

RESOLUTION NO. 10193

A RESOLUTION REFERRING ORDINANCE NO. 3162, AN ORDINANCE 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 TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 7, 2017

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 the City Commission wishes to again amend the charter to cure those defects; and

WHEREAS, the charter contains limited reasons for vacancies of public office and the City Commission wishes to amend the charter to expand on the reasons for public office vacancies; and

WHEREAS, the charter vests responsibility for administrative and personnel policies with the City Commission, which is inconsistent with other provisions of the charter granting authority over personnel to the City Manager and the City Commission wishes to amend the charter accordingly; and

WHEREAS, the charter currently establishes a Great Falls City Court, which is inconsistent with the current designation and operation of the Court, which is a Municipal Court, a Court of record, requiring a licensed attorney to sit as the Judge, and the Commission wishes to cure this inconsistency; and

WHEREAS, the charter currently requires Neighborhood Councils to organize internal officer designations before newly elected members are sworn into office, and the Commission wishes to cure this impracticality; 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; and

WHEREAS, if Ordinance No. 3162 is adopted by the electors of the City of Great Falls, the correct effective date of the proposed amendments will be November 7, 2017, and the Commission wishes the effective date to be correctly identified within the charter document.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

1. REFERENCE: Ordinance No. 3162, being 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.

Specifically, the amendments shall provide for revisions to 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; and, Article VIII, Section 2, be referred to a vote of the people at the municipal general election to be held November 7, 2017. A full copy of Ordinance 3162 is attached hereto, marked Exhibit "A," and by this reference is made a part hereof.

2. FORM OF BALLOT: The form of the ballot shall be as provided by law and similar to the following:

- A. For the purpose of curing typographical errors, removing outdated provisions, and legal inconsistencies, the Great Falls City Commission adopted Ordinance No. 3162 amending Article II, Section 3; Article III, Section 3; and, Article VII, Sections 2 and 4 of the Charter of the City of Great Falls.

[] **FOR** amending the Charter of the City of Great Falls to cure typographical errors for clarification, removing outdated provisions and legal inconsistencies, as provided for in Ordinance No. 3162.

[] **AGAINST** amending the Charter of the City of Great Falls to cure typographical errors for clarification, removing outdated provisions and legal inconsistencies, as provided for in Ordinance No. 3162.

- B. For the purpose of adding provisions pertaining to vacancy of public office to be consistent with Montana statutory provisions and the Official Code of the City of Great Falls (OCCGF), the Great Falls City Commission adopted Ordinance No. 3162 amending Article IV, Section 2, of the Charter of the City of Great Falls.

[] **FOR** amending the Charter of the City of Great Falls to add provisions for vacancy of public office to be consistent with Montana statutory provisions and the Official Code of the City of Great Falls (OCCGF), as provided for in Ordinance No. 3162.

[] **AGAINST** amending the Charter of the City of Great Falls to add provisions for vacancy of public office to be consistent with Montana statutory provisions and the Official Code of the City of Great Falls (OCCGF), as provided for in Ordinance No. 3162.

- C. For the purpose of clarifying and making provisions consistent pertaining to respective duties of the City Commission and City Manager regarding administrative and personnel code and/or policies, the Great Falls City Commission

adopted Ordinance No. 3162 amending Article II, Section 2(d), and Article VI, Section 4, of the Charter of the City of Great Falls.

[] **FOR** amending the Charter of the City of Great Falls to make consistent the respective duties and responsibilities of the City Commission and City Manager regarding adoption of administrative and personnel code and/or policies, as provided for in Ordinance No. 3162.

[] **AGAINST** amending the Charter of the City of Great Falls to make consistent the respective duties and responsibilities of the City Commission and City Manager regarding adoption of administrative and personnel code and/or policies, as provided for in Ordinance No. 3162.

D. For the purpose of correcting reference from City Court to Municipal Court, the Great Falls City Commission adopted Ordinance No. 3162 amending Article V of the Charter of the City of Great Falls.

[] **FOR** amending the Charter of the City of Great Falls to correct the reference to Municipal Court, as provided for in Ordinance No. 3162.

[] **AGAINST** amending the Charter of the City of Great Falls to correct the reference to Municipal Court, as provided for in Ordinance No. 3162.

E. For the purpose of correcting the time period for Neighborhood Council members to organize and select officer appointments after being sworn into office, add language pertaining to appointment of a replacement member on the Neighborhood Council, the Great Falls City Commission adopted Ordinance No. 3162 amending Article VII, Section 4, of the Charter of the City of Great Falls.

[] **FOR** amending the Charter of the City of Great Falls to correct the time period for Neighborhood Council members to organize and select officer appointments, adding language pertaining to appointments of replacement members, curing typographical errors and removing the Sunset Provision, as provided for in Ordinance No. 3162.

[] **AGAINST** amending the Charter of the City of Great Falls to correct the time period for Neighborhood Council members to organize and select officer appointments, adding language pertaining to appointments of replacement members, curing typographical errors and removing the Sunset Provision, as provided for in Ordinance No. 3162.

F. For the purpose of updating the effective date of the Charter amendments should they be approved by the City electors, the Great Falls City Commission adopted Ordinance No. 3162 amending Article VIII, Section 2, of the Charter of the City of Great Falls.

[] **FOR** amending the Charter of the City of Great Falls to update the effective date of the Charter amendments, as provided for in Ordinance No. 3162.

[] **AGAINST** amending the Charter of the City of Great Falls to update the effective date of the Charter amendments, as provided for in Ordinance No. 3162.

3. CERTIFICATION: The City Clerk shall certify this Resolution and Ordinance No. 3162 to the Cascade County Election Official as provided by law.

4. EFFECTIVE DATE: This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 1st day of August, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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, internal inconsistencies, 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 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; and Article VIII, Section 2, of the Charter of the City of Great Falls be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by ~~strikeout~~ and adds any language which is **bolded**, and each separate amendment shall be subject to a separate vote by the electorate;

Section 2: REFERRAL TO ELECTORS. This ordinance shall be referred to the electors of the City of Great Falls at the Municipal General Election.,

Section 3: That Article IX, expired by its own language, and be removed from the Charter, including all codified versions thereof.

Section 4: 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 certified as 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)

EXHIBIT "A" (Amended from June 20, 2017)

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~~ **Municipal** Court

[Article VI] - - City Government Administration

[Article VII] - - Citizen Involvement in Government

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

[Article IX] - - ~~Transitional Provisions~~

FOOTNOTE(S):

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

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Article II - City Commission

Section 1 - Composition.

Section 2 - Duties and Responsibilities.

EXHIBIT "A" (Amended from June 20, 2017)

CHARTER OF THE CITY OF GREAT FALLS

Section 3 - Administrative Review.

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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.
- 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.

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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

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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.

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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 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.

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CHARTER OF THE CITY OF GREAT FALLS

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.

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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.
- 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.

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Article VII - Citizen Involvement in Government

Section 1 - Initiative, Referendum, and Recall.

Section 2 - Open Government.

Section 3 - Citizen Involvement.

EXHIBIT "A" (Amended from June 20, 2017)

CHARTER OF THE CITY OF GREAT FALLS

Section 4 - Neighborhood Councils.

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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.

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Section 4 - Neighborhood Councils.

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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. **In the event that the Council cannot agree upon the appointment of a replacement member, the City Commission shall fill the vacancy.** ~~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.

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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 ~~drafting~~ in its own by-laws. The purposes of the Citizen's Councils shall be set forth in paragraph (a) of this section.

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~~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.~~

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~~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.

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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 July-5November 7, 2017.**