

## CHARTER OF DAWSON COUNTY

### PREAMBLE

We, the people of Dawson County, State of Montana, exercising our right to govern ourselves at the local level, according to XI, Section 5, of the Constitution of Montana, do adopt this Charter.

### ARTICLE I

#### POWERS AND LIMITATIONS

##### Section 1.01 Grant of Powers

The County of Dawson is hereby invested with all powers not expressly prohibited by the Constitution of the United States or of the State of Montana, the laws of Montana or limitations contained within this Charter. This grant of powers shall be liberally construed.

##### Section 1.02 Intergovernmental Cooperation

The County of Dawson may engage in such forms of cooperation with other government units - local, state and federal - as are not prohibited by the Constitution and the Laws of the United States or of the State of Montana.

##### Section 1.03 Limitations

The County of Dawson shall not approve any disability, pension, retirement or annuity plan to which it is required to contribute, and which is in addition to plans required and established under state law, without an affirmative vote of the electors of the county voting on the question.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5, of the Constitution of Montana, provisions in this Charter establishing executive, legislative and administrative structure and organization are superior to state law.

ARTICLE II

COUNTY COMMISSION

Section 2.01 Composition, Qualifications, Terms and Compensation of the County Commission

(1) The County of Dawson shall be divided into three (3) commission districts and shall have a County Commission composed of five (5) elected part-time members, one member from each district and two (2) members at large.

(2) Members of the Commission shall be qualified electors of the county and must reside in the county and, if representatives of particular districts, in the districts which they represent. No Commissioner shall, for the term for which he had been elected, forfeit the office as a result of re-districting which leaves the Commissioner's residence in a district other than the one the Commissioner represents.

(3) Commissioners shall be nominated and elected by vote of all the electors in the county in the manner provided by state law. Elections for the Commission shall be (partisan) (non-partisan).

Comment: Voters will determine in a separate ballot item whether Commission elections will be partisan or non-partisan.

(4) Commissioners shall serve four (4) year concurrent terms.

(5) By ordinance adopted at least six (6) months prior to each county general election, the Commission may determine the compensation of its members for the ensuing two years. Commissioners shall also be compensated for actual and necessary expenses which they incur in the performance of their duties of office.

#### Section 2.02 Vacancies

(1) The office of Commissioner shall become vacant upon the death, resignation or removal from office of a Commissioner in any manner authorized by law or by forfeiture of office.

(2) A Commissioner shall forfeit the office if he or she:

- (a) loses eligibility for election to the Commission seat;
- (b) violates any express prohibition of this Charter;
- (c) is convicted of a felony or other offense involving moral turpitude;
- (d) without Commission approval fails to attend two (2) consecutive, regularly scheduled Commission meetings or is absent from the county continuously for thirty (30) days without the consent of the Commission.

(3) In the event of vacancy the Commission shall, by majority vote of the remaining members, appoint a person eligible to hold the vacated 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.

(4) 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 office shall be entitled to a public hearing on demand. Notice of such a hearing shall be published in a manner consistent with state law.

Section 2.03 Powers of the County Commission

(1) Except as otherwise provided by the United States Constitution and the Constitution and Laws of Montana, or by this Charter, the Commission shall have all the powers of the county. Without limitation of the foregoing, the Commission shall have the power:

- (a) to appoint and to remove the County Administrator;
- (b) To adopt ordinances and resolutions;
- (c) To make appropriations, incur indebtednesses, adopt budgets and levy taxes and special assessments, all subject to limitations imposed by state law and by this Charter;
- (d) to establish, combine or abolish county departments, offices or agencies, whether created by this Charter or otherwise, and to prescribe the duties and functions of all departments, offices or agencies;
- (e) to provide at their discretion for independent auditing of county finances;
- (f) to appoint the members of all boards and commissions or delegate the power to do so;
- (g) to seek agency status on behalf of the county from the state of Montana for the purpose of performing the assessment function of Dawson County;

(h) to remove any elected administrative official by unanimous vote of all the members of the Commission after a public hearing.

