

BOZEMAN
CITY GOVERNMENT STUDY COMMISSION

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TENTATIVE REPORT

*For Ken
Weaver*

LETTER TO CITIZENS OF BOZEMAN

To the Citizens of Bozeman:

The Bozeman City Government Study Commission elected by the voters on November 8, 1994, or thereafter appointed, present this tentative report to you, the citizens of Bozeman.

The purpose of the study commission, as defined in Montana law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study it is the responsibility of the study commission to submit a tentative report recommending no change, propose an amendment to the existing form of government, or offer an alternative form of government to the qualified electors.

In every review phase this study commission sought advice and information from as many Bozeman citizens as possible. Our recommendations reflect the thoughts and opinions of the citizens who participated in this study process.

This tentative report presents our recommendations for an alternative form of government that will provide the present and future governmental services expected by the public, be more responsive to local citizens, and provide more opportunity for devising solutions to local problems. We feel the citizens of Bozeman can achieve these goals by adopting this Charter, which provides self-governing powers and retains the present commission-manager structure with some alterations.

The question of adopting this alternative form of government will be placed on the ballot November 5, 1996.

We solicit your support for its adoption.

Respectfully submitted,

Bozeman City Government Study Commission

Jennifer Smith Mitchell

Jennifer Smith Mitchell, Chair

Joanne H. Eaton

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SUMMARY OF RECOMMENDATIONS

A. The Study Commission's Findings

Findings are based on:

- interviews with city department heads, manager, attorney, clerk, and commissioners;
- questionnaires sent to and received from city employees, former and current commissioners, and former and current advisory and administrative boards members;
- citizen opinions obtained from public hearings, joint meetings with the County Study Commission, public participation at our meetings, questionnaires, correspondence and focus groups;
- a scientific statistical telephone survey conducted by a independent professional firm; and
- study of alternative forms of government and individual study commissioner investigations and experience.

The Study Commission's findings are:

1. Bozeman's needs have changed since the adoption of its current form of government in 1923. The city faces increased growth in and immediately outside its boundaries. This will continue to challenge the ability of government to meet demands for needed services and to replace its aging infrastructure. These problems might best be addressed by a consolidated city/county government. However, there is insufficient support for consolidation. As a result, Bozeman needs to anticipate and solve these problems itself, or cooperate in new ways with other local governments. Presently city government is little more than an administrative arm of the state government. Bozeman needs the ability to legislate its own solutions to its own problems.
2. Most voters surveyed felt the city commission understands the workings of the city and sets policy effectively. Most voters surveyed also felt city administration manages city operations effectively. However, at least one third of voters surveyed did not think the commission or the management treated the public like a valued customer. A large majority (86%) of surveyed voters wanted to be surveyed periodically about how the city is being managed and operated.
3. Many citizens do not feel represented by city commissioners. Voters have lost that "local" feeling which should be in local government. "At large" elections inhibit adequate debate between individual candidates, decrease the ability of voters to differentiate between candidates, and increase the money and time needed to campaign. Historically, commissioners tend to reside in one section of the city. Many commissioners do not choose to campaign for, or serve, a second term. When surveyed, voters felt lack of consistency was the biggest weakness of the commission.
4. Once elected, commissioners spend 20-30 hours a week at their part-time positions. Even with this large demand on their time, commissioners find it difficult to supervise their staff, coordinate with advisory and administrative boards, spend enough time in long range planning for the city, and meet other demands of the position. Many board members felt access to, and communication, with the commission was limited. A commissioner no longer serves on the city/county planning board, a board which addresses the subject most surveyed voters felt was both a priority and the area needing most improvement.
5. Bozeman's present governmental structure does not allow voters to directly select their mayor. This critical leadership position has often been held by people not seeking that office. Most voters surveyed and most public input indicated that citizens want to directly elect their mayor.
6. A large majority of voters surveyed (85%) wanted to vote on all or some new taxes and fees. Some fees have increased drastically. The city has implemented many new taxes including impact fees, surcharges, garbage tag fees and city-wide special improvement maintenance districts. These new taxes appeared to divide the city deeply and cause criticism and distrust of government, in addition to their obvious financial

impacts on taxpayers.

