted by the
15	for an indefinite term on the basis of merit only, and	15	commission;
16	removed only by a majority vote of the whole number of the	16	(m) appoint, suspend, and remove all employees of the
17	commission.	17	local government except as otherwise provided by law or
18	(3) The manager shall:	18	ordinance. Employees appointed by the manager and his
19	(a) enforce laws, ordinances, and resolutions;	19	subordinates shall be administratively responsible to the
20	(b) perform the duties required of him by law,	20	manager;
21	ordinance, or resolution;	21	(n) appoint members of temporary advisory committees
22	(c) administer the affairs of the local government;	22	established by the manager.
23	(d) direct, supervise, and administer all departments,	23	(4) Neither the commission nor any of its members may
Ź4	agencies and offices of the local government unit except as	24	dictate the appointment or removal of any employee whom the
25	otherwise provided by law or ordinance;	25	manager or any of his subordinates are empowered to appoint.

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1	(5) Except for the purpose of inquiry or investigation
2	under this title, the commission or its members shall deal
3	with the local government employees who are subject to the
4	direction and supervision of the manager, solely through the
5	manager, and neither the commission nor its members may give
6	orders to any such employee, either publicly or privately.
1	(6) The plan of government submitted to the qualified
8	electors shall further define the structural characteristics
9	of the form by including one item from each of the choices
10	listed below:
11	(a) All members of boards, other than temporary
12	advisory committees established by the manager, shall be
13	appointed by:
14	(i) the chairman with the consent of the commission;
15	OF
16	(ii) the manager with the consent of the commission; or
17	(iii) the commission.
18	(b) The commission shall be:
19	(i) elected at large; or
20	(ii) elected by districts in which candidates must
21	reside and which are apportioned by population; or
22	(iii) nominatedbydistricts-in-which-candidates-mus t
23	reside-and-which-are-apportioned-by-populationy-butelected
24	at-large elected at large and nominated by a plan of
25	<u>nomination_that_may_not_preclude_the_possibility_of_the</u>

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1	<u>majority_of_the_electors_nominating_candidates_for_the</u>
2	majority of the seats on the commission from persons
3	residing in the district or districts where the majority of
4	the electors reside; or
5	(iv) elected by any combination of districts in which
6	candidates must reside and which are apportioned by
7	population, and at large.
8	(c) Local government elections shall be conducted on
9	a:
10	(i) partisan basis as provided in this title; or
11	(ii) nonpartisan basis as provided in this title.
12	(d) The chairman of the commission shall be:
13	(i) elected by the members of the commission from
14	their own number for a term established by ordinance; or
15	(ii) elected by the qualified electors for a term of
16	office; or
17	(iii) selected as provided by ordinance.
18	(e) Commission members shall be elected for:
19	(i) concurrent terms of office; or
20	(ii) overlapping terms of office.
21	(f) The size of the commission, which shall be a
22	number of not less than three (3), shall be established when
23	the form is adopted by the voters, and:
24	(i) community councils of at least three (3) members
25	shall be elected within each district to advise the

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commissioner from that district. Local governments
 conducting elections at-large shall district according to
 population for the purpose of electing community councils;
 or

5 (ii) community councils to advise commissioners may be 6 authorized by ordinance.

7 (g) The term of office of elected officials may not 8 exceed four (4) years, and shall be established when the 9 form is adopted by the voters.

10 (7) The plan of government submitted to the qualified
 11 electors shall determine the powers of the local government
 12 unit by authorizing:

13 (a) general government powers; or

14 (b) self-government powers."

15 Section 3. Section 47A-3-205, R.C.M. 1947, is amended 16 to read as follows:

17 #47A-3-205. Commission form. (1) The commission form consists of an elected commission (which may also be called 18 19 the "council") and other elected officers as provided in section. A11 20 this legislative, executive, and administrative powers and duties of the local government not 21 22 specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission 23 shall appoint the heads of departments and other employees, 24 except for those appointed by other elected officials. 25

Cities and towns which adopt this form may distribute by 3 ordinance the executive and administrative powers and duties 2 into departments headed by individual commissioners. 3 (2) The plan of government submitted to the qualified 4 electors shall further define the structural characteristics 5 of the form by including one item from each of the choices 6 listed below: 7 (a) The commission shall be: 8 9 (i) elected at large; or (ii) elected by districts in which candidates must 10 reside and which are apportioned by population; or 11 (iii) nominated--by--districts-in-which-candidates-must 12 13 reside-and-which-are-apportioned-by-populationy-but-elected at-large elected at large and nominated by a plan of 14 15 nomination that may not preclude the possibility of the 16 majority of the electors nominating candidates for the majority of the seats on the commission from persons 17 18 residing in the district or districts where the majority of 19 the electors reside; or (iv) elected by any combination of districts in which 20 candidates must reside and which are apportioned by 21 22 population, and at large.

23 (b) Local government elections shall be conducted on24 a:

