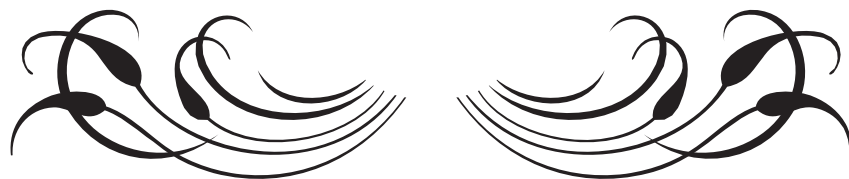


City of Missoula Charter

Effective January 1, 1997

Approved by Missoula voters on
June 4, 1996



**CHARTER
FOR
THE CITY OF MISSOULA, MONTANA**

Upon approval of the majority of voters, the government of the City of Missoula, Montana shall be organized under the charter form of government as provided by Title 7, Chapter 3, Part 7 of the Montana Code Annotated and as provided by the charter included hereinafter.

PREAMBLE

We, the citizens of the City of Missoula, blessed by the natural beauty of our mountains, valleys, and rivers; enriched by the diversity and vitality of our people; mindful of the contributions made by those who lived here before us; and thankful for a good place to live and for the rights and responsibilities of liberty; as stewards of our community, do hereby establish and ordain this charter to provide accessible and effective government for ourselves and for our children.

ARTICLE I.

General Provisions

1. Self-government powers. The City of Missoula shall exercise all powers conferred upon Montana cities with self-government powers and shall have all powers not prohibited by the Constitution of the United States

of America, the laws of the United States of America, the Montana Constitution, the laws of the State of Montana or this charter.

2. Right of initiative, referendum, and recall. (1) In accordance with the Montana Constitution and laws of the State of Montana, the electors of Missoula may exercise the powers of initiative and referendum. Resolutions and ordinances within the legislative jurisdiction and power of the City Council, except those set out in subparagraph (2), may be proposed or amended and prior resolutions and ordinances may be repealed by initiative and referendum in the manner provided by state law.

(2) The powers of initiative shall not extend to the following:

- (a) the annual budget;
- (b) bond proceedings, except for ordinances authorizing bonds;
- (c) the establishment and collection of charges pledged for the payment of principal and interest on bonds; or
- (d) the levy of special assessments pledged for the payment of principal and interest on bonds.

(3) The electors of Missoula may exercise the power of recall in accordance with the Montana Recall Act as codified in the laws of the State of Montana.

3. Amendments. (1) An amendment to this charter may be made only by submitting the question of amendment to the electors of the City. To be effective, the proposed amendment must receive an affirmative vote by a majority of the electors voting on the question. An amendment approved by

the electors becomes effective on the first day of the City fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

(2) An amendment to this charter may be proposed by initiative by petition of 15% of the electors registered at the last general election or by ordinance enacted by the City Council. The question on amendment of this charter must be submitted to the electors at the next regular or primary city or county election, in the manner prescribed by state law.

4. City elections. Election of the Mayor, City Treasurer, and City Council members shall be nonpartisan.

5. City property taxes. The City of Missoula shall not increase municipal property tax levies above the limit authorized by the State of Montana for cities with general government powers, except as approved by the City electorate.

6. City fees. There shall be no changes made in any ordinance or resolution of the City of Missoula regarding license fees, user fees, service fees, or permit fees without a prior public hearing on the matter.

ARTICLE II.

The City Council

1. Legislative authority. The legislative authority of the City of Missoula shall be vested in the City Council which shall have the authority to enact

such ordinances and resolutions necessary for the protection and benefit of the people's health, welfare and security. The City Council shall be the policy-making body of the City of Missoula.

2. City Council elections. Members of the City Council shall be nominated and elected by the electors of the several wards established within the City.

3. City wards. The City Council shall have the authority to, by ordinance, determine the number of City wards. Each ward shall be established and maintained by the City Council to be generally regular in shape and as equal in population as practicably possible. Each ward shall be represented on the City Council by two City Council members who shall reside in that ward. At the time of adoption of this Charter, the number of wards in the City shall be six (6).

