

**CERTIFICATE OF THE PROPOSED CHARTER
OF
THE CITY OF FORSYTH, MONTANA**

PREAMBLE

WE, THE PEOPLE OF FORSYTH, COUNTY OF ROSEBUD, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City of Forsyth

The City of Forsyth 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 city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

Section 1.04 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.

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 Legislative Branch

The legislative branch shall consist of the city council which shall be the governing body of the city.

Section 2.02 Qualifications for Office

Every resident of the City of Forsyth who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member for the district in which he or she resides.

Section 2.03 Composition

The City of Forsyth shall have a city council of four (4) members elected from two (2) districts.

Section 2.04 Term of Office

Members of the council shall be elected for four (4) year overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected by districts in which candidates must reside and which are apportioned by population. One council member from each district shall be elected every two years.

Section 2.06 Apportionment of Districts

Following each federal decennial census, the city council shall cause the city to be divided into two (2) districts, as compact and equal in population as possible.

Section 2.07 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by resolution. The chairman of the council shall preside when the mayor is absent, and shall vote as other members of the council.

Section 2.08 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of three (3) council members that the office has become vacant as prescribed by law, or by the recall of the council member by the electors of Forsyth as prescribed by law.

Section 2.10 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, 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 council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.11 Powers and Duties

The council shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter. The council may override the mayor's veto by the affirmative vote of three (3) members of the council.

Section 2.12 Legislative Action

The affirmative vote of two (2) members of the council shall be required for all official actions of the council. A minimum of three (3) council members must be present when official actions are taken by the council.

Section 2.13 Procedure

The council shall establish its rules of procedure and time and place of meetings by resolution.

**ARTICLE III
EXECUTIVE BRANCH**

Section 3.01 The Mayor

The mayor shall be the chief executive and administrative officer of the city.

Section 3.02 Qualifications for Office

Every resident of the City of Forsyth who is 21 years of age or older and a citizen of Montana for at least three (3) years and a resident of Forsyth for at least two (2) years preceding the election to office is eligible to hold the office of mayor.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of three (3) council members that the office has become vacant as prescribed by law, or by the recall of the mayor by the electors of Forsyth as prescribed by law.

Section 3.07 Filling Vacancy on Commission

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform duties required by law, Charter, ordinance or resolution;
3. administer affairs of city government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. prepare the council agenda, preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint

without the consent of the council temporary advisory committees established by the mayor.

Section 3.09 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist in the supervision and operation of the city government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint and remove, with the affirmative vote of three (3) members of the council, all department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards.

Section 3.10 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote except as otherwise provided in this charter. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of three (3) members of the council.

Section 3.11 Compensation

The compensation of the mayor shall be set by ordinance of the city council.

**ARTICLE IV
JUDICIAL BRANCH**

Section 4.01 City Court

There shall be a city court as provided by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1997.

Section 6.03 Oath of Office

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

Section 6.04 Recall

The elected officers of city government may be recalled by the qualified electors of Forsyth as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed would subject him or her to prosecution for official misconduct.

Section 6.05 Capital Improvement Program Fund

1. The council shall cause to be established and maintained a capital improvement program (CIP) fund for the purpose of replacement and acquisition of general fund property, plant or equipment.

2. An amount from the all purpose levy, not to exceed the amount provided by law, and such other non tax resources as the council may from time to time cause to be deposited in the capital improvement project fund, may be deposited in this fund.

3. The money held in the capital improvement program fund must be invested according to law and must be credited to the fund plus interest earned.

Section 6.06 Special Projects Fund

1. The council shall cause to be established and maintained a fund designated as the special projects fund for the purpose of funding long range city projects which would otherwise impose an excessive burden on the taxpayers. Non tax revenues not otherwise required by law and generally accepted accounting principles to be deposited in the general fund or other designated fund may be received in and accounted for by the special projects fund.

2. One half of the interest earned on any deposits or investments of special project funds shall be credited to the special projects fund. The remaining interest shall be credited to such other city fund or funds as may be directed by the council.

3. Appropriation of the principle of this fund, consistent with the purposes of the fund, shall require the affirmative vote of four (4) council members and the mayor.

4. For the purpose of appropriation from the special projects fund, principle is defined as the fund balance as of the last day of the fiscal year immediately preceding the appropriation. Appropriation of any funds that are in excess of the special project fund's principle shall require the affirmative vote of three (3) council members and the mayor.

Section 6.07 Designated Reserve Accounts

In addition to the undesignated reserve of the general fund provided by law, the council shall cause to be established and maintained such additional designated reserve accounts as may be required to assure fiscal equilibrium and as are recognized by generally accepted accounting principles.

Section 6.08 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 VII TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Forsyth Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after January 1, 1998.

Section 7.02 Continuation in Office

No current city employee currently holding a city office will lose employment solely because of the adoption of this Charter. Existing elected officials holding office on the date this Charter is adopted may continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Forsyth shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than January 1, 1998.

Section 7.04 Method of Accounting

The council shall cause the city to adopt by resolution the alternative accounting method based upon generally accepted accounting principles authorized by law.

We, the Study Commissioners of the City of Forsyth do hereby certify that this is the proposed plan of government approved by the Forsyth Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Forsyth, Montana this ___ day of _____, 1996.

ATTEST:

Dan Watson, City Clerk

Bob Kalt, Chair

Les Seward

Matthew J. Bauer, Sr.