25 (i) partisan basis as provided in this title; or

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1	(ii) nonpartisan basis as provided in this title.	1	the form is adopted by the voters, and:
Z	(c) The chairman of the commission, who may be	2	(i) community councils of at least three (3) members
3	referred to as the "mayor", shall be the presiding officer	3	shall be elected within each district to advise the
4	of the commission. All members of boards and committees	4	commissioner from that district. Local governments
õ	shall be appointed by the chairman with the consent of the	5	conducting elections at-large shall district according to
5	commission. The chairman shall be recognized as the head of	6	population for the purpose of electing community councils;
7	the local government unit and may vote as other members of	7	or
8	the commission. The chairman shall be:	8	(ii) community councils to advise commissioners may be
9	(i) elected by the members of the commission from	9	authorized by ordinance.
10	their own number for a term established by ordinance; or	10	(g) The term of office of elected officials may not
11	(ii) selected as provided by ordinance; or	11	exceed four (4) years, except the term of office for
12	(iii) elected directly by the voters for a term	12	commissioners in counties adopting the form authorized by
13	established by ordinance.	13	Article XI, section 3 (2), of the Montana constitution, may
14	(d) The commission:	14	not exceed six (6) years. Terms of office shall be
15	(i) shall appoint one or more administrative	15	established when the form is adopted by the voters.
16	assistents to assist them in the supervision and operation	16	(3) In county and consolidated local governments, the
17	of the local government; or	17	plan of government submitted to the qualified electors shall
18	(ii) may appoint one or more administrative assistants	18	further define the structural characteristics of the form by
19	to assist them in the supervision and operation of the local	19	including one item from each of the choices listed below.
20	government.	20	The officers shall have the powers and duties established by
21	(e) Commission members shall be elected for:	21	ordinance. After the establishment of any office, the
22	(i) concurrent terms of office; or	22	commission may consolidate, as provided by law, two or more
23	(ii) overlapping terms of office.	23	of the offices.
24	(f) The size of the commission, which shall be a	24	(a) A legal officer (who may be called the "county
25	number of not less than three (3), shall be established when	25	attorney"):
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1	(i) shall be elected; or	
2	(ii) shall be appointed by the local government	
3	commission; or	
4	(iii) shall be appointed by the chairman of the local	
5	government commission; or	
6	(iv) shall be selected as provided by ordinance; or	
7	(v) may at the discretion of the commission be	
8	selected as provided by ordinance; or	
9	<pre>{vi) shall not be included in this form as a separate</pre>	
10	office.	
11	(b) A law enforcement officer (who may be called the	
12	"sheriff"):	
13	(i) shall be elected; or	
14	(ii) shall be appointed by the local government	
15	commission; or	
16	(iii) shall be appointed by the chairman of the local	
17	government commission; or	
13	(iv) shall be selected as provided by ordinance; or	
19	(v) may at the discretion of the commission be	
20	selected as provided by ordinance; or	
21	(vi) shall not be included in this form as a separate	
22	office.	
23	<pre>{c} A clerk and recorder:</pre>	
24	(i) shall be elected; or	
25	(ii) shall be appointed by the local government	

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commission; or
(iii) shall be appointed by the chairman of the local
government commission; or
(iv) shall be selected as provided by ordinance; or
(v) may at the discretion of the commission be
selected as provided by ordinance; or
(vi) shall not be included in this form as a separate
office.
(d) A clerk of district court:
(i) shall be elected; or
(ii) shall be appointed by the local government
commission; or
(iii) shall be appointed by the chairman of the local
government commission; or
(iv) shall be selected as provided by ordinance; or
(v) may at the discretion of the commission be
selected as provided by ordinance; or
(vi) shall not be included in this form as a separate
offica.
(e) A treasurer:

(ii) shall be appointed by the local government

(iii) shall be appointed by the chairman of the local

(i) shall be elected; or

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commission; or

government commission; or

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1	(iv) shall be selected as provided by ordinance; or
Z	(v) may at the discretion of the commission be
3	salected as provided by ordinance; or
4	(vi) shall not be included in this form as a separate
5	office.
6	(f) A surveyor:
7	(i) shall be elected; or
8	(ii) shall be appointed by the local government
9	commission; or
10	(iii) shall be appointed by the chairman of the local
11	government commission; or
12	(iv) shall be selected as provided by ordinance; or
13	(v) may at the discretion of the commission be
14	selected as provided by ordinance; or
15	(vi) shall not be included in this form as a separate
16	office.
17	(a) A superintendent of schools:
18	(i) shall be elected; or
19	(ii) shall be appointed by the local government
20	commission; or
21	(iii) shall be appointed by the chairman of the local
22	government commission; or
23	(iv) shall be selected as provided by ordinance; or
24	(v) may at the discretion of the commission be
25	selected as provided by ordinance; or

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1 (vi) shall not be included in this form as a separate 2 office. 3 (h) An assessor: (i) shall be elected; or 4 (ii) shall be appointed by the local government 5 6 commission; or (iii) shall be appointed by the chairman of the local 7 government commission; or 8 (iv) shall be selected as provided by ordinance; or 9 (v) may at the discretion of the commission be 10 selacted as provided by ordinance; or 11 12 (vi) shall not be included in this form as a separate 13 office. 14 (i) A coroner: 15 (i) shall be elected; or (ii) shall be appointed by the local government 16 17 commission: or 18 (iii) shall be appointed by the chairman of the local 19 government commission; or 20 (iv) shall be selected as provided by ordinance; or (v) may at the discretion of the commission be 21 22 selected as provided by ordinance; or 23 (vi) shall not be included in this form as a separate 24 office.

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25 (j) A public administrator:

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1	(i) shall be elected; or
2	(ii) shall be appointed by the local government
3	communities ion; or
4	(iii) shall be appointed by the chairman of the local
5	government commission; or
6	(iv) shall be selected as provided by ordinance; or
7	(v) may at the discretion of the commission be
8	selected as provided by ordinance; or
9	(vi) shall not be included in this form as a separate
10	office.
11	(k) An auditor:
12	(i) shall be elected; or
13	(ii) shall be appointed by the local government
14	commission; or
15	(iii) shall be appointed by the chairman of the local
16	government commission; or
17	(iv) shall be selected as provided by ordinance; or
18	(v) may at the discretion of the commission be
19	selected as provided by ordinance; or
20	(vi) shall not be included in this form as a separate
21	office.
22	(4) Local governments that adopt this form shall have
23	general government powers."
24	Section 4- Section 47A-3-206, R.C.M. 1947, is amended
25	to read as follows:

