

TENTATIVE REPORT

GREAT FALLS CITY STUDY COMMISSION

SUMMARY OF CHANGES

The study commission has studied city government for over a year and strongly believes that the current type of government, with an elected city commission and an appointed city manager, is the best for Great Falls. The study commission is recommending several changes to improve city government yet still retain the current overall form of government:



CITY CHARTER: Like the Framers of the U.S. Constitution, Citizens of Great Falls have the opportunity to adopt a charter which will allow the people to govern themselves, rather than being subject to the desires of the State Legislature. A charter will give Great Falls self-government powers, limited by the charter itself, including a strict **limitation on taxation**.



LARGER CITY COMMISSION: There are currently five elected city commissioners. The study commission is proposing that the city commission be enlarged to seven. Some people have felt that five commissioners is too few for a city of our size. By enlarging the city commission to seven, citizens will have better representation and more access to their elected representatives.



DIRECTLY-ELECTED MAYOR: Even with a city manager, being mayor is a demanding job. Sometimes people who would like to serve as city commissioners don't run because they may end up serving as mayor under the current system. By directly electing the mayor, citizens of Great Falls can have a direct vote in selecting the city's leader and encourage more people to run for the city commission. This proposal would not change the powers and duties of the mayor.

THE STUDY COMMISSION IS HOLDING TWO PUBLIC HEARINGS TO GET YOUR COMMENTS BEFORE THEIR FINAL RECOMMENDATION IS PUT ON THE BALLOT. YOU'RE CORDIALLY INVITED AND ENCOURAGED TO ATTEND:

February 11
7:00 p.m.
Civic Center
Commission Chambers

**PUBLIC
HEARINGS**

February 19
7:15 p.m.
Televised on Channel 7
or Join us at
Group W Cable Studios
2910 10th Ave. South

Complete copies of the proposed charter will be available at these public hearings and also at the Civic Center and the Public Library or by calling the Study Commission Administrative Assistant Deanna Keith at 727-5881, ext. 318.

	EXISTING FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
1. FORM OF GOVERNMENT	COMMISSION-MANAGER FORM Elected Commission determines policy. Manager is hired to administer policy.	CHARTER details form of government, which is substantially the same as current commission-manager form.	A charter will allow the City of Great Falls to govern itself more independently of the state government.
2. POWERS	GENERAL GOVERNMENT POWERS State law defines what local government may do and specifically how it shall do it.	SELF-GOVERNMENT POWERS City Commission may exercise any power which the State does not deny. Legislative power is vested in the Commission.	SELF-GOVERNMENT POWERS bring to the City the right to act in its own best interest and give flexibility in shaping government structure.
3. GOVERNING BODY SIZE	5 COMMISSIONERS elected at large. City Commission includes Mayor.	6 COMMISSIONERS elected at large, plus Mayor.	Larger Commission provides for broader citizen representation
4. GOVERNING BODY TERM	4 year term overlapping, non-partisan election	Same	Mayor and Commissioners serve on a part-time basis.
5. GOVERNING BODY DUTIES	Commission is a legislative, policy-making body.	Same	No change
6. PRESIDING OFFICER	MAYOR Highest vote-getter becomes Mayor after serving 2 years as a Commissioner.	MAYOR Elected at large on a separate ballot.	Lets the voters choose who they want to be Mayor. Candidates know the time required in the office for which they are running.
7. POWERS OF MAYOR	Same as city Commissioners, plus presides over meetings and has ceremonial duties.	Same	No change
8. CHIEF ADMINISTRATIVE & EXECUTIVE OFFICER	CITY MANAGER supervises day-to-day operations and administration of all departments.	Same	No change Provides for the administration of City government by a skilled and experienced specialist
9. APPOINTIVE POWERS	COMMISSION appoints and removes City Manager, members of boards and commissions. CITY MANAGER appoints and removes all department heads and employees.	Same	No change
10. MILL LEVY LIMIT	Set by State law.	Charter requires <u>same mill levy limit</u> as State law.	No change
11. BUDGET PREPARATION	CITY MANAGER prepares tentative budget. CITY COMMISSION reviews, modifies and adopts final budget.	Same	No change

TENTATIVE REPORT

PROPOSED CHARTER OF THE CITY OF GREAT FALLS

Preamble

We, the people of Great Falls, Montana, grateful for our past, confident of our future, and having considered the form of government which will best serve our needs, do adopt this charter to establish our self-determination as a city.

