

Charter

CERTIFICATE
ESTABLISHING THE AMENDED
CHARTER
FOR THE
CONSOLIDATED GOVERNMENT OF
BUTTE-SILVER BOW
CHARTER
PREAMBLE

WE, THE PEOPLE of the City and County of Butte-Silver Bow, State of Montana, in accordance with Article XI, Section 5 of the Montana Constitution and the laws of the State of Montana, recognizing the unique characteristics of our community and in order to improve the quality of life for these and future generations, do adopt this Charter of the City and County of Butte-Silver Bow, State of Montana.

ARTICLE I - NAME AND BOUNDARIES

SECTION 1.01 - —NAME

The consolidated local government will be known by name as "the City and County of Butte-Silver Bow, Montana, a municipal corporation and political subdivision of the State of Montana" and may be referred to as the City-County or Butte-Silver Bow City-County.

SECTION 1.02 - —JURISDICTION

- (a) As a political subdivision of the state, the consolidated unit of local government shall have the status of a county and an incorporated municipality for all purposes and shall replace and be the successor of Silver Bow County and the City of Butte.
- (b) COUNTY POWERS. The consolidated local government shall have and may exercise all powers that are conferred on counties by Montana law throughout the territorial limits of the consolidated City and County.
- (c) MUNICIPAL POWERS. The consolidated local government shall have and may exercise all municipal powers that are conferred on cities by Montana law; provided, however, that the consolidated local government may not exercise municipal powers within the Town of Walkerville, Montana without the consent of the Town of Walkerville.

ARTICLE II - GENERAL PROVISIONS

SECTION 2.01 - —POWERS OF THE GOVERNMENT

The City-County shall have self-government powers as provided by Article XI, Sections 5 and 6, of the Montana Constitution and Part I of Chapter 1 of Title 7 of the Montana Code Annotated and may exercise any power not prohibited by the constitution, law, or this Charter. These powers include, but are not limited to, the powers granted to general power governments.

The City-County may provide any services or perform any functions not expressly prohibited by the Montana Constitution, state law, or this Charter. These services and functions include, but are not limited to, those services and functions which general power government units are authorized to provide or perform.

(Amendment adopted at referendum 11-7-2006)

SECTION 2.02 - —LIMITATIONS

- (a) Limitations on self-government powers shall be as set forth in Part 1 of Chapter 1 of Title 7 of the Montana Code Annotated.
- (b) In addition, the City-County shall not authorize a local sales or income tax until it is approved by a vote of the people.

SECTION 2.03 - —CHARTER SUPREMACY

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

SECTION 2.04 - —INTERPRETATION OF POWERS

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

SECTION 2.05 - —OATH OF OFFICE

All City-County elected and appointed officers shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices:

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, and the Charter of the City-County of Butte-Silver Bow, and that I will discharge the duties of my office with fidelity (so help me God).

ARTICLE III - LEGISLATIVE POWERS

SECTION 3.01 - —POWERS AND STRUCTURE

The legislative power of the City-County is vested in a Council of Commissioners and may be exercised only by ordinance or resolution.

SECTION 3.02 - —ORGANIZATION

Except as otherwise provided by this Charter, the composition, qualification, elections, terms, vacancies, forfeiture, removal and compensation of the members of the council of commissioners shall be as specified by the following provisions:

- (a) **COMPOSITION.** There shall be a Council of Commissioners of the City-County composed of twelve (12) members, at least six (6) of whom shall be elected every two (2) years.
- (b) **QUALIFICATION.** A candidate for the Council of Commissioners shall be a qualified elector and resident of the City-County for at least one (1) year preceding the date the candidate files a nominating petition and must be a resident of the district for six (6) months. No member of the Council of Commissioners shall hold any other elective public office or be employed by the City-County. A member of the Council of Commissioners must maintain residency in the district during the entire term.
- (c) **ELECTION.** As provided in Article IX of this Charter, all twelve (12) members of the Council of Commissioners shall be nominated and elected by district.
- (d) **TERMS.** Members of the Council of Commissions shall be elected for staggered terms of four (4) years.
- (e) **VACANCIES.**
 1. A vacancy in the Council of Commissioners shall exist upon death, resignation or removal from office in any manner authorized by law, or the forfeiture of office by a member.

