

**THE CHARTER  
OF  
THE CITY OF CHOTEAU, MONTANA**

**PREAMBLE**

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

**ARTICLE I  
POWERS OF THE CITY**

**Section 1.01 Powers of the City Of Choteau**

The City of Choteau shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

**Section 1.02 Interpretation of Powers**

The powers and authority of this self-government city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

**Section 1.03 Restrictions**

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

**Section 1.04 Charter Supremacy**

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

**ARTICLE II  
LEGISLATIVE BRANCH**

**Section 2.01 Legislative Branch**

The legislative branch shall consist of the city council, which shall be the governing body of the

city.

### **Section 2.02 Qualifications for Office**

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

### **Section 2.03 Composition**

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

### **Section 2.04 Term of Office**

Members of the city council shall be elected for four (4) year, overlapping terms of office.

### **Section 2.05 Election**

1. Local government elections shall be conducted on a nonpartisan basis.
2. The city shall be divided into two (2) electoral districts with two council members elected from each district. One (1) council member from each ward shall be elected every two (2) years.

### **Section 2.06 President of the Council**

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

### **Section 2.07 Vacancy in Office**

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

### **Section 2.08 Removal from Office**

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

### **Section 2.09 Filling Vacancy on Council**

1. When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy.

Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

2. If there are fewer than three (3) council members serving in office at the time an appointment to fill council vacancies is required, the mayor shall appoint with the written consent of each of the incumbent council members, a person possessing the qualifications for office required by law and this charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

### **Section 2.10 Powers and Duties**

1. The city council shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

2. The council may override the mayor's veto by the affirmative vote of three (3) members of the council.

### **Section 2.11 Legislative Action**

1. Unless otherwise required by law or this Charter, the affirmative vote of a majority of the council members present at a lawful meeting of the council shall be required for all official actions of the council.

2. A minimum of three (3) council members must be present to convene a lawful meeting of the council.

### **Section 2.12 Procedure**

The council shall establish its rules of procedure and time and place of meetings by resolution.

### **Section 2.13 Compensation**

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

## **ARTICLE III EXECUTIVE BRANCH**

### **Section 3.01 The Mayor**

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

### **Section 3.02 Qualifications for Office**

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

### **Section 3.03 Term of Office**

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

### **Section 3.04 Election**

The mayor shall be nominated and elected at-large on a nonpartisan basis.

### **Section 3.05 Vacancy in Office**

The office of mayor becomes vacant as prescribed by law.

### **Section 3.06 Removal from Office**

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

### **Section 3.07 Filling Vacancy in the Office of Mayor**

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

### **Section 3.08 Powers and Duties**

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform the duties required by law, Charter, ordinance or resolution;
3. administer the affairs of the city government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;

8. report to the council as the council may require;
9. prepare the council agenda, preside at council meetings and may take part in council discussions;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards, except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

### **Section 3.09 Administrative Duties**

The mayor may:

1. appoint one or more administrative assistants, with the consent of a majority of the council, to assist in the supervision and operation of the city government, and such administrative assistants shall be answerable solely to the mayor;
2. appoint and remove, with the consent of a majority of the council, all department heads; other employees may be appointed or removed by following the guidelines set forth in the City of Choteau Personnel Policy;
3. prepare the budget in consultation with the council and department heads;
4. exercise control and supervision of all departments and boards.

### **Section 3.10 Legislative Authority**

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of three (3) members of the council.

### **Section 3.11 Compensation**

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

### **Section 3.12 City Attorney**

1. The legal officer of the city shall be the city attorney who shall be appointed by the mayor, with the approval of the council, and who will serve as chief legal advisor to the council, the mayor, and all city departments, offices, and agencies.
2. The city attorney shall represent the city in all legal proceedings unless otherwise determined by the council, and shall perform any other duties prescribed by ordinance.
3. The qualifications, term of office, and the grounds for removal or suspension of the city attorney are set forth by Montana State statute, but may be changed by the city council through

ordinance. Nothing in this charter shall be construed as preventing the city council from employing in special cases on a contract basis additional or other counsel.

#### **ARTICLE IV JUDICIAL BRANCH**

##### **Section 4.01 City Court**

There shall be a city court as provided by law.

#### **ARTICLE V DEPARTMENT STRUCTURE**

##### **Section 5.01 Organization of Departments**

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

#### **ARTICLE VI GENERAL PROVISIONS**

##### **Section 6.01 Amendment of Charter**

This Charter may be amended only as prescribed by law.

##### **Section 6.02 Effective Date**

This Charter shall become effective on January 1, 2006.

##### **Section 6.03 Oath of Office**

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

##### **Section 6.04 Severability**

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

#### **ARTICLE VII TRANSITION PROVISIONS**

##### **Section 7.01 General Transition**

Transition to this charter form of government shall be as prescribed by law. The Study

Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after June 30, 2007.

**Section 7.02 Continuation in Office**

No city employee or elected official holding a city office will lose employment or elected position solely because of the adoption of this Charter. Elected officials holding office on the date this Charter is adopted may continue in office until the end of the term for which they were elected.

**Section 7.03 Review of Existing Ordinances**

All city ordinances, resolutions and rules of the City of Choteau shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than June 30, 2007.

Approved by the voters of the City of Choteau November 8, 2005.