Article I - General Provisions of Charter Government

Section I - Charter Government

The City of Great Falls, Montana, establishes this charter form of government in accordance with Article XI, Section 5, of the Constitution of Montana.

Section 2 - Powers of City Government

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law. As provided in Article XI, Section 5, of the Constitution of Montana, provisions herein establishing administrative and legislative provisions are superior to statutory provisions.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

Section 3 - Mill Levy Limit

The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana law.

Section 4 - Exercise of Powers

All powers of the City of Great Falls are vested in and derived from the people of Great Falls. These powers shall be exercised by the city commission unless otherwise provided for by this charter or by Montana law. Enumeration of powers, rights or duties in this charter shall not be considered exclusive or restrictive.

Article II - City Commission

Section 1 - Members of the City Commission, Duties and Responsibilities

- (a) The city commission shall be composed of seven voting members: six city commissioners and the mayor. The city commission shall be the legislative and policy-making body of the City of Great Falls.
- (b) The city commission shall:
- (1) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.
 - (2) Appoint and supervise, and may remove, the city manager.
 - (3) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue.
 - (4) Adopt as necessary an administrative and personnel code and/or policies.
 - (5) Adopt procedures for contracting with private and public agencies.
 - (6) Appoint citizens to boards, councils, committees or any other body or group pursuant to law.

(7) Set the salary of city commissioners and the mayor by ordinance.

- (c) On a majority vote of the whole number of the city commission, the city commission may review, inquire and investigate any operation, management decision, administrative function or other affairs of the city. The city commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry or investigation, the city commission shall be involved with administrative and management operations solely through the city manager.

Article III - The Office of the Mayor

Section 1 - Election of the Mayor

- (a) The City of Great Falls shall have a mayor.
- (b) The mayor shall be elected for a term of four years.
- (c) The mayor shall meet all requirements and qualifications for election to the office of city commissioner.

Section 2 - Powers and Duties of the Mayor

- (a) The mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at city commission meetings and the performance of ceremonial functions. These functions of the mayor shall not be construed as conferring upon the mayor executive, personnel, or administrative powers or functions.
- (b) The mayor shall serve as a member of the commission with all the rights and privileges of city commissioners. The mayor shall possess no veto over actions taken by the city commission.

Section 3 - Office of the Mayor Pro Tempore

The mayor pro tempore shall serve in the absence of the elected mayor. The city commissioners shall elect from among themselves a mayor pro tempore no later than one month after taking office. The mayor pro tempore shall serve a term of two years, or until the city commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining city commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term in which the vacancy occurred.

Article IV- Elections and Vacancies

Section 1 - Election of City Commissioners and the Mayor

- (a) City commissioners and the mayor shall be residents and qualified electors of the City of Great Falls.
- (b) Elections for city commissioners and for the mayor shall be non-partisan.
- (c) City commissioners and the mayor shall be elected for a term of four years. Except in the case of a previous vacancy, three city commissioners shall be elected every two years. City commissioners and the mayor shall take office the first Tuesday after January 1st in the year following the election.
- (d) City commissioners and the mayor shall be nominated and elected at large.

Section 2 - Vacancy in the Office of City Commissioner or Mayor

- (a) The office of city commissioner or mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
- (1) Loss of eligibility for election.
 - (2) Violation of any express provision of this charter.
 - (3) Conviction of a felony.
- (b) A majority of the city commission shall be the judge of the election and qualifications of its members and the grounds of forfeiture of their office. A city commissioner or mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the city commission.
- (c) When a vacancy occurs, the city commission may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of city commissioner or mayor until the next regular city election. The person elected at the next regular city election shall serve the unexpired term of the office in which the vacancy occurred.

Article V - City Court

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

Article VI - City Government Administration

Section 1 - Position of the City Manager

The city commission shall employ a city manager on the basis of merit.

Section 2 - Appointment and Removal of the City Manager

The city commission shall appoint or remove the city manager by majority vote of the whole number of the commission.

