

**ORDINANCE NO. 3162**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO CURE TYPOGRAPHICAL ERRORS AND LEGAL INCONSISTENCIES AND SUBMITTING THE PROPOSED AMENDMENT TO THE ELECTORS OF THE CITY AS PROVIDED BY LAW**

**WHEREAS**, the City of Great Falls, Montana, established a charter form of government with self-governing powers in accordance with Article XI, Section 5, of the Constitution of Montana in 1986; and

**WHEREAS**, the electors of the City of Great Falls approved a charter amendment on November 7, 2000, to increase the Library mill levy limit by two mills; and

**WHEREAS**, the charter contains typographical errors and provisions that are inconsistent with the Montana Code Annotated (MCA) and the Official Code of the City of Great Falls OCCGF; and

**WHEREAS**, the City Commission wishes to again amend the charter to cure those minor defects; and

**WHEREAS**, Mont. Code Ann. § 7-3-103 requires that any amendment to the Charter of the City of Great Falls be submitted and approved by the city electors during a regular election.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1: That Article II, Sections 2 and 3; Article III, Section 3; Article IV, Section 2; Article V; Article VI, Section 4; Article VII, Sections 2 and 4; Article VIII, Section 2; and Article IX, of the Charter of the City of Great Falls, be amended as depicted in Exhibit "A-1" attached hereto, which removes any language indicated by a ~~strike out~~ and adds any language which is **bolded**; and,

Section 2: REFERRAL TO ELECTORS. This ordinance shall be referred to the electors of the City of Great Falls at the Municipal General Election by resolution duly and regularly adopted by the City Commission.

Section 3: EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law, but the amendments to the Charter of the City of Great Falls shall not be effective until approved by the electors as provided by law.

APPROVED by the City Commission on first reading June 20, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading July 5, 2017.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

State of Montana )  
County of Cascade : ss  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3162 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Courthouse;  
On the Bulletin Board, Great Falls Public Library

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

CHARTER OF THE CITY OF GREAT FALLS

**CHARTER OF THE CITY OF GREAT FALLS** ▯

**Preamble**

We, the people of Great Falls, Montana, grateful for our past, confident of our future, and having considered the form of government which will best serve our needs, do adopt this charter to establish our self-determination as a city.

[ Article I ] - - General Provisions of Charter Government

[ Article II ] - - City Commission

[ Article III ] - - The Office of the Mayor

[ Article IV ] - - Elections and Vacancies

[ Article V ] - - City Court

[ Article VI ] - - City Government Administration

[ Article VII ] - - Citizen Involvement in Government

[ Article VIII ] - - Amendment, Effective Date, and Severability

[ Article IX ] - - Transitional Provisions

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FOOTNOTE(S):

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As Amended by the voters November 7, 2000 Charter - 1 ([Back](#))

**Article I - General Provisions of Charter Government**

Section 1 - Charter Government

Section 2 - Powers of City Government.

Section 3 - Mill Levy Limit.

Section 4 - Exercise of Powers.

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**Section 1 - Charter Government**

The City of Great Falls, Montana, establishes this charter form of government in accordance with Article XI, Section 5, of the Constitution of Montana.

**Section 2 - Powers of City Government.**

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

**Section 3 - Mill Levy Limit.**

The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana law, except that the City Commission may levy not more than two (2) additional mills for the purpose of providing additional funds for the operation, maintenance and capital needs of the Great Falls Public Library.

**Section 4 - Exercise of Powers.**

All powers of the City of Great Falls are vested in and derived from the people of Great Falls. These powers shall be exercised by the City Commission unless otherwise provided for by this charter or by Montana law. Enumeration of powers, rights, or duties in this charter shall not be considered exclusive or restrictive.

**Article II - City Commission**

Section 1 - Composition.

Section 2 - Duties and Responsibilities.

Section 3 - Administrative Review.

**Section 1 - Composition.**

The City Commission shall be composed of five voting members: four City Commissioners and the Mayor. The City Commission shall be the legislative and policy-making body of the City of Great Falls.