In order to address these findings, the study commission recommends: a charter form of government with self-governing powers; maintaining the commission-manager structure; increasing the size of the commission; electing the commissioners by districts; directly electing the mayor; and setting limits on taxes and fees by requiring voter approval.

B. Key Provisions of the Proposal

The proposed charter has the following key provisions:

1. **Self-Government Powers**: Adopting self-governing powers giving greater flexibility in shaping our governmental structure, more responsibility to recognize and deal with our own problems, and greater power to solve these problems. This option became available under the 1972 Montana Constitution.
2. **Commission-Manager Structure**: The current commission-manager structure will be maintained with the following minor adjustments. The manager, a professional administrator hired by the commission, shall be subject to a non-binding referendum after every six years of service . Subject to the commission's general direction, the manager controls the hiring and firing of city personnel, directs and supervises the administration of all departments, prepares the budget, and is in charge of the business affairs of city government. The city attorney shall be hired by the commission.
3. **Increased Representation**: Creating a commission of seven (7) part-time members will provide a legislative body large enough to insure adequate representation and yet small enough to be efficient. Electing the commission by district and directly electing the mayor at-large will encourage citizen participation and provide a city-wide perspective.
4. **Taxes & Fees**: Limit all city tax and fee increases to 5% per year unless approved by the voters. Sunset all new and increased taxes and fees not approved by the voters.

