

CERTIFICATE  
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT  
FOR McCONE COUNTY

Upon approval of the majority of voters the government of McCone County shall be organized under the following provisions as authorized by Article XI, Section 5, of the Constitution of the State of Montana, and Section 47-A-3-208 (1 - 18) of state law.

CHARTER OF McCONE COUNTY

PREAMBLE

In order to provide for efficient and orderly county government and to avail ourselves of self-government powers, we, the people of McCone County, State of Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, do adopt this Charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers of County

McCone County shall have all powers not prohibited by the United States Constitution, the laws of the United States, 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 county power or authority 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 Montana,<sup>1</sup> provisions herein establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

1. Article XI, Section 5 of the Constitution of Montana:

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 1.04 Oath of Office

Before entering upon the duties of office, all elected county officials shall take and subscribe 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, and the Charter of McCone County, and that I will discharge the duties of my office with fidelity (so help me God)."

ARTICLE II

COUNTY COMMISSIONERS

Section 2.01 Election, Term, Compensation, Vacancy, and Removal

- (1) There shall be a commission of McCone County composed of
  - (A) three (3) members, two (2) of whom shall be elected in 1977, and one whose term shall carry over to 1979, according to Article XIV, Section 14.04 of Charter transition provisions. Thereafter one shall be elected every two years.
  - OR
  - (B) five (5) members, four (4) of whom shall be elected in 1977, and one (1) whose term shall carry over to 1979 according to Article XIV, Section 14.04 of the Charter transition provisions. Thereafter, every two years, members shall be elected to fill vacancies when a six year term will expire.

(The question of the number of commissioners shall be presented to the voters as a sub-option. The option approved by the voters shall become a part of this Charter.)

- (2) Members of the commission shall be elected for terms of six years.
- (3) Elections for the commission shall be partisan.
- (4) As provided in Article XII of this Charter, the commissioners shall be

(A) nominated by district, and elected at large.

OR

(B) nominated and elected by district.

(The question of the nomination and election of commissioners shall be presented to the voters as a sub-option. The option approved by the voters shall become a part of this Charter.)

Nominees for commissioner shall reside in the district in which they are to be elected.

(5) By ordinance adopted at least eight (8) months prior to the next county general election, the commission shall determine the salary and its effective date, of its members. Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office, or the commission may establish per diem and mileage allowances in lieu of such expenses.

- (6) (a) The office of commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
- (b) A commissioner shall forfeit his office if he:
- (i) loses his eligibility for election to his commission seat.
  - (ii) violates any express provision of this charter.
  - (iii) is convicted of a felony.
  - (iv) without commission approval, fails to attend two consecutive regularly scheduled commission meetings or absents himself from the county continuously for thirty (30) days without consent of the commission.

(7) In the event of vacancy, the commission shall, within sixty (60) days, by resolution passed by the remaining majority of its members, appoint a person eligible to hold such commission seat, to fill the vacancy until the next regular county election at which time the remainder of the term shall be filled as provided by law. The appointee shall be a qualified elector of the same political party as the person who vacated the office. In case of a multiple vacancy which would leave the board with less than a majority of its members, the District Judge shall make appointments to constitute a majority, at which time that majority shall, within sixty (60) days, continue to make appointments in the above manner.

(8) The commission shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office, except as provided in Article II Section 2.05 (6). A member charged with conduct constituting grounds for forfeiture of his 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.

- (9) (a) There shall be a reorganization of the commission at the first regularly scheduled meeting in January, at which time there shall be elected a chairman, and a vice-chairman of the commission. The chairman shall be recognized as the head of the county and shall preside at the commission meetings. If, at any meeting the chairman is not present, or is unable to act, the vice-chairman shall preside at the meeting.
- (b) The chairman shall be elected by the members of the commission from their own number for a term of one (1) year.

(c) The vice-chairman shall be elected by the members of the commission from their own number for a term of one (1) year.

(d) In case the office of chairman becomes vacant, the vice-chairman shall serve as acting chairman until the first meeting of the commission after the vacancy on the board has been filled, at which time the board shall elect a chairman and vice-chairman.

#### Section 2.02 Powers of County Commission

All legislative, executive and administrative powers of the county not specifically reserved by law, ordinance or this Charter to other elected officials shall reside in the commission.

#### Section 2.03 Duties of County Commission

(1) The commissioners shall pass the necessary ordinances and resolutions to implement this charter.