2. In the event a vacancy exists in any of the elected council seats, the Council of Commissioners shall appoint within sixty (60) days a qualified successor to the member whose seat is vacant. Such appointee shall be a qualified elector and resident in the district where the vacancy occurred for at least one year prior to applying and shall serve until the next general election at which time a person shall be elected to fill the remainder of the original term.
- (f) FORFEITURE. A member of the Council of Commissioners shall forfeit the office upon moving from the district, if the election or appointment is declared invalid, or upon conviction of theft, bribery, perjury, official misconduct or any felony.
- (g) REMOVAL. The Council of Commissioners shall judge the election and qualifications of its members and may censure a member for good cause by a two-thirds (2/3) vote of all its members.
- (h) COMPENSATION. The Council of Commissioners shall set by ordinance the annual salary of its members.

SECTION 3.03 - —POWERS AND DUTIES OF THE COUNCIL OF COMMISSIONERS

The Council of Commissioners shall be the legislative and policy determining body of the City-County. Except as otherwise provided by this Charter, the Council of Commissioners shall have all legislative powers and duties conferred on counties and cities which include but are not limited to, the power and duty:

- (a) to adopt ordinances and resolutions;
- (b) to establish and prescribe the functions of departments, offices or agencies by ordinance or resolution in addition to those created by this Charter;
- (c) to employ an attorney for purposes which the Council of Commissioners deems necessary;
- (d) to provide for an independent audit of the finances of the local government;
- (e) to authorize community councils to advise the Council of Commissioners;
- (f) to adopt an administrative code to establish duties consistent with law and to establish and regulate administrative procedures of appointed and elected officers;
- (g) to discharge all legislative duties required by state law for boards of county commissioners in county governments and of city councils in city governments;
- (h) to adopt by ordinance either county or municipal provisions as set forth in state law for finance, accounting, budget, elections, issuance of bonds, creation of special districts, levying of taxes, planning and zoning, and provision of services. The Council shall provide that all functions mandated upon either cities or counties shall be complied with.
- (i) to approve the budget; however, the Council of Commissioners shall not levy in excess of the maximum number of mills provided by state law for the operation of unified local governments with general government powers. Should an increase in mill levies greater than the maximum number provided by state law be deemed necessary, said increase must be submitted to, and approved by a majority of the electorate voting on the question.
- (j) to eliminate a local office or department by ordinance if state law eliminates such local office or department or if state law changes the name of a local office or department, the Council of Commissioners may change the name appropriately by ordinance, all without the necessity of amending this Charter.
- (k) to cooperate and enter into agreements with other governmental units and agencies.
- (l) to evaluate annually the success of the government in achieving the goals set by the Chief Executive pursuant to Section 4.02 of this Charter and publishing the results of its evaluation in a local newspaper of paid general circulation.

(Amendment adopted at referendum 11-7-2006)

SECTION 3.04 - —RESTRICTIONS ON THE COUNCIL OF COMMISSIONERS

Except for the purpose of inquiry or investigation under this Charter or the Administrative Code, the Council of Commissioners or its members shall deal with local government employees who are subject to the direction and supervision of any elected or appointed officer, solely through the appropriate elected or appointed officer and neither the Council of Commissioners nor its members may give orders to any such employee, either publicly or privately.

SECTION 3.05 - —COUNCIL OF COMMISSIONERS PROCEDURE, PUBLIC PARTICIPATION

- (a) The legislative procedure of the Council of Commissioners shall be as prescribed by state law.
- (b) The Council of Commissioners shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings by the Clerk and Recorder.
- (c) The Council of Commissioners shall have a chair and a vice-chair who shall be elected by the members of the Council of Commissioners from their own number for a term established by ordinance.
- (d) The presiding officer for all regular and special meetings of the Council of Commissioners shall be the Chief Executive who shall decide all tie votes of the Council of Commissioners but shall have no other vote. If the Chief Executive cannot preside, the Council of Commissioners shall designate a presiding officer from among their own number pursuant to its adopted rules.
- (e) The Council of Commissioners shall meet at least twice monthly and all meetings shall be open to the public except in such circumstances as are prescribed in state law.
- (f) All documents and records of the Council of Commissioners shall be public records and shall be made available for examining or copying.