Section 2.04 Restrictions on the powers of the County Commission

(1) The legislative powers of the Commission shall be exercised only by ordinance or resolution.

(2) Except for the purposes of specific inquiry or investigation under this Charter or under law or ordinance, the Commission or its members shall deal with the county employees who are subject to the direction and the supervision of the County Administrator solely through the Administrator. Neither the Commission nor its members may give orders to any such employee, either publicly or privately.

Section 2.05 Commission Proceedings

At least annually, the Commission shall elect from its members a chairman, who shall serve at its pleasure. The chairman shall preside at all meetings and shall be responsible for the order of business to be conducted. A majority of the commissioners shall constitute a quorum. The Commission shall make provision for the keeping of a journal of its proceedings, which shall be a public record. Except where prescribed by law, all proceedings of the Commission shall be open to the public.

ARTICLE III

FISCAL AND FINANCIAL PROVISIONS

Section 3.01 Fiscal control and public involvement

(1) Dawson County must exercise fiscal control by maintaining a balance budget in which appropriations shall not exceed anticipated revenue.

(2) Prior to the adoption of the final budget the County Commissioners shall have, at least one (1) week apart, a first and second reading of the resolution of the budget at regular meetings of the Commission and shall a reasonable time before such second reading, give appropriate notice to the public.

Section 3.02 Taxation

(1) The County Commission may levy a property tax not to exceed the maximum mill levy allowable by law for county governments.

(2) No other tax shall be imposed on the citizens of Dawson County unless it has first been placed on the ballot and has received an affirmative vote of the majority of those electors voting on the question.

(3) Nothing in this section shall prohibit the county from charging license, user, service or other fees or levying for special assessments or special district mill levies.

ARTICLE IV

COUNTY ADMINISTRATION

Section 4.01 Elective Administrative Officers

The elective administrative officers of the county

shall be the county attorney, sheriff, treasurer, clerk and recorder, clerk of court, assessor, superintendent of schools and coroner.

Section 4.02 Election, Qualifications, Terms and Compensation of the Elective Administrative Officers

(1) Elected administrative officers shall be elected by a vote of all the county electors. They shall serve for terms of four (4) years and shall possess qualifications prescribed by state law. Nominations and elections of all elected administrative officers shall be held in accordance with state law for (partisan) (non -partisan) elections.

Comment: Voters will determine in a separate ballot item whether administrative office elections will be partisan or non-partisan.

(2) In the event of a vacancy in any elected administrative office the County Commission shall, by a vote of the Commission, appoint a person eligible to held office 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.

Section 4.04 Qualifications, Compensation, Appointment and Removal of the County Administrator

(1) The County Administrator shall be appointed by the County Commission for an indefinite term on the basis of merit only and shall serve solely at the pleasure of the Commission. The Commission shall fix the Administrator's

salary. A member of the Commission or any other public official may be appointed as County Administrator.

(2) The County Administrator need not be a resident of the county at the time of his or her appointment, but must reside in the county while employed in office.

(3) The Commission may remove the County Administrator from office at any time by a vote of the Commission.

(4) The Commission shall designate a qualified individual to perform the duties of the Administrator during any temporary absence or disability of the Administrator or during any period when the office of the Administrator is vacant.

#### Section 4.05 Duties of the County Administrator

(1) The County Administrator shall be the chief administrative officer of the county. He shall be responsible to the Commission for the administration of all county government affairs placed in his charge by law, ordinance and resolution, and by this Charter.