Section 3 - Salary of the City Manager

The salary of the city manager shall be set by the city commission.

Section 4 - Duties of the City Manager

The city manager shall be the chief administrative and executive officer of the city and shall be responsible to the city commission for the administration of all city affairs required by this charter, law, ordinance or resolution. The city manager shall:

- (a) Carry out policies established by the city commission.
- (b) Perform the duties required by this charter, law, ordinance, or resolution.
- (c) Enforce laws, ordinances and resolutions.
- (d) Administer the affairs of the city.
- (e) Direct, organize, establish, supervise and administer all departments, divisions, agencies, bureaus and offices of the city.
- (f) Make recommendations to the city commission.
- (g) Report to the city commission on the fiscal affairs and the financial condition of the city.
- (h) Prepare and present the budget to the city commission.
- (i) Execute bonds, notes, contracts, and written obligations of the city commission and the City of Great Falls subject to the approval of the city commission.
- (j) Report to the city commission on the affairs of the city as the city commission may require.

- (k) Attend city commission meetings with the right to take part in the discussion, but not to vote.
- (l) Appoint and be administratively responsible for all city employees, including their suspension or removal.
- (m) Appoint with the approval of the city commission a qualified acting city manager to exercise the powers and perform the duties of the city manager during temporary absences.
- (n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the city commission.
- (o) May, without notice, cause the affairs of any department, division, office, agency or other city administrative unit or employee to be examined.

Section 5 - Administrative Departments

Administrative departments, divisions, bureaus, agencies, offices and other administrative entities shall be subject to the control and supervision of the city manager and shall be established by ordinance.

Article VII - Citizen Involvement in Government

Section 1 - Initiative, Referendum and Recall

The qualified electors of the City of Great Falls may exercise the powers of Initiative, Referendum and Recall as provided by Montana law.

Section 2 - Open Government

All records of the City of Great Falls, including the city commission and all boards, councils, committees and commissions, shall be open to the public as provided by Montana law. All meetings of such

bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

Section 3 - Citizen Involvement

The city commission may establish and appoint persons to boards, councils, committees, commissions and other bodies of an advisory or substantive nature to assist the commission in the exercise of its duties. The City of Great Falls encourages citizens to participate in these bodies by serving as members, attending meetings and other similar methods.

Article VIII - Amendment, Effective Date and Severability

Section 1 - Amendment

This charter may be amended only as provided by Montana law. A majority of qualified electors of the City of Great Falls voting on the question shall be required for passage of a charter amendment.

Section 2 - Effective Date

This charter shall become effective on July 1st, 1986.

Section 3 - Severability

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter, or any part of its provisions, to any person or circumstances, is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Article IX - Transitional Provisions

Section 1 - General Transition

Transition to this charter form of government shall be as prescribed by Montana law. The city commission shall provide for such transition by ordinance, rule or resolution not inconsistent with Montana law. This transition article shall not be published as a regular part of this charter after the provisions have been implemented.

Section 2 - Compliance of Ordinances

The city commission shall review and where necessary revise or repeal all city ordinances to provide for their compliance and consistency with this charter by no later than June 30, 1987.

Section 3 - Election Transition

The five members of the city commission elected under the previous form of government, including the mayor and mayor-elect elected under the previous form of government, shall serve as city commissioners in the charter form of government until the expiration of the term of office to which they were elected in the previous form of government.

In the primary and general elections to be held in June and November of 1987, there shall be elected two additional city commissioners on an at-large, non-partisan basis. In that same election the two city commission seats that were up for election in 1983 shall be up for election.

As soon as the Cascade County Clerk and Recorder, or the person holding similar office overseeing city election results, has certified the 1987 general election results, the three city

commissioners-elect with the highest three vote totals shall be designated as serving a regular term of four years. The city commissioner-elect with the fourth-highest vote total shall be designated as serving a special shortened term of two years and that seat shall be up for election in 1989.

In the primary and general election to be held in June and November of 1989, there shall be three city commissioner seats up for election. Two of the seats shall be those last elected in 1985. One seat shall be the two-year term elected in 1987. The city commission seat held by the mayor selected under the previous form of government shall cease to exist on the first Tuesday after January 1st, 1990, and shall not be up for election.