COMPARISON OF SPECIFIC CHARACTERISTICS

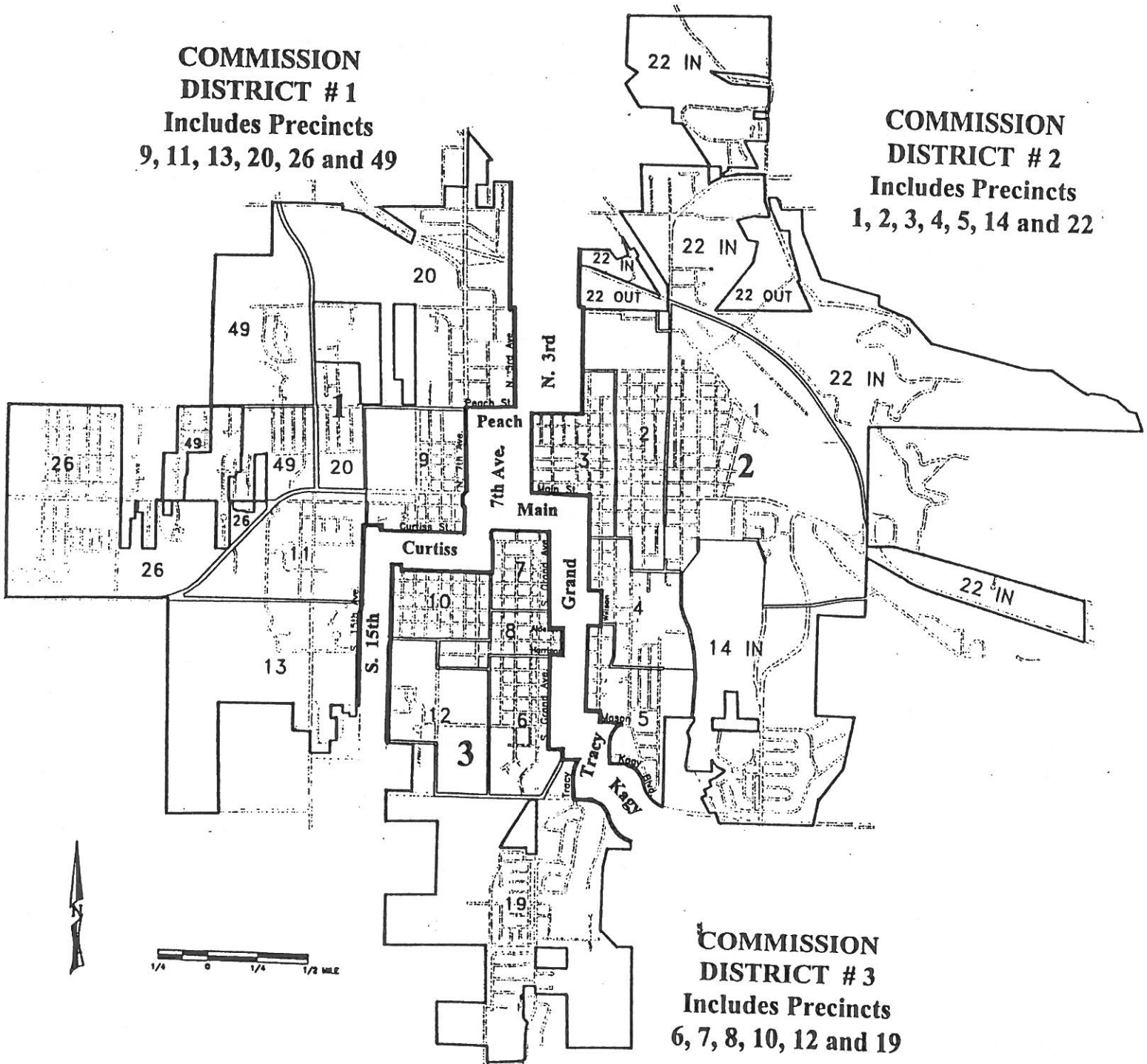
CHARACTERISTICS	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	Commission-manager form; elected commission determines policy. Manager hired to administer policy.	Self-government charter form with altered commission-manager structure. Elected commission determines policy; mayor provides leadership and hired manager administers policies.	Transfers some power from state to the city. Modernize form of government.
Powers	General government power. State law defines what government may do and specifically how it shall do it.	Self-government powers; city government shall exercise any power which the state does not deny. Legislative power vested in the commission.	Freedom to solve local problems with local solutions.
Governing Body: Size	5 commissioners, including the mayor.	7 commissioners, including the mayor.	Reduces commissioner work load, and increases the quality and variety of representation, without significantly increasing costs to the taxpayer.
Election	Non-partisan; nominated & elected at-large. Mayor is the commissioner receiving the most votes in the previous city election.	Non-partisan; 6 commissioners representing 3 districts, nominated & elected by district; mayor nominated and elected at-large.	Each citizen is represented by 2 commissioners, plus the mayor
Terms	4 year overlapping terms.	4 year overlapping terms in each district.	Provides continuity of commission.
Presiding Officer:	Mayor chairs commission.	Mayor chairs commission.	No Change.
Duties	Official head of city.	Official head of city. Nominates all board members for the commission's approval. Chairs finance committee. Directs manager to prepare meeting agenda.	Mayor has all powers of a commissioner, plus a few more leadership duties and represents the whole city. Additional duties increase leadership role.
Other Elected Officials	None.	None.	No Change.
Chief Administrative Officer:	City Manger	City Manager	Non-binding voter referendum on performance every 6 years of service
Duties	Hires/fires all city employees. Hires/fires all department heads.	Hires/fires all city employees Hires/fires all department heads. Prepares agenda under direction of the mayor with input from the commission.	Increase commission's control over meeting; allows boards & citizens to address the commission.
Appointment Powers	Commission appoints members of boards, city manager & clerk of commission. Manager hires city attorney.	Commission appoints city manager, city attorney & clerk of commission. Mayor nominates members of boards for commission approval.	Client/Attorney relationship between city attorney & commission. Increase commission's power, leadership role and involvement with city policies.
Taxes & Fees	Commission imposes with majority vote or places on the ballot.	Citizens vote on all increases over 5%/year and all new taxes & fees imposed. Sunset non-approved taxes & fees.	More citizen involvement in tax increases; added predictability. Allows for growth and inflation, but encourages efficiency.
Budget Preparation	City manager prepares budget. Commission approves budget.	City manager prepares budget in consultation with the commission, department heads, boards and the finance committee. Mayor chairs finance committee. Commission approves budget.	Increase commission and public involvement in city budget. Boards responsible & more involved in their respective budgets.
Service Delivery Structure	Departments decreed by state law. Services performed by departments under the supervision of the city manager.	Commission determines the city organization and departments. Manager administers & supervises.	Allows for organizational structure beneficial to Bozeman's specific needs.
Citizen Participation: Boards	Commission appoints board members.	Mayor nominates all board members for commission approval and appoints 2 positions on planning board per state law. Each citizen board will have a commissioner liaison.	Increased cooperation between citizen boards and the commission.
Community Councils	None.	None.	No change.