4. Term of office. Each City Council member shall be elected in odd numbered years for a term of four years. Terms of City Council members within each ward shall be staggered so the terms of the City Council members from each ward shall overlap.

5. Eligibility. Only registered voters who are residents of the City shall be eligible to hold the office of City Council member. Both candidates for the office of City Council member and City Council members must reside in the ward they represent.

6. City departments. The City Council shall create, combine, or abolish City departments pursuant to the implementation of City Council policies or administration of City business.

7. Budget. The City Council shall review on an annual basis the City budget submitted to it by the Mayor. Following the City Council's review of the budget and adoption of any amendments proposed thereto, the City Council shall adopt the budget by resolution and levy the necessary taxes and establish any fees not already in place to fund the budget in accordance with the laws of the State of Montana.

8. Rules and officers. (1) The City Council shall establish rules by which it will carry out its business, including the setting of regular meetings. The City Council may also call special meetings in accordance with its rules. The City Council may elect from among its members whatever officers are required for the orderly execution of its functions, in addition to the following:

(2) **City Council President.** The City Council shall elect from among its members a City Council President in accordance with its rules and state law. In the absence of the Mayor, or in the event the Mayor is unable to discharge the duties of the office of Mayor, the City Council President shall serve as Acting Mayor.

(3) **City Council Vice President.** The City Council shall elect from among its members a City Council Vice President in accordance with its rules and the laws of the State of Montana. In the event of the absence or

inability of the President of the City Council to discharge the duties of that office, the Vice President shall assume the duties of the President.

ARTICLE III.

The Mayor

1. The executive. The executive function of the City government shall be exercised by the Mayor who shall be nominated and elected on a nonpartisan basis by the electors of Missoula.

2. Term of office. The Mayor shall serve a term of four years.

3. Eligibility. Only registered voters who live in the City of Missoula may seek and hold the office of Mayor.

4. Duties of the Mayor. The Mayor shall execute all ordinances and resolutions passed by the City Council. The Mayor shall also execute all documents on behalf of the City following approval by the City Council.

5. Administration. The Mayor shall have the day-to-day responsibility of administering the affairs of the City. The Mayor may appoint and remove, with the consent of the City Council, all department heads in accordance with law. The Mayor may appoint and remove all other department employees in accordance with law. The Mayor shall supervise all City departments, except the Municipal Court. In the course of administering the City, the Mayor shall cause to be prepared on an annual basis a report

detailing the financial condition of the City as well as a statement on the operations of the City including progress on programs and initiatives undertaken in the previous year. Once every three months, the Mayor shall make a full and complete statement of the financial condition of the City to the City Council.

6. Appointments. The Mayor shall make, with the advice and consent of the City Council, all appointments to City boards, agencies, authorities and commissions created by the City Council except those appointments the City Council reserves to itself, or those appointments reserved to the Mayor exclusively, or those otherwise designated by state law.

7. Annual budget. The Mayor shall present to the City Council, on an annual basis, a budget for the operation of the City for the City Council's consideration and approval. The budget presented to the City Council by the Mayor shall indicate in sufficient detail all proposed services and programs along with the costs thereof. In addition, the budget submitted by the Mayor to the City Council shall contain an estimated levy of the necessary taxes and fees to carry out the budgeted activities.

8. Presiding officer of the City Council. The presiding officer of the City Council shall be the Mayor, who shall decide all tie votes of the City Council, but shall have no other vote. The President of the City Council shall preside in the Mayor's absence.

9. Vetoes. The Mayor shall have the authority to veto any ordinance or resolution, in whole or in part, of the City Council. The Mayor shall return any vetoed item to the next regular meeting of the City Council with any objections in writing. The Mayor's veto is subject to an override by a two-thirds vote of the full City Council at the next regularly scheduled meeting of the City Council following issuance of the veto.

10. Assistants to the Mayor. The Mayor has sole discretion to appoint and remove a person or persons to assist in the execution of the Mayor's duties. The compensation of the person or persons appointed to assist the Mayor shall be identified in the City's annual budget as adopted or amended by the City Council.

11. Special meetings. The Mayor may call a special meeting of the City Council when, in the Mayor's judgment, circumstances warrant such a meeting. At the time a special meeting of the City Council is called, the Mayor shall state the object of said meeting, and the business of the meeting must be restricted to the stated object.

ARTICLE IV.

Boards, Commissions, Agencies and Committees

Boards, commissions, agencies and committees. The City Council shall create such boards, commissions, agencies or committees as are required by state law or as desired by the City Council. Such boards, commissions, agencies or committees shall be advisory only unless

authorized by state or federal law, inter-local agreement, or duly adopted ordinance or resolution of the City Council. Persons appointed to positions on any board, commission, agency or committee shall serve without compensation, except for those positions permitted by state law to receive compensation.

ARTICLE V.

The Courts

The City Council shall establish and provide for such courts of law in the City of Missoula as required by the State of Montana. The City Council may also establish and provide for such courts of law permitted by the State of Montana.

ARTICLE VI.

Neighborhood Councils and Community Council

Section 6.1 - Purpose

(1) The City of Missoula values the contribution neighborhoods can make to the governance of the City. Therefore, it is the purpose of this article to strengthen neighborhood participation where it exists, and to encourage and support neighborhood participation where it does not yet exist.

(2) The City Council shall establish Neighborhood Councils to advise the City Council and the Mayor on neighborhood and City-wide issues.

(3) Neighborhood Councils and Community Councils shall provide a structure for increased citizen participation in the governance of the City and shall build cooperation and improved communication between citizens and City officials. Neighborhood Council duties shall include, but shall not be limited to, developing proposals for neighborhood plans and advising the City on neighborhood projects as they occur. Neighborhood Councils shall respond to neighborhood issues at the neighborhood level.

(4) The City Council shall establish a Community Council to be composed of representatives from the Neighborhood Councils.

(5) The Community Council shall provide a forum for Neighborhood Councils to come together, share information, and make recommendations to the City Council and Mayor on City-wide issues. Neighborhood Councils, the Community Council, and the City of Missoula shall work together in partnership, bridging the gap between citizens and government.

Section 6.2 - Composition and Responsibilities

(1) Neighborhood Councils shall be created through a democratic process. All residents within the boundaries of a neighborhood district shall be eligible to serve on Neighborhood Councils, participate with Neighborhood Councils, or participate in the selection of officers for their Neighborhood Council. Composition of each Neighborhood Council should reflect the diversity that exists within that neighborhood.

(2) Neighborhood Council members shall serve on a voluntary basis. The City of Missoula shall provide reasonable financial assistance to support

the efforts associated with the formation and operation of Neighborhood Councils.

(3) Each Neighborhood Council and the Community Council shall adopt by-laws governing the conduct of their business. Such by-laws shall be approved by the City Council.

(4) Each Neighborhood Council shall meet with the residents of its neighborhood district on a regular basis. Neighborhood Councils, along with the City, shall be responsible for providing information on City and neighborhood issues to the residents of their neighborhoods. Neighborhood Councils shall facilitate participation in, and coordination of, neighborhood-initiated projects.

(5) The entire City shall be divided into neighborhood districts. Neighborhood Councils shall be formed to represent the residents in each district.

(6) A Missoula Community Council shall be created from an equal number of representatives from each Neighborhood Council, in accordance with Community Council by-laws. The Community Council shall meet on a regular basis to address City-wide concerns and foster dialogue between neighborhoods.

(7) The City of Missoula shall be responsible for providing information on City and neighborhood issues to all Neighborhood Councils and the Community Council regularly and in a timely manner. The Neighborhood Councils and Community Council shall be responsible for reporting to the City Council and the Mayor regarding concerns and interests of the residents in the neighborhoods and in the City as a whole on a regular basis, and in a timely manner.

