

Suggested County Government Charter

Tentative Report of Lincoln County Local Government Study Commission

LINCOLN COUNTY STUDY COMMISSION

417 Mineral Avenue
Libby, Montana

To the Citizens of Lincoln County:

Every ten years the voters of each County and Municipality in the State of Montana may vote for a study of their local governments. Since 1984, when the Lincoln County Government Study Commission was authorized, we five Commissioners have been meeting to determine whether the present form should be modified or if an alternative form of Government is necessary for more efficient and effective government.

This tentative report presents conclusions which reflect the views of local residents found out through interview, survey, public meeting, and research. It is hoped that this tentative report will encourage your study and comment.

The report proposes that: Lincoln County will accept self-governing powers; that there will be five (5) districts (to better balance the representational rights of County residents due to population); that there will be an elected Executive; and finally to consolidate some County officers.

We hope that you will express your reactions to us through this paper, at our special public meetings, at our regular meetings, or through the mail.

The freedoms we enjoy can only be maintained by your participation.

Respectfully,

LINCOLN COUNTY
GOVERNMENT
REVIEW COMMISSION

LINCOLN COUNTY
CHARTER
Outline

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Section 2.02—Limitations

Limitations on self-government powers shall be as provided by applicable sections of state law which provide in part that a charter form of local government is prohibited from establishing or exercising:

(A) a sales or income tax, unless that power is specifically delegated to local government by the laws of Montana. In addition, the local government of Lincoln County shall not authorize a sales or income tax until it is approved by a vote of the people; however, this section shall not be construed to limit the authority of the local government of Lincoln County to levy any other tax or establish the rate of any other tax; upon the approval of two-thirds of the electorate voting;

(B) any power that applies to or affects any private or civil relationship;

(C) any power that applies to or affects the provisions of Title 41 (labor), Chapter 16 of Title 59 (collective bargaining for public employees), Title 87 (unemployment compensation), or Title 92 (Workers' Compensation) except that subject to the provisions of those titles it may exercise any power of a public employer with regard to its employees. Also, the minimum wages, insurance benefits and longevity for confirmed or tenured employees of local government shall not be lower than state requirements.

(D) any power that establishes a rate or price otherwise determined by a state agency;

(E) any power that applied to or affects the right to keep or bear arms.

Section 2.03

The local government unit shall not in the exercise of its self-government powers enact any ordinance, resolution or regulation pertaining to the local governments of the Cities of Libby, Troy, Eureka or Rexford which are municipal corporations organized under the laws of Montana and which shall continue to exercise such powers as are granted to them as municipal corporations and cities by state law; provided, however, local government may enter into agreements with the Cities of Libby, Troy, Eureka and Rexford to provide local services on terms as may be mutually agreeable.

Section 2.04

The local government when exercising those powers as a county and therefore a political

Council. The Council shall set by ordinance the annual salary of all other elected officials, and the number and salaries of the assistants of all other elected officials.

(I) 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.

Section 3.03— Powers of the Council of Commissioners

The Council of Commissioners shall be the legislative and policy determining body of the county government. Except as otherwise provided by this Charter, the Council of Commissioners shall have all powers of the county which include but are not limited to, the power:

(A) to adopt ordinances and resolutions; ordinances and resolutions may be introduced by any Council member, or by petition of two hundred registered voters of the County.

(B) to establish and prescribe the functions of departments, officers or agencies by ordinance or resolution in addition to those created by this Charter;

(C) subject to the limitations provided by law, to raise and borrow money;

(D) to make appropriations;

(E) to approve all contracts;

(F) to review and investigate the fiscal and management operations of the local government;

(G) by ordinance or resolution to employ an attorney for purposes which the Council deems necessary;

(H) to cooperate and contract with other governmental units and agencies;

(I) by ordinance or resolution to provide for an independent audit of the finances of the local government;

(J) to authorize, by ordinance or resolution, community councils to advise the Council of Commissioners;

(K) by ordinance or resolution to establish duties consistent with law and to establish and regulate administrative procedures and com-

inability exists he shall resume the powers and duties of his-her office, unless by a unanimous vote of the entire Council of Commissioners at a regular or special meeting called for that purpose, determines the Chief Executive is unable to discharge the powers and duties of his-her office. Such regular or special meeting shall be held within seven (7) days of receipt of the written declaration from the Chief Executive that no inability exists. If the Council determines by a unanimous vote of the entire Council that the Chief Executive is unable to discharge the powers and duties of his office, the Chairman of the Council of Commissioners shall continue to discharge the same as Acting Chief Executive; otherwise, the Chief Executive shall resume the powers and duties of his-her office.