CITY of BOZEMAN

PROPOSED COMMISSION DISTRICTS

PROPOSAL: 7 Part-time Commissioners: 1 Mayor Elected at-Large and 6 Commissioners, from 3 Districts with Alternating Terms.

EXPLANATION: 3 Districts, of Equal Population, divided along Voting Precinct Boundaries. These divisions are based on the 1990 Census, and estimated population increase through December 31, 1995.



PROPOSED CHARTER FOR BOZEMAN, MONTANA

PREAMBLE: We, the people of Bozeman, Montana, grateful for our past, confident of our future and having considered the form of government which will best maintain the health, safety and welfare of our citizenry, do adopt this charter to establish our self-determination as a city.

ARTICLE I - GENERAL PROVISIONS

Section 1.01 - Powers of the City

The city shall have all powers possible for a self-government city not specifically prohibited under the Constitution, the laws of this State, and this charter.

Section 1.02 - Taxes & Fees

1. City fees and charges imposed on city residents or assessed on real or personal property within city limits shall increase no more than 5% per charge in any year. However, at any city general election or by special election, the city commission may place on the ballot a measure to approve increases higher than 5%. If approved by a majority vote, the city commission shall then implement the increase the following fiscal year.
2. All new special taxes, fees, charges and assessments, however denominated, charged to city residents or upon real or personal property within the city of Bozeman, including, but not limited to, special maintenance district assessments, impact fees, surcharges for services, and permit fees, shall be submitted to city voters at the next city general election following the approval of such by the city commission. Should any such tax, levy, fee, charge or assessment not be approved by a majority of those voting, it shall be valid only for the period starting with commission approval up to the end of the fiscal year ending June 30 following said city general election, after which time it shall not be imposed, assessed, charged, or levied by city commission action without a prior vote of approval in a city general election. Existing taxes and/or fees shall not be considered “new” under this charter.
3. Paragraphs 1 & 2 above shall not apply to the all-purpose general fund mill levy.
4. All Montana statutory and constitutional limitations regarding the level of property taxes in Class I Cities with general government powers shall apply to the city of Bozeman.

Section 1.03 - Oath of Office

Before beginning the duties of office, all elected city officials shall take and subscribe to the following oath of office: “I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, the Constitution of the State of Montana, the Charter of the city of Bozeman and that I will discharge the duties of my office with fidelity (so help me God).”

Section 1.04 - Construction

The powers and authority of the city under this charter shall be construed liberally in favor of the city. The specific mention of particular powers in the charter shall not be construed as limiting in any way the self-government power authorized in this article. Every reasonable doubt as to the existence of a local government power or authority under this charter shall be resolved in favor of the existence of the power or authority.

ARTICLE II - LEGISLATIVE

Section 2.01 - Legislative Branch

The legislative branch shall be the city commission and the mayor. A majority of the whole number of the commission shall constitute a quorum.

Section 2.02 - Composition

The city commission shall be comprised of seven (7) voting members: six (6) city commissioners and the mayor.