(2) The County Administrator shall:

- (a) enforce laws, ordinances and resolutions;
- (b) administer the affairs of the county;
- (c) perform the duties required of him by this Charter, by law, ordinance or resolution;
- (d) direct, supervise and administer all departments, agencies and offices of the county, except as otherwise provided by this Charter, by law, ordinance or resolution;



- (e) carry out policies established by the Commission;
- (f) recommend measures to the Commission;
- (g) report to the Commission on the affairs and financial condition of the county government and prepare the budget;
- (h) execute bonds, notes, contracts and written obligations of the County, subject to the approval of the Commission;
- (i) report to the Commission as the Commission may require;
- (j) attend Commission meetings, and take part in the discussion;
- (k) appoint, suspend and remove all employees of the county, except as otherwise provided by laws ordinance and except elected officials.

Section 4.06 Powers of the County Commission over the County Administration

Nothing in this Article shall deprive the Commission from consolidating, transferring, combining or abolishing all or part of the functions of administrative offices provided for in this Charter, or from establishing additional offices.

ARTICLE V  
COMMUNITY COUNCILS

Section 5.01 Definition

A Community Council is a commission or council representing the people of a compact geographical area within the county. Its purpose is to advise the County Commissioners as to matters of concern to the people of that area.

Section 5.02 Formation

Upon the written petition of forty percent (40%) of the qualified electors of any compact, geographical area containing not less than fifty (50) electors, the Commissioners shall establish a Community Council and set the geographical boundaries for the community thus represented.

Section 5.03 Composition, Election, Qualifications, Terms and Vacancies

A Community Council shall be comprised of three (3) members, each elected to a term of four (4) years. Nominations and elections shall be conducted within the precinct or precincts comprising the council area. In the event of a vacancy on the Community Council, the vacancy shall be filled by appointment by the remaining council members. The appointment shall be effective until the next regular county election, at which time the remainder of the vacated term, if any, shall be filled by election.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01 Initiative and Referendum

The people of Dawson County reserve the powers of

initiative and referendum, both of which shall be exercised in accordance with the provisions of state law.

Section 6.02 Amendment

The Charter of Dawson County may be amended in accordance with the provisions of state law.

Section 6.03 Commission Districts

Within six (6) months after an official U.S. census establishes that the population of any Commission district differs in number from the average population of all other districts by more than ten percent (10%), the County Commission shall modify the boundaries of districts so that such difference is eliminated. Each district shall be formed of contiguous territory.

Section 6.04 Effective Date

The Charter of Dawson County shall become effective on the second day of May, 1977.

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 circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 6.06 Oath of Office

Before entering upon the duties of office, all elected

county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3, of the Constitution of Montana.

## ARTICLE VII

### TRANSITIONAL PROVISIONS

#### Section 7.01 General Transition

Transition to this Charter form of government shall be as prescribed by state law and this Charter. The Commission may provide for such transition by ordinance, rule or resolution not inconsistent with state law or this Charter. The provisions of this transition article shall not be published as part of the Charter after the first Monday of January, 1981.

#### Section 7.02 Effect of Charter on Prior Government Acts

All ordinances, resolutions and acts of the previous government of Dawson County, to the extent they are consistent with this Charter, shall remain in effect until repealed or amended. No right or liability of the county existing on the effective date of this Charter shall be affected in any way by the adoption of this Charter.

#### Section 7.03 Effect of Charter on Terms and Compensation of County Officers

(1) The Commissioner elected at the general election of 1972 shall continue in office until his term has expired and shall be the Commissioner for residential district in which he resides. The four (4) Commissioners elected in 1977 shall serve until the first Monday in January, 1979. All Commissioners shall be elected to four (4) year terms in

1978 and thereafter.

(2) All elected administrative officers designated in Article IV of this Charter who are in office at the time of the adoption of this Charter shall continue in office until their terms have expired.

(3) All county employees shall continue at their present employment and salary until and unless such employment and salary are changed by the County Commission.

(4) Members of the Commission shall receive a monthly salary in the amount of \$200.00 until such amount is changed by the Commission in accordance with the provisions of this Charter.

Section 7.04 Commission Districts

Commission districts shall remain as presently established.