

Charter
7

RESOLUTION No. 11-14-11-2

**RESOLUTION TO AMEND THE TOWN CHARTER DATED AUGUST 2, 1976
BY VOTER APPROVAL IN THE GENERAL ELECTION
DATED NOVEMBER 8, 2011**

WHEREAS, the Town Council for the Town of Circle placed an issue on the ballot for the November 8, 2011 election, for the citizens of Circle to vote for or against reducing the council size from six members to four members and to change the length of council terms from six years to four years;

WHEREAS, this issue has been discussed due to the increase in population since the original Charter was set in place in 1976;

WHEREAS, articles were printed in the Circle Banner discussing the issue;

WHEREAS, the total number of votes cast was 150, from a total number of electors of 355;


WHEREAS, the election results of the November 8, 2011 election are 119 "For changing the Commission to four members and 24 "Against the changing of the Commission";

WHEREAS, the election results of the November 8, 2011 election were 120 "For changing terms of Commission to four years" and 20 "Against changing the terms to four years";

NOW THEREFORE BE IT RESOLVED, the Town Charter is amended by voter approval from a six member council to a four member council serving four year terms and attaching the official abstract of election returns to this document;


DATED this 14th day of November 2011.

TOWN OF CIRCLE

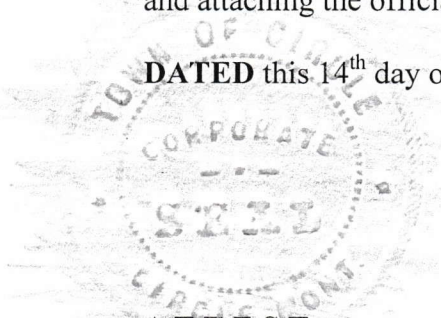


Mayor Njatl (Ned) Sikveland

ATTEST:



Carol Markuson, Town Clerk/Treasurer



CHARTER OF TOWN OF CIRCLE

PREAMBLE

WE, THE PEOPLE OF THE TOWN OF CIRCLE, 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 Town

Town of Circle 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 town 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 Intergovernmental Cooperation

As provided by Article XI, Section 7 of the Constitution of Montana, Town of Circle, unless prohibited by law or this charter, may

- (a) cooperate in the exercise of any function, power, or responsibility with;
- (b) share the services of any officer or facilities with

one or more other local government units, school districts, the state, or the United States.

Section 1.05 Oath of Office

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

ARTICLE II

COMMISSION (also known as Town Council)

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

- (1) There shall be a commission of the Town of Circle composed of four (4) members, at least two (2) of whom shall be elected every two (2) years. (Revised by election 11-08-11 effective 01-01-12)
- (2) Members of the commission shall be elected for terms of four (4) years. (Revised by election 11-08-11 effective 01-01-12)
- (3) Elections for the commission shall be non-partisan.
- (4) Commissioners shall be elected at large.
- (5) By ordinance adopted at least six (6) months prior to the next Town general election the commission may determine the annual salary of its members and the executive. Commissioners and the Executive 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 his 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;
 - (iv) without commission approval, fails to attend two consecutive months of regularly scheduled commission meetings or absents himself from the town continuously for thirty (30) days without consent of the 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 town election at which time the remainder of the term shall be filled as provided by law.
- (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 laws.

(9) The commission shall elect from its members a president. The president shall preside at the commission meeting in the absence of the executive.

Section 2.02 Powers of Commission

(1) The commission shall be the legislative and policy determining body of the Town of Circle. Except as otherwise provided by this charter, the commission shall have all powers of the town, which include, but are not limited to, the power:

- (a) to adopt ordinances and resolutions;
- (b) to establish departments, offices, or agencies in addition to those created by this charter and to prescribe their function;
- (c) subject to the limitations provided by law, to raise and borrow money;
- (d) to make appropriations for town purposes;
- (e) to approve all contracts subject to bid;
- (f) to employ an attorney for purposes which the commission feels necessary;
- (g) to cooperate with other governmental agencies as prescribed in Section 1.04 of this charter;
- (h) to provide for an annual independent audit of the finances of the town;
- (i) to approve the budget;
- (j) to authorize community councils to advise the commission;
- (k) to appoint the members of all boards and commissions except those temporary advisory committees established by the executive.
- (l) to provide for a review of all ordinances every six (6) years with the first review completed by September, 1979;

(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 town employees who are subject to the direction and the supervision of the executive, solely through the executive, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 2.03 Restriction on the Commission

- (1) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the executive 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 town employees who are subject to the direction and the supervision of the executive, solely through the executive, 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) The commission shall have one (1) regular meeting per month with special meetings as required.
- (4) All meetings shall be open to the public except in such circumstances as are prescribed in state law.
- (5) All documents and records of transactions of the commission shall be public records and shall be made available for examining or copying.