1 #47A-3-206. Commission-chairman form. (1) The commission-chairman form consists of an elected commission 2 3 (which may also be referred to as the "council"), and a commission chairman (who may also be referred to as "mayor" 4 5 or as "president") elected by the members of the commission 6 from their own number. (2) The commission chairman (who may also be referred 7

8 to as "mayor") shall be elected by the members of the 9 commission from their own number to serve at the pleasure of 10 the commission. He shall: be the presiding officer of the 11 commission, be recognized as the head of the local 12 government unit, have the power to vote as other members of 13 the commission, be the chief executive officer of the local 14 government, and:

- 15 (a) enforce laws, ordinances, and resolutions;
- 16 (b) perform duties required of him by law, ordinance,17 or resolution;
- 18 (c) administer the affairs of the local-government;
- 19 (d) direct, supervise, and administer all departments,
- 20 agencies, and offices of the local government, except as
- 21 otherwise provided by law or ordinance;
- 22 (e) carry out policies established by the commission;
- 23 (f) prepare the commission agenda;
- 24 (g) recommend measures to the commission;

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25 (h) report to the commission on the affairs and

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1	financial condition of the local government;
2	(i) execute bonds, notes, contracts, and written
3	obligations of the commission, subject to the approval of
4	the commission;
5	(j) report to the commission as the commission may
6	require;
7	(k) attend commission meetings and may take part in
8	discussions;
9	(1) execute the budget adopted by the commission;
10	(m) appoint with the consent of the commission all
11	members of boards and committees; except the chairman may
12	appoint without the consent of the commission temporary
13	advisory committees established by the chairman;
14	(n) appoint with the consent of a majority of the
15	commission all department heads. The chairman may remove
16	department heads and may appoint and remove all other
17	employees;
18	(o) prepare the budget and present it to the
19	commission for adoption;
20	(p) exercise control and supervision over the
21	administration of departments and boards.
22	(3) The plan of government submitted to the qualified
23	electors shall further define the structural characteristics
24	of the form by including one item from each of the choices
25	listed below:

1 (a) The commission shall be: (i) elected at large; or z 3 (ii) elected by districts in which candidates must 4 reside and which are apportioned by population; or (iii) nominated-by-districts-in-which--condidates--must 5 reside--and-which-are-apportioned-by-populationy-but-elected 6 7 at-large elected at large and nominated by a plan of nomination that may not preclude the possibility of the 8 9 majority of the electors nominating candidates for the 10 majority of the seats on the commission from persons residing in the district or districts where the majority of 11 12 the electors reside; or (iv) elected by any combination of districts in which 13 candidates must reside and which are apportioned by 14 population, and at large. 15 (b) Local government elections shall be conducted on 16 a: 17 (i) partisan basis as provided in this title; or 18 19 (ii) nonpartisan basis as provided in this title. 20 (c) The commission chairman: 21 (i) shall appoint one or more administrative assistants to assist him in the supervision and operation of 22 the local government. Such administrative assistants shall 23 24 be answerable solely to the chairman; or 25 (ii) may appoint one or more administrative assistants

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to assist him in the supervision and operation of the local
 government. Such administrative assistants shall be
 answerable solely to the chairman.

4 (d) Commission members shall be elected for:

5 (i) concurrent terms of office; or

6 (ii) overlapping terms of office.

7 (e) The size of the commission, which shall be a
8 number of not less than five (5), shall be established when
9 the form is adopted by the voters, and:

10 (i) community councils of at least three (3) members 11 shall be elected within each district to advise the 12 commissioner from that district. Local governments 13 conducting elections at-large shall district according to 14 population for the purpose of electing community councils; 15 or

16 (ii) community councils to advise commissioners may be17 authorized by ordinance.

18 (f) The term of office of elected officials may not 19 exceed four (4) years, and shall be established when the 20 form is adopted by the voters.

21 (4) The plan of government submitted to the qualified
22 electors shall determine the powers of the local government
23 unit by authorizing:

24 (a) general government powers; or

25 (b) self-government powers."

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Section 5. Section 47A-3-208; R.C.M. 1947; is dimended
 to read as follows:

3 #47A-3-208. Charter form: (1) The purpose of this section is to comply with Article XI, section 5 (1), of the 4 Montana constitution, which provides: "(1) The legislature 5 shall provide procedures permitting a local government unit 6 or combination of units to frame, adopt, amend, revise, or 7 abandon a self-government charter with the approval of a 8 9 majority of those voting on the guestion. The procedures shall not require approval of a charter by a legislative 10 11 body."

(2) Charter provisions establishing executive,
 legislative, and administrative structure and organization
 are superior to Statutory provisions.

15 (3) A charter form of government shall possess
16 self-government powers.

17 (4) Charter form of government shall be established by
18 a charter which is a written document defining the powers,
19 structures, privileges, rights, and duties of the unit of
20 local government and limitations thereon.

(5) The charter shall provide for an elected
legislative body, called a commission or council, or shall
provide for a legislative body comprised of all qualified
electors. For elected legislative bodies the charter shall
specify the number of members thereof, their term of office,

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ì	election on a partisan or nonpartisan basis, the grounds for
2	their removal, and the method for filling vacancies.
3	(6) The charter shall provide for the nomination and
4	election of commissions at-large, or by districts in which
5	candidates must reside and which are apportioned by
6	population, or by a combination of districts in which
۲	candidates must reside and which are apportioned by
8	population and at large <u>or elected at large and nominated by</u>
9	a plan of nomination that may not preclude the possibility
10	of the majority of the electors nominating candidates for
11	the majority of the seats on the commission from persons
12	residing in the district or districts where the majority of
13	the electors reside.
14	(7) The charter shall specify which official of the
15	local government will be the chief administrative and
16	executive officer, the method of his selection, his term of
17	office, except that it may be at the pleasure of the
18	selecting authority if such officer is not elected by
19	popular vote, the grounds for his removal, and his powers
20	and duties. Notwithstanding the foregoing, the charter may
21	allocate the chief executive and the chief administrative
22	functions among two or more officials specified as above, or
23	the charter may provide that chief executive and
24	administrative functions of the local government will be
25	performed by one or more members of the legislative body.

