

October 2005

Greetings to the Citizens of Neihart:

In November 2004, the citizens of Neihart voted to conduct a review of the town government and the Neihart Government Study Commission was appointed. The purpose of the review, as defined by state law is to "(1) *study the existing form and powers of a local government and procedures for delivery of local government services and (2) to compare them with other forms available under the laws of the state.*" After completing those two phases of the study, it is the Commission's responsibility to submit a *Report* - which either (1) recommends making no changes to the existing form of government, (2) make some amendments, or (3) offer an alternative form of government.

In every phase of this review - the Commission sought: advice; viewpoints; ideas; information and concerns from the citizens of Neihart as well as the from the Town Council. All meetings of the Commission were open to the public. Public hearings were held, and a canvass of citizen attitudes was undertaken.

The recommendations made reflect the thoughts and opinions of those who responded to the canvass and attended the monthly public meetings, in addition to the independent efforts of this Commission.

The final report presents the community's consensus for recommendations to the existing governmental structure. Moving forward - this fine-tuning of the existing governmental structure encourages a more involved and participatory citizenry.

It is the belief of the Neihart Government Review Commission - that Neihart can achieve the consensus' goals by adopting the (elsewhere described) *Charter*. This *Charter* closely parallels the current form of government - the *Certificate Establishing a Ratified Plan for the Governance of Neihart*. It should be noted that - The *Charter* form of government is increasingly being adopted by many Montana towns and cities as a more easily understood form of governance.

On November 8, 2005 - the question of adopting this *Charter* will be placed on the ballot.

Respectfully Submitted,

Neihart Government Review Commission

Jasmine Krotkov
Chairperson

Bob Reynolds

Chris Leatham

SUMMARY

The Neihart Government Review Commission having thoroughly studied the present form of municipal government and the alternative forms of government available to municipalities under state law, and having studied the future governmental needs of Neihart, recommends the following:

1. The 3-member Town Council and Mayor - all, elected at large, will stay the same. The change will be with overlapping terms. Two of the three Council seats will be for four-year terms and one seat for a two-year term. The Mayor, will serve a four-year term. The elections for these new overlapping terms will parallel the state and/or federal elections held every two years. No additional special elections will be required.
2. The Town Council will conduct two informational *Bi-Annual Town Meetings* to be held each year, one in July and one in January, when the Mayor and Council will report on its past, present and future activities and citizens will have the opportunity to voice their views, suggestions and concerns.
3. Neihart should adopt a *Charter* form of government, effective January 1, 2006. The *Charter* will provide for the existing Mayor-Council form of government with additional self-governing powers.

DETAILED FINDINGS OF THE REVIEW COMMISSION

Under the *1972 State Constitution*, the potential power and authority of local government changed. Traditionally, the power over governmental concerns of Neihart had been the prerogative of the state legislature. The legislature decided what a municipal government should do and how it should do it.

The new *Constitution* provided that "self-governing powers" could be adopted by towns along with alternative forms of government. This would alter the traditional relationship between the state and the town. Certain areas of control would be transferred from the state to the Town Council. Some decisions that were made on a state-wide basis could be made by a municipality with self-governing powers. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of the town.

In 1976, the first *Local Government Review Commission* performed a study in Neihart and, it recommended adopting an alternative form of government with self governing powers. That certificate outlined a commission-executive form of government, which is our present Council-Mayor form of government, and calls for three non-partisan council members, elected at large for two year, concurrent terms. It also outlines the exact powers and duties accorded to the Mayor and the Council.

CHARTER OF THE TOWN OF NEIHART

PREAMBLE

We, the people of the town of Neihart, County of Cascade, State of Montana, in accordance with Article XI, Section 5 of the constitution of Montana, do hereby adopt this Charter.

ARTICLE 1 POWERS OF THE TOWN

Section 1.01 Powers of the Town of Neihart

The Town of Neihart shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

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 a city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

None

Section 1.04 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 town 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 and governing body shall consist of the Town Council.

Section 2.02 Composition

The Town of Neihart shall have a town council of three (3) members.

1. enforce laws, ordinances and resolutions;
2. perform duties required of him or her 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 local 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. chair 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 3.05 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 or her in the supervision and operation of the local government and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of a majority of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards to the degree authorized by ordinance of the council.
5. a financial officer who may be called "Treasurer" shall be appointed by the Mayor with the consent of the council.

Section 3.06 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 within 10 days, subject to override by a two-thirds vote of the council. Both vetoes and overrides must be in writing.

Section 3.07 Compensation

The compensation of the mayor shall be set by ordinance.

ARTICLE IV JUDICIAL

Section 4.01 City Court

There shall be a city court and a city judge as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

All town ordinances, resolutions and rules of the Town of Neihart 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 the June Town Meeting of 2007. Any ordinance which has not been revised, re-enacted or repealed by this time will become null and void.

Section 7.04 Changes in Terms of Elected Officials

Town officials elected during the 2007 municipal election will have their terms adjusted as follows:

- the Mayor's term of office shall be four (4) years
- One council member's term of office shall be four (4) years
- two council members' terms of office shall be two (2) years

During the 2009 municipal election

- one council member will be elected for a four (4) year term
- one council member will be elected for a two (2) year term.