Section 2.03 - Election

The procedure for the nomination and election of all city officials shall be as prescribed by state law for non-partisan elections.

Section 2.04 - Forfeiture of Office

1. The office of commission member or mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.
2. A commission member or mayor shall forfeit office if the official:
 - a) lacks at any time during his/her term of office any qualification for the office prescribed by the charter or by law; or
 - b) violates any expressed prohibition of this charter; or
 - c) is convicted of a felony.

Section 2.10 - City commission: Election, Terms, Vacancies and Qualifications

1. Commissioners shall be elected from three (3) districts, with two (2) commission members elected from each district.
2. Commissioners shall serve for terms of four (4) years. One (1) commissioner from each district shall be elected every two (2) years.
3. Commissioners shall reside within the district from which they are elected and shall be qualified voters of the city of Bozeman.
4. Commissioners and the mayor shall take office the first Monday after January 1 in the year following the election.
5. The commission shall be the judge of the election and qualifications of its members, and the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand.
6. In the event of a vacancy, the commission shall, by majority vote of the remaining members, appoint a person eligible to hold such commission seat to fill the vacancy until the next regular city election. At that time the remainder of the term shall be filled through the election procedure described in this charter.
7. If any elected city official runs for a different public office, that official must resign the city office presently held, unless the expiration of that official's present term ends on or before the commencement date of the office being sought.

Section 2.12 - Compensation

The commission shall establish by ordinance the annual compensation of its members including the mayor. No commission member or mayor shall receive a salary increase in the same term that the increase was authorized.

Section 2.13 - City Commission: Powers & Duties

1. The commission shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the commission, except as otherwise provided by law or this charter and the commission shall provide for the exercise thereof and for the performance of all other duties and obligations imposed on the city by law.
2. Specific commission powers and duties include, but are not limited to:
 - a) appointing, supervising and removing the manager;
 - b) designating a substitute for the manager in case the manager becomes incapacitated and is unable to perform the manager's duties;
 - c) adopting an annual budget, levying taxes, special assessments, borrowing money and issuing bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue;

- d) adopting an administrative and personnel code;
- e) adopting procedures for contracting with private and public agencies;
- f) approving citizens nominated by the mayor to boards, councils, special committees or any other body established pursuant to law;
- g) serving as liaison to boards (every board shall have a commissioner liaison);
- h) providing for a mandatory independent annual audit of all city accounts and more frequent audits as it deems necessary.
- i) The commission shall meet as often as necessary to conduct city business.

Section 2.20 - Mayor: Election, Terms and Qualifications

1. The mayor shall be a resident and qualified voter of the city of Bozeman and shall be elected at large for a term of four (4) years.
2. The commissioners, no later than one month after taking office, shall elect from among themselves, the mayor pro tempore after every regular city election. The mayor pro tempore shall serve as the presiding officer in the absence of the elected mayor.

Section 2.21 - Mayor: Powers and Duties

1. The mayor shall be the presiding officer of the commission and shall have full commission voting power. The mayor shall be the official head of the government for the purposes of civil processes, State military law, all ceremonial occasions, and shall execute contracts, deeds and other documents approved by the commission.
2. Specific mayoral powers and duties include, but are not limited to:
 - a) exercising all powers and duties imposed upon the mayor by this charter, the ordinances of the city and the laws of the state, except that the mayor shall have no power to veto any measure;
 - b) directing the manager to set the agenda for commission meetings. However, the agenda shall include any item the mayor or any two commissioners direct the clerk of commission to add upon written notice to the manager and the clerk of commission within five (5) days prior to the meeting. Items submitted by this process shall take precedence on the agenda;
 - c) nominating all members of boards, commissions or special committees to the commission for its approval;
 - d) appointing two citizen members who reside within the city limits to the city-county planning board;
 - e) chairing the finance committee.

Section 2.30 - Administrative Review

On a majority vote of the whole number of the commission, the commission shall review, and/or investigate any operation, management decision, administrative function or other affairs of the city. The commission may compel, by subpoena, the attendance and testimony of witnesses and the production of books and records.