1 (8) The charter may establish other legislative, 2 administrative, and organizational structures. 3 (9) A charter form of government shall have such officers, departments, boards, commissions, and agencies as 4 5 are established in the charter, by local ordinance, or required by state law. 6 (10) Charter provisions may not conflict with the 7 provisions of Title 47-A, Part 7 which establish statutory 8 9 limitations on the powers of self-government units. (11) Charter forms are subject to state laws 10 11 establishing election, initiative and referendum procedures 12 and charters shall not contain provisions establishing 13 election, initiative and referendum procedures. 14 (12) The charter shall not contain provisions 15 establishing or modifying local court systems. 16 (13) The enumeration of powers in a charter shall not 17 be construed as a limitation or prohibition on the residual 18 or self-governing powers granted by the constitution. 19 (14) The charter may contain prohibitions on the exercise of power by a unit of local government. 20 (15) The charter may include such provisions as may be 21 necessary to permit an orderly transition to the new form of 22 23 government. (16) The charter shall specify the date on which the 24 25 charter will take effect, except that provisions may be made

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- 1 for temporary partial effectiveness consistent with an
- 2 orderly transition of government.

3 (17) The listing of charter provisions in this section

4 shall not be construed to prevent the inclusion of

5 additional provisions in charters.

6 (18) A charter may be amended only as provided by state

7 law-*

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1	HOUSE BILL NO. 537	1	(a) enforce laws, ordinances, and resolutions;
2	INTRODUCED BY SOUTH	2	(b) perform duties required of him by law, ordinance,
3		3	or resolution;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE IN THE	4	(c) administer affairs of the local government;
5	ALTERNATIVE FORMS OF LOCAL GOVERNMENT FOR THE ELECTION OF	5	(d) carry out policies established by the commission;
6	HUNICIPAL LOCAL GOVERNMENT COMMISSIONERS BY A PLAN INVOLVING	6	(e) recommend measures to the commission;
7	ELECTION AT LARGE AND NOMINATION THAT MAY NOT PRECLUDE THE	7	(f) report to the commission on the affairs and
8	POSSIBILITY OF THE MAJORITY OF THE ELECTORS NOMINATING	8	financial condition of the local government;
ÿ	CANDIDATES FOR THE MAJORITY OF THE SEATS ON THE COMMISSION	9	(g) execute bonds, notes, contracts, and written
10	FROM PERSONS RESIDING IN THE DISTRICT OR DISTRICTS WHERE THE	10	obligations of the commission, subject to the approval of
11	MAJORITY OF THE ELECTORS RESIDE; AMENDING SECTONS 47A-3-203,	11	the commission;
12	47A-3-204, 47A-3-205, 47A-3-206, AND 47A-3-208, R.C.M.	12	(h) report to the commission as the commission may
13	1947."	13	require;
14	·	14	(i) attend commission meetings and may take part in
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:	15	discussions;
16	Section 1. Section 47A-3-203, R.C.M. 1947, is amended	16	(j) execute the budget adopted by the commission;
17	to read as follows:	17	(k) appoint, with the consent of the commission, all
18	"47A-3-203. Commission-executive form. (1) The	18	members of boards; except, the executive may appoint without
19	commission-executive form (which may be called the	19	the consent of the commission temporary advisory committees
20	"council-executive", the "council-mayor", or the	20	established by the executive.
21	"commission-mayor" form) consists of an elected commission	21	(3) The plan of government submitted to the qualified
22	{which may be referred to as the "council" and one elected	22	electors shall further define the structural characteristics
23	executive (who may be referred to as the "mayor") who is	23	of the form by including one item from each of the choices
24	elected at large.	24	listed below:
25	(2) The executive shall:	25	(a) The executive:

