

**CHARTER OF THE CITY OF POLSON
PREAMBLE**

WE, THE PEOPLE OF THE CITY OF POLSON, COUNTY OF LAKE, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this self-government Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City of

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

Section 1.02 Interpretations of Powers

1. 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.
2. 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 1.03 Restrictions

1. The property tax mill levy of the city shall be limited to that of Montana municipal governments with general powers, except with the prior approval of the electors of the city voting on the question in a general or special municipal election.
2. No increase in any city license fee, user fee or utility charge shall be made without conducting a public hearing, as required by law.

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 City Commission

The legislative branch of the city shall be the city commission, which shall be the governing body of the city. The city commission may be referred to as the city council.

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Section 2.02 Composition

The city commission shall be composed of six (6) commissioners, two elected from each of three (3) wards and a mayor, elected at large.

Section 2.03 Qualifications for Office

Every resident of the City of Polson 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 and who has resided within the city limits of the City of Polson for more than one year is eligible to hold the office of commissioner or mayor.

Section 2.04 Terms of Office

1. Members of the commission shall be elected to four year, overlapping terms of office.
2. The mayor shall be elected to a four year term of office.

Section 2.05 Elections

1. Commission members and the mayor shall be elected on a nonpartisan basis.
2. Commission members shall be elected by district (ward), which is apportioned by population. Candidates for the commission must reside within the ward they seek to represent at the time of their election and during the entire term of office.
3. The mayor shall be elected at large and must reside within the city limits of the City of Polson at the time of election and during the entire term of office.

Section 2.06 Vacancy in Office

The offices of commissioner and mayor become vacant as prescribed by law.

Section 2.07 Removal from Office

A commissioner or the mayor 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 or the mayor by the electors of Polson, as prescribed by law.

Section 2.08 Filling Vacancies

When a vacancy occurs in the office of commissioner or in the office of mayor, the position shall be considered open and subject to nomination and election at the next general municipal election,

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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 a majority of the 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 Powers and Duties

1. The commission shall be the legislative and policy-making 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. The appointment process shall be prescribed by commission resolution.

Section 2.10 Chairman of the Commission

The chairman and presiding officer of the commission shall be the mayor, who shall vote as other members of the commission and shall not have veto authority. In the absence of the mayor, the commission shall select a person from among their own number to serve as acting chairman and presiding officer.

Section 2.11 Other Duties of the Mayor

The mayor shall, be recognized as the principal officer of city government for ceremonial purposes and shall have no other executive or administrative duties, except as specifically prescribed by resolution.

Section 2.12 Legislative Action

1. A quorum of not less than four (4) commission members, one of whom may be the Mayor, must be physically present when official actions are taken by the commission.
2. The affirmative vote of a majority of the commission members physically present at a lawful meeting of the commission, one of whom may be the mayor, shall be required for all official actions of the commission.

Section 2.13 Procedure

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

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Section 2.14 Compensation

The compensation of the commission shall be set by ordinance.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The City Manager

1. The city manager, who shall be the chief executive and chief administrative officer of the city, shall be appointed by the city commission on the basis of merit only and may be removed only by the affirmative vote of four (4) members of the city commission.
2. The city manager shall be appointed by written contract which shall specify the duties and responsibilities, conditions of employment and compensation of the city manager. Said contract shall not exceed duration of two years unless specifically extended or renewed by majority vote of the city council

Section 3.02 Duties of the Manager

The city manager shall:

1. enforce laws, ordinances, resolutions and this Charter;
2. perform the duties required by law, ordinance, resolution or this Charter;
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, ordinance or this Charter;
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, ordinance or this Charter;
14. appoint members of temporary advisory committees established by the city manager.

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Section 3.03 City Manager=s Supervisory Authority

Employees appointed by the city manager and his or her subordinates shall be administratively responsible to the city manager. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the city manager or any subordinates are empowered to appoint. Except for the purpose of inquiry or investigation ordered by a majority vote of the commission, the commission and any of its members shall deal with city employees who are subject to the direction and supervision of the city manager solely through the city 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 ordinance.

Section 3.05 Chief Legal Officer

1. There shall be a chief legal officer of the city, who may be called the city attorney, appointed by the city manager with the consent of the commission, who shall serve as legal advisor to the city commission, the city manager, and all city departments, offices and agencies.
2. 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 years unless specifically extended or renewed by majority vote of the city council.
3. The chief legal officer shall represent the city in all legal proceedings unless otherwise determined by the commission and shall perform other duties prescribed by ordinance. The commission may engage such additional legal counsel as may be required to meet exigent circumstances.
4. The chief legal officer shall be supervised by the city manager and shall have the status of a department head, except that he or she may not be removed or suspended by the city manager without the consent of the commission.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court or municipal court as prescribed by law.

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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 by the electors, as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 2007.

Section 6.03 Oath of Office

Before assuming the duties of office, 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 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 TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Study Commission shall provide for such transition with an advisory plan consistent with law. This transition article shall not be published as part of the Charter after June 30, 2008.

Section 7.02 Continuation in Office

1. No current city employee shall lose employment solely because of the adoption of

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this Charter.

2. All members of the city council holding office at the time this Charter is adopted may continue in office until their successors are elected, qualified and sworn into office.

3. The person serving as the incumbent mayor in the existing, council-mayor form of government may continue in that office until such time as the city manager is sworn into office, at which time the office of mayor in the existing council-mayor form of government shall be vacated. Pursuant to the provisions of section 2.08 of this Charter, the commission may appoint the incumbent mayor to serve as the mayor of the new government until the expiration of his original term of office.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Polson 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 June 30, 2008.

We, the Study Commissioners of the City of Polson do hereby certify that this is the self-government Charter proposed for the City of Polson by the Polson Local Government Review Study commission and adopted by the voters of Polson on November 7, 2006.

In testimony whereof, we set our hands.

SEAL

Done at Polson, Montana this ___ day of _____, 2006.

David Rensvold, Chairman

Elsa Duford

Nathan Pierce

Ryan Avison

Gayle Siemers

ATTEST:

CHARTER OF THE CITY OF POLSON

City Clerk