(3) In the event a vacancy exists in the office of Chief Executive, the Council of Commissioners shall appoint within thirty (30) days a qualified successor, such appointee shall reside in the county and shall serve until the next general election at which a person shall be elected to fill the remainder of the original term. The Chairman of the Council of Commissioners shall serve with all duties and benefits as Acting Chief Executive until the vacancy is filled.

(D) Forfeiture

The office of Chief Executive 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

The Council of Commissioners shall determine if the facts exist to warrant forfeiture of the office of Chief Executive.

(F) Compensation

The salary of the Chief Executive shall be established by ordinance. However, the salary level shall begin at 1.5 and shall not exceed 2.5 times the average yearly wage of the employed in Lincoln County.

Section 4.02—Powers and Duties of the Chief Executive

(A) The executive and administrative power of the new unit of local government is vested in the Chief Executive.

(B) The Chief Executive shall:

(1) enforce ordinances, resolutions and laws;

2. In the event a vacancy exists in any of said offices, the Council of Commissioners shall appoint within thirty (30) days a qualified successor. Such appointee shall reside in the county and shall serve until the next general election at which a person shall be elected to fill the remainder of the original term.

(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

The Council of Commissioners shall determine if the facts exist to warrant forfeiture of any of said offices.

(F) Compensation

Executive branch officers shall receive salaries provided by an ordinance enacted by the Council of Commissioners; however, the Public Administrator shall receive such compensation as is provided for that office by state law.

Section 5.03—Appointment of Deputies

Each officer enumerated in Section 5.01 of the Article, except the Sheriff (see Section 5.05), shall appoint his own deputies, who shall serve at the pleasure of the officer.

Section 5.04—Powers and Duties of Elected Officers

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

Section 5.05—Chief Law Enforcement Officer

(A) There shall be a Sheriff who shall be responsible for the management and control of the Law Enforcement Department.

(B) There shall be an Undersheriff qualified by training or experience appointed by the Sheriff, with approval of the Police Commission, who shall serve at the pleasure of the Sheriff.

(C) When a vacancy occurs in the position of the Undersheriff, the Sheriff may fill such vacancy with the approval of the Police Commission or the Council of Commissioners. If a

County Attorneys and Public Defenders, and all other positions considered to be of a legal or judicial nature.

Section 7.07—Boards, Commissions and Authorities

The Council of Commissioners shall establish by ordinance such boards, commissions and authorities as are necessary to carry out the obligations imposed on counties by state law and by this Charter and to carry out such functions as shall be deemed necessary by the Council of Commissioners.

ARTICLE VII

SERVICE AND TAXING DISTRICTS

Section 8.01

The Council of Commissioners may levy such taxes as are presently permitted by state law for the operations of county governments, which taxes shall be levied on all property within the territorial limits of Lincoln County, Montana.

In addition, the Council of Commissioners may form any other kind of special service district whenever public convenience or necessity requires it and levy such taxes in said districts in proportion to the services rendered by the government in said districts, by approval of the majority of voters. Said districts shall be formed as state law currently allows or any district not currently authorized by state statute will be formed in the same manner as water and sewer districts. The Council shall give consideration that property owners carry the tax burden when forming special districts.

All existing special districts shall continue to exist and levies for such special services shall continue to be the obligation of the owners of the property beneficially served in said districts, provided that the Council of Commissioners may change the boundaries of said districts as provided by statute.

ARTICLE IX

NOMINATIONS AND ELECTIONS

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The procedures for the nominations and election of all elected officials shall be as prescribed by state law for non-partisan elections. These elections shall be held in conjunction

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subdivision of the State of Montana, may enact those ordinances, resolutions or regulations as are permitted by state law which shall be applicable to residents of the Cities of Libby, Troy, Eureka and Rexford insofar as they are also residents of the area presently known as the County of Lincoln, State of Montana.

