

# VOTER 70 REVIEW

# Proposal COMMISSION MEMBERS

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Josephine V. Collins    Jack Hayne    Joe H. Preputin    David H. Hastings    A.U. Bishop

### CHARTER OF PONDERA COUNTY PREAMBLE

WE, the people of Pondera County, State of Montana in accordance with Article XI, Section 5 of the Constitution of Montana, do adopt this charter.

### 47A-3-208 ARTICLE I GENERAL PROVISIONS

#### Section 1.01 - Powers of the County

(1) The County of Pondera, Montana shall have all powers not prohibited by the Constitution of the United States, the Constitution of Montana, the laws of Montana or this Charter.

(2) The County of Pondera may levy property tax in an amount not to exceed the maximum, including the all purpose mill levy and special levies, allowable by law to a county with general government powers.

(3) No new kinds of taxes may be imposed by the commission without an affirmative vote of the people. This shall not be interpreted to prevent the use of service or utility charges or fees or occupational licenses or similar charges or fees.

#### Section 1.02 - Interpretation of Powers

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

#### Section 1.03 - Oath of Office

Before entering upon the duties of office, all elected county officials shall take and subscribe to the following oath of office: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, the Constitution of Montana, this

mission.

(8) In the event of vacancy, the commission shall by majority vote of the remaining members, appoint a person, eligible to hold such commission seat, to fill the vacancy until the next regular county election at which time the remainder of the term shall be filled as provided by law.

(9) The commission shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.

#### Section 2.02 - Powers and Duties

(1) The County Commission shall be the legislative and policy-determining body of the County. All powers of the county shall be vested in the Commission, except as otherwise provided by law or this charter, and the Commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the County by law.

(2) All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission, except as provided by ordinance. All committees and boards shall exist no longer than four (4) years, at which time they shall be subject to review and reconsideration. If such committee or board is found necessary it may be reappointed.

(3) County Commissioners shall adopt and maintain a personnel system which shall include an employees' appeals procedure.

#### Section 2.03 - Prohibitions

charter, law, ordinance or resolution;

(c) carry out policies established by this charter or may be established thereunder by ordinance of the county commission in order to execute and enforce policies as are determined by the commission and to carry out obligations imposed on the county by state law.

(d) make recommendations to the commission;

(e) report to the commission on the affairs and financial condition of the county;

(f) execute bonds, notes, contracts and written obligations of the commission subject to the approval of the commission;

(g) report to the commission as the commission may require;

(h) attend commission meetings and may take part in the discussion, but he/she may not vote;

(i) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

(j) be responsible for the administration of an employee appeals procedure as adopted by the commission.

### ARTICLE IV COMMUNITY COUNCILS Section 4.01 - Elected Community Councils

(1) Community Councils of three (3) members each, shall be elected within each district to advise the commissioner from that district. Such council members shall serve without monetary compensation.

### ARTICLE V ELECTED OFFICIALS Section 5.01 - Election, Terms, Compensation, Vacancy, Removal

(1) The following county officials shall be elected. After the establishment of any office the commission may consolidate as provided by law two or more of the offices.

(a) a legal officer (who may be called the "county attorney");

(b) a law enforcement officer (who may be called the

tributed among such departments, agencies and offices as are established by this charter or may be established thereunder by ordinance of the county commission in order to execute and enforce policies as are determined by the commission and to carry out obligations imposed on the county by state law.

#### Section 6.02 - Coroner

(1) A coroner shall be appointed by the county commission, or in place of such appointment the functions and duties normally assigned to the office of coroner shall be assigned to one or more other county officers.

(2) The coroner shall perform all duties charged to him/her by this charter, law, ordinance or resolution.

(3) Compensation shall be determined by ordinance.

#### Section 6.03 - Public Administrator

(1) A public administrator shall be appointed by the county commission, or in place of such appointment the functions and duties normally assigned to the office of public administrator shall be assigned to one or more other county officers.

(2) The public administrator shall perform all duties charged to him/her by this charter, law, ordinance or resolution.

(3) Compensation shall be determined by ordinance.

### ARTICLE VII INITIATIVE, REFERENDUM AND RECALL Section 7.01 - Initiative

Initiative and referendum powers and procedures, as reserved to the people by the Constitution of Montana, shall be as prescribed by state law.

#### Section 7.02 - Recall

Any or all of the elected officials provided for in this charter may be removed from office by the electors. The

Form of Government.  
(1) The Charter form consists of an elected commission 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.

(2) 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.

(3) The Manager shall:  
(a) perform the duties required of him by law, ordinance or resolution;

(b) direct, supervise and administer departments and agencies of the local government unit except as otherwise provided by law or ordinance or this charter;

(c) carry out policies established by the Commission;

(d) recommend measures to the commission;

(e) report to the commission on the affairs and financial condition of the local government;

(f) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;

(g) report to the commission as the commission may require;

(h) attend commission meetings and may take part in the discussion, but he may not vote;

(i) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

(j) appoint, suspend and remove all employees of the local government except as otherwise provided by law or ordinance or this charter.

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(h) attend commission meetings and may take part in the discussion, but he may not vote;

(i) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

(j) appoint, suspend and remove all employees of the local government except as otherwise provided by law or ordinance or this charter.

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

ATTEST:  
County Clerk & Recorder  
Pondera County

### CERTIFICATE ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR PONDERA COUNTY

If approved by the voters, the government of Pondera County shall be organized under the provisions of the proposed charter written in accordance with State law: 47A-3-208 (1-18) R.C.M. 1947.

#### SEAL

We, the Study Commissioners of Pondera County do hereby certify that this is the proposed plan of government as authorized by 47A-3-208 R.C.M. 1947.

In testimony whereof, we the undersigned have set our hands this day of 1976 at Conrad, Montana.

/s/ A. U. Bishop  
/s/ Josephine V. Collins  
/s/ David H. Hastings  
/s/ Jack M. Hayne  
/s/ Joe H. Preputin  
LOCAL GOVERNMENT  
STUDY COMMISSION

ATTEST:  
Gladys Mortensen  
Clerk & Recorder  
of Pondera County

### CERTIFICATE ESTABLISHING THE DATE AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF PONDERA COUNTY

In testimony whereof, we our hands.

Done at Conrad, Montana,  
10th day of May, 1976.

/s/ A. U. Bis  
/s/ Josephine V. Col  
/s/ David H. Hasti  
/s/ Jack M. Ha  
/s/ Joe H. Prep  
LOCAL GOVERNMI  
STUDY COMMISSIONI

ATTEST:  
Gladys Mortensen  
Clerk and Recorder  
of Pondera County

### ESTABLISHING THE OFFICIAL BALLOT FOR THE NOVEMBER 2, 19' SPECIAL ELECTION

Instructions to voters: Place "X" in the box which express your preference. The full text the proposed form of government and of the existing form government are available your polling place.

### OFFICIAL BALLOT BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT Vote For One

For adoption of the chart form of government propose in the report of the Ponder County Local Governmer Study Commission.

For the existing form o government.

This ballot on the alternate form of local government shall be printed as a separate ballot.

We, the Study Commissioner of Pondera County do hereby certify that this is the official ballot approved by the Study Commissioners of Pondera County.