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1	(i) shall appoint one or more administrative	1	(ii) veto ordinances and resolutions, subject to
2	assistants to assist him in the supervision and operation of	2	override by a two-thirds vote of the commission; or
3	the local government. Such administrative assistants shall	3	(iii) sign all ordinances and resolutions with no veto
4	be answerable solely to the executive; or	4	power.
5	(ii) may appoint one or more administrative assistants	5	(d) The executive may:
6	to assist him in the supervision and operation of the local	6	(i) prepare the budget and present it to the
٦	government. Such administrative assistants shall be	7	commission for adoption; or
8	answerable solely to the executive.	8	(ii) prepare the budget in consultation with the
9	(b) The executive may:	9	commission and department heads.
10	(i) appoint and remove all employees of the local	10	(e) The executive may:
11	government; or	11	(i) exercise control and supervision of the
12	(ii) appoint and remove, with the consent of a majority	12	administration of all departments and boards; or
13	of the commission, all employees of the local government; or	13	(ii) exercise control and supervision of all
14	(iii) appoint, with the consent of a majority of the	14	departments and boards to the degree authorized by ordinance
15	commission; all department heads. The executive may remove	15	of the commission.
16	department heads and may appoint and remove all other	16	(f) A financial officer (who may be called the
17	department employees; or	17	"treasurer"}:
18	(iv) appoint and remove, with the consent of a majority	18	(i) shall be elected; or
19	of the commission, all department heads. The executive may	19	(ii) shall be appointed by the executive with the
20	appoint and remove all other employees of the local	20	consent of the council; or
21	government.	21	(iii) shall be selected as provided by ordinance; or
22	(c) The executive may:	22	(iv) may, at the discretion of the commission, be
23	(i) veto ordinances and resolutions, subject to	23	selected as provided by ordinance.
24	override by a majority plus one of the whole number of the	24	(g) The commuission shall be:
25	commission; or	25	(i) elected at large; or
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1	(ii) elected by districts in which candidates must	1	or
2	reside and which are apportioned by population; or	2	(iii) the executive who shall decide all tie votes of
3	(iii) nominatedbydistricts-in-which-candidates-must	3	the commission, but shall have no other vote. The chairman
4	reside-and-which-are-apportioned-by-populationv-butelected	4	of the commission shall preside if the executive is absent;
\$	at-large elected at large and nominated by a plan of	5	or
6	pomination that may not preclude the possibility of the	6	(iv) the executive, but he may not vote.
7	majority of the electors nominating candidates for the	7	(k) Commission members shall be elected for:
8	majority of the seats on the commission from persons	8	(i) concurrent terms of office; or
9	residing in the district or districts where the majority of	9	(ii) overlapping terms of office.
10	the electors reside; or	10	 The size of the commission, which shall be a
11	(iv) elected by any combination of districts in which	11	number not less than three (3), shall be established when
12	candidates must reside and which are apportioned by	12	the form is adopted by the voters, and;
13	population, and at large.	13	(i) community councils of at least three (3) members
14	(h) Local government elections shall be conducted on	14	shall be elected within each district to advise the
15	a:	15	comissioner from that district. Local governments conducting
16	(i) partisan basis as provided in this title; or	16	elections at large shall district according to population
17	(ii) nonpartisan basis as provided in this title.	17	for the purpose of electing community councils; or
18	(i) The commission shall have a chairman who shall be:	18	(ii) community councils to advise commissioners may be
19	(i) elected by the members of the commission from	19	authorized by ordinance.
20	their own number for a term established by ordinance; or	20	(m) The term of office of elected officials may not
21	(ii) selected as provided by ordinance.	21	exceed four (4) years, and shall be established when the
22	(j) The presiding officer of the commission shall be:	22	form is adopted by the voters.
23	(i) the chairman of the commission who may vote as	23	(4) The plan of government submitted to the qualified
24	other members of the commission; or	24	electors shall determine the powers of the local government
25	.(ii) the executive who may vote as the commissioners;	25	unit by authorizing:
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1	(a) general government powers; or	1	<pre>{e} carry out policies established by the commission;</pre>
2	(b) self-government powers."	2	(f) prepare the commission agenda;
3	Section 2. Section 47A-3-204, R.C.N. 1947, is amended	3	(g) recommend measures to the commission;
4	to read as follows:	4	(h) report to the commission on the affairs and
5	■47A-3-204。 Commission-manager form。 (1) The	5	financial condition of the local government;
6	commission-manager form (which may be called the	6	(i) execute bonds, notes, contracts, and written
7	"council-manager" form) consists of an elected commission	7	obligations of the commission, subject to the approval of
8	(which may be called the "council") and a manager appointed	8	the commission;
9	by the commission who shall be the chief administrative	9	(j) report to the commission as the commission may
10	officer of the local government. The manager shall be	10	requíre;
11	responsible to the commission for the administration of all	11	(k) attend commission meetings and may take part in
12	local government affairs placed in his charge by law,	12	the discussion, but he may not vote;
13	ordinance, or resolution.	13	 prepare and present the budget to the commission
14	(2) The manager shall be appointed by the commission	14	for its approval and execute the budget adopted by the
15	for an indefinite term on the basis of merit only, and	15	commaission;
16	removed only by a majority vote of the whole number of the	16	(m) appoint, suspend, and remove all employees of the
17	commission.	17	local government except as otherwise provided by law or
18	<pre>{3} The manager shall:</pre>	18	ordinance. Employees appointed by the manager and his
19	(a) enforce laws, ordinances, and resolutions;	19	subordinates shall be administratively responsible to the
20	(b) perform the duties required of him by law,	20	manager;
21	ordinance, or resolution;	21	(n) appoint members of temporary advisory committees
22	(c) administer the affairs of the local government;	22	established by the manager.
23	(d) direct, supervise, and administer all departments,	23	(4) Neither the commission nor any of its members may
24	agencies and offices of the local government unit except as	24	dictate the appointment or removal of any employee whom the
25	otherwise provided by law or ordinance;	25	manager or any of his subordinates are empowered to appoint.

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1	(5) Except for the purpose of inquiry or investigation
2	under this title, the commission or its members shall deal
3	with the local government employees who are subject to the
4	direction and supervision of the manager, solely through the
5	manager, and neither the commission nor its members may give
6	orders to any such employee, either publicly or privately.
7	(6) The plan of government submitted to the qualified
8	electors shall further define the structural characteristics
9	of the form by including one item from each of the choices
10	listed below:
11	(a) All members of boards, other than temporary
12	advisory committees established by the manager, shall be
13	appointed by:
14	(i) the chairman with the consent of the commission;
15	or
16	(ii) the manager with the consent of the commission; or
17	(iii) the commission.
18	(b) The commission shall be:
19	(i) elected at large; or
20	(ii) elected by districts in which candidates must
21	reside and which are apportioned by population; or
22	(iii) nominatedbydistricts-in-whi ch -candidates-mus t
23	reside-and-which-are-apportioned-by-populationy-butelected
24	atfarge <u>elected at large and nominated by a plan of</u>
25	<u>nomination that may not preclude the possibility of the</u>

