

**CERTIFICATE**  
**ESTABLISHING THE PROPOSED CHARTER**  
**FOR**  
**THE TOWN OF SUPERIOR**

**PREAMBLE**

WE, THE PEOPLE OF SUPERIOR, COUNTY OF MINERAL, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter in the hope that it will give us greater control over the internal affairs of our town and increased freedom to act in solving our own problems.

**ARTICLE I**  
**GENERAL PROVISIONS**

**Section 1.01 Powers of the Town of Superior**

The Town of Superior shall have self-government charter powers as provided by the Constitution and laws of the State of Montana. This government may exercise any power, or provide any service, or perform any function not prohibited by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of Montana, or this Charter.

**Section 1.02 Interpretation of Powers**

The powers and authority of the Town of Superior under this Charter 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 Rights of the People**

As provided by the Constitution of the United States of America and the Constitution of the State of Montana concerning rights of the people, all rights shall be reserved to each person and to the people.

**Section 1.04 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 1.05 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 1.06 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.

**ARTICLE II  
TOWN COUNCIL**

**Section 2.01 Legislative Branch**

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

**Section 2.02 Responsibility**

The first role of the governing body shall be to protect the rights of the citizens, to represent the interests of the citizens of the Town of Superior, and to protect the health and safety of the public.

**Section 2.03 Composition**

The Town of Superior shall have a town council of six (6) members; two (2) elected from each of three (3) wards.

**Section 2.04 Qualifications for Office**

Every resident of the Town of Superior who is 18 years of age or older and a citizen of Montana is eligible to hold the office of council member for the ward in which he or she resides.

**Section 2.05 Term of Office**

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

**Section 2.06 Election**

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

**Section 2.07 Chairman of the Town 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 ordinance. The chairman of the council shall preside when the mayor is absent. In the absence of the chairman, the council may appoint one of its members to act in his or her place.

**Section 2.08 Powers and Duties**

The Council shall be the legislative and policy determining body of the Town. All powers not reserved to or denied by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana specifically limiting this charter, shall be vested in the town council. The town council shall provide for the performance of all duties and obligations imposed on the town by this Charter. The council may override the mayor's veto with four affirmative council member votes.

**Section 2.09 Procedure**

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

**ARTICLE III  
MAYOR**

**Section 3.01 The Executive Branch**

The mayor shall be the chief executive officer of the town.

**Section 3.02 Qualifications for Office**

Every resident of the Town of Superior who is 18 years of age or older and a citizen of Montana 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 Powers and Duties**

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, ordinance or resolution;
3. administer affairs of the local 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 town 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. 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 3.06 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 him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint all department heads with the consent of a majority of the council;
4. remove department heads;
5. appoint and remove all other department employees;
6. exercise control and supervision of all departments and boards, unless delegated.

### **Section 3.07 Legislative Authority**

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by four (4) affirmative votes of the council.

## **ARTICLE IV CITY COURT**

### **Section 4.01 Judicial Branch**

The judicial branch shall be a city court as provided by law.

**ARTICLE V  
DEPARTMENT STRUCTURE**

**Section 5.01 Organization of Departments**

The organization of town departments shall be prescribed by resolution or ordinance.

**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**

Upon adoption by the voters this Charter shall become effective on January 1, 1996.

**Section 6.03 Vacancy in Office**

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, 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, by majority vote of the members, appoint a qualified person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

**Section 6.04 Recall**

The mayor and members of the town council may be recalled by the qualified electors of the Town of Superior as provided by law. No person may be recalled for performing a mandatory duty of the office or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

**Section 6.05 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.

**Section 6.06 Power and Authority of Resolutions and Ordinances**

All resolutions and ordinances adopted under this Charter shall carry all the authority and power of the Town Council. All resolutions and ordinances created by the Town Council before the adoption of this Charter shall be reviewed per Section 7.03 of this Charter and after review shall carry the same authority and power as if they had been written under this Charter.

**ARTICLE VII  
TRANSITIONAL PROVISIONS**

**Section 7.01 General Transition**

Transition to this Charter form of government shall be as prescribed by law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with law.

**Section 7.02 Continuation in Office**

No city employee or elected official currently holding a town office will lose employment or elected position solely because of the adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

**Section 7.03 Review of Existing Ordinances**

All town ordinances, resolutions and rules of the Town of Superior shall remain in effect until reviewed, revised or repealed by the town council. The town council shall review and, where necessary, revise or repeal all town ordinances to provide for compliance and consistency with this Charter and state law no later than March 30, 1996.



## Town of Superior

P.O. Box 726  
Superior, Montana 59872  
(406) 822-4672

Town Council of Superior and  
Superior Local Government Study Commission  
Superior, MT 59872

Dear Councilors and Commissioners:

As of March 11, 1996 all of the resolutions, ordinances, and rules of the Town of Superior have been reviewed, revised or repealed by the Town Council, as required by Article VII, Section 7.03 of the Charter of the Town of Superior.

Sincerely,

Gordon R. Hendrick  
Mayor

Dennis Hildebrand  
Study Commission Chairman