
PREAMBLE

We the people of Madison County, Montana, for better government of, by and for the people, and recognizing our legacy of sound government and our obligation to preserve that heritage for posterity, and in order to avail ourselves of self-determination in county affairs to the fullest extent permissible under the constitution and laws of the state of Montana, do by this Charter confer upon the county the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structure.

GLOSSARY

APPORTIONMENT PLAN - means a certificate prepared that contains the districts for nominating 4 of the 5 commissioners.

BOUNDARY - means an imaginary line defining the limits of Madison County.

CHARTER - a written document defining the powers, structure, privileges, rights, and duties of the Madison County government and limitations thereon.

CHIEF EXECUTIVE - Chief Administrative Officer of the county as designated by the Charter.

COMMISSIONER - a member of the Madison County governing body.

ELECTOR - a resident of the county qualified to vote under state law.

EXECUTIVE ORDER - a written directive by which the Chief Executive carries out the duties and functions of his office. Used to give direction in carrying out policy and law passed by the governing body.

MADISON COUNTY COMMISSION - the governing body of the county established by the Charter.

MAY - confers a power.

ORDINANCE - a local law passed by the governing body.

RESOLUTION - a statement of policy by the governing body or an order by the governing body that a specific action be taken.

SHALL - imposes a duty, and is always mandatory not directory.

TEMPORARY ADVISORY BOARDS - boards established and members appointed by the Chief Executive at his discretion for not more than one year to advise and assist him in matters pertaining to Madison County government.

WHOLE COMMISSION - means the total number of elected county commissioners, including the Chief Executive.

Article I

BOUNDARIES AND COUNTY SEAT

Section 1. The boundaries of Madison County shall be as they were on June 6, 1972, and the same as described in Article I, Section 2 of this Charter.

Section 2. Madison County. Beginning at the

southeast corner of section sixteen (16), township five (5) south, range seven (7), west; thence south to the southwest corner of section thirty-four (34), township five (5) south, range seven (7) west; said corner being a monument on the first standard parallel south; thence east on said parallel to the northwest corner of section three (3), township six (6) south, range seven (7) west; thence south eighteen (18) miles to a point which, when surveyed, will be the northwest corner of section three (3), township nine (9) south, range seven (7) west; thence east six (6) miles, more or less, to the northeast corner of section four (4), township nine (9) south, range six (6) west; thence south six (6) miles, more or less, to the northeast corner of section four (4), township ten (10) south, range six (6) west; thence east seven (7) miles, more or less, to the northeast corner of section three (3), township ten (10) south, range five (5) west; thence south six (6) miles, more or less, to the southeast corner of section thirty-four (34), township ten (10) south, range five (5) west; thence east to the northwest corner of section one (1), township eleven (11) south, range five (5) west; thence south six (6) miles, more or less, to a point which, when surveyed, will be the southeast corner of section thirty-five (35), township eleven (11), south, range five (5) west; thence east five (5) miles to a point which, when surveyed, will be the northeast corner of section three (3), township twelve (12) south, range four (4) west; thence south three (3) miles, to a point which, when

surveyed will be the northeast corner of section twenty-two (22), township twelve (12) south, range four (4) west; thence east fourteen (14) miles, more or less to a point which, when surveyed, will be the northeast corner of section twenty-four (24), township twelve (12), south, range two (2) west; thence south five (5) miles, more or less, to the northeast corner of section thirteen (13), township thirteen (13) south, range two (2) west; thence east sixteen (16) miles, more or less, following the section lines to the point of intersection with the boundary line between Montana and Idaho at the top of the divide of the main range of the Rocky mountains; thence in a general northeasterly course five (5) miles, more or less, following along the top of said divide of the main range of the Bitter Root mountains to an intersection of the summit of said divide with what will be, when it is surveyed, a line two (2) miles east of the west line of township thirteen (13) south range three (3) east; thence northerly along said line to the southwest corner of section thirty-three (33), township nine (9) south, range three (3) east; thence north along the section line to the northwest corner of section four (4), township eight (8) south, range three (3) east; thence along what will be when surveyed, the west line of sections thirty-three (33), twenty-eight (28), twenty-one (21), sixteen (16), nine (9), and four (4), township seven (7) south, range three (3) east, to the southwest corner of section thirty-three (33), township six (6) south, range three (3) east; thence north along the section lines to the

northwest corner of section nine (9), township six (6) south, range three (3) east; thence north to what will be, when surveyed, the northwest corner of section four (4), township six (6) south, range three (3) east; thence east along the first standard parallel south to what will be, when surveyed, the southwest corner of section thirty-four (34), township five (5) south, range three (3) east; thence north along what will be when surveyed, the west line of sections thirty-four (34), twenty-seven (27), twenty-two (22), fifteