

COMMISSION RESOLUTION NO. 3406

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, PROVIDING FOR THE CERTIFICATE ESTABLISHING THE PLAN OF GOVERNMENT FOR THE CITY OF BOZEMAN, MONTANA, TO BE ADOPTED PURSUANT TO THE APPROVAL OF THE VOTERS.

WHEREAS, the City of Bozeman implemented the Municipal Commission-Manager form of government on the 10th day of October 1921, as approved by the electors on the 4th day of October 1921, under Title 11, Chapters 32 and 33, Revised Codes of Montana, which have subsequently been incorporated under Title 7, Chapter 3, Parts 43 and 44, Montana Code Annotated; and

WHEREAS, Article XI of the Constitution of the State of Montana provides for self-government powers for local governments; and

WHEREAS, Title 7, Chapter 1, Part 1, Montana Code Annotated, provides the basis for self-government powers for local governments; and

WHEREAS, Title 7, Chapter 3, Part 3, Montana Code Annotated, provides for the adoption of the Commission-Manager form of government with either general government powers or self-government powers; and

WHEREAS, the existing Municipal Commission-Manager form of government established under Title 7, Chapter 3, Parts 43 and 44, Montana Code Annotated, does not provide for the adoption of self-government powers; and

WHEREAS, the City Commission has determined it is in the community's best interests to place on the ballot the adoption of an alternative form of government, under which the City of Bozeman would operate under the Commission-Manager form of government, with self-government powers, as set forth in Title 7, Chapter 3, Part 3, Montana Code Annotated; and

WHEREAS, on the 21st day of August 2000, the City Commission finally adopted Ordinance No. 1524, placing the question of amending the form of government under which the City of Bozeman operates before the voters; and

WHEREAS, the City Commission wishes to define the provisions of the form of government placed on the ballot.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana that the following certificate establishing the plan of government for Bozeman, Montana be adopted pursuant to the approval of the Bozeman voters:

CERTIFICATE
ESTABLISHING THE PLAN OF GOVERNMENT
FOR
BOZEMAN, MONTANA

If adopted by the voters, the government of Bozeman, Montana shall be organized under the following provisions of Section 7-3-114 MCA.

7-3-114. Statutory basis for municipal commission-manager government.

(1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the municipal commission-manager form of government shall be governed by the following sections:

- (a) 7-3-301;
- (b) 7-3-302(2);
- (c) 7-3-303;
- (d) 7-3-304;
- (e) 7-3-305;
- (f) 7-3-312(3);
- (g) 7-3-313(1)
- (h) 7-3-314(2)
- (i) 7-3-315(3);
- (j) 7-3-316(2);
- (k) 7-3-317(2);
- (l) 7-3-318.

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed five members. These sections establish the following form of government which shall be called a MUNICIPAL COMMISSION-MANAGER FORM.

7-3-301. Commission-manager form. The commission-manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.

7-3-302(2). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing self-government powers.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required of him by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion, but he may not vote;
- (12) prepare and present the budget, to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government.

(1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through

the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

7-3-312(3). Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.

7-3-313(1). Selection of commission members. The commission shall be elected at large.

7-3-314(2) Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-315(3). Chairman of commission. The chairman of the commission shall be selected as provided by ordinance.

7-3-316(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317(2). Size of commission and community councils. The size of the commission shall be five (5), and community councils to advise commissioners may be authorized by ordinance.

7-3-318. Terms of elected officials. The term of office of elected officials shall be four (4) years.

PASSED AND ADOPTED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the _____ day of _____ 2000.

MARCIA B. YOUNGMAN, Mayor

ATTEST:

ROBIN L. SULLIVAN
Clerk of the Commission

APPROVED AS TO FORM:

PAUL J. LUWE
City Attorney