Section 2.05—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 2.06—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; except where conflict occurs with individual rights guaranteed in the Bill of Rights, U S Constitution, and Montana State Constitution.

Section 2.07—Continuance

All ordinances, resolutions, by-laws, rules and regulations, or portions thereof, in force on the effective date of this charter and not inconsistent or in conflict herewith, shall be continued in full force and effect within the jurisdictional boundaries for which they were written until amended, repealed, superseded or expired by their own terms.

Section 2.08—Oath of Office

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

**ARTICLE III
LEGISLATIVE POWERS**

Section 3.01—Powers and Structure

The legislative power of the Lincoln County local government 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 Lincoln County composed of five (5) members, whose positions shall be considered part time.

(B) Quorum

Three members of the Council shall constitute a quorum.

compensation of appointed and elected officials;

(L) to approve the budget; however, the Council of commissioners shall not levy an increase 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; (Note: School levies shall be levied in accordance with Section 3.03 M of this Charter).

(M) to discharge or delegate all other duties required by state law for boards of county commissioners to county governments;

(N) to levy such taxes for school purposes as are required to be levied by counties by state law.

Section 3.04—Restrictions on the Council of Commissioners

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

(B) The Council of Commissioners shall enact no ordinance or resolution prohibited by the U.S. Constitution or State Law.

(C) The Council of Commissioners shall enact no law that impairs tenure rights or pension benefits of any employee, as the same are provided by state law.

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 record of its proceedings by the office of clerk and recorder.

(C) The Council of Commissioners shall have a chairperson and a vice-chairperson who shall be elected by the members of the Council 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.

(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. The meeting dates will be set by ordinance and published.

(F) All documents and records of the Council of Commissioners shall be public records and

(2) performs duties required by law, ordinance, resolution and this Charter;

(3) administer affairs of the local government;

(4) carry out policies established by the Council of Commissioners;

(5) recommend measures to the Council of Commissioners

(6) report to the Council of Commissioners and the public on the affairs and financial condition of the local government;

(7) execute bonds, notes, and written obligations of the government, subject to the approval of the Council of Commissioners;

(8) report to the Council of Commissioners as the commission may require;

(9) execute the budget adopted by the commission

(10) attend meetings of the Council of Commissioners and may take part in discussion;

(11) appoint, with the advice and consent of the Council of Commissioners all members of boards; except, the Chief Executive may appoint without the advice and consent of the Council of Commissioners temporary advisory committees established by the executive;

(12) to prepare and provide an annual State of County Address at a meeting of the Council of Commissioners setting forth the activities, finances, and accomplishments of the local government, to be presented on the first Monday of June.

(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 shall appoint with the advice and consent of the Council of Commissioners all non-elected department heads who shall serve at the pleasure of the Chief Executive. The Chief Executive shall have the power to hire and fire all other employees of the local government with the exception of those who have gained tenure as defined by statute or ordinance; however, the Chief Executive may discharge tenured employees for cause as provided in state law.

(E) The Chief Executive may veto ordinances and resolutions subject to override by 4-5 vote of the 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

confirmed law enforcement officer is appointed to the position of Undersheriff, such officer shall retain those established tenure and pension rights he/she has at the time of his/her appointment as Undersheriff and shall continue to earn pension and tenure rights while serving as the Undersheriff.

(D) If a person appointed to Undersheriff is not a confirmed law enforcement officer, he/she shall not earn any tenure or pension rights as a confirmed law enforcement officer while serving as the Undersheriff.

ARTICLE VI

JUDICIARY

Section 6.01

The Council of Commissioners shall have the authority delegated by state law to boards of county commissioners relative to justices of the peace. Justices of the peace shall be elected as provided by state law. Salaries of the justices of the peace shall be fixed by ordinance.

Section 6.02

The Lincoln County Justice Court shall continue to exist and shall have the jurisdiction provided by state law throughout the jurisdictional area of the government, which includes all of Lincoln County excluding the territorial limits of the cities of: Libby, Troy, Eureka, and Rexford.

ARTICLE VII

ADMINISTRATIVE DEPARTMENTS

Section 7.01—General

The powers and duties of the local government 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 county by state law; among such departments shall be:

Section 7.02—Public Works Department

(A) There shall be a public works department. The Chief Executive shall appoint, with the consent of the Council of Commissioners, a public works director qualified by training or experience. Such director shall serve at the pleasure of the Chief Executive.