Section 2.31 - Prohibitions, Appointments and Removals

1. The manager, attorney and clerk of commission are the professional staff of the commission.
2. The commission shall appoint its professional staff by a majority vote of the whole number of the commission and based on merit. The staff shall serve at the pleasure of the commission for an indefinite term.
3. The commission may remove a professional staff member with or without cause by a majority vote of the whole number of the commission.
4. The commission shall set the salary of its professional staff.
5. Neither the commission, its members, nor the mayor shall in any manner dictate the appointment or removal of any city administrative officer or employee whom the manager or any of the manager's subordinates are empowered to appoint.

Section 2.32 - Interference with Administration

1. Except for purposes of review and investigation, the commission, its members and the mayor shall deal with

the city officers and employees who are subject to the direction and supervision of the manager solely through the manager.

2. Neither the commission, its members, nor the mayor shall give orders to any city officer or employee either publicly or privately.
3. A department head, or the department head's designee, shall attend commission meetings as requested by the manager, mayor or commission.

ARTICLE III - ADMINISTRATION

Section 3.00 - City Manager

The city manager shall be the chief administrative officer of the city and shall be responsible to the commission for the administration of all city affairs required by this charter, law, ordinance or resolution. The manager shall not be the mayor or a commission member at the time of employment. Once appointed, the manager shall reside in the city of Bozeman. In the city general election closest to the manager's sixth-year anniversary of service or multiples thereof, there shall be a non-binding advisory vote placed on the ballot stating: "Shall (Name), the manager of the city of Bozeman, Montana, be retained."

Section 3.01 - Duties & Responsibilities

1. The manager shall:
 - a) carry out policies established by the commission;
 - b) perform the duties as required by law, ordinance, resolution, or this charter;
 - c) enforce laws, ordinances and resolutions;
 - d) administer the affairs of the city;
 - e) direct, organize, supervise and administer all departments, agencies and offices of the city;
 - f) appoint, suspend and remove all non-commission employees of the city government;
 - g) prepare the budget in consultation with the commission, department heads, representatives of applicable advisory and administrative boards, and the finance committee of the commission. The manager shall submit the budget for commission approval and execute the budget adopted by the commission;
 - h) report publicly to the commission at least quarterly on the financial condition of the city;
 - i) recommend measures to the commission;
 - j) attend commission meetings and take part in the discussion, but have no vote;
 - k) appoint, with the approval of the commission, an acting manager to exercise the powers and perform the duties of the manager during temporary absences; and
 - l) perform such other duties as the commission may prescribe.
2. The manager shall not delegate any of the duties and responsibilities in this section without consent of the commission.
3. The manager may, without notice, examine the affairs of any department, division, office, agency or other city administrative unit or employee under the manager's authority.

Section 3.10 - City Attorney

1. The city attorney is the chief legal adviser to the commission, the manager and all city departments, offices and agencies. The attorney shall maintain the client - attorney relationship with the commission and shall report to the manager. The attorney shall represent the city in all legal proceedings and shall perform any other duties prescribed by ordinance. The attorney shall not be the mayor or a commission member at the time of employment and need not be a resident of the city or state at the time of employment.
2. To be appointed, the attorney shall be a person who is licensed to practice as an attorney in the state of Montana.

Section 3.11 - Duties & Responsibilities

The attorney shall:

1. attend before the city court and other courts and prosecute on behalf of the city;

2. draft, for the use of the commission, contracts and ordinances for the government of the city;
3. when requested by either, give to the mayor or commission, written opinions on questions pertaining to the duties and the rights, liabilities and powers of the city.
4. perform such other duties pertaining to the functions of the city as the commission may prescribe by resolution;
5. attend or send a qualified representative to all commission meetings; and
6. appoint assistant city attorneys with approval of the commission.

