

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT

FOR LEWISTOWN, MONTANA

CHARTER
OF
THE CITY OF LEWISTOWN

PREAMBLE

WE, THE PEOPLE OF LEWISTOWN, COUNTY OF FERGUS, STATE OF MONTANA, TO PRESERVE OUR HERITAGE, TO MAINTAIN OUR QUALITY OF LIFE AND TO PROVIDE FOR THE FUTURE OF LEWISTOWN, 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 Lewistown

The City of Lewistown 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 self-government powers and authority of this 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

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.

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 City Commission

The legislative branch shall consist of the city commission which shall be the governing body of the city.

Section 2.02 Composition

The City of Lewistown shall have a city commission of seven (7) members, two of whom shall be elected from each of three (3) wards, and one (1) who shall be elected at large.

Section 2.03 Qualifications for Office

Every resident of the City of Lewistown 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 commissioner for the ward in which he or she resides or the office of the commissioner elected at large.

Section 2.04 Term of Office

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

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis. With the exception of the member be elected at large, commission members shall be elected by wards in which candidates must reside and which are apportioned by population. One commission member from each ward shall be elected every two years.

Section 2.06 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.07 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of four (4) commissioners, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Lewistown, as prescribed by law.

Section 2.08 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, 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 commission shall appoint within 30 days of the vacancy, by the affirmative vote of four (4) commission members, a person possessing the qualifications for office required by law and this Charter to hold the office until the successor is elected and qualified.

Section 2.09 Chairman of the Commission

The commission members shall select a chairman from the members of the commission.

Section 2.10 Powers and Duties

1. The commission shall be the legislative and policy determining body of the city. All governing powers of the city shall be vested in the city commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.
2. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.

Section 2.11 Legislative Action

The affirmative vote of four (4) members of the commission shall be required for all official actions of the commission. A minimum of four (4) commission members must be present when official actions are taken by the commission.

Section 2.12 Procedure

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

Section 2.13 Compensation

The compensation of the commission shall be set by resolution of the city commission.

**ARTICLE III
EXECUTIVE BRANCH**

Section 3.01 The Manager

The manager, who shall be the chief executive and chief administrative officer of the city, shall be appointed by the commission for an indefinite term on the basis of merit only and may be removed only by the affirmative vote of four (4) members of the commission.

Section 3.02 Duties of the Manager

The manager shall:

1. enforce laws, this Charter, and resolutions;
2. perform the duties required by law, this Charter, ordinance, or resolution;
3. administer the affairs of the city government;
4. direct, supervise, and administer all departments, agencies, and offices of the city except as otherwise provided by law, this Charter or ordinance;
5. carry out policies established by the commission;
6. prepare the commission agenda;
7. recommend measures to the commission;
8. report to the commission on the affairs and financial condition of the city government;
9. execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
10. report to the commission as the commission may require;
11. attend commission meetings and may take part in the discussion, but may not vote;
12. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
13. appoint, suspend, and remove all employees of the city except as otherwise provided by law or ordinance;
14. appoint members of temporary advisory committees established by the manager.

Section 3.03 Administrative Duties

Employees appointed by the manager and his or her subordinates shall be administratively responsible to the manager. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any subordinates are empowered to appoint. Except for the purpose of inquiry or investigation under this Charter, the commission or its members shall deal with the city employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 3.04 Compensation

The compensation of the manager shall be set by resolution of the city commission.

**ARTICLE IV
JUDICIAL BRANCH**

Section 4.01 City Court

There shall be a city court as prescribed by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01

The organization of city departments shall be prescribed by ordinance.

**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 5, 1998.

Section 6.03 Oath of Office

Before assuming 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
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Lewistown 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 January 1, 1999.

Section 7.02 Continuation in Office

No current city employee shall lose employment solely because of the adoption of this Charter. All persons holding elective office at the time this Charter is adopted may continue in office until the officers of the new government are elected, qualified and sworn into their respective office, at which time all now existing elected offices of city government shall be vacated.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Lewistown shall remain in effect until reviewed, continued, revised or repealed by the city commission. The city commission 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 January 1, 2000.

We, the Lewistown Study Commission, do hereby certify that this is the proposed plan of government approved by the Lewistown Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Lewistown this 12th day of March, 1996.

ATTEST: _____
Sue E. Glenn, City Clerk

Bradley B. Parrish

David L. Sather, Jr.

Anna Zellick

David E. Fry, Sr.

Karl Gies