(B) Except as otherwise provided by this Charter, ordinance, or resolution, the public works department shall be charged with the responsibility and administration of engineering; public right of way; sanitation; parks and recreation; and equipment.

(C) Nothing in the preceding enumeration shall be a limitation of the authority of the Council of Commissioners to establish by ordinance additional responsibilities to the public works department.

Section 7.03—Public Safety

(A) There shall be a public safety

Section 9.02—Reapportionment of Commission Districts

(A) Within six (6) months after an official United States Census establishes that the population of any district differs in number from the average population of all districts by more than ten percent (10 percent), the Council of Commissioners shall modify the boundaries of districts so that such difference is eliminated.

(B) For the purposes of this section, the six-month period shall begin upon the availability of the most recent census.

(C) If the Council of Commissioners fails to perform the modifications required by subsection (A) of this section within the specified time, the members of the Council of Commissioners shall forfeit all pay and allowances until they enact modifications, at which time their pay and allowances shall resume unaffected by court challenge to those modifications.

Section 9.03—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

Except as otherwise provided by state law amendments to this Charter may be proposed and placed on the ballot of the next general election by:

(A) A resolution passed by at least three Council members; or (B) Petition of the people in accordance with the initiative procedures of this Charter.

Each proposed amendment shall pertain only to a single article of this Charter.

Section 10.02—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 10.03—Effective Date

This Charter shall become effective January 1, 1987.

Section 10.04—Initiative, Referendum and Recall

The people of Lincoln County may exercise the powers of initiative, referendum and recall as provided by Montana law or this Charter.

PRAMBLE

We the people of Lincoln County grateful for our timbered mountains, pure waters, and abundant wildlife; proud of our heritage as an independent and self-reliant people; wishing to improve the quality of living for this and future generations; and wanting to place as much responsibility for governing our lives as possible in our own hands, do adopt as our charter and for of government, in accordance with Article XI of the Constitution and other laws of the State of Montana, this Charter of Lincoln County, Montana.

ARTICLE I

NAME AND BOUNDRIES

Section 1.01—Name

The County Of Lincoln, a Political Subdivision of the State of Montana, under the Montana Constitution.

Section 1.02—Jurisdiction

The unit of government shall exercise the self-government powers permitted by law throughout the territorial limits of the County of Lincoln; however, nothing contained within this article shall be construed to authorize the local government of Lincoln to enact any laws or regulations for the Cities of Libby, Troy, Eureka, or Rexford on matters covered by the powers granted to said municipalities by law.

ARTICLE II

GENERAL PROVISIONS

Section 2.01—Powers of the Government

Lincoln County shall have self-government powers, which are all powers not prohibited by the Constitution of the state of Montana, the laws of the state or this Charter. These powers include, but are not limited to, the power now exercised by cities, towns and counties by law, except as otherwise provided by this Charter; to contract; to use a County seal; to sue or be sued; to acquire property within the jurisdiction of the local government of Lincoln County for any purpose in fee simple or lesser interest or estate; to purchase, receive, lease or lease with privilege to purchase, manage and control such property as the interest of the local government of Lincoln County may require; to levy and collect such taxes authorized by this Charter and law.

A candidate for the Council of Commissioners shall be a qualified elector and resident of Lincoln County and must be a resident of the district for two (2) years. A member of the Council of Commissioners must maintain residency in the district during the entire term.

(D) Election

(1) Nominations and elections for the Council of Commissioners shall be non-partisan.

(2) As provided in Article IX of this Charter, all five (5) members of the Council of Commissioners shall be nominated by district and elected at large.

(E) Terms

Members of the Council of Commissioners shall be elected for overlapping terms of four (4) years, said commissioner shall take office on the first Monday in January succeeding their election, and that they shall hold their respective office until their successors are elected and qualified.

(F) 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 recommend within thirty (30) days a qualified successor, such appointee shall reside in the district where the vacancy occurred and shall serve until the next general election at which a person shall be elected to fill the remainder of the original term.

