



HAPPY NEW YEAR!!!

The MSU Local Government Center wants to wish everyone serving in Montana's local government an *effective* and *productive* New Year. This is the season for resolutions and new beginnings and a new beginning for the LGC is this weekly e-Brief titled "**The Handbook Highlights.**"

Every Monday morning for the next year, the MSU Local Government Center staff will email a short note highlighting a topic or point of interest from the **Municipal Officials Handbook**. We believe the Handbook is a treasure trove of useful information designed to assist municipal officials become more *effective* and *productive* in their local government service. This weekly e-Brief will help you become more familiar with the content and information found in the Handbook and thus make it a more effective tool in your tool box of governing resources.

For your convenience the LGC will archive all **The Handbook Highlights** on the LGC website. Just click on the banner at the top of this email and it will take you directly to our website. Click on the "Resources" link on the left side navigation bar to find a folder named "Handbook Highlight e-Brief Archive."

If you have any comments or suggestions for topics, please let us know. You can send an email to msulocalgov@montana.edu.

Enjoy the Handbook Highlights and have a great New Year.

Sincerely,

Dan Clark, Director
Local Government Center

OATH OF OFFICE

Municipal Officials Handbook, page 22-23, Section 1.501 & 1.503

1.501 Definition of Officers

In Montana, municipal officers are generally defined as ". . . a person holding a position with a municipality that is ordinarily filled by election. . ." (7-1-4121(11), MCA). However, some sections of state law refer to both the elected as well as the "appointed officers" of municipal government. For example, 7-1-4137, MCA

requires that “Every elected and appointed municipal officer shall take the oath of office. . .” Also, the elected and appointed officers to be included in city and town governments are specifically designated at 7-4-4101 through 4103 MCA and *include the elected mayor, council members and city judge as well as the appointed city clerk or clerk-treasurer, the city attorney and the chief of police.* A municipal employee who fills a department head position is not included as a designated municipal officer and is not required by law to take an oath of office nor does the incumbent require periodic reappointment. The distinction between an officer of municipal government and a municipal employee can be very important. For example, the term of office of an elected officer (the mayor and members of the city or town council) simply expire as a matter of law or city charter. Municipal employees, upon completion of a period of probationary employment, are protected by the “wrongful discharge from employment” statutes. (39-2-904, MCA) *The appointed officers (city/town clerk and chief of police) are also employees whose employment rights are protected by law.*

1.503 Oath of Office Required

Before performing any official duties, *every elected and appointed municipal officer must take the oath of office* prescribed in Article III, section 3 of the Montana Constitution. The oath, set forth below, may be administered by the mayor, the city or town clerk or any other person authorized by law to administer oaths. It must be filed with the county election administrator and with the city or town clerk.

“I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity. (So help me God).”

No other oath, declaration, or test shall be required as a qualification for office.

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