

**CITY OF BELGRADE,
MONTANA**

CITY CHARTER

Effective Date
July 1, 1987

(Revised August 22, 1994 and October 5, 2004)

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CHARTER OF THE CITY OF BELGRADE

PREAMBLE

WE, THE PEOPLE OF THE CITY OF BELGRADE, MONTANA, in accordance with article XI, section 5, of the constitution of the state of Montana, in order to modernize our form of local government, increase its efficiency and to provide for local self-determination, do hereby adopt this charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers Of The City

The city of Belgrade shall have all the powers not prohibited by the constitution of the United States, the laws of Montana, or this charter.

Section 1.02 Interpretation Of Powers

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

Section 1.03 Charter Supremacy

As provided by article XI, section 5, of the constitution of the state of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to state law.

Section 1.04 Intergovernmental Cooperation

As provided by article X, section 7, of the constitution of the state of Montana, the city of Belgrade, unless prohibited by law or this charter, may:

- A. Cooperate in the exercise of any function, power, or responsibility with,
- B. Share the services of any officer or facilities with,

- C. Transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state of Montana, or the United States.

Section 1.05 Taxation Authority

- A. All limits concerning property tax mill levies imposed by state law on general government municipalities shall apply to the city of Belgrade.
- B. There shall be no new kinds of taxes levied without an affirmative vote of a majority of the electors voting on the question at a special election called for the purpose or at a general election in which the question may be referred to the people. Taxes allowed under any ordinance or resolution existing at the effective date of this charter are not to be considered new kinds of taxes.
- C. The city council shall make no changes in any ordinance or resolution of the city of Belgrade regarding license fees, user fees, permit fees, or utility charges without a prior public hearing on the matter.
- D. State code is in effect until self-government powers supersede the state code.

Section 1.06 Oath Of Office

- A. Before beginning the duties of office, all elected city officials shall take and subscribe to the following oath of office: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, the constitution of the state of Montana, the charter of the city of Belgrade and that I will discharge the duties of my office with fidelity, so help me God."
- B. The oath of office shall be sworn by the city judge. (Amended Ord. 94-8, 8-22-1994)

ARTICLE II

CITY COUNCIL AND MAYOR

Section 2.01 Composition, Election, Qualifications, Compensation, Removal, Filling Of Vacancies

- A. There shall be a city council of six members, three of which shall be elected every two years.
- B. Two council members shall be elected from each of three wards which are of substantially equal population. Nominees for council from each ward must reside in that ward and be a qualified voter of the city of Belgrade.
- C. Members of the council shall be elected for terms of four years on a nonpartisan basis.
- D. The mayor shall receive \$50.00 and the city council members shall receive \$50.00 for regularly scheduled meeting attended. Said salary shall be paid quarterly for attendance at regularly scheduled meetings in the preceding quarter. As provided by ordinance or resolution, the mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office, or the council may establish per diem and mileage allowances in lieu of such expenses. (Amended Ord. 2004-4, 4-5-2004)
- E. The office of a council member shall become vacant upon his/her death, resignation or removal from office in any manner authorized by law, or forfeiture of his/her office:
 - 1. A council member shall forfeit his/her office if he/she:
 - a. Loses his/her eligibility for election to his/her seat;
 - b. Violates any expressed prohibition in this charter;
 - c. Is convicted of a crime of moral turpitude including but not limited to: deliberate homicide, felony assault, kidnapping, intimidation, sexual assault, sexual intercourse without consent, deviate sexual conduct, incest, prostitution or promotion of prostitution, bigamy, endangering the welfare of children or unlawful transactions with children, sexual abuse of children, criminal

mischief, burglary, criminal trespass to property or vehicles, theft of any nature, robbery, unlawful uses of property, defrauding creditors, deceptive practices of any nature, forgery, bribery, threats and other improper influence in official and political matters, perjury and other falsification of official matters, tampering or falsification of evidence or public records or information, official misconduct, sale of dangerous drugs or possession with intent to sell, production or manufacture of dangerous drugs. (Ord. 94-10, 8-22-1994)

d. Without council approval, fails to attend three consecutive regularly scheduled council meetings.

F. A mayor shall be elected every two years, at large, on a nonpartisan basis.

1. Nominees for the office of mayor shall reside in Belgrade and shall be a qualified voter of the city of Belgrade.

Section 2.02 Powers And Duties Of The Council

- A. The city council shall be the legislative and policy determining body of the city of Belgrade. Except as otherwise provided by this charter, the council shall provide for the exercise of all powers of the city of Belgrade and for performance of all duties and obligations imposed upon the city by law.
- B. The council shall appoint and remove the city manager by majority vote of the whole number of the council.
- C. The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.
- D. The council shall adopt by ordinance or resolution and maintain an administrative code and a personnel system as provided in article IV.
- E. The council may make investigations into the affairs of the city and the conduct of any city department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.
- F. In the event of a vacancy, the council shall, within 60 days by majority vote of the remaining members, appoint a person eligible to

hold a council seat to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled as required by law.

- G. The council shall be the judge of the qualifications of its members and of the grounds of forfeiture of their office, as provided for in article II section 2.01 of this charter, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.
- H. A quorum of the council shall consist of 50% of the council members plus one.