(G) Forfeiture

A member of the Council of Commissioners shall forfeit his office if he loses his qualifications for his council seat, misses two meetings without the approval of the council, is convicted of theft, bribery, perjury or any other felony.

(H) Compensation

The Council of Commissioners shall set by ordinance the annual salary of its members, which will be thirty-five (35 percent) of the latest per capita personal income for Lincoln County. In addition to salary, council members shall receive actual and necessary expenses incurred in the performance of duties, as approved by the

(G) The Council shall keep a monthly summary of expenditures of the local government and the balance of each department. The summary shall be posted quarterly for public review in various publications throughout Lincoln County.

(H) Special meetings may be called by any member of the Council of Commissioners or Chief Executive as they deem necessary.

ARTICLE IV

CHIEF EXECUTIVE

Section 4.01—Qualifications

(A) Qualifications, Elections

The Chief Executive, who shall be a qualified elector and resident of Lincoln County for a least two (2) years before filing a nominating petition, shall be nominated and elected at-large on a non-partisan basis by the qualified electors of Lincoln County.

(B) Term

Take office on the first Monday in January succeeding his-her election, and that he-she shall hold their respective office for a term of four (4) years and until his-her successor is elected and qualified.

(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) a. Whenever the Chief Executive transmits to the Council of Commissioners his written declaration that he is unable to discharge the powers and duties of his-her office, and until he transmits to it a written declaration to the contrary, such powers and duties shall be discharged by the Chairman of the Council of Commissioners as Acting Chief Executive.

b. Whenever the Council of Commissioners with all members present, at a regular or special meeting called for that purpose, declare by 4-5 vote that the Chief Executive is unable to discharge the powers and duties of his office, the Chairman of the Council of Commissioners shall immediately assume the powers and duties of Acting Chief Executive. Thereafter, when the Chief Executive transmits to the Council (within thirty (30) days) his written declaration that no

(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 officials.

(I) The Chief Executive shall be responsible for coordinating policies of the Council of Commissioners with all elected and appointed department heads.

ARTICLE V

EXECUTIVE BRANCH

Section 5.01—Elected Officials

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

- a. County Attorney
- b. Clerk of District Court
- c. Superintendent of Schools
- d. Sheriff
- e. Coroner
- f. Public Administrator

Each of the foregoing officers shall be nominated and elected at-large in a non-partisan election by the qualified electors of Lincoln County, Montana.

Section 5.02—Qualifications

(A) Qualifications, Elections

1. A candidate for any of the foregoing offices shall be a qualified elector and resident of the county for at least two (2) years prior to filing a nominating petition, and must maintain residency during the term.

2. In addition to the foregoing qualifications, the County Attorney and the Superintendent of Schools shall have the qualifications required by state law.

(B) Term

Office holders shall take office on the first Monday in January succeeding their election, and that they shall hold their respective office for a term of four (4) years and until their successors are elected and qualified.

(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.

Department which shall be charged with the responsibility and administrative of the following:

(1) Police and law enforcement services including but not limited to the arrest and subsequent bringing before the appropriate court of all persons charged with the violation of law or ordinance, protective patrol, criminal investigation, identification, detection and prevention, jail function, and traffic control.

(2) Serving of civil paper and the conduct of civil process as is required by law.

(B) The Council of Commissioners shall by ordinance provide for the structure of the Lincoln County Law Enforcement Department. All appointments to the Lincoln County Enforcement Department shall be made pursuant to the provisions of the Montana Municipal Police Law.

(C) The Council of Commissioners shall establish by ordinance a Law Enforcement Commission consisting of five (5) members—one from each district—which shall have the powers and perform the duties required by police commissions by the Municipal Police Law and such other duties as may be provided by ordinance.

(D) Nothing in the preceding enumeration shall be a limitation of the authority of the Council of Commissioners to establish by ordinance additional responsibilities to the public safety department.

Section 7.04—Finance and Records

The director of Finance shall have charge of the department of finance and shall be responsible for the custody of Lincoln County's funds, monies and records. He shall appoint other personnel who shall keep such accounts and make such reports and perform such other duties as are prescribed by the laws of the State of Montana.

Section 7.05—Community Services and Development

There shall be a department of community services and development which will include, but not limited to, the following: All health and welfare services, Superintendent of Schools, Library, Extension Agent, Economic Development, Planning, etc.