(2) It shall be the duty of the County Commission to hire and dismiss all county employees except that employees under direct supervision of an elected county official shall be appointed by that department head with the approval of the Commission. The Commissioners may at any time, reverse their decision and would then notify the department head, who will discharge the employee upon two weeks notice.

(3) It shall be the duty of the County Commission to specify duties and powers of elected county officials and employees, in addition to specific duties prescribed by the Montana Constitution and State law pertaining to self-government units.

(4) By ordinance adopted at least eight (8) months prior to the next county general election, the commission shall determine the salary and its effective date for all elected county officials. No reduction in compensation of an elected county official shall become effective during the term of office for which the official was elected.

(5) Salaries of all other county employees shall be set by resolution.

(6) It shall be the duty of the County Commission to levy a tax upon the taxable property, for the purpose of maintaining necessary and desirable services. Amounts levied shall not exceed the following limits listed in Schedule A.

Mill Levy Limits

Schedule A

General Fund	27	mills
Emergencies	2	mills
Fair	1 $\frac{1}{2}$	mills
Library	3	mills
Airport	2	mills
Ambulance	1	mill
Museum	1	mill
Health	5	mills
Rodent	$\frac{1}{2}$	mill
Social Services	13 $\frac{1}{2}$	mills
Roads and Bridges	23	mills
Group Insurance	4	mills
Senior Citizens	1	mill
Weed Control	2	mills
Planning and Zoning	1	mill
Extension Service	2	mills

An additional mill levy of not more than six (6) mills in any budget year may be levied by resolution.

Up to an additional ten (10) mills may be levied for special road and bridge use when approved by the voters at a regular or special election.

End of Schedule A.

(7) In addition to the property tax mill levy schedule, additional levies may be imposed to pay judgements; and for bonded indebtedness or special improvement districts which have been approved by the voters.

(8) Necessary revisions in the above property tax mill schedule may be made in the following manner:

Commissioners shall by resolution recommend a revised schedule and publish it in the County newspaper for three weeks. They shall then present their proposal to the voters at a regular or special election, and if the proposal carries, the revised schedule shall replace the above property tax mill levy schedule "A".

(9) No County income or general sales tax will be imposed without prior approval of the voters.

#### Section 2.04 Restrictions on the County Commission

Except for the purpose of inquiry or investigation under this charter or the code of local government, as it pertains to self government units, the commission or its members shall deal with the county employees who are subject to the direction and supervision of any elected official, solely through the elected official, and neither the commission nor its members may give orders to any such employee, either publicly or privately, except as otherwise provided in this charter.

#### Section 2.05 Commission Procedure, Public Participation

(1) Commission procedure shall be as prescribed by state law pertaining to self government units.

(2) The commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings.

(3) All meetings shall be open to the public except in such circumstances as are prescribed by state law.

(4) All documents and records of the commission shall be public records and shall be made available for examining or copying, except as otherwise provided for by law.

(5) At least twenty-one (21) days prior to the final budget meeting, there shall be a copy of the "Summary of the Proposed Budget Requirements for Tax Revenue" published in the official county newspaper.

- (6) If 5% of the registered voters request a hearing concerning
- (a) violation of any express provision of the Charter by a County Commissioner,
  - (b) any resolution or ordinance,
  - (c) the abolishing or the establishing of any board,

the commissioners shall call a public hearing on the matter. If no agreement is reached, petitions bearing the verified signatures of 35% of the registered voters shall constitute an order to the commissioners who will order the action demanded by the petitioners or call for the issue to be decided at an election, by a majority of those voting on the question.

If a regular election is considered to be too remote to provide timely relief to the petitioners, they may include a call for a special election in their petition.

### ARTICLE III

#### SHERIFF--CORONER

##### Section 3.01 Election, Term, Compensation, Vacancy, and Removal

- (1) The sheriff--coroner shall be nominated and elected at large by the qualified electors of the county.
- (2) The sheriff shall be elected for a term of four (4) years.
- (3) Elections for the sheriff shall be partisan.
- (4) The salary of the sheriff shall be established by the county commission. No reduction in compensation of the sheriff shall become effective during the term of office for which the sheriff was elected.
- (5) (a) The office of sheriff shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.
- (b) The sheriff shall forfeit his office if he:
  - (i) loses his eligibility for election to the position of sheriff.
  - (ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.
  - (iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of sheriff. A sheriff charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of sheriff, the commission, by majority vote of all of its members, shall appoint a person eligible to hold the position of sheriff to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of sheriff. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy sheriff, previously designated by the sheriff as his substitute shall serve as acting sheriff.

