

CHARTER OF MUSSELSHELL COUNTY

PREAMBLE

WE, THE PEOPLE OF MUSSELSHELL COUNTY, State of Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, do adopt this Charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers of County

Musselshell County shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.04 Oath of Office

Before entering upon the duties of office, all elected county officials shall take and subscribe the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II

COUNTY COMMISSION

Section 2.01 Composition, terms, election, qualifications, compensation, removal, filling of vacancies

- (1) There shall be a commission of Musselshell County composed of three (3) members.
- (2) Members of the commission shall be elected for over-lapping terms of six (6) years.

- (3) Elections for the commission shall be partisan.
- (4) As provided in Article VII of this Charter, each commissioner shall represent a separate district and shall be elected at large. Commissioners and nominees for commissioners must reside in the district they will represent.
- (5) By ordinance adopted at least six (6) months prior to the next county general election, the commission may determine the annual salary of its members. Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office, or the commission may establish per diem and mileage allowances in lieu of such expenses.
- (6) (a) The office of commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) A commissioner shall forfeit his office if he:
 - (i) loses eligibility for election to his commission seat;
 - (ii) violates any express prohibition of this charter;
 - (iii) is convicted of a felony or other offense involving moral turpitude; or,
 - (iv) without commission approval, fails to attend two consecutive regularly scheduled commission meetings or absents himself from the county continuously for thirty (30) days without consent of commission.
- (7) In the event of 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 county election at which time the remainder of the term shall be filled as provided by law. In the case of partisan election, the appointee shall be a qualified elector of the same political party as the person who vacated the office.
- (8) The commission shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.
- (9) The commission shall elect from its members a chairman, who shall serve at its pleasure. The chairman shall preside at the commission meeting

Section 2.02 Powers of County Commissioners

The County Commission shall be the legislative and policy determining body of the county. Except as otherwise provided by this Charter, the commission shall have all powers of the county.

Section 2.03 Restriction on the County Commission

- (1) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.
- (2) Except for the purpose of inquiry or investigation under this Charter or the code of local government, the commission or its members shall deal with the local government employees who are subject to the direction and the supervision of the manager, solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 2.04 Commission Procedure, Public Participation

- (1) Commission procedure shall be as prescribed by state law.
- (2) The commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings.
- (3) All meetings shall be open to the public except in such circumstances as are prescribed in state law.
- (4) All documents and records of the commission shall be public records and shall be made available for examining or copying, except in such circumstances as are prescribed in State law.

ARTICLE III

COUNTY MANAGER

Section 3.01 Qualifications, Compensation, Appointment and Removal

- (1) The county manager shall be appointed by the commission for an indefinite term on the basis of merit only. The commission shall fix his compensation.
- (2) The commission may remove the manager from office at any time.

Section 3.02 Acting County Manager

By letter filed with the commission, the county manager shall designate, subject to the approval of the commission, an acting county manager to exercise the powers and perform the duties of county manager during his temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the county to serve until the manager shall return or his disability shall cease. In the event of vacancy, the commission may appoint an acting county manager.

Section 3.03 Powers and Duties of County Manager

The County manager shall be the chief administrative officer of the county; he shall be responsible to the commission for the administration of all county affairs placed in his charge by this Charter, law, ordinance or resolution.

ARTICLE IV

ELECTED OFFICIALS

Section 4.01

The following offices are hereby established and shall be elective on a partisan basis, for a four-year term:

- (a) Director of Records who shall have the duties as prescribed by law of Clerk and Recorder and Clerk of the District Court.
- (b) A County Treasurer who will also have the duties prescribed by law for Public Administrator.
- (c) A County Assessor if the duties of assessment of real property in the County is under the jurisdiction of the County. If the assessment duties remain under the Montana Department of Revenue, no assessor will be elected.

Section 4.02

There shall be nominated and elected at large in the County, a County Attorney who shall serve a term of four years and who shall possess the qualifications prescribed by State law. Elections for the County Attorney shall be non-partisan.

Section 4.03 Duties, Compensation, Vacancy and Removal of Elected Officials

- (a) Duties of the elected officials shall be as prescribed by State law, except when these duties and responsibilities are changed by ordinance, or resolution of the Commission.
- (b) The salary of all public officials shall be established by the County Commission. No change in the compensation of the elected officials shall be effective during the term of office for which the official is elected.
- (c) The office of all of the county elected officials shall become vacant upon the death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
- (d) Any elected official shall forfeit his office if he:
 - (i) Loses his eligibility for election to the position elected as provided by state law or county ordinance.