Section 7.06—Legal and Judicial

There shall be a legal and judicial department which shall include District and Justice Courts,

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—Annual Compilation of Laws

The Council of Commissioners shall provide for the compilation and publication of a uniformed code of ordinances as provided by State Law. Such uniformed code ordinances shall be updated at least annually.

Section 10.07—Employment Policy

All hiring and promotions of local government employees shall be based on qualifications and merit.

Section 10.08—Elected Official's Salaries

There shall be no reduction in the specified salary of any elected official during his term of office, unless as part of an across the board cut affecting all county government employees.

Section 10.09—Responsibility to Inform the Public

All county officers and employees have a responsibility to inform the public in an honest, clear and readily understandable manner about the affairs of County government.

Section 10.10—Open Government

All meetings and records of the government shall be open to the public except in such circumstances as are prescribed by state law. Said meetings shall have a period for public discussion.

Section 10.00—Right to Participate in Council Meetings

The Chief Executive shall have the right to take part in the discussion of all matters; and the other officers shall have the right to take part in all Council discussions relating to their respective offices or departments.

Section 10.12—Code of Ethics

All County officers and employees shall abide by the code of ethics in State law.

In testimony whereof, we set our hands

as above or the charter may provide that chief executive

adopt, amend, revise, or

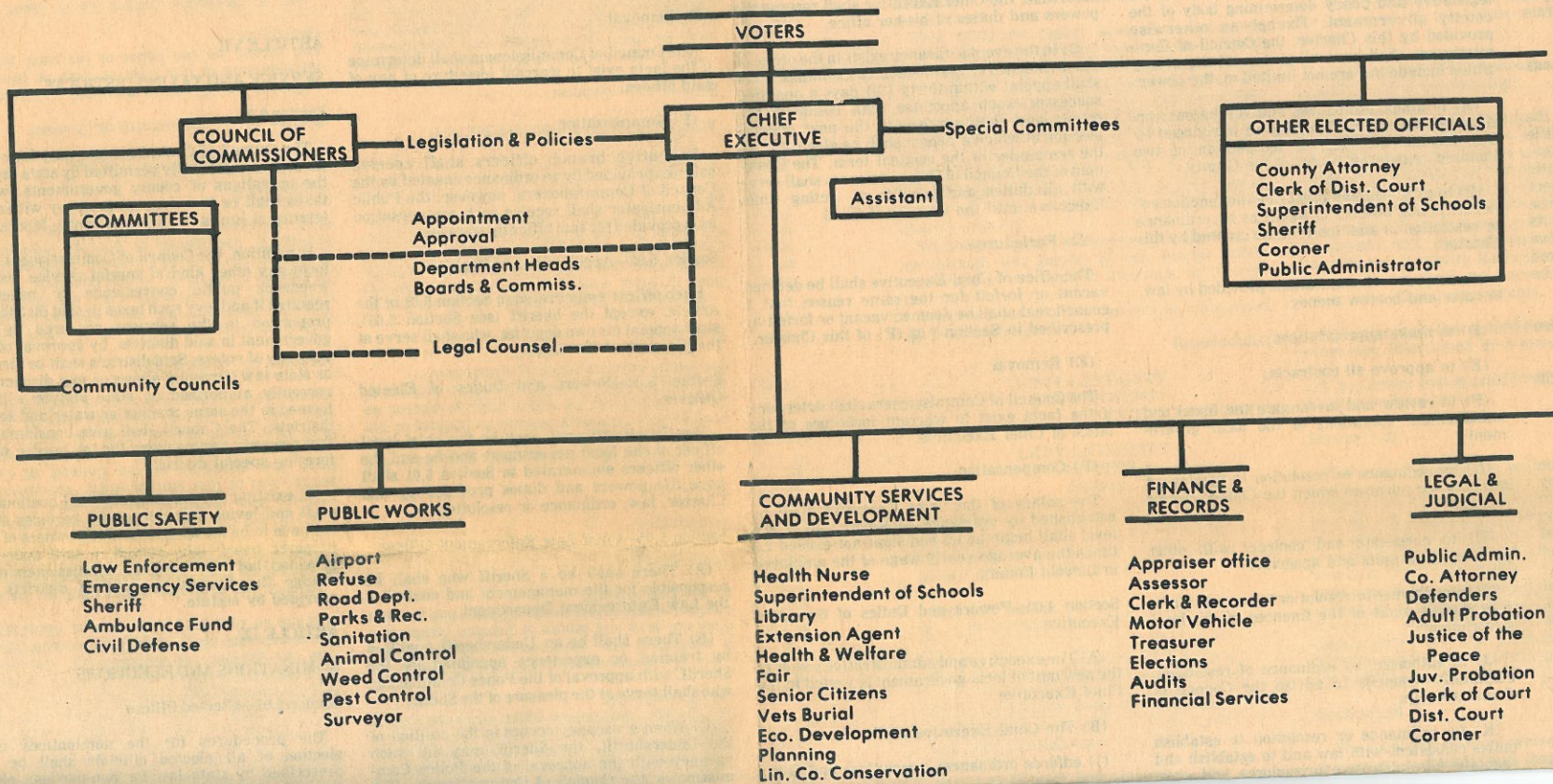
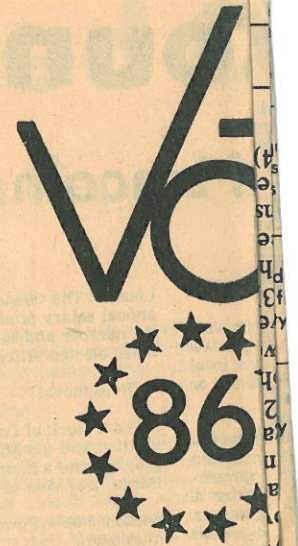
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TOBACCO VALLEY NEWS
Eureka, MT 59917
(Thurs. 1,856)