**Section 2 - Duties and Responsibilities.**

The City Commission shall:

- a) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.

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- b) Appoint and supervise, and may remove, the City Manager.
- c) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue.
- ~~d) Adopt as necessary an administrative and personnel code and/or policies.~~
- ed) Adopt procedures for contracting with private and public agencies.
- fe) Appoint citizens to boards, councils, committees or any other body or group pursuant to law.
- gf) Set the salary of the City Commissioners and the Mayor by ordinance.

**Section 3 - Administrative Review.**

On a majority vote of the whole ~~number~~ of the City Commission, the City Commission may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the City. The City Commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager.

**Article III - The Office of the Mayor**

Section 1 - Election of the Mayor.

Section 2 - Powers and Duties of the Mayor.

Section 3 - Office of the Mayor Pro Tempore.

**Section 1 - Election of the Mayor.**

- a) The City of Great Falls shall have a Mayor.
- b) The Mayor shall be elected for a term of two years.
- c) The Mayor shall meet all requirements and qualifications for election to the office of City Commissioner~~er~~.

**Section 2 - Powers and Duties of the Mayor.**

- a) The Mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at City Commission meetings and the performance of ceremonial functions. These functions of the Mayor shall not be construed as conferring upon the mayor executive, personnel, or administrative powers or functions.
- b) The Mayor shall serve as a member of the Commission with all the rights and privileges of City Commissioners. The Mayor shall possess no veto over actions taken by the City Commission.

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**Section 3 - Office of the Mayor Pro Tempore.**

The mayor pro tempore shall serve in the absence of the elected mayor. The City Commissioner shall elect from among ~~themselves~~ its members a Mayor Pro-Tempore no later than one month after taking office. The Mayor Pro-Tempore shall serve a term of two years, or until the City Commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining City Commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term in which the vacancy occurred.

**Article IV - Elections and Vacancies**

Section 1 - Election of City Commissioners and the Mayor.

Section 2 - Vacancy in the Office of City Commission or Mayor.

**Section 1 - Election of City Commissioners and the Mayor.**

- a) City Commissioners and the Mayor shall be residents and qualified electors of the City of Great Falls.
- b) Elections for City Commissioners and for the Mayor shall be non-partisan.
- c) City Commissioners shall be elected for a term of four years and the Mayor shall be elected for a term of two years. Except in the case of a previous vacancy, two City Commissioners and the Mayor shall be elected every two years. City Commissioners and the Mayor shall take office the first Tuesday after January 1st in the year following the election.
- d) City Commissioners and the Mayor shall be nominated and elected at large.

**Section 2 - Vacancy in the Office of City Commission or Mayor.**

- a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
  - (1) Loss of eligibility for election;
  - (2) Violation of any express provision of this charter;
  - (3) Conviction of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on the Commission;
  - (4) Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
  - (5) Inability to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the Commissioner or Mayor has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21; or
  - (6) Neglecting or refusing to discharge the Commissioner or Mayor's duties;
- b) A majority of the City Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office. A City Commissioner or Mayor charged with conduct

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constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the City Commission.

- c) When a vacancy occurs, the City Commission, may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of City Commissioner or Mayor until the next regular City election. The person elected at the next regular City election shall serve the unexpired term of the office in which the vacancy occurred.

**Article V - City Municipal Court**

There shall be a city-municipal court and an elected city-municipal judge as provided by Montana law.

**Article VI - City Government Administration**

Section 1 - Position of the City Manager.

Section 2 - Appointment and Removal of the City Manager.

Section 3 - Salary of the City Manager.

Section 4 - Duties of the City Manager.

Section 5 - Administrative Departments.

**Section 1 - Position of the City Manager.**

The City Commission shall employ a City Manager on the basis of merit.

**Section 2 - Appointment and Removal of the City Manager.**

The City Commission shall appoint or remove the City Manager by majority vote of the whole number of the Commission.

