

**CERTIFICATE OF THE PROPOSED PLAN OF GOVERNMENT
FOR THE
CITY OF THREE FORKS, MONTANA**

PREAMBLE

WE, THE PEOPLE OF THE CITY OF THREE FORKS, COUNTY OF GALLATIN, STATE OF MONTANA, in accordance with Article IX, 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 Three Forks

The City of Three Forks 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 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.

Section 1.03 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 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure an organization are superior to statutory provisions.

ARTICLE II

LEGISLATIVE BRANCH

Section 2.01 Legislative Branch

The legislative branch shall consist of the city council, which shall be the governing body of the city.

Section 2.02 Qualifications for Office

Every resident of the City of Three Forks 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 council member.

Section 2.03 Composition

The City of Three Forks shall have a city council of six (6) members.

Section 2.04 Term of Office

Members of the city 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. Three council members shall be elected at-large every two years.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from among their own number for a term established by resolution. The chairman of the council shall preside at council meetings when the mayor is absent, and shall vote as other members of the council.

Section 2.07 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.08 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by recall of a council member by the electors of Three Forks, as prescribed by law.

Section 2.09 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, 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 appoint, by the affirmative vote of four (4) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.10 Powers and Duties

1. The city 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, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

2. The council may override the mayor's veto by the affirmative vote of four (4) members of the council.

Section 2.11 Legislative Action

Unless otherwise required by law or this Charter, the affirmative vote of a majority of the council members present at a lawful meeting of the council shall be required for all official actions of the council. A minimum of four (4) council members must be present to convene a lawful meeting of the council.

Section 2.12 Procedure

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

ARTICLE III

EXECUTIVE BRANCH

Section 3.01 The Mayor

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

Section 3.02 Qualifications for Office

Every resident of the City of Four Forks 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 mayor shall be nominated and elected at-large on a nonpartisan basis.

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by recall of the mayor by the electors of the City of Three Forks, as prescribed by law.

Section 3.07 Filling Vacancy in the Office of Mayor

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of four (4) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform the duties required by law, Charter, ordinance or resolution;
3. administer the affairs of the city 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. prepare the council agenda, preside at council meetings and may take part in council discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of board, except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.09 Administrative Duties

The mayor may:

1. appoint one or more administrative assistants to assist in the supervision and operation of the city government, and such administrative assistants shall be answerable solely to the mayor;
2. appoint, with the consent of a majority of the council, all department heads including either a clerk, treasurer or clerk-treasurer; remove department heads; and may appoint and remove all other employees;

3. prepare the budget in consultation with the council and department heads;
4. exercise control and supervision of all departments and boards.

Section 3.10 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 the affirmative vote of four (4) members of the council.

Section 3.11 Compensation

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

ARTICLE IV

JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court 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 law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 2006.

Section 6.03 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.

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. The provisions of this transition article shall not be published as part of the Charter after July 1, 2008.

Section 7.01 Continuation in Office

No city employee or elected official holding a city office will lose employment or elected position solely because of the adoption of this Charter. Elected officials holding office on the date this Charter is adopted may 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 Three Forks shall main 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 June 30, 2008.