

CHARTER OF THE CITY OF HAVRE

PREAMBLE

We, the people of City of Havre, County of Hill, State of Montana, to preserve our heritage, to maintain our quality of life and to provide for the future of Havre, 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

The City of Havre shall have all the powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretations of Powers

The self-government powers and authority of the City of Havre 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 property tax mill levy shall be limited to that of Montana municipal governments with general government powers, except with prior approval of the electors voting on the question in a general or 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 Council

The legislative branch shall consist of the City Council which shall be the governing body of the City.

Section 2.02 Composition

The City Council shall be composed of eight (8) Members, with two (2) Members elected from each of four (4) wards.

Section 2.03 Qualifications for Office

Every resident of the City of Havre 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 City Council.

Section 2.04 Terms of Office

Members of the City Council shall be elected to four (4) year, overlapping terms of office.

Section 2.05 Election

The election of City Council Members shall be conducted on a non-partisan basis. There shall be four (4) wards apportioned by population, each of which shall be represented by two (2) Council Members. One Council Member from each of the four (4) wards shall be elected every two (2) years. Candidates for City Council must reside in the ward they seek to represent at the time of their election or appointment during their entire term of office.

Section 2.06 Removal from Office

The office of a City Council Member shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of office.

Section 2.07 President of the Council

The Council shall have a President who shall be elected by the Members of the Council from among their own number for a term of two (2) years. The President of the Council shall preside when the Mayor is absent.

Section 2.08 Powers and Duties

1. The Council shall be the legislative and policy determining body of the City. Except as prohibited by the Constitution of the State of Montana, the laws of the State of Montana or this Charter, the Council shall provide for the exercise of all powers of the City and for performance of all duties and obligations of the City.

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

Section 2.09 Legislative Action

A minimum of five (5) Council Members must be present when official actions are taken by the Council.

Section 2.10 Procedure

The Council shall, by resolution, establish the rules of procedure and time and place of meetings.

Section 2.11 Compensation

The compensation of Council Members shall be set by ordinance.

ARTICLE III

EXECUTIVE BRANCH

Section 3.01 The Executive Branch

The Mayor shall be the chief executive and administrative officer of the City of Havre.

Section 3.02 Qualifications for Office

Every resident of the City of Havre 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 Mayor.

Section 3.03 Term of Office

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

Section 3.04 Election

The election of the Mayor shall be conducted on a non-partisan basis. Candidates for Mayor must reside within the City limits at the time of their election or appointment during their entire term of office.

Section 3.05 Removal of the Mayor

The office of the Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of office.

Section 3.06 Power and Duties

The Mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required by law, this Charter, 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 City 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; and
11. appoint, with the consent of the Council, all members of boards, except the Mayor may appoint without consent of the Council temporary committees established by the Mayor.

Section 3.07 Administrative Duties

The Mayor may:

1. prepare the budget in consultation with the Council and department heads;
2. appoint, with the consent of a majority of the Council, all department heads;
3. remove department heads without the consent of the Council;
4. appoint and remove all other City employees;
5. exercise control and supervision of all departments and boards to the degree authorized by resolution of the Council.

Section 3.08 Legislative Authority of the Mayor

The Mayor shall have no vote during City Council meetings, except to resolve votes resulting in a tie. The Mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the entire Council.

Section 3.09 Compensation of the Mayor

The compensation of the Mayor shall be set by ordinance.

Section 3.10 Absence of the Mayor

The Mayor must receive the consent of the Council for an absence from the City for ten (10) or more consecutive days.

Section 3.11 Chief Legal Officer

There shall be a chief legal officer of the City, who may be called the City Attorney, appointed by the Mayor with the consent of the Council, who shall serve as legal advisor to the City Council, the Mayor, and all City departments, offices and agencies.

The chief legal officer shall be appointed by written contract, which shall specify the duties and responsibilities, conditions of employment and compensation of the chief legal officer. Said

contract shall not exceed duration of two (2) years unless specifically extended or renewed by majority vote of the City Council.

The chief legal officer shall represent the City in all legal proceedings unless otherwise determined by the Council and shall perform other duties prescribed by ordinance. The Council may engage such additional legal counsel as necessary to serve the City's interests.

The chief legal officer shall be supervised by the Mayor and shall have the status of a department head, except that he or she may not be removed or suspended by the Mayor without the consent of the City Council.

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 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 law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 2021.

Section 6.03 Oath of Office

Before assuming the duties of this Charter, all elected City officials and the City Manager 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 section of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the 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.

Section 6.05 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elected 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 person holding the same office, except the term 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 qualified person as prescribed by ordinance. A person appointed must reside within the ward they are appointed to represent or, in the case of Mayor, within the City limits.

ARTICLE VII

TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this Charter form of government shall be as prescribed by law. The Council may provide for such transition by ordinance 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, 2021.

Section 7.02 Continuation in Office

No current City employee shall lose employment solely because of the adoption of this Charter. All persons holding elected office at the time of 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 Havre shall remain in effect until reviewed, continued, 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 July 1, 2021.