#### Section 3.02 Powers and Duties of Sheriff--Coroner

(1) The sheriff shall be the chief law enforcement officer of the county. He shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The sheriff shall also serve as coroner and shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(3) (a) The sheriff shall appoint necessary deputies or other employees with the approval of the Commission. The Commissioners may at any time reverse their decision. Upon such notice from the commission, the sheriff shall discharge said employee upon giving two weeks notice.

(b) In cases of emergency the sheriff may, without Commission approval, appoint deputies to serve for not more than five (5) days.



ARTICLE IV  
COUNTY ATTORNEY

Section 4.01 Election, Term, Compensation, Vacancy, and Removal

(1) There shall be elected in the county a county attorney who shall possess the qualifications prescribed by state law, and who shall be nominated and elected at large by the qualified electors of the county.

(2) The county attorney shall be elected for a term of four (4) years.

(3) Elections for the county attorney shall be partisan.

(4) The salary of the county attorney shall be established by the county commission. No reduction in compensation of the county attorney shall become effective during the term of office for which the county attorney was elected.

(5) (a) The office of the county attorney shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The county attorney shall forfeit his office if he:

(i) loses his eligibility for election to the position of county attorney.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of county attorney. A county attorney charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of county attorney, the commission, by majority vote of all of its members, shall appoint a person eligible to hold the position of county attorney to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of county attorney. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, or special need, a deputy previously designated by the county attorney as his substitute or assistant, may serve.

Section 4.02 Powers and Duties

The county attorney shall be the chief legal advisor and criminal prosecutor of the county and shall perform such duties as may be prescribed according to this charter or by law.

ARTICLE V

COUNTY CLERK AND RECORDER

Section 5.01 Election, Term, Compensation, Vacancy, and Removal

(1) The clerk and recorder shall be nominated and elected at large by the qualified electors of the county.

(2) The clerk and recorder shall be elected for a term of four (4) years.

(3) Elections for the clerk and recorder shall be partisan.

(4) The salary of the clerk and recorder shall be established by the county commission. No reduction in compensation of the clerk and recorder shall become effective during the term of office for which the clerk and recorder was elected.

(5) (a) The office of clerk and recorder shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The clerk and recorder shall forfeit his office if he:

(i) loses his eligibility for election to the position of clerk and recorder.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of clerk and recorder. A clerk and recorder charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of clerk and recorder, the commission by majority vote of all of its members, shall appoint a person eligible to hold the position of clerk and recorder to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of the clerk and recorder.

The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy previously designated by the clerk and recorder as his substitute shall serve as acting clerk and recorder.

Section 5.02 Powers and Duties

(1) The clerk and recorder shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The clerk and recorder shall appoint necessary deputies or other employees with the approval of the Commission. The Commissioners may at any time reverse their decision. Upon such notice from the commission, the clerk and recorder shall discharge said employee upon giving two weeks notice.

ARTICLE VI

CLERK OF THE DISTRICT COURT

Section 6.01 Election, Term, Compensation, Vacancy and Removal

(1) The clerk of the district court shall be nominated and elected at large by the qualified electors of the county.

(2) The clerk of the district court shall be elected for a term of four (4) years.

(3) Elections for the clerk of the district court shall be partisan.

(4) The salary of the clerk of the district court shall be established by the county commission. No reduction in compensation of the clerk of the district court shall become effective during the term of office for which the clerk of the district court was elected.

(5) (a) The office of clerk of the district court shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The clerk of the district court shall forfeit his office if he:

(i) loses his eligibility for election to the position of clerk of the district court.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of clerk of the district court. A clerk of the district court charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of the clerk of the district court, the commission by majority vote of all of its members, shall appoint a person eligible to hold the position of clerk of the district court to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of clerk of the district court. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy previously designated by the clerk of the district court as his substitute shall serve as acting clerk of the district court.

#### Section 6.02 Powers and Duties

(1) The clerk of the district court shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The clerk of the district court shall appoint necessary deputies or other employees with the approval of the Commission. The Commissioners may at any time reverse their decision. Upon such notice from the Commission, the clerk of the district court shall discharge said employee upon giving two weeks notice.

### ARTICLE VII

#### TREASURER

#### Section 7.01 Election, Term, Compensation, Vacancy, and Removal

(1) The treasurer shall be nominated and elected at large by the qualified electors of the county.