**Section 3 - Salary of the City Manager.**

The salary of the City Manager shall be set by the City Commission.

**Section 4 - Duties of the City Manager.**

The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Commission for the administration of all City affairs required by this charter, law, ordinance or resolution. The City Manager shall:

- a) Carry out policies established by the City Commission.
- b) Perform the duties required by this charter, law, ordinance, or resolution.
- c) Enforce laws, ordinances and resolutions.

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- d) Administer the affairs of the City.
- e) Direct, organize, supervise, and administer all departments, divisions, agencies, bureaus, and the offices of the City.
- f) Make recommendations to the City Commission.
- g) Report to the City Commission on the fiscal affairs and the financial condition of the City.
- h) Prepare and present the budget to the City Commission.
- i) Execute bonds, notes, contracts, and written obligations of the City Commission and the City of Great Falls subject to the approval of the City Commission.
- j) Report to the City Commission on the affairs of the City as the City Commission may require.
- k) Attend City Commission meetings with the right to take part in the discussion but not to vote.
- l) Appoint and be administratively responsible for all City employees, including their suspension or removal; including adopting as necessary an administrative and personnel code and/or policies.
- m) Appoint with the approval of the City Commission a qualified acting City Manager to exercise the powers and perform the duties of the City Manager during temporary absences.
- n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the City Commission.
- o) May, without notice, cause the affairs of any department, division, office, agency or other City administrative unit or employee to be examined.

**Section 5 - Administrative Departments.**

Administrative departments, divisions, bureaus, agencies, offices, and other administrative entities shall be subject to the control and supervision of the City Manager and shall be established by ordinance.

**Article VII - Citizen Involvement in Government**

Section 1 - Initiative, Referendum, and Recall.

Section 2 - Open Government.

Section 3 - Citizen Involvement.

Section 4 - Neighborhood Councils.

**Section 1 - Initiative, Referendum, and Recall.**

The qualified electors of the City of Great Falls may exercise the powers of Initiative, Referendum, and Recall as provided by Montana law.



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**Section 2 - Open Government.**

All records of the City of Great Falls, including the City Commission and all boards, councils, and committees, shall be open to the public as provided by Montana law. All meetings of such bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

**Section 3 - Citizen Involvement.**

The City Commission may establish and appoint persons to boards, councils, committees, commissions, and other bodies of an advisory or substantive nature to assist the commission in the exercise of its duties. The City of Great Falls encourages citizens to participate in these bodies by serving as members, attending meetings, and other similar methods.

**Section 4 - Neighborhood Councils.**

- a) Purpose: There shall be neighborhood councils. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies, and may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents, including, but not limited to, public finance, public works, public safety, planning and zoning, and public health and sanitation.
- b) Provision of Neighborhood Districts; Composition of Councils; Election: The City Commission shall, by ordinance, divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district. Each district shall have a council comprised of five (5) members; elected to a two (2) year term at the election held in conjunction with the City general election. Nominees for election to a neighborhood council must be residents of their designated neighborhood district.
- c) Organization: Each council shall ~~organize with~~ select from its members a chairman, secretary, and an official delegate to attend City Commission meetings, and may appoint a Vice Chair or other officers as it deems necessary. The chairman must be one of the five elected council members. In the event of a vacancy on the council, ~~the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election.~~ the City Commission shall appoint a replacement. Within thirty (30) days On or before January 30, after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into office, each neighborhood council shall meet to organize as provided in the section. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate and which are not inconsistent with the provisions of this charter and the laws of Montana. The City Commission may provide model by-laws for use by the councils in drafting their own by-laws.
- d) Open Meetings and Right to Know: All meetings of the neighborhood councils shall be open to the public. All records maintained by the council shall be available for public inspection.
- e) Organization of a Great Falls Citizen's Council: A majority of the neighborhood councils may provide for the creation of a Great Falls Citizen's Council, consisting of one (1) member from each of the participating neighborhood councils. The Citizen's Council may determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this Charter or the laws of Montana. The City Commission may provide model by-laws for use by the Council in draft in its own by-laws. The purposes of the Citizen's Councils shall be set forth in paragraph (a) of this section.
- f) Obligations of the City Commission; City of Great Falls: Nothing in this section shall obligate the City Commission to appropriate funds to any council for its operation, or to the Great Falls Citizen's

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Council authorized in paragraph (e). The City of Great Falls shall not be liable for any obligations incurred by the councils or the Citizen's Council during their existence except as provided for by the City Commission.