- (ii) violates any express prohibition of this Charter; or
 - (iii) is convicted of a felony or other offense involving moral turpitude.
- (e) The commission shall be the judge of the grounds of forfeiture of the office of any elected official. An elected official charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.
- (f) In the event of a vacancy in the office of any elected official, other than the members of the County Commission, the commission, by majority vote of all of its members shall appoint a person eligible to hold the position of the office vacated to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of any county official. In the case of partisan election, the appointee shall be a qualified elector of the same political party as the person who vacated the office.

ARTICLE V

APPOINTED OFFICIALS

Section 5.01

Sheriff - The Public Safety Commission of the City of Roundup and County of Musselshell shall be empowered to appoint the city-county sheriff on the basis of merit only, and he shall serve at the pleasure of the Public Safety Commission. The Public Safety Commission shall direct the sheriff as prescribed by law. In the event of the termination of the joint City of Roundup - County of Musselshell Law Enforcement Agreement, the office of sheriff shall become elective and he shall be elected for a four-year term, with duties as prescribed by State law and ordinance or resolution of the County Commission.

Section 5.02

County Coroner - The County manager with the consent of the Commission shall appoint the coroner. The appointee for this office must be a licensed mortician or medical doctor.

Section 5.03

All of the above appointed offices shall have the same duties and responsibilities as the same office in counties operating under general powers except when these duties and responsibilities are changed by ordinance or resolution of the Board of Commissioners.

ARTICLE VI

ADMINISTRATIVE DEPARTMENTS

Section 6.01 General

The activities under the direction and supervision of the county manager shall be distributed among such departments, agencies and offices as are established by this Charter or may be established thereunder by ordinance of the county commission in order to execute and enforce policies as determined by the commission and to carry out obligations imposed on the county by state law. The County Commission, by ordinance, may establish a provision for deputies for the various elected officials and appointed officials, establishing their duties and salaries. The County Commission shall establish all policies for salaries and duties for all department heads, clerical help and all employees of all departments and offices in the county.

ARTICLE VII

NOMINATIONS AND ELECTIONS

Section 7.01 Elected County Offices

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

Section 7.02 Districts

For purposes of representation on the county commission, Musselshell County shall be divided into three (3) districts. Boundaries of commission districts may be changed in accordance with this Charter.

Section 7.03 Reapportionment of Commission Districts

- (1) Within six (6) months after the availability of the official U. S. Census, the Commission shall modify the boundaries of districts so that they are as equal in population as is practicable.
- (2) District boundaries may be changed at any time by ordinance to comply with the equal population requirements of this section.

Section 7.04 Redistricting

District boundaries may be changed by ordinance, provided that any such revised district boundaries must comply with the population standards prescribed in Section 7.03 of this Charter.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 8.01 Amendment of Charter

This Charter may be amended only as prescribed by state law.

Section 8.02 Effective Date

This Charter shall become effective on May 2, 1977.

Section 8.03 Separability

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

TRANSITIONAL PROVISIONS

Section 9.01 General Transition

Transition to this Charter form of government shall be as prescribed by state law. The commission may provide for such transition by ordinance, rule, or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after July 1, 1978.

Section 9.02 Commission Districts

Until modified in accordance with the provisions of this Charter, commission districts shall remain the same as now established.

Section 9.03 Salaries and Expenses

- (1) The initial expenses of the commission, including the expense of advertising for applicants for the position of county manager and of interviewing and investigating such applicants in the county or elsewhere, shall be paid by the county on claims signed by the chairman of the commission.
- (2) Members of the commission shall receive the amount of \$50.00 per meeting day plus necessary expenses until such amount is changed by the commission in accordance with the provisions of this Charter.
- (3) Salaries of all other elected county officials and employees shall continue at their present level until the discontinuance of such office or position in accordance with the provisions of this Charter, or the change in salary or employment of such official and employees in accordance with the provisions of this Charter.

Section 9.04 Commission Terms

- (1) The county commissioner elected on November 7, 1972, shall continue to hold office as a commissioner, representing the district in which he resides, until his successor is elected in 1978 and qualified in 1979. Such commissioner retains his office under the provisions of Section 6 (3) of the transition schedule of the 1972 Montana Constitution. Such commissioner shall be designated commissioner-at-large.
- (2) The remaining two commissioners shall draw lots to establish their respective terms of office at the first meeting of the commission. One commissioner shall serve an initial term of four (4) years and one a six-year term.