1	majority of the electors nominating candidates for the
2	majority of the seats on the commission from persons
3	residing in the district or districts where the majority of
4	the electors reside; or
5	(iv) elected by any combination of districts in which
6	candidates must reside and which are apportioned by
7	population, and at large.
8	(c) Local government elections shall be conducted on
9	a:
10	(i) partisan basis as provided in this title; or
11	(ii) nonpartisan basis as provided in this title.
12	(d) The chairman of the commission shall be:
13	(i) elected by the members of the commission from
14	their own number for a term established by ordinance; or
15	(ii) elected by the qualified electors for a term of
16	office; or
17	(iii) selected as provided by ordinance.
18	(e) Commission members shall be elected for:
19	(i) concurrent terms of office; or
20	(ii) overlapping terms of office.
21	(f) The size of the commission, which shall be a
22	number of not less than three (3), shall be established when
23	the form is adopted by the voters, and:
24	(i) community councils of at least three (3) members
25	shall be elected within each district to advise the

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1 commissioner from that district. Local governments 2 conducting elections at-large shall district according to 3 population for the purpose of electing community councils; 4 or 5 (ii) community councils to advise commissioners may be 6 authorized by ordinance. (q) The term of office of elected officials may not 7 8 exceed four (4) years, and shall be established when the form is adopted by the voters. 9 10 (7) The plan of government submitted to the qualified 11 electors shall determine the powers of the local government 12 unit by authorizing: 13 (a) general government powers; or 14 (b) self-government powers." 15 Section 3. Section 47A-3-205, R.C.N. 1947, is amended 16 to read as follows: 17 #47A-3-205. Commission form. (1) The commission form consists of an elected commission (which may also be called 18 the "council") and other elected officers as provided in 19 20 this section. A11 legislative, executive. and 21 administrative powers and duties of the local government not 22 specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission 23 shall appoint the heads of departments and other employees, 24 except for those appointed by other elected officials. 25

Cities and towns which adopt this form may distribute by 1 ordinance the executive and administrative powers and duties 2 into departments headed by individual commissioners. 3 (2) The plan of government submitted to the qualified 4 5 electors shall further define the structural characteristics of the form by including one item from each of the choices 6 7 listed below: 8 (a) The commission shall be: (i) elected at large; or 9 (ii) elected by districts in which candidates must 10 11 reside and which are apportioned by population; or 12 (iii) nominated--by--districts-in-which-candidates-must 13 reside-and-which-are-apportioned-by-populationy-but--alected at--large elected at large and nominated by a plan of 14 nomination that may not preclude the possibility of the 15 16 majority of the electors nominating candidates for the 17 majority of the seats on the commission from persons 18 residing in the district or districts where the majority of 19 the electors reside; or (iv) elected by any combination of districts in which 20 candidates must reside and which are apportioned by 21 22 population, and at large. 23 (b) Local government elections shall be conducted on 24 a: (i) partisan basis as provided in this title; or 25