(Amendment adopted at referendum 11-7-2006)

ARTICLE IV - CHIEF EXECUTIVE

SECTION 4.01 -

- (a) **QUALIFICATIONS, ELECTIONS.** The Chief Executive, who shall be a qualified elector and resident of the City-County for at least one (1) year before filing a nominating petition, shall be nominated and elected at-large by the qualified electors of the City-County. The Chief Executive shall not hold any other elective public office or be employed by anyone other than the City-County. The Chief Executive must maintain residency within the City-County during the entire term.
- (b) **TERM.** The Chief Executive shall be elected for a term of four (4) years.
- (c) **VACANCIES.**
 - 1. A vacancy in the office of Chief Executive shall exist upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.
 - 2. In the event a vacancy exists in the office of Chief Executive, the Council of Commissioners shall appoint within sixty (60) days a qualified successor to the person who vacated the office. Such appointee shall be a qualified elector and resident within the City-County for at least one year prior to applying and shall serve until the next general election at which time a person shall be elected to fill the remainder of the original term. The Chair of the Council of Commissioners shall serve as acting Chief Executive until the vacancy is filled.
- (d) **FORFEITURE.** The office of Chief Executive shall be deemed vacant or forfeited for the same reasons that a council seat shall be deemed vacant or forfeited as prescribed in Section 3.02 (f) of this Charter.

- (e) REMOVAL. The Chief Executive shall be subject to removal in accordance with State law.
- (f) COMPENSATION. The salary of the Chief Executive shall be established by an ordinance enacted by the Council of Commissioners.

(Amendment adopted at referendum 11-7-2006)

SECTION 4.02 - —POWERS AND DUTIES OF THE CHIEF EXECUTIVE

- (a) The executive and administrative power of the City-County is vested in the Chief Executive.
- (b) The Chief Executive shall:
 - 1. be accountable for coordinating all community enrichment activities.
 - 2. be accountable for coordinating all Superfund activities, monitoring the funds, and shall interface with a Volunteer Citizen's Advisory Board.
 - 3. enforce ordinances, resolutions and laws;
 - 4. perform duties required by law, ordinance, resolution and this Charter;
 - 5. administer affairs of the local government;
 - 6. carry out policies established by the Council of Commissioners;
 - 7. recommend measures to the Council of Commissioners;
 - 8. report to the Council of Commissioners and the public on the affairs of the local government at regular meetings of the Council of Commissioners;
 - 9. execute bonds, notes, contracts and written obligations of the government, subject to the approval of the Council of Commissioners;
 - 10. report to the Council of Commissioners as the Council may require;
 - 11. attend meetings of the Council of Commissioners and may take part in discussion;
 - 12. execute the budget adopted by the Council of Commissioners;
 - 13. appoint, with the advice and consent of the Council of Commissioners, all members of boards, commissions and authorities; except, the Chief Executive may appoint without the advice and consent of the Council of Commissioners temporary advisory committees established by the Chief Executive;
 - 14. establish, for review by the Council of Commissioners, measurable goals and implementing timetable for the Butte-Silver Bow government that will enhance the public safety, community livability, environmental quality, transportation system, public infrastructure, economic development, recreation and other related objectives that will improve the health, safety, welfare and economy;
 - 15. prepare and publish annually in a local newspaper of paid general circulation, a summary of the preliminary budget for all major funds and comparisons with the preceding year budget. Included in the publication shall be the date of the required public hearing that will provide opportunity for public participation prior to budget approval by the Council of Commissioners.
- (c) The Chief Executive may appoint one administrative aide, qualified by training or experience, to assist in the supervision and operation of the local government; however, this section shall not affect the appointment of department heads which shall be done pursuant to Section 4.02 (d) of this Charter. Such administrative aide shall be answerable solely to the Chief Executive.
- (d) The Chief Executive:
 - 1. shall have the power to appoint when a vacancy exists and remove for just cause all non-elected departments heads with the advice and consent of the Council of Commissioners.

2. shall have the power to hire and fire all other employees of the local government for just cause, with the exception of those employees hired by other elected officers, as provided by law.
 3. may, when a vacancy exists, appoint certain designated department heads to serve in their positions on a contract basis. The terms and conditions of said contracts will be negotiated by the Chief Executive with the individual involved. These contracts require approval by the Council of Commissioners. Those department heads so designated shall be established by ordinance. Early cancellation of all employment contracts must also be approved by the Council of Commissioners.
- (e) The Chief Executive may veto ordinances and resolutions subject to override by a two-thirds (2/3) vote of the whole Council of Commissioners.
 - (f) The Chief Executive shall prepare the budget in consultation with elected and appointed department heads and submit it to the Council of Commissioners for adoption.
 - (g) The Chief Executive shall exercise control and supervision of all appointed departments and boards to the degree authorized by ordinance of the Council of Commissioners.
 - (h) It shall be the duty and responsibility of the Chief Executive to require the faithful execution of this Charter, ordinances, resolutions and laws by all elected and appointed officers.
 - (i) The Chief Executive shall be responsible for coordinating policies of the Council of Commissioners with all elected and appointed department heads.

(Amendment adopted at referendum 11-7-2006)

ARTICLE V - EXECUTIVE BRANCH

SECTION 5.01 - —EXECUTIVE OFFICERS

In addition to the Chief Executive, the executive branch includes the following officers:

- (a) County Attorney
- (b) Clerk and Recorder
- (c) Clerk of the District Court
- (d) Superintendent of Schools
- (e) Sheriff
- (f) Assessor
- (g) Coroner
- (h) Public Administrator
- (i) Treasurer
- (j) Auditor

Each of the foregoing officers shall be nominated and elected at-large by the qualified electors of the City-County.

(Amendment adopted at referendum 11-7-2006)

SECTION 5.02 - —ELECTION, VACANCIES, COMPENSATION PROVISIONS

(a) QUALIFICATION, ELECTIONS

1. A candidate for any of the foregoing offices shall be a qualified elector and resident of the City-County for at least one (1) year prior to filing a nominating petition.

2. In addition to the foregoing qualifications, a candidate shall have all education, training and experience required by state law, local ordinances and this Charter for the respective office.
 3. No person holding any of the above offices shall hold any other elective public office.
 4. Each elected officer must maintain residency within the City-County during the entire term.
- (b) TERM. The term for each of said offices shall be four (4) years.
- (c) VACANCIES
1. A vacancy in any of said offices shall exist upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.
 2. In the event a vacancy exists in any of said offices, the Council of Commissioners shall appoint within sixty (60) days a qualified successor for the person who vacated the office. Such appointee shall be a qualified elector and resident within the City-County for at least one year prior to applying and shall serve until the next general election at which time a person shall be elected to fill the remainder of the original term.
 3. The Council of Commissioners shall appoint a person to serve as the acting officer until the vacancy is filled.
- (d) FORFEITURE. Any of said offices shall be deemed vacant or forfeit for the same reason that a council seat shall be deemed vacant or forfeit as prescribed in Section 3.02 (f) of this Charter.
- (e) REMOVAL. Each elected officer shall be subject to removal in accordance with State law.
- (f) COMPENSATION. Each of said officers shall receive salaries provided by an ordinance enacted by the Council of Commissioners.

(Amendment adopted at referendum 11-7-2006)

SECTION 5.03 - —APPOINTMENT OF DEPUTIES

Each elected officer entitled by ordinance to appoint a deputy or deputies shall appoint such deputy or deputies.

SECTION 5.04 - —POWERS AND DUTIES OF ELECTED OFFICERS

The County Attorney shall be the chief legal officer of the local government and along with the other officers enumerated in Section 5.01 shall have the power and duties provided by this Charter, law, ordinance or resolution.