Section 2.03 Powers And Duties Of The Mayor

- A. The mayor shall preside at meetings of the council, shall be recognized as the head of the city government for all ceremonial purposes and public statements, or may delegate this duty, and by the governor for the purpose of military law. The mayor shall vote in the case of tie votes on the council.
- B. The mayor shall appoint, with the consent of the council, all members of boards and committees.
- C. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor, and who shall retain his or her power to vote.
- D. In the event of vacancy in the mayor's office, the council, by majority vote, shall fill the vacancy within 60 days, with a qualified voter, until the next regular city election.

Section 2.04 Restrictions Of The Mayor And Council

- A. Except where authorized by law, the mayor or any council person shall not hold any other city office or employment with the city. (Ord. 87-1, 3-16-1987)
- B. Neither the mayor, the council, or council members shall in any manner dictate the appointment or removal of any city administrative

officers or employees whom the manager or any of his/her subordinates are empowered to appoint.

- C. Except for the purpose of inquiries and investigations under section 2.02, article II, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.05 Council Procedure, Public Participation

- A. Council procedure shall be prescribed under state law.
- B. The council shall meet at least once per month in regular session.
- C. The council shall determine its own rules and order of business and shall provide for the keeping of the minutes of its proceedings.
- D. All meetings shall be open to the public except in such circumstances as prescribed by state law.
- E. All documents and records of the council shall be public records and shall be made available for examining or copying.

ARTICLE III

CITY MANAGER

Section 3.01 Appointment And Removal, Qualifications, Compensation

- A. The city manager shall be appointed by the council for an indefinite term on the basis of merit only. The council shall fix his or her compensation.
- B. The council may remove the city manager from office at any regularly scheduled or special meeting.

Section 3.02 Acting City Manager

By letter filed with the mayor, the manager shall designate, subject to council approval, a qualified city administrative officer to exercise the powers and perform the duties of a manager during the manager's absence

or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his or her disability shall cease.

Section 3.03 Duties Of The City Manager

- A. The city manager shall be the chief administrative officer of the city. He or she shall be responsible to the council for the administration of all city affairs.
- B. The city manager shall:
 - 1. Direct, supervise and administer all departments, agencies and offices of the local government unit except as otherwise provided by this charter, law, ordinance, or resolution.
 - 2. Carry out policies established by the council.
 - 3. Prepare council agendas.
 - 4. Report to the council and recommend measures on the affairs and financial condition of the local government as the council may require.
 - 5. Execute bonds, notes, contracts and written obligations of the council, subject to the approval of the council.
 - 6. Attend council meetings and may take part in the discussion, but may not vote.
 - 7. Prepare and present the budget to the council for approval and execute the budget adopted by the council.
 - 8. Appoint, suspend, supervise and remove all employees of the city except as otherwise provided by law, ordinance, or resolution. Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.
 - 9. Submit recommended changes in the administrative code or the personnel system to the council.
- C. The city manager shall not delegate any of the duties and responsibilities in this section without the consent of the council.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01 General

- A. The council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, or agencies.
- B. All departments, offices, or agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the council, the manager may serve as head of one or more such departments, offices, or agencies, or may appoint one person as the head of two or more of them.

Section 4.02 Legal Officer

There shall be a legal officer of the city, appointed by the manager, and approved by the council, who shall serve as chief legal advisor to the council, the manager and all city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform all other duties as prescribed by ordinance or resolution.

Section 4.03 City Administrative Code

The administrative code shall provide the complete plan of organization and structure of the city government and shall include:

- A. The departmental organization of the government, the nature and scope of each department, and all required rules and procedures for department operation.
- B. Comprehensive budget procedures for the government.
- C. Procedures regarding boards, commissions, or any other government activity.

Section 4.04 Personnel System

The council shall adopt a personnel system which shall include a salary schedule, provisions for vacation, sick leave, insurance and other benefits for all persons in accordance with provisions of this charter, procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension, or any designated disciplinary action and shall provide for such procedures as necessary for an efficient personnel system.

ARTICLE V

NOMINATIONS AND ELECTIONS, INITIATIVE AND REFERENDUM

Section 5.01 Elected Officials

The procedure for the nomination and election of all elected city officials shall be prescribed by law for nonpartisan elections. The procedure for recall for all elected city officials shall be as provided by state law.

Section 5.02 Initiative And Referendum

The procedure for initiative and referendum shall be as provided by state law.

Section 5.03 Reapportionment Of Wards

It shall be the responsibility of the council after each decennial census to equalize ward boundaries as to approximate equal population, as provided by state law.

Section 5.04 Redistricting

Ward boundaries may be changed by ordinance or resolution, provided that any such revised ward boundaries must comply with the population standards prescribed in this charter. In the event of a judicial challenge to the ordinance or resolution, the burden of proving compliance shall rest upon the city.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01 Amendment Of Charter

This charter may be amended only as prescribed by state statute.

Section 6.02 Effective Date

This charter shall become effective on July 1, 1987.

Section 6.03 Separability

If any section in this charter is held invalid, the other provisions of this charter shall not be affected thereby. If any application of this 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.