~~g) Sunset Provision and City Liability: At the general election currently set for November 2001, or in the event state election laws are changed than no later than the general election set for November 2002, the City electorate shall vote on the question whether to retain this section. The ballot presented by voters shall be in the following form:~~

~~FOR retaining neighborhood councils and the Citizen's Council as provided by Article VII, Section 4, of the Charter.~~

~~AGAINST retaining neighborhood councils and the Citizen's Council as provided in Article VII, Section 4 of the Charter.~~

~~In the event the majority of the City electorate voting in the general election vote against retention of the neighborhood councils, then the councils shall terminate on January 1st of the year immediately following the election. The councils shall be responsible for completing any unfinished business before that date.~~

**Article VIII - Amendment, Effective Date, and Severability**

Section 1 - Amendment.

Section 2 - Effective Date.

Section 3 - Severability.

**Section 1 - Amendment.**

This charter may be amended only as provided by Montana law. A majority of the qualified electors of the City of Great Falls voting on the question shall be required for passage of a charter amendment.

**Section 2 - Effective Date.**

This charter shall become effective on July 1, 1986, and as amended and approved by the electors of the City of Great Falls November 7, 2000, and November 7, 2017.

**Section 3 - 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 this charter, or any part of its provision, 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 IX - Transitional Provisions**

~~Section 1 - General Transition.~~

~~Section 2 - Compliance of Ordinances.~~

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~~Section 3 – Election Transition.~~

~~**Section 1 – General Transition.**~~

~~Transition to this charter form of government shall be as prescribed by Montana law. The City Commission shall provide for such transition by ordinance, rule or resolution not inconsistent with Montana law. This transition article shall not be published as a regular part of this charter after the provisions have been implemented.~~

~~**Section 2 – Compliance of Ordinances.**~~

~~The City Commission shall review and where necessary revise or repeal all City ordinances to provide for their compliance and consistency with this charter by no later than June 30, 1987.~~

~~**Section 3 – Election Transition.**~~

- ~~a) The five members of the City Commission elected under the previous form of government, including the Mayor and Mayor elect elected under the previous form of government shall serve as City Commissioners in the charter form of government until the expiration of the term of office to which they were elected in the previous form of government.~~
- ~~b) In the primary and general elections to be held in September and November of 1987, the two City Commission seats that were up for election in 1983 shall be up for election.~~
- ~~c) In the primary and general elections to be held in September and November of 1989, there shall be two City Commissioner seats up for election. These shall be those last elected in 1985. The City Commission seat held by the Mayor selected under the previous form of government shall cease to exist on the first Tuesday after January 1, 1990, and shall not be up for election.~~
- ~~d) From the effective date of the charter until the first Tuesday after January 1, 1988, the Mayor selected under the previous form of government shall serve as Mayor of the charter government with all the powers and responsibilities accorded to the mayor in the Charter. On the first Tuesday after January 1, 1988, the Mayor elect selected under the previous form of government shall become Mayor of the charter government for a term of two years.~~
- ~~e) In the primary and general elections to be held in September and November of 1989, there shall be elected a Mayor, on a non-partisan City wide basis. The Mayor elect shall take office on the first Tuesday after January 1, 1990, and serve a term of two years, consistent with provisions contained in this charter.~~
- ~~f) This transitional article becomes effective on July 1, 1986, and expires as soon as the directly elected Mayor takes office.~~