Section 3.12 - Employment of special or additional counsel

Nothing in this section shall prevent the commission from employing in special cases on a contract basis:

1. the attorney to perform services not specifically provided under MCA 7-4-4604; or
2. additional or other counsel.

Section 3.20 - Clerk of Commission

The clerk of commission shall perform a variety of secretarial, clerical and managerial duties to ensure the effective and efficient operation of the legislative branch of the city of Bozeman.

Section 3.21 - Duties of Clerk of Commission related to administration

In addition to those duties prescribed by MCA 7-4-4501, the clerk of commission shall:

1. train the administrative and advisory board secretaries as requested by those boards;
2. process board minutes and distribute copies to commission members and manager; and
3. perform such other duties as the commission may prescribe.

Section 3.22 - Duties of Clerk of Commission related to city records and papers

In addition to those duties prescribed by MCA 7-4-4502, the clerk of commission shall index and keep all inter-local agreements.

Section 3.30 - City Court

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

Section 3.40 - Administrative Code

The commission shall adopt a written administrative code which shall provide the complete plan of organization of the city government and shall include, but not be limited to:

1. the function, organization, procedures and reporting relationships for each department;
2. comprehensive budget schedules and procedures for the government; and
3. operating procedures for boards, commissions and any other government bodies.

Section 3.41 - Personnel Code

The commission shall adopt a written comprehensive personnel code.

ARTICLE IV - CITIZEN INVOLVEMENT IN GOVERNMENT

Section 4.01 - Citizen Involvement

The commission shall establish boards, councils, special committees, commissions and other bodies of an advisory or administrative nature to assist the commission in the exercise of its duties. The city of Bozeman encourages citizens to participate in these bodies by serving as members and attending meetings.

Section 4.02 - Appointment, Compensation, Terms and Qualifications for Boards, Commissions or Special Committees

1. The mayor shall recommend all members for appointment to boards, commissions or special committees to the commission for its approval, unless otherwise provided by federal or state law, interlocal agreement, city ordinance or this charter.

- a) The commission shall designate boards, commissions or special committees responsible for individual funds or trust accounts as administrative boards, commissions or special committees. All other boards, commissions or special committees shall be designated as advisory boards, commissions or special committees.
- b) Notice of a vacancy shall be published fifteen (15) days prior to appointment.
- c) Members of boards, commissions or special committees shall hold no elected city office unless required by federal or state law, interlocal agreement, city ordinance, or this charter.
- d) Members of boards, commissions or special committees shall not be eligible for reappointment to the same board, commission or special committee at the end of their term after serving seven (7) years without a two (2) year recess.

2. Board, commission, or special committee members shall serve without compensation.

Section 4.03 - Initiative, Referendum and Recall

The electors of the city of Bozeman may exercise the powers of the initiative, referendum and recall as provided by Montana law.

Section 4.04 - Open Government

All records of the city of Bozeman, including the commission and all boards, special committees and commissions, shall be open to the public as provided by Montana law. All meetings and hearings of such bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

ARTICLE V - FINANCIAL ADMINISTRATION

Section 5.01 - Budget

1. The commission shall establish a finance committee to be chaired by the mayor. This committee shall receive comments from the advisory and administrative boards, as applicable to their departments.
2. Each department head shall submit to the manager the full report of the department's anticipated revenues and expenditures in comparison to the previous year.
3. The manager shall present to the commission a comprehensive budget which shall detail:
 - a) all sources and uses of funds;
 - b) all revenues classified by source;
 - c) all expected expenditures classified by department, fund and object code; and
 - d) a comparison of actual prior year and anticipated revenue and expenditure by designated account.
4. The commission shall account for dedicated funds according to state law and pay interest on borrowed funds at a rate no less than six percent (6%) annual percentage rate (A.P.R.).
5. The commission can dissolve trusts and funds for dedicated future needs with values (including cash and/or property) of \$25,000 or less with a ¾ majority vote of the whole number of the commission. Dissolving such funds in excess of \$25,000 in value requires voter approval.

