

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
THE TOWN OF PINESDALE

We the citizens of the Town of Pinesdale, for the purpose of establishing a government based on a just form of fundamental law; one that is responsible to the public for providing equal and adequate services and protections, with efficient use of the community's revenue for all; one that provides for self-governing powers with respect to health, safety, and welfare of every citizen; and one that utilizes the utmost flexibility to represent the citizen's desires and to plan for the future relying upon the spirit of cooperation and volunteerism do establish this Charter form of government with self-government powers for the Town of Pinesdale, in accordance with the Constitution of the State of Montana, the Constitution of the United States of America and the laws of the Lord God Almighty who created the heavens and the earth and holds the destiny of all peoples, nations, and governments in His hands.

ARTICLE I

POWERS OF THE TOWN

Section 1.01 Powers of the Town.

The town shall have all powers possible for a self-government town under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

Section 1.02 Construction.

The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority (7-1-106 MCA).

ARTICLE II

TOWN BOUNDARIES

Section 2.01

The incorporated boundaries of the Town of Pinesdale, Montana shall remain fixed and

established as they exist on the date this charter takes effect, provided that the town shall have the power to change its boundaries in the manner provided by law.

ARTICLE III

TOWN MEETING AND LEGISLATION

Section 3.01

The legislative powers of the town shall vest in a town meeting, an assembly of the qualified electors of the town. A town meeting may enact rules, resolutions, and ordinances.

Section 3.02

The annual town meeting shall convene on the first Saturday of March. It shall be held in conjunction with a potluck dinner and picnic.

Section 3.02.1

Special town meetings may be called by the town selectmen or may be called by the electors upon petition of 10% of the qualified electors of the town, but in no case by less than 10 qualified electors.

Section 3.03

All qualified electors of the town may attend the town meeting, take part in the discussion, and vote on all matters coming before the town meeting. Others may attend by shall not vote but may take part in the discussion only by the approval of a majority vote of the town meeting.

Section 3.04

A quorum shall consist of at least 10% of the qualified electors of the town.

Section 3.05

The selection of town officials shall be nonpartisan and shall be by a plurality of those qualified electors present and voting. All other voting in the town meeting shall be by a simple majority of those qualified electors present and voting.

Section 3.06

Selection of officials shall be by secret ballot. Other voting shall be by secret ballot upon the request of at least five members of the town meeting.

Section 3.07 Meeting Warrant.

A warrant (agenda) of the town meeting and a list of all elective and appointive offices to be filled shall be prepared by the town selectmen, who shall post notice at least 2 weeks prior to the convening of all annual and special town meetings. Upon written petition of at least 10% of the qualified electors of the town but not less than 10 qualified electors, the town selectmen shall insert a particular item or items in the agenda for the next annual or special town meeting. The town meeting agenda may include an item entitled "other business" under which any matter may be considered by the town meeting, except no matter dealing with finance or taxation shall be considered "other business".

Section 3.08 Town Meeting Moderator.

The town annual meeting shall elect a town meeting moderator for a term of one year beginning at that annual meeting,

(a) who shall be the presiding officer of all annual and special town meetings but who shall have no other governmental powers.

(b) who shall have the authority to have the constable remove anyone from the meeting who uses foul or abusive language or is violent in their conduct and have them restrained outside of the meeting place until the meeting is concluded.

Section 3.09 Permanent Advisory Board.

Two members of the six-member advisory board shall be selected from among the qualified electors at the annual town meeting to serve a three year term to fill each expired vacancies in the advisory board. The board may:

1. meet each month with the selectmen to review the progress of the operations of the town in fulfilling the guidelines established at the annual town meeting and any special town meetings following the annual town meeting,
2. assist in preparing the annual town budget,
3. help each department in an advisory capacity,
4. advise the selectmen, and
5. make recommendations to the town meeting for each year by way of the warrant.
6. The advisory board shall canvas the town for at least two candidates to be voted on to fill the expired office of the selectman at the annual town meeting.
7. Members of the advisory committee shall not hold any other political office in the town.

Section 3.10 The Town Meeting Chaplain.

The town meeting shall elect a town meeting chaplain who shall:

- (a) open each town meeting with prayer or ask someone to pray,
- (b) administer the oath of office to new officers,

- (c) have power to temporarily stop a discussion and ask for comments on the moral and ethical aspects of the issue being discussed, and,
- (d) have authority to interrupt any and all heated discussions and ask for a moment of silence.

ARTICLE IV

EXECUTIVE

SELECTMEN: SELECTION, ROLE AND EXECUTIVE DUTIES

Section 4.01 The Selection of Selectmen.

The town meeting shall at each annual meeting select one selectman for a term of three years to fill the expired term of a selectman.

Section 4.01.1

An unexpired term of a selectman shall be temporarily filled by the appointment of a successor by the advisory board until the next annual or special meeting.

Section 4.02 The Chairman of the Board of Selectmen.

The selectmen shall choose one of their members to act as chairman of the board of the Board of Selectmen.

Section 4.03 The Duties of the Selectmen.