SECTION 5.05 - —LAW ENFORCEMENT DEPARTMENT

The Sheriff shall be the chief law enforcement administrative officer of the government and shall have the duties and powers provided by this Charter, law, ordinance or resolution subject to the following provisions:

- (a) There shall be a Law Enforcement Department under the control and supervision of the Sheriff.
- (b) All appointments to the Law Enforcement Department shall be made pursuant to the Municipal Police Law of the state, except:
 1. That the Sheriff shall have the powers therein given to the Mayor in a mayor-council form of municipal government, the Council of Commissioners shall have the powers of the city council, and the Clerk and Recorder shall have the powers of the city clerk, and;
 2. Members of the department may be candidates for any elected office and may participate in political activities notwithstanding the provisions of the Municipal Police Law of the state.

- (c) The Council of Commissioners shall establish by ordinance a Law Enforcement Commission consisting of five (5) members which shall have the powers and perform the duties required of police commissions by the Municipal Police Law and such other duties as the ordinance may provide.
- (d) The Sheriff may appoint an Undersheriff who shall be a person, qualified by training and experience, to assist in supervision and operation of the department. Such Undersheriff shall be answerable to the Sheriff and shall not be subject to the approval of the Law Enforcement Commission or the Council of Commissioners. Such appointee shall acquire no vested rights as a confirmed officer in the Law Enforcement Department; provided, however, that if the appointee was a confirmed officer in the department at the time of appointment as Undersheriff, those rights shall be protected and retained. If such appointee was a confirmed officer in the department prior to appointment as Undersheriff and not continued in such position by the Sheriff, the appointee shall revert to the former rank held within the department. All other positions within the department shall be established by such ordinances as the Council of Commissioners shall adopt.

ARTICLE VI - JUDICIARY

SECTION 6.01 - —JUSTICE COURT

The Council of Commissioners shall establish Justice Courts as provided by state law. Justices of the peace shall be elected as provided by state law and shall receive a salary fixed by ordinance.

SECTION 6.02 - —CITY COURT

- (a) A City Court shall have the jurisdiction provided by state law throughout the jurisdictional area of the City-County excluding that area within the territorial limits of the Town of Walkerville. If the Town of Walkerville requests the City-County to enforce specific ordinances within Walkerville, then the City Court shall have jurisdiction within the Town of Walkerville for such purposes.
- (b) The City Judge shall be elected in the manner and for the term provided by state law and shall receive a salary fixed by ordinance.
- (c) The City-County may establish such other courts of inferior jurisdiction as may be permitted by law.

ARTICLE VII - ADMINISTRATIVE DEPARTMENTS

SECTION 7.01 - —GENERAL

The powers and duties of the City-County shall be distributed among such departments, agencies and offices as are established by this Charter or may be established thereunder by ordinance of the Council of Commissioners in order to execute and enforce policy as is determined by that body and to carry out obligations imposed on the City-County by state law; among such departments shall be:

SECTION 7.02 - —PUBLIC WORKS DEPARTMENT

- (a) There shall be a Public Works Department which shall be charged with the responsibility and administration of engineering; streets, roads and other public right-of-way; water and sewer; solid waste collection and disposal; parks and recreation; and maintenance and operation of related equipment.
- (b) The Chief Executive shall appoint, with the consent of the Council of Commissioners, a Public Works Director qualified by training or experience.
- (c) The Council of Commissioners may establish by ordinance additional responsibilities for the Public Works Department.