MAY 15 1986
SUPERIOR CLIPPING SERVICE
BILLINGS, MT 59105-0789

Suggested County Government Change

Tentative Report of Lincoln County Local Government Study Commission



CERTIFICATE
ESTABLISHING THE
EXISTING PLAN
OF GOVERNMENT
FOR
LINCOLN COUNTY

If retained by the voters, the government of Lincoln County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government:

7-3-111. Statutory basis for elected county official 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 elected county official form of government shall be governed by the following sections. The following sections establish the form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412. (3) Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by or-

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1) Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1) Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1) Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1) Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1) Treasurer. A treasurer shall be elected.

7-3-437 (1) Surveyor. A surveyor shall be elected.

7-3-438 (1) Superintendent of Schools. A superintendent of schools shall be elected.

7-3-439 (1) Assessor. An assessor shall be elected.

7-3-440 (1) Coroner. A coroner shall be elected.

7-3-441 (1) Public administrator. A public administrator shall be elected.

7-3-442 (1) Auditor. An auditor shall be elected if the county has elected an auditor.

7-3-442 (6) Auditor. An auditor shall not be included in this form as a separate office if the county has not elected an auditor.

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three

We, the Study Commission of Lincoln County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof,
we set our hands.

Done at 6:30 this
29th day of April.

Attest: Robert R. Gruber
George Neils
Ray E. Hednrl
Dennis Souther

CERTIFICATE
ESTABLISHING
THE PROPOSED
PLAN OF GOVERNMENT
FOR
LINCOLN COUNTY

Upon approval of the majority of voters the government of Lincoln County shall be organized under the following provisions of MCA.

The following sections establish the form of government which shall be called a Charter Government.

7-3-701. Charter form. (1) The purpose of this part is to comply with Article XI, section

5(1), of the Montana constitution, which provides: "The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body."

7-3-702. Nature of government. A charter form of government shall possess self-government powers.

7-3-703. Charter required. (1) Charter form of government shall be established by a charter which is a written document defining the powers, structures, privileges, rights, and duties of the unit of local government and limitations thereon.

(2) The enumeration of powers in a charter shall not be construed as a limitation or prohibition on the residual or self-governing powers granted by the constitution.

7-3-704. Legislative body. (1) The charter shall provide for an elected legislative body (called a commission or council) or shall provide for a legislative body comprised of all qualified electors. For elected legislative bodies, the charter shall specify the number of members thereof, their term of office,

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REVIEW

election on a partisan or nonpartisan basis, the grounds for their removal, and the method for filling vacancies.