The selectmen shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required by them by law, ordinance, or resolution;
- (c) administer the affairs of the town;
- (d) prepare the town meeting warrant (meeting agenda);
- (e) attend all annual and special town meetings;
- (f) recommend measures to the town meeting;
- (g) report to the town on the affairs and financial condition of the town;
- (h) execute bonds, notes, contracts, and written obligations of the town, subject to the approval of the town;
- (i) appoint, with the consent of the town meeting, members of departments and appoint and remove all employees of the town;
- (j) prepare the budget and present it to the town meeting for adoption;
- (k) exercise control and supervision of all employees and the administration of all departments and boards; and
- (l) carry out policies established by the town meeting.

Section 4.04 Compensation of the Selectmen.

Compensation of the town selectmen shall be \$1.00 per year as established at the annual town meeting by ordinance but shall not be reduced during the current term of the selectmen. Any increase shall be by approval of the electors at the annual town meeting.

ARTICLE V

ADMINISTRATION AND FINANCE

Section 5.01 Committees.

The selectmen may establish temporary committees to advise them.

Section 5.02 Departments.

The selectmen shall establish departments, and shall appoint and may remove department heads (except the police department and the fire department) to assist them in the supervision and operation of the town government.

(1) All department heads shall be answerable solely to the board of selectmen in the operation of their departments.

(2) All department heads shall choose two assistants to assist in the operation of their departments.

(3) Any department by-laws shall not conflict with the provisions of this charter.

Section 5.03 Law Enforcement. The Chief of Police.

The chief of police shall be elected to a term of four years by the electors at the annual town meeting. Any vacancy during the unexpired term of office of chief of police shall be filled by a temporary appointment by the Advisory Board until a special town meeting or the annual town meeting is held.

Section 5.04 Fire Department.

The members of the volunteer fire department shall nominate the fire chief as department head and his two assistants from the roster of the members of the fire department. The Board of Selectmen shall confirm this nomination.

Section 5.05 The Town Judges.

The town judge or judges shall be elected for a term of four years at the annual town meeting as prescribed by Montana state law (3-6-202, 3-1-1502, 3-1-1503 MCA). The unexpired term of a town judge can be filled at the annual town meeting or special town meeting.

Section 5.06 Salaries and Financial Administration.

1. The town clerk/treasurer shall be selected at the annual town meeting from a recommendation by the Advisory Board.
2. Compensation for any town employee shall be established annually at the annual town meeting.
3. All financial transactions shall be signed by both the chairman of the selectmen and the town clerk/treasurer.
4. Any borrowed money exceeding a \$5000.00 emergency borrowing limit shall be voted on at the annual town meeting or a special town meeting.
5. All department finances shall be administered by the Board of Selectmen and an accounting made to the clerk/treasurer.

Section 5.07 Local Taxation.

All actions on local taxes shall occur only at the annual town meeting and are subject to approval by a two thirds majority of the qualified electors.

ARTICLE VI

GENERAL PROVISIONS

Section 6.01 Removal of Elected and Appointed Officials.

Procedures and grounds of removal (7-3-705 MCA).

1. The office of an elected or appointed official shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
2. A elected official shall forfeit his office if he loses his eligibility for election to his office as a elected official.
3. An elected or appointed official shall forfeit his office if he:
 - (a) violates any express prohibition of this charter;
 - (b) is convicted of a felony or other offense involving moral turpitude;
 - (c) without notifying the other members of a board or committee, fails to attend two consecutive regularly scheduled meetings.
4. The Advisory Board shall be the judge of the grounds of forfeiture of the office of an elected or appointed official.
5. Any official 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.

Section 6.02 Responsibility of Citizens of the Town. The Cooperation and Assistance of Citizens.

All citizens are expected to help where needed to assist in town projects where volunteer

labor will aid in easing the financial burden on the administration of town government.

Section 6.03

The Town Meeting shall have power to frame, adopt, and revise the provisions of this charter as provided by Montana state law (7-3-103 MCA).

Section 6.04

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

The ordinances and agreements in effect under the previous form of government shall remain in effect until repealed or amended in the manner provided by law (7-3-106 MCA).

Section 7.02 Agenda and Conduct of Initial Town Meeting.

The first agenda of the first town meeting following the adoption of this charter shall be established by the local study commission. At that town meeting the chairman of the local study commission shall preside over the town meeting until the election of the town moderator, after which the moderator of the town meeting shall preside.

Section 7.03 The Selection of Selectmen.

The town meeting shall at the first annual meeting elect one selectman for one year, one selectman for two years, and one selectman for three years and thereafter shall elect one each year for a term of three years. Upon the election and qualification of the selectmen at such annual meeting, and upon the appointment and qualification by oath of the officers herein authorized to perform the duties of any existing town board or officers, the term of the office of such existing board or officers shall thereupon terminate, and all the duties, powers and obligations of said boards and officers shall be transferred to and imposed upon their successors.

Section 7.04 Permanent Advisory Board.

An advisory board consisting of six qualified electors of the town shall be selected at the first town meeting (two to serve one year, two to serve two years, and two to serve three years).

Section 7.05 General Transition.

Transition to this charter form of government shall be as prescribed by state law. The local study 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 the year 1997.