

**CHARTER
OF
THE CITY OF LIBBY**

PREAMBLE

WE, THE PEOPLE OF LIBBY, COUNTY OF LINCOLN, 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 Libby

The City of Libby 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 unit 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 Electrical Utilities

The City of Libby shall have the powers necessary to develop, own and operate electrical generating and delivery services and facilities.

Section 1.04 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 1.05 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.

Section 1.06 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.

**ARTICLE II
CITY COUNCIL**

Section 2.01 Legislative Branch

The legislative branch shall consist of the city council.

Section 2.02 Composition

The City of Libby shall have a city council of six (6) members, three of whom shall be elected every two years.

Section 2.03 Powers and Duties

The 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. The council may override the mayor's veto with a two-thirds vote of the council.

Section 2.04 Term of Office

Members of the council 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. Council members shall be elected at large.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. The chairman of the council shall preside when the mayor is absent.

**ARTICLE III
EXECUTIVE**

Section 3.01 The Mayor

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

Section 3.02 Term of Office

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

Section 3.03 Election

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

Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, ordinance or resolution;
3. administer affairs of the local 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 local 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. chair council meetings and may take part in discussion;
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 3.05 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of a majority of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards to the degree authorized by

ordinance of the council.

Section 3.06 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 a two-thirds vote of the council.

Section 3.07 Compensation

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

**ARTICLE IV
JUDICIAL**

Section 4.01 City Court

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

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

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 state law.

Section 6.02 Effective Date

This Charter shall become effective on January 2, 1990.

Section 6.03 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, 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, by majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

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 state law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after January 1, 1991.

Section 7.02 City Employees

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall 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 Libby 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 January 1, 1991.