ARTICLE III

TOWN EXECUTIVE (also known as Mayor)

Section 3.01 Election, term, compensation, vacancy, removal, and acting executive

- (1) The town executive shall be nominated and elected at large by the qualified electors of the town.
- (2) The town executive shall be elected for a term of four (4) years.
- (3) Elections for the town executive shall be non-partisan.
- (4) The salary of the town executive shall be established by the town commission in accordance with Section 2.01 of this charter.
- (5) The office of town executive shall be deemed vacant or forfeit for the same reason that a commissioner's office shall be deemed vacant or forfeit as prescribed in Section 2.01 of this charter.
- (6) The commission shall be the judge of the grounds of forfeiture of the office of chief executive. A chief executive 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 manner consistent with state law.
- (7) In the event of a vacancy in the office of town executive, the commission, by majority vote of all its members, shall appoint a person eligible to hold the position of town executive to fill the vacancy until the next regular town election,

at which time the remainder of the term shall be filled as provided bylaw for the election of town executive.

- (8) In the event of temporary absence or disability, the President shall serve as acting town executive.

Section 3.02 Powers and duties of town executive

- (1) The town executive shall be the chief executive and administrative officer of the town.
- (2) The town executive shall:
 - (a) enforce laws, ordinances, and resolutions;
 - (b) perform duties required of him by this charter, law, ordinance, or resolution;
 - (c) administer affairs of the town;
 - (d) carry out policies established by the commission;
 - (e) recommend measures to the commission;
 - (f) report to the commission on the affairs and financial condition of the town;
 - (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
 - (h) report to the commission as the commission may require;
 - (i) attend and preside at commission meetings, shall take part in discussion and shall vote in case of a tie vote of the commission;
 - (j) execute the budget adopted by the commission;
 - (k) appoint, with the consent of the commission, all members of boards; except, the executive may appoint without the consent of the commission temporary advisory committees established by the executive.
 - (l) appoint a town legal advisor who shall perform such duties as are prescribed by the executive.
 - (m) appoint one or more administrative assistants of town clerk to assist him in the supervision and operation of the town. Such administrative assistants or town clerk shall be answerable solely to the executive.
- (3) The town executive may:
 - (a) Appoint and remove all department heads. The department heads with consent of the executive may appoint and remove their respective employees of the town.
 - (b) Veto ordinances and resolutions, subject to over-ride by a majority plus one of the whole number of the commission.
 - (c) Prepare the budget in consultation with the department heads and present it to the commission for adoption.
 - (d) Exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01 General

The activities under the direction and supervision of the town executive shall be distributed among such departments, agencies, and offices as are established by this charter or may be established there-under by ordinance of the town commission in order to execute and enforce policies as determined by the commission and to carryout obligations imposed on the town by state law.

ARTICLE V

NOMINATIONS AND ELECTIONS

Section 5.01 Elected town offices

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

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01 Amendment of Charter

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

Section 6.02 Effective Date

This charter shall become effective on May 2, 1977.

Section 6.03 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 circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII

TRANSITIONAL PROVISIONS

Section 7.01 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 article shall not be published as part of this charter after July 1, 1978.

We, the Study Commissioners of the Town of Circle, do hereby certify that this is the Proposed Plan of Government approved by the Study Commissioners of the Town of Circle.

In testimony whereof, we set our hands.
Done at Circle, Montana this 2nd day of August, 1976.

Attest:

Minerva Voight
MUNICIPAL CLERK OF Circle, Montana

Dale Pawlowski
Maxine Hutchens
Claire Mathers McLouth
Local Government Study Commissioners



The Town Council for the Town of Circle, do hereby certify that the Charter for the Town of Circle was amended by voter approval in the General Election dated November 2, 2011 and will go into effect January 1, 2012.

Done at Circle, Montana this 14th day of November, 2011.

ATTEST
Carol Markuson
Carol Markuson, TOWN CLERK/TREASURER

Njahl Sikveland
Njahl (Ned) Sikveland, Mayor
Clint Haynie
Clint Haynie, Chairman