(2) The treasurer shall be elected for a term of four (4) years.

(3) Elections for the treasurer shall be partisan.

(4) The salary of the treasurer shall be established by the county commission. No reduction in compensation of the treasurer shall become

effective during the term of office for which the treasurer was elected.

(5) (a) The office of treasurer shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The treasurer shall forfeit his office if he:

(i) loses his eligibility for election to the position of treasurer.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of treasurer. A treasurer charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of treasurer, the commission by majority vote of all of its members, shall appoint a person eligible to hold the position of treasurer to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of treasurer. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy previously designated by the treasurer as his substitute shall serve as acting treasurer.

#### Section 7.02 Powers and Duties

(1) The treasurer shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The treasurer shall appoint necessary deputies or other employees with the approval of the commission. The commissioners may at any time reverse their decision. Upon such notice from the commission, the treasurer shall discharge said employee upon giving two weeks notice.

ARTICLE VIII  
SUPERINTENDENT OF SCHOOLS

Section 8.01 Election, Term, Compensation, Vacancy, and Removal

(1) There shall be nominated and elected in the county a superintendent of schools who shall possess the qualifications prescribed by state law, and who shall be nominated and elected at large by the qualified electors of the county.

(2) The superintendent of schools shall be elected for a term of four (4) years.

(3) Elections for the superintendent of schools shall be partisan.

(4) The salary of the superintendent of schools shall be established by the county commission. No reduction in compensation of the superintendent of schools shall become effective during the term of office for which the superintendent of schools was elected.

(5) (a) The office of superintendent of schools shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The superintendent of schools shall forfeit his office if he:

(i) loses his eligibility for election to the position of superintendent of schools.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of superintendent of schools. A superintendent of schools charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of superintendent of schools, the commission by majority vote of all of its members, shall appoint a person eligible to hold the position of superintendent of schools to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the

election of superintendent of schools. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy previously designated by the superintendent of schools as his substitute shall serve as acting superintendent of schools.

#### Section 8.02 Powers and Duties

(1) The superintendent of schools shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The superintendent of schools shall appoint necessary deputies or other employees with the approval of the commission. The commissioners may at any time reverse their decision. Upon such notice from the commission, the superintendent of schools shall discharge said employee upon giving two weeks notice.

### ARTICLE IX

#### ASSESSOR

#### Section 9.01 Election, Term, Compensation, Vacancy, and Removal

(1) The assessor shall be nominated and elected at large by the qualified electors of the county.

(2) The assessor shall be elected for a term of four (4) years.

(3) Elections for the assessor shall be partisan.

(4) The salary of the assessor shall be established by state law.

(5) (a) The office of assessor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The assessor shall forfeit his office if he:

(i) loses his eligibility for election to the position of assessor.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of assessor. An assessor charged with conduct constituting

grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of assessor, the commission by majority vote of all of its members, shall appoint a person eligible to hold the position of assessor to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of assessor. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy previously designated by the assessor as his substitute shall serve as acting assessor.

#### Section 9.02 Powers and Duties

(1) The assessor shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The assessor shall appoint necessary deputies or other employees with the approval of the commission. The commissioners may at any time reverse their decision. Upon such notice from the commission, the assessor shall discharge said employee upon giving two weeks notice.

### ARTICLE X

#### PUBLIC ADMINISTRATOR

#### Section 10.01 Election, Term, Compensation, Vacancy, and Removal

(1) The public administrator shall be nominated and elected at large by the qualified electors of the county.

(2) The public administrator shall be elected for a term of four (4) years.

(3) Elections for the public administrator shall be partisan.

(4) The salary of the public administrator shall be established by the county commission. No reduction in compensation of the public administrator shall become effective during the term of office for which the public administrator was elected.

(5) (a) The office of public administrator shall become vacant



upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The public administrator shall forfeit his office if he:

(i) loses his eligibility for election to the position of public administrator.

(ii) violates any express provision of this charter, as determined by a resolution passed by an affirmative vote of three members of the county commission.

(iii) is convicted of a felony.

(6) The commission shall be the judge of the grounds of forfeiture of the office of public administrator. A public administrator charged with conduct constituting grounds for forfeiture of his 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.

(7) In the event of a vacancy in the office of public administrator, the commission by a majority vote of all of its members, shall appoint a person eligible to hold the position of public administrator to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of public administrator. The appointee shall be a qualified elector of the same political party as the person who vacated the office.