(2) The charter shall provide for the nomination and election of commissions:

(D) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-705. Officials and personnel. (1) The charter shall specify which official of the local government will be the chief administrative and executive officer, the method of his selection, his term of office (except that it may be at the pleasure of the selecting authority if such officer is not elected by popular vote), the grounds for his removal, and his powers and duties. Notwithstanding the foregoing, the charter may allocate the chief executive and the chief administrative functions among two or more officials specified above or the charter may provide that chief executive and administrative functions of the local government will be performed by one or more members of the legislative body.

(2) A charter form of government shall have such officers, departments, boards, commissions, and agencies as are established in the charter, local ordinance, or required by state law.

7-3-706. Effective date. The charter shall specify the date on which the charter will take effect, except that provisions may be made for temporary partial effectiveness consistent with an orderly transition of government.

7-3-707. Other charter provisions. (1) The charter may establish other legislative, administrative, and organizational structures.

(2) The charter may contain prohibitions on the exercise of power by a unit of local government.

(3) The charter may include such provisions as may be necessary to permit an orderly transition to the new form of government.

(4) The listing of charter

provisions in this part shall not be construed to prevent the inclusion of additional provisions in charters.

7-3-708. Limitations on charter provisions (1) Charter provisions may not conflict with the provisions of part 1, chapter 1, which establish statutory limitations on the powers of self-government unity.

(2) Charter forms are subject to state laws establishing election, initiative, and referendum procedures; and charters shall not contain provisions establishing election, initiative, and referendum procedures.

(3) The charter shall not contain provisions establishing or modifying local court systems.

7-3-709. Amendment of charter. A charter may be amended only as provided by state law.

We, the Study Commission of Lincoln County, do hereby certify that this is the Proposed Plan of Government approved by the Study Commissioners of Lincoln County.

In testimony whereof, we set our hands.

Done at 6:30 this 29th day of April

Robert R. Gruber
George Neils
Ray E. Hedahl
Dennis Souther
Local Government
Study Commissioners

With the final report there will be a plan detailing 5 (five) commission districts for Lincoln County. By law these will conform to population and area guidelines.

Lincoln County
Study Commission

Public Meeting Dates

Eureka — Monday May 22, 1986 - 7:00 p.m. Lincoln Electric Bldg.

Libby — Wednesday May 21, 1986 - 7:00 p.m. 1st National Bank community room

Troy — Thursday May 19, 1986 - 7:00 p.m. Senior Citizen Center

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PRESENT FORM	PROPOSED FORM	REASONS
3 Commissioner	Charter Executive/Council	<ol style="list-style-type: none"> 1. Reapportionment must be done for "one man/one vote" 2. Active management of county government 3. Promotes issue oriented, high visibility government 4. Focus of economic/cultural matters 5. Coordination of private & public matters
3 Commissioners full-time	5 Commissioners part-time	<ol style="list-style-type: none"> 1. Meet legal requirements 2. Broader representation, more diversity 3. Council acts as legislative body only - unclouded perception
State chartered	Self charter Self-governing	<ol style="list-style-type: none"> 1. Home county determination of procedures to meet changing needs 2. Speedier rectification of problems 3. Greater county self-reliance
Present elected Offices County Attorney Sheriff Clerk & Recorder Treasurer Surveyor Super. of Schools Assessor Coroner Public Admin. Clerk of Dist. Court	Proposed elected County Attorney Clerk of Dist. Court Super. of Schools Sheriff Coroner Public Admin.	<ol style="list-style-type: none"> 1. Cost savings 2. Not necessary in these times
County offices organized from elected officials	Offices organized along management lines	<ol style="list-style-type: none"> 1. Five major departments; Public Safety, Public Works, Community Services & Development, Finance & Records, Legal & Judicial 2. Save Cost 3. Efficiency 4. More Manageable
Partisan	Non-partisan	<ol style="list-style-type: none"> 1. Emphasis on issues 2. Requires more citizen knowledge and involvement 3. Candidates must present clear, individual campaigns
None	Economic/Cultural Development Comm.	<ol style="list-style-type: none"> 1. Help coordinate community activities 2. Long range planning of community goals 3. Strengthen and protect county identity 4. Powers are in consultation and recommendation

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