SECTION 7.03 - —FIRE DEPARTMENT

- (a) There shall be a Fire Department which shall be composed of the paid Fire Department and Volunteer Fire Departments in the City-County.
- (b) Except as otherwise provided by this Charter or until changed by ordinance, the organization, qualifications and appointment of officers and members of the paid Fire Department shall be governed by the provisions of the Montana Municipal Fire Department Law, except that the Chief Executive shall have the powers and duties of a Mayor and the Council of Commissioners shall have the powers and duties of a city council as provided in said state law and the Fire Commission shall have those powers and duties as set forth in subsection 7.03(c).
- (c) The Council of Commissioners shall establish by ordinance a Fire Commission consisting of five (5) members, which shall have the power and duty to:
 - (1) test applicants for appointment to the paid Fire Department; and
 - (2) test firefighters for promotion within the paid Fire Department; and
 - (3) test applicants for appointment as Director of Fire Services; and
 - (4) hear, try and decide all charges brought against any member of the paid Fire Department and such other duties as the ordinance may provide.
- (d) Except as otherwise provided by this Charter or until changed by ordinance, the organization of existing Volunteer Fire Departments within the City-County shall be governed by the applicable sections of state law, except that the Chief Executive shall have the executive and administrative powers and duties of the Chair of the Board of County Commissioners and the Council of Commissioners shall have the legislative powers and duties of the Board of County Commissioners as provided in said state law.
- (e) The Chief Executive shall appoint an advisory committee composed of three paid firefighters selected by the members thereof, three volunteer firefighters selected by the Volunteer Fire Council, and three members of the Council of Commissioners, who shall be selected by the Council; however, no member of the Council of Commissioners appointed to this advisory committee shall currently be a firefighter. This advisory committee shall study and recommend to the Director of Fire Services ways and means of improving fire protection, suppression and related activities.
- (f) The paid Fire Chief shall be the Director of Fire Services and shall be responsible for the administrative coordination and combination of the paid and Volunteer Fire Departments, fire prevention and code enforcement.
- (g)
 - 1. The Council of Commissioners shall establish by ordinance a district for fire protection services, excluding that area within the Town of Walkerville. Within this district there shall be a uniform tax levy for fire protection services.
 - 2. In those areas within the City-County outside of the district described by ordinance as provided above, the Council of Commissioners shall levy such taxes for fire protection as are required to pay for the services rendered, as required by law.
- (h)
 - 1. Any ordinance changing boundaries of existing fire districts or reallocating fire fighting equipment shall require an affirmative vote by two-thirds (2/3) of the whole number of the Council of Commissioners.
 - 2. The Council of Commissioners shall hold at least one (1) public hearing as specified by the laws of Montana prior to a boundary change of any fire district. The Council of Commissioners shall cause to be published notice of such hearing as specified by the laws of Montana.

SECTION 7.04 - —LAND RECORDS SYSTEM

There shall be established by ordinance and maintained a Land Records System.

(Amendment adopted at referendum 11-7-2006)

SECTION 7.05 - —FINANCE AND BUDGET SYSTEM

There shall be established by ordinance and maintained a Finance and Budget System.

(Amendment adopted at referendum 11-7-2006)

SECTION 7.06 - —HUMAN RESOURCE DEPARTMENT

- (a) The Council of Commissioners shall establish a City-County personnel system which shall provide for hiring and promotion of local government employees on the basis of qualifications and merit.
- (b) The personnel system shall provide for job training, vacation, sick leave, insurance and other benefits for employees; procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action and shall provide for such other procedures as necessary for an equitable personnel system. All of the above provisions may be set forth in the Administrative Code.

(Amendment adopted at referendum 11-7-2006)

SECTION 7.07 - —ANIMAL SERVICES

There shall be established by ordinance and maintained an Animal Services department for the purpose of enforcing animal control ordinances and confining nuisance animals. The manager of this department shall be in charge of department administration, enforcement and confinement and shall be accountable directly to the Chief Executive.

(Amendment adopted at referendum 11-7-2006)

ARTICLE VIII - SERVICE AND TAXING DISTRICTS

SECTION 8.01 -

- (a) The City-County may levy such taxes as are permitted by state law for the operation of county governments, which taxes shall be levied on all property within the territorial limits of the City-County.
- (b) In addition, the City-County may levy such taxes as are permitted by state law for the operation of city governments, which taxes may be levied on all property within the City-County except the area within the territorial limits of the Town of Walkerville.

ARTICLE IX - NOMINATIONS AND ELECTIONS

SECTION 9.01 - —ELECTED OFFICERS

The procedure for the nomination and election of all elected officers shall be as prescribed by state law for nonpartisan elections. These elections shall be held in conjunction with state elections.

SECTION 9.02 - —COUNCIL OF COMMISSIONERS DISTRICTS

There shall be twelve (12) commissioner districts each of which shall nominate and elect one resident elector of the district to serve as a member of the Council of Commissioners.

(Amendment adopted at referendum 11-7-2006)

SECTION 9.03 - —REAPPORTIONMENT OF COUNCIL OF COMMISSIONERS DISTRICTS

Council of Commissioners Districts shall be reapportioned within six (6) months following each federal decennial census to assure that the Commissioner Districts are as nearly equal in population as possible.