From the effective date of the charter until the first Tuesday after January 1st, 1988, the five city commissioners elected under the previous form of government shall serve as the interim city commission with all the powers and responsibilities of the city commission as specified in the charter. After the two additional city commissioners take office on the first Tuesday after January 1st, 1988, the new seven-member city commission shall function with all the powers and responsibilities accorded to the city commission in the charter.

From the effective date of the charter until the first Tuesday after January 1st, 1988, the mayor selected under the previous form of government shall serve as mayor of the charter government with all the powers and responsibilities accorded to the mayor in the charter. On the first Tuesday after January 1st, 1988, the mayor-elect selected under the previous form of government shall become mayor of the charter government for a term of two years.

In the primary and general elections to be held in June and November of 1989, there shall be elected a mayor, on a non-partisan citywide basis. The mayor-elect shall take office on the first Tuesday after January 1st, 1990, and serve a term of four years, consistent with provisions contained in this charter.

This transitional article becomes effective on July 1st, 1986, and expires as soon as the directly-elected mayor takes office.

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE CITY OF GREAT FALLS

The COMMISSION-MANAGER form of government consists of an elected commission and a manager appointed by the commission.

The commission has five members, including the mayor. The mayor is the commission candidate receiving the most votes, and serves two years on the commission before becoming mayor. Commissioners are elected at large on a non-partisan basis to four year overlapping terms. The commission is a legislative, policy-making body. The mayor presides over the commission and is the ceremonial head of the city government, but has no veto power.

The manager is the chief administrative and executive officer of the government. He or she is responsible to the commission for the administration of all city departments, agencies, and offices. The manager takes part in the discussion at city commission meetings, but may not vote. He prepares and presents the budget to the commission for its approval, and executes the budget adopted by the commission. He carries out policies established by the commission. The manager appoints, suspends, and removes all employees of the city government.

The existing plan of government has general government powers. That is, it can do only what is required or allowed by state law, in the manner stated by state law.

If retained by the voters, the government of the City of Great Falls shall be organized under the provisions of Section 7-3-301 to 318 Montana Code Annotated.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the existing plan of government of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 28th day of January, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
Owen Robinson

Delmont C. Thurber
Delmont C. Thurber

James F. Durkin
James F. Durkin

Turner C. Graybill
Turner C. Graybill

Paul A. Johnson
Paul A. Johnson

Jerry J. McGivern
Jerry J. McGivern

Patti Heusel Smith
Patti Heusel Smith

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE CITY OF GREAT FALLS

Upon approval of a majority of voters, the government of the City of Great Falls shall be organized under the provisions of Section 7-3-701 to 709 Montana Code Annotated.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the proposed plan of government approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 28th day of January, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
Owen Robinson

Delmont C. Thurber
Delmont C. Thurber

James F. Durkin
James F. Durkin

Turner C. Graybill
Turner C. Graybill

Paul A. Johnson
Paul A. Johnson

Jerry J. McGivern
Jerry J. McGivern

Patti Heusel Smith
Patti Heusel Smith

CERTIFICATE
ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF THE CITY OF GREAT FALLS

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Great Falls at a special election to be held with the primary election on June 3, 1986.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the date of the special election approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 28th day of January, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
Owen Robinson

Delmont C. Thurber
Delmont C. Thurber

James F. Durkin
James F. Durkin

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Turner C. Graybill

Paul A. Johnson
Paul A. Johnson

Jerry J. McGivern
Jerry J. McGivern

Patti Heusel Smith
Patti Heusel Smith

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT
FOR THE JUNE 3, 1986, SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT
BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for one.

- For adoption of the charter form of government proposed in the report of the City of Great Falls Local Government Study Commission.
- For the existing form of government.



We, the Study Commissioners of the City of Great Falls do hereby certify that this is the official ballot approved by the Study Commissioners of the City of Great Falls.

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 28th day of January, 1986.

ATTEST:

Kathryn E. Wright
Kathryn E. Wright
Clerk of Commission
City of Great Falls

Owen Robinson
Owen Robinson

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Delmont C. Thurber

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