

RESOLUTION NO. 10473

A RESOLUTION REFERRING ORDINANCE NO. 3245, AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF GREAT FALLS TO ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES AND SUBMITTING SUCH CHARTER AMENDMENT TO A VOTE OF THE ELECTORS OF THE CITY OF GREAT FALLS TO BE CONDUCTED AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, the electors of the City of Great Falls, Montana, established a charter form of government in 1986 with self-governing powers in accordance with Article XI, Section 5, of the Constitution of Montana, with that charter form of government including a judicial branch consisting of a City Court; and

WHEREAS, the electors of the City of Great Falls subsequently approved various amendments to the Charter in November of 2017, including an amendment to Article V to reflect that the City’s judicial branch is now a Municipal Court of record; and

WHEREAS, Article V of the Charter of the City of Great Falls currently provides that “[t]here shall be a municipal court and an elected municipal court judge as provided by Montana law” and both the Municipal Court and its predecessor City Court have historically operated with a single elected judge; and

WHEREAS, the City Commission wishes to amend the Charter to remove the singular reference to “an elected municipal court judge” so as to allow the Municipal Court to operate with one or more elected judges; and

WHEREAS, § 7-3-103, MCA 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

1. **REFERENCE:** Ordinance No. 3245, being an Ordinance Amending Article V of the Charter of the City of Great Falls to Allow for One or More Elected Municipal Court Judges, is hereby referred to a vote of the people at the general election to be held November 8, 2022. A full copy of Ordinance 3245 is attached hereto, marked Attachment “1,” 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:

PROPOSAL: The City Commission of the City of Great Falls has proposed an amendment to the Charter of the City of Great Falls to allow the Great Falls Municipal Court to consist of more than one elected Municipal Court Judge by amending the current Charter language

as follows: “There shall be a municipal court ~~and an elected municipal judge~~ as provided by Montana law.”

[] **FOR** amending the Charter of the City of Great Falls to allow for an additional elected Municipal Court Judge as provided for in Ordinance No. 3245.

[] **AGAINST** amending the Charter of the City of Great Falls to allow for an additional elected Municipal Court Judge, as provided for in Ordinance No. 3245.

3. **CERTIFICATION:** The City Clerk shall certify this Resolution and Ordinance No. 3245 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 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeffrey M. Hindoien, City Attorney

ATTACHMENT “1”

ORDINANCE NO. 3245

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 ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES AND SUBMITTING SUCH CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF GREAT FALLS

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

WHEREAS, Article V of that Charter included a designated judicial branch consisting of a City Court and an elected City Court Judge; and

WHEREAS, the electors of the City of Great Falls subsequently approved various amendments to the Charter in November of 2017, including an amendment to Article V to reflect that the City's judicial branch is now a Municipal Court of record; and

WHEREAS, Article V of the Charter of the City of Great Falls now provides that "[t]here shall be a municipal court and an elected municipal court judge as provided by Montana law" and both the Municipal Court and its predecessor City Court have historically operated with a single elected judge; and

WHEREAS, prior to the 2021 Legislative Session, the Municipal Court Judge had authority under Montana law to hire an Assistant Part-Time Municipal Court Judge if additional judicial resources became necessary, with that position not being subject to election; and

WHEREAS, the 2021 Legislature removed that legal authority for the Municipal Court Judge to expand judicial resources through the hiring of an Assistant and enacted a new requirement that all Municipal Court Judges be elected;

WHEREAS, the City Commission now wishes to amend the charter to both (1) recognize the new Montana law that requires that all Municipal Court Judges serve in elected positions and (2) remove the limitation that the City's Municipal Court consist of only one elected judge; 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 V of the Charter of the City of Great Falls be amended as depicted in Exhibit "A" attached hereto, removing the language indicated by ~~strikeout~~, and that such amendment be subject to a separate vote by the electors of the City of Great Falls;

Section 2: REFERRAL TO ELECTORS. This Ordinance shall be referred to the electors of the City of Great Falls at the General Election to be conducted in November of 2022.

Section 4: EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law, but the amendment to the Charter of the City of Great Falls reflected in said Ordinance shall be effective only if certified as approved by the electors as provided by law and then, if so approved, shall become effective on January 1, 2023.

APPROVED by the City Commission on first reading July 5, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading July 19, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Jeffrey M. Hindoien, City Attorney

Ordinance Exhibit "A"

**Charter of the City of Great Falls
Article V Municipal Court**

ARTICLE V – MUNICIPAL COURT

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