(Amendment adopted at referendum 11-7-2006)

SECTION 9.04 - —REDISTRICTING

District boundaries shall be changed by ordinance, provided that such revised district's boundaries must comply with the population standards prescribed in Section 9.03 of this Charter. In the event of a judicial challenge to the ordinance, the burden of proving compliance shall rest upon the local government.

ARTICLE X - MISCELLANEOUS PROVISIONS

SECTION 10.01 - —AMENDMENT OF CHARTER

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

SECTION 10.02 - —EFFECTIVE DATE

This amended Charter shall become effective on January 1, 2007.

(Amendment adopted at referendum 11-7-2006)

SECTION 10.03 - —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.

SECTION 10.04 - —INITIATIVE, REFERENDUM AND RECALL

- (a) The state law shall establish the election, initiative and referendum procedures to be followed by the local government.
- (b) The state law shall establish the procedure for the recall of elected officers of the local government.

SECTION 10.05 - —ORDINANCES

Each ordinance, except general appropriation ordinances and ordinances for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title. If any ordinance is embraced in any act and is not expressed in the title, only so much of the act not so expressed is void. An ordinance may be challenged on the grounds of non-compliance with this section only within two (2) years after its effective date.

SECTION 10.06 - —REGISTER OF ORDINANCES, ANNUAL PUBLICATION OF UNIFORM MUNICIPAL CODE AND ADMINISTRATIVE CODE

- (a) There shall be maintained a register of ordinances in which all ordinances are entered in full after passage and approval, except when a code is adopted by reference. When a code is adopted by reference, the date and source of the code shall be entered.

- (b) Appropriate ordinances shall be compiled into a uniform municipal code and published at least annually.
- (c) The Council of Commissioners shall establish by ordinance an Administrative Code establishing regulations setting forth policies in the following areas: 1) procurement and central purchasing, 2) supervision and discipline of personnel, 3) safety, 4) capital improvements, 5) Human Resource Department and 6) such other regulations as the Council shall determine necessary.

(Amendment adopted at referendum 11-7-2006)

SECTION 10.07 - —EMPLOYMENT POLICY

The City-County is committed to providing equal employment opportunity to all its employees and applicants for employment.

SECTION 10.08 - —ELECTED OFFICER'S SALARIES

There shall be no reduction in the specified salary of any elected officer during the term of office.

ARTICLE XI - TRANSITION PROVISIONS

The following provisions shall remain part of this Charter until their terms have been executed. Once each year the County Attorney shall review the following provisions and certify to the Clerk and Recorder and the Secretary of State which, if any, have been executed. Any provisions so certified shall thereafter be removed from this schedule and no longer published as part of this Charter.

SECTION 11.01 - —GENERAL TRANSITION

The rights and duties of all City-County bodies shall remain as if this Charter had not been adopted with the exception of such changes as are contained in this Charter. All ordinances, resolutions and regulations not contrary to, or inconsistent with, the provisions of this Charter shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to law or this Charter. The validity of all City-County bonds, debts and contracts, and of all suits, actions and rights of action, shall continue as if no change had taken place.

SECTION 11.02 - —TERMS OF ELECTED OFFICE

Those elected officers of the executive branch enumerated in Section 5.01 whose offices will no longer be included as a separate elected office, as determined by the voters at the June 4, 1996 election, may continue in office and in the performance of their duties until January 6, 1997, whereupon their office shall be abolished as a separate elected office.

SECTION 11.03 - —FINANCE AND BUDGET SYSTEM

On or before December 31, 1996, the Council of Commissioners shall establish by ordinance a Finance and Budget System.

SECTION 11.04 - —PERSONNEL SYSTEM AND EMPLOYMENT POLICY

On or before December 31, 1996, the Council of Commissioners shall establish by ordinance a Personnel System and Employment Policy.

SECTION 11.05 - —ADMINISTRATIVE CODE

On or before December 31, 1997 the Council of Commissioners shall establish by ordinance an Administrative Code.

SECTION 11.06 - —LAND RECORDS SYSTEM

On or before December 31, 1998 the Council of Commissioners shall establish by ordinance a Land Records System within the Clerk and Recorder's Office.