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1	(ii) nonpartisan basis as provided in this title.	1	the form is adopted by the voters, and:
2	(c) The chairman of the commission, who may be	2	(i) community councils of at least three (3) members
3	referred to as the "mayor", shall be the presiding officer	3	shall be elected within each district to advise the
4	of the commission. All members of boards and committees	4	commissioner from that district. Local governments
5	shall be appointed by the chairman with the consent of the	5	conducting elections at-large shall district according to
6	commission. The chairman shall be recognized as the head of	6	population for the purpose of electing community councils;
7	the local government unit and may vote as other members of	7	or .
8	the commission. The chairman shall be:	8	(ii) community councils to advise commissioners may be
9	(i) elected by the members of the commission from	9	authorized by ordinance.
10	their own number for a term established by ordinance; or	10	(g) The term of office of elected officials may not
11	(ii) selected as provided by ordinance; or	11	exceed four (4) years, except the term of office for
12	(iii) elected directly by the voters for a term	12	commissioners in counties adopting the form authorized by
13	established by ordinance.	13	Article XI, section 3 (2), of the Montana constitution, may
14	(d) The commission:	14	not exceed six (6) years. Terms of office shall be
15	(i) shall appoint one or more administrative	15	established when the form is adopted by the voters.
16	assistants to assist them in the supervision and operation	16	(3) In county and consolidated local governments, the
17	of the local government; or	17	plan of government submitted to the qualified electors shall
18	(ii) may appoint one or more administrative assistants	18	further define the structural characteristics of the form by
19	to assist them in the supervision and operation of the local	19	including one item from each of the choices listed below.
20	government.	20	The officers shall have the powers and duties established by
21	(e) Commission members shall be elected for:	21	ordinance. After the establishment of any office, the
22	(i) concurrent terms of office; or	22	commission may consolidate, as provided by law, two or more
23	(ii) overlapping terms of office.	23	of the offices.
24	(f} The size of the commission, which shall be a	24	(a) A legal officer {who may be called the "county
25	number of not less than three (3), shall be established when	25	attorney"):
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1 (i) shall be elected; or 1 commission; or 2 (ii) shall be appointed by the local government 2 (iii) shall be appointed by the chairman of 3 commission; or 3 government commission; or 4 (iii) shall be appointed by the chairman of the local 4 (iv) shall be selected as provided by ordinance; or 5 (v) may at the discretion of the commission be 7 (v) may at the discretion of the commission be 7 7 (v) may at the discretion of the commission be 7 (vi) shall not be included in this form as a separate 9 (d) A clerk of district court: 10 office. 10 (i) shall be appointed by the chairman of the local 1 11 (b) A law enforcement officer (who may be called the 11 (ii) shall be appointed by the chairman of the local 12 "sheriff"): 12 commission; or 13 (iii) shall be appointed by the chairman of the local 14 (i) shall be appointed by the chairman of the local 16 (v) may at the discretion of the commission; or 15 commission; or 13 (iii) shall be appointed by the chairman of the local 16 (v) may at the discretion of the commission; or	e; cr, ssion be
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19 (v) may at the discretion of the commission be 19 office.	
	separate
20 selected as provided by ordinance; or 20 (e) A treasurer:	•
21 (vi) shall not be included in this form as a separate 21 (i) shall be elected; or	
22 office. 22 (ii) shall be appointed by the local g	vernment
23 (c) A clerk and recorder: 23 commission; or	
24 (i) shall be elected; or 24 (iii) shall be appointed by the chairman of t	e local
25 (ii) shall be appointed by the local government 25 government commission; or	
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	1 (iv) shall be selected as provided by ordinance; or	1	
	2 (v) may at the discretion of the commission be	2	offi
	3 selected as provided by ordinance; or	3	
	4 (vi) shall not be included in this form as a separate	4	
	5 office.	5	
	6 (f) A surveyor:	6	CORR
	7 (i) shall be elected; or	۲	
	8 (ii) shall be appointed by the local government	8	gover
	9 commission; or	9	
1	0 (iii) shall be appointed by the chairman of the local	10	
1	a government commission; or	11	selec
1	2 (iv) shall be selected as provided by ordinance; or	12	
· 1	3 (v) may at the discretion of the commission be	13	offic
1	4 selected as provided by ordinance; or	14	
1	5 (vi) shall not be included in this form as a separate	15	
1	6 office.	16	
1	7 (a) A superintendent of schools:	17	comm
1	8 (i) shall be elected; or	18	
1	9 (ii) shall be appointed by the local government	19	gover
2	0 commission; or	20	
2	1 (iii) shall be appointed by the chairman of the local	21	
2	2 government commission; or	22	selec
2	3 (iv) shall be selected as provided by ordinance; or	23	
. 2	4 (v) may at the discretion of the commission be	24	offic
. 2	5 selected as provided by ordinance; or	25	
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1	(vi) shall not be included in this form as a separate
2	office.
3	(h) An assessor:
4	(i) shall be elected; or
5	(ii) shall be appointed by the local government
6	commission; or
7	(iii) shall be appointed by the chairman of the local
8	government commission; or
9	(iv) shall be selected as provided by ordinance; or
0	(v) may at the discretion of the commission be
1	selected as provided by ordinance; or
2	(vi) shall not be included in this form as a separate
3	office.
4	(i) A coroner:
5	(i) shall be elected; or
6	(ii) shall be appointed by the local government
7	commission; or
8	(iii) shall be appointed by the chairman of the local
9	government commission; or
0	(iv) shall be selected as provided by ordinance; or
1	(v) may at the discretion of the commission be
z	selected as provided by ordinance; or
3	(vi) shall not be included in this form as a separate
4	office.
5	(j) A public administrator:

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1	(i) shall be elected; or
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2	(ii) shall be appointed by the local government
3	commission; or
4	(iii) shall be appointed by the chairman of the local
5	government commission; or
6	(iv) shall be selected as provided by ordinance; or
7	(v) may at the discretion of the commission be
8	selected as provided by ordinance; or
9	(vi) shall not be included in this form as a separate
10	office.
11	(k) An auditor:
12	(i) shall be elected; or
13	(ii) shall be appointed by the local government
14	commission; or
15	(iii) shall be appointed by the chairman of the local
16	government commission; or
17	(iv) shall be selected as provided by ordinance; or
18	(v) may at the discretion of the commission be
19	selected as provided by ordinance; or
20	(vi) shall not be included in this form as a separate
21	office.
22	(4) Local governments that adopt this form shall have
23	general government powers."
24	Section 4. Section 47A-3-206, R.C.M. 1947, is amended
25	to read as follows:

1 #47A-3-206. Commission-chairman form. (1) The 2 commission-chairman form consists of an elected commission ڌ (which may also be referred to as the "council"), and a commission chairman (who may also be referred to as "mayor" 4 or as "president") elected by the members of the commission 5 from their own number. 6 (2) The commission chairman (who may also be referred 7 to as "mayor") shall be elected by the members of the á 9 commission from their own number to serve at the pleasure of 10 the commission. He shall: be the presiding officer of the 11 commission, be recognized as the head of the local 12 government unit, have the power to vote as other members of 13 the commission, be the chief executive officer of the local 14 government, and: 15 (a) enforce laws, ordinances, and resolutions; 16 (b) perform duties required of him by law, ordinance, 17 or resolution; 18 (c) administer the affairs of the local government; 19 (d) direct, supervise, and administer all departments, 20 agencies, and offices of the local government, except as 21 otherwise provided by law or ordinance; 22 (e) carry out policies established by the commission; 23 (f) prepare the commission agenda; 24 (a) recommend measures to the commission; 25