ARTICLE VI - NOMINATIONS and ELECTIONS

Section 6.01 - Reapportionment of Districts

The commission, after each decennial federal census, shall draw district boundaries to equalize the population according to Montana law requirements.

Section 6.02 - Redistricting

District boundaries may be changed by ordinance, provided any such revised district boundaries must comply with the population standard prescribed in this charter or by Montana law. In the event of a judicial challenge to the ordinance, the burden of demonstrating compliance shall rest upon the city.

ARTICLE VII - AMENDMENT OF CHARTER and SEVERABILITY

Section 7.01 - Amendment of Charter

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

Section 7.02 - 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 circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VIII - TRANSITION PROVISIONS

Section 8.01 - General Transition

The current commission shall, by ordinance, provide for transition to the charter form of government consistent with Montana law.

Section 8.02 - Election Transition

1. The present commission shall continue in office and govern until the new commission and mayor are elected and take office.
2. Following the adoption of this charter, and in keeping with the current city election schedule, a mayor and four (4) commission members will be elected.
3. Present commission members will represent the district in which they reside and will serve to the end of their present terms.
 - a) District 1. The two commission members in district 1 will serve to the end of their term in 2000. The commission member with the most votes in the 1999 city general election will serve a four (4) year term and the other will serve a two (2) year term.
 - b) District 2. The commission member with the most votes in the 1997 city general election will serve a four (4) year term and the other will serve a two (2) year term.
 - c) District 3. The commission member with the most votes in the 1997 city general election will serve a four (4) year term and the other will serve a two (2) year term.
 - d) Mayor. Nominated and elected at large in the 1997 city elections.
4. This charter shall be effective November 6, 1996, as required by Montana law.
5. This transitional article becomes effective November 6, 1996, and expires on January 3, 2000.
6. All city of Bozeman employees may continue in the performance of their duties according to existing personnel provisions, unless their positions are terminated by the administrative code. Employees whose positions are terminated by provisions of the administrative code shall be given first consideration for other city employment.
7. Salaries of all city employees shall be not less than their present level unless a change in salary of such employees is made in accordance with the provisions of the personnel code.
8. Pension and retirement rights of city employees shall be unaffected by this charter.
9. By January 15, 1998, the manager shall submit the administrative code and the personnel code to the commission for review. The commission shall adopt the administrative code and personnel code by ordinance as amended within three (3) months of their submissions by the manager.
10. Should the manager have greater than six years of service at the time of the city general election in 1999, the vote addressed in Section 3.00 shall be held.

Section 8.03 - Publishing of Transition Article

This transition article shall be published with the charter until it expires on January 3, 2000.

Section 8.04 - City Commission Districts

The city commission districts for the first election shall be

- District I: Precincts 9, 11, 13, 20, 26 & 49.
- District II: Precincts 1, 2, 3, 4, 5, 14 in & 22 in.
- District III: Precincts 6, 7, 8, 10, 12 & 19.

Section 8.05 - Annexation

1. Any area annexed that is in a precinct which is new to the city shall be included in the district with which it shares the largest boundary.
2. Any area annexed that is in a precinct already partially included in a district shall become part of that district.

Section 8.06 - Compliance of Ordinances

1. The commission shall review and where necessary revise or repeal city ordinances to provide for their compliance and consistency with this charter no later than June 30, 1998.
2. All existing ordinances of the city of Bozeman, except those in conflict with provisions of this charter, shall remain in effect unless and until superseded by action of the commission.

<p style="text-align: center;">BALLOT ISSUE</p> <hr/> <p style="text-align: center;">ALTERNATIVE FORM OF LOCAL GOVERNMENT</p> <p style="text-align: center;">Vote for One.</p> <p><input type="checkbox"/> FOR Adoption of self-government charter as proposed for the city of Bozeman by the Bozeman City Government Study Commission.</p> <p><input type="checkbox"/> FOR the existing form of government.</p>
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