(8) The City Council shall appoint a liaison from the City government who shall facilitate communication between the City of Missoula and the Neighborhood Councils and the Community Council.

(9) Neighborhood Councils and the Community Council shall not preclude any individual or individuals from access to, or participation with, the City Council, the Mayor, or City departments.

ARTICLE VII.

City Treasurer

There shall be a City Treasurer. The duties and powers of the City Treasurer shall be established by ordinance. The City Treasurer shall be selected in the manner provided by ordinance.

ARTICLE VIII.

Additional Provisions

1. Determination of vacancy in City office. An elected or appointed office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

- (1) the death of the incumbent;
- (2) determination pursuant to state law that he/she is mentally ill;
- (3) his or her resignation;
- (4) his or her removal from office;
- (5) his or her absence from the City continuously for 10 days without the consent of the City Council;
- (6) his or her open neglect or refusal to discharge his or her duties;

- (7) his or her ceasing to be a resident of the City or, in the case of a City Council member, his or her ceasing to be a resident of his or her ward;
- (8) his or her ceasing to discharge the duty of the office for a period of 3 consecutive months, except when prevented by illness or when absent from the City by permission of the City Council;
- (9) his or her conviction of a felony or of any offense involving a violation of his or her official duties;
- (10) his or her refusal or neglect to file his or her official bond, if required, within the time prescribed;
- (11) the decision of a competent tribunal declaring void his or her election or appointment.

2. Filling of vacancies. (1) When any vacancy occurs in any elective office, unless otherwise provided for by state or federal law, this position shall be considered open and subject to nomination and election at the next general City election in the same manner as the election of any other person holding the same office, 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 City Council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

(2) If all City Council positions become vacant at one time, the board of county commissioners shall appoint, in accordance with state law, persons within 5 days to hold office as City Council members. The appointed City

Council members shall then appoint persons to any other vacant elective offices in the manner provided by state law.

(3) A vacancy in the office of City Council member must be filled by an elector from the ward in which the vacancy exists.

3. Standards of conduct. Officials and employees of the City of Missoula shall be subject to the applicable rules of conduct set forth by the Code of Ethics and other laws of the State of Montana.

4. 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 IX.

Transition

1. Transition. *The current City Council shall, by ordinance, provide for transition to the Charter form of government not inconsistent with Montana law.*

2. Elections. *If the sub-option on non-partisan elections is adopted, City officials shall be elected on a non-partisan basis beginning with the next regularly scheduled municipal election after the effective date of this Charter.*

3. Terms of office and election schedule. Existing elected officers of the City of Missoula shall continue in office until the end of the term for which they were elected. The election schedule of the existing plan of City government shall remain in effect upon the effective date of this Charter. The apportionment plan in effect on the effective date of this Charter shall remain in effect.

4. Existing City ordinances and resolutions. The City of Missoula ordinances and resolutions in effect on the effective date of this Charter shall remain in effect, except those ordinances and resolutions which conflict with the provisions of this Charter.

5. Employment status of City employees. Adoption of this charter shall have no effect upon the employment status of City employees.

6. Neighborhood Councils. If the Neighborhood Councils sub-option is adopted by the voters, the City Council shall, by June 30, 1997, establish and implement Neighborhood Councils and the Community Council by ordinance. The City Council shall appoint a committee whose purpose is to make recommendations for designing and implementing Neighborhood Councils and the Community Council. This committee's responsibilities shall include, but shall not be limited to, developing a process to ensure diverse representation on Neighborhood Councils and the Community Council, developing a mechanism for dividing the City by neighborhood district boundaries, and assisting the City in appointing an appropriate liaison between the City, Neighborhood Councils, and the Community

Council. The committee shall be created no later than September 30, 1996. The committee shall include individuals and representatives of organizations that embody the full diversity of Missoula City residents. The committee shall make its recommendations to the City Council no later than March 31, 1997.

7. *Effective date.* *This Charter shall go into effect on January 1, 1997.*

8. *Each provision of this Transition Article shall be stricken from this Charter upon its fulfillment, including this section.*