(h) report to the commission on the affairs and

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1	financial condition of the local government;
2	(i) execute bonds, notes, contracts, and written
3	obligations of the commission, subject to the approval of
4	the commission;
5	(j) report to the commission as the commission may
6	(j) report to the commission as the commission may
ט ז	(k) attend commission meetings and may take part in
-	
8	discussions;
9	(1) execute the budget adopted by the commission;
10	{ π } appoint with the consent of the commission all
11	members of boards and committees; except the chairman may
12	appoint without the consent of the commission temporary
13	advisory committees established by the chairman;
14	(n) appoint with the consent of a majority of the
15	commission all department heads. The chairman may remove
16	department heads and may appoint and remove all other
17	enployees;
18	(o) prepare the budget and present it to the
19	commission for adoption;
20	(p) exercise control and supervision over the
21	administration of departments and boards.
22	(3) The plan of government submitted to the qualified
23	electors shall further define the structural characteristics
24	of the form by including one item from each of the choices
25	listed below:
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1	(a) The commission shall be:
2	(i) elected at large; or
3	(ii) elected by districts in which candidates must
4	reside and which are apportioned by population; or
5	{iii} nominated-by-districts-in-whichcandidatesmust
6	resideand-which-are-apportioned-by-populationy-but-elected
7	at-large elected at large and nominated by a plan of
8	nomination_that_may_not_preclude_the_possibility of the
9	majority of the electors nominating candidates for the
10	majority of the seats on the commission from persons
11	residing in the district or districts where the majority of
12	the electors reside; or
13	(iv) elected by any combination of districts in which
14	candidates must reside and which are apportioned by
15	population, and at large.
16	(b) Local government elections shall be conducted on
17	a:
18	(i) partisan basis as provided in this title; or
19	(ii) nonpartisan basis as provided in this title.
20	{c} The commission chairman:
21	(i) shall appoint one or more administrative
22	assistants to assist him in the supervision and operation of
23	the local government. Such administrative assistants shall
24	be answerable solely to the chairman; or
25	(ii) may appoint one or more administrative assistants

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to assist him in the supervision and operation of the local 1 government. Such administrative assistants shall be 2 з answerable solely to the chairman. (d) Commission members shall be elected for: 4 5 (i) concurrent terms of office; or 6 (ii) overlapping terms of office. 7 (e) The size of the commission, which shall be a number of not less than five (5), shall be established when 8 9 the form is adopted by the voters, and: 10 (i) community councils of at least three (3) members shall be elected within each district to advise the 11 12 commissioner from that district. Local governments 13 conducting elections at-large shall district according to 14 population for the purpose of electing community councils; 15 or 16 (ii) community councils to advise commissioners may be 17 authorized by ordinance. 18 (f) The term of office of elected officials may not exceed four (4) years, and shall be established when the 19 20 form is adopted by the voters. 21 (4) The plan of government submitted to the qualified electors shall determine the powers of the local government 22 unit by authorizing: **Z**3 24 (a) general government powers; or (b) self-government powers." 25

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Section 5. Section 47A-3-208, R.C.M. 1947, is amended 1 to read as follows: 2 #47A-3-208. Charter form. (1) The purpose of this 3 section is to comply with Article XI, section 5 (1), of the 4 Hontana constitution, which provides: "(1) The legislature 5 shall provide procedures permitting a local government unit 6 or combination of units to frame, adopt, amend, revise, or 7 abandon a self-government charter with the approval of a ъ majority of those voting on the question. The procedures 9 shall not require approval of a charter by a legislative 10 11 body.* 12 (2) Charter provisions establishing executive, legislative, and administrative structure and organization 13 are superior to statutory provisions. 14

15 (3) A charter form of government shall possess is self-government powers.

17 (4) Charter form of government shall be established by
18 a charter which is a written document defining the powers,
19 structures, privileges, rights, and duties of the unit of
20 local government and limitations thereon.

(5) The charter shall provide for an elected
legislative body, called a commission or council, or shall
provide for a legislative body comprised of all qualified
electors. For elected legislative bodies the charter shall
specify the number of members thereof, their term of office.

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1	election on a partisan or nonpartisal basis, the grounds for
2	their removal, and the method for filling vacancies.
3	(6) The charter shall provide for the nomination and
4	election of commissions at-large, or by districts in which
5	candidates must reside and which are apportioned by
6	population, or by a combination of districts in which
7	candidates must reside and which are apportioned by
8	population and at large or elected at large and nominated by
9	a plan of nomination that may not preclude the possibility
10	of the majority of the electors nominating candidates for
11	the majority of the seats on the commission from persons
12	residing in the district or districts where the majority of
13	the electors reside.
14	(7) The charter shall specify which official of the
15	local government will be the chief administrative and
16	executive officer, the method of his selection, his term of
17	office, except that it may be at the pleasure of the
18	selecting authority if such officer is not elected by
19	popular vote, the grounds for his removal, and his powers
20	and duties. Notwithstanding the foregoing, the charter may
21	allocate the chief executive and the chief administrative
22	functions among two or more officials specified as above, or
23	the charter may provide that chief executive and
24	administrative functions of the local government will be
25	performed by one or more members of the legislative body.

election on a partisan or nonpartisan basis, the grounds for

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(8) The charter may establish other legislative, administrative, and organizational structures. (9) A charter form of government shall have such

officers, departments, boards, commissions, and agencies as
are established in the charter, by local ordinance, or
required by state law.

7 (10) Charter provisions may not conflict with the 8 provisions of Title 47-A, Part 7 which establish statutory 9 limitations on the powers of self-government units.

10 (11) Charter forms are subject to state laws 11 establishing election, initiative and referendum procedures 12 and charters shall not contain provisions establishing 13 election, initiative and referendum procedures.

14 (12) The charter shall not contain provisions15 establishing or modifying local court systems.

16 (13) The enumeration of powers in a charter shall not
17 be construed as a limitation or prohibition on the residual
18 or self-governing powers granted by the constitution.
19 (14) The charter may contain prohibitions on the

20 exercise of power by a unit of local government.

(15) The charter may include such provisions as may be
 necessary to permit an orderly transition to the new form of
 government.

(16) The charter shall specify the date on which thecharter will take effect, except that provisions may be made

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for temporary partial effectiveness consistent with an
 orderly transition of government.
 (17) The listing of charter provisions in this section
 shall not be construed to prevent the inclusion of

5 additional provisions in charters.

6 (18) A charter may be amended only as provided by state

7 law."

-End-