(8) In the event of temporary absence or disability, a deputy previously designated by the public administrator as his substitute shall serve as acting public administrator.

#### Section 10.02 Powers and Duties

(1) The public administrator shall perform all duties charged to him by this charter, law, ordinance, or resolution.

(2) The public administrator shall appoint necessary deputies or other employees with the approval of the commission. The commissioners may at any time reverse their decision. Upon such notice from the commission, the public administrator shall discharge said employee upon giving two weeks notice.

ARTICLE XI  
ADMINISTRATIVE DEPARTMENTS

Section 11.01 General

The activities under the direction and supervision of the county commission shall be distributed among such departments, agencies and offices as are established by this charter or may be established thereunder by ordinance of the county commission in order to execute and enforce policies as are determined by the commission and to carry out obligations imposed on the county by state law.

ARTICLE XII  
NOMINATIONS AND ELECTIONS

Section 12.01 Elected County Offices

The procedure for the nomination and election of all elected county offices shall be as prescribed by state law for partisan elections.

Section 12.02 Districts

For the purposes of representation on the county commission, McCone County shall be divided into

(A) three (3) districts.

OR

(B) five (5) districts.

(The question of the number of districts shall be presented to the voters as a sub-option. The option approved by the voters shall become a part of this Charter.)

Boundaries of commission districts may be changed in accordance with this Charter.

Section 12.03 Redistricting of Commission Districts

District boundaries may be changed by ordinance, provided that such revised districts' boundaries shall be determined on population basis only.

ARTICLE XIII  
MISCELLANEOUS PROVISIONS

Section 13.01 Amendment of Charter

This Charter may be amended as provided for by state law or

- a. an amendment may be proposed by resolution of the governing body or by a petition carrying signatures of 15% of the registered voters;
- b. the petition or resolution shall set out fully the section or sections sought to be amended and the proposed amendment;
- c. an election on a charter amendment shall be held at the next general election of the local government, unless the petition calls for a special election. If a special election is called for, the governing body shall set a date for the election to be held no sooner than 60 days or later than 90 days after filing of the petition;
- d. a Charter amendment requires the affirmative vote of a majority of those voting on the question for passage;
- e. an election on a Charter amendment shall be conducted and votes returned and canvassed in the manner provided by state law for questions submitted to the electorate;
- f. an amendment becomes effective at the beginning of the local government's fiscal year after the election results are officially declared.

Section 13.02 Effective Date

This Charter shall become effective on May 2, 1977.

Section 13.03 Separability

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 circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XIV  
TRANSITIONAL PROVISIONS

Section 14.01 General Transition

Transition to this charter form of government shall be as prescribed by state law. The commission 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 July 1, 1978.

Section 14.02 Commission Districts

A legal description of geographic boundaries of commission districts shall be available for inspection at the Clerk and Recorder's Office.

Section 14.03 Salaries and Expenses

(1) The initial expenses of the commission shall be paid by the county on claims signed by the chairman of the commission.

(2) Members of the commission shall receive salary in the amount of thirty-five dollars (\$35.00) per day until such amount is changed by the commission in accordance with the provisions of this charter.

(3) Salaries of all other elected county officials and employees shall continue at their present level until a change in salary or employment of such officials and employees is effected in accordance with the provisions of this charter.

Section 14.04 Commission Terms

(1) The county commissioner elected on November 7, 1972 shall continue to hold office as a commissioner until his successor is elected in 1978 and qualified in 1979. Such commissioner retains his office under the provisions of section 6 (3) of the transition schedule of the 1972 Montana Constitution.

(2) If sub-option A carries requiring a three member board, the remaining two (2) commissioners shall draw lots to establish which commissioner's term shall terminate January 1981, and which shall terminate January 1983.

If sub-option B carries requiring a five member board, the remaining four (4) commissioners shall draw lots to establish which two (2) commissioners' terms shall terminate January 1981, and which two (2) shall terminate January 1983.



We, the Study Commissioners of McCone County, do hereby certify that this is the Proposed Plan of the Study Commissioners of McCone County.

In testimony whereof, we set our hands.

Done at Circle, Montana this 30th day of July, 1976.

ATTEST: Gloria G. Larson  
CLERK & RECORDER OF MCCONE COUNTY

Keith Castalia  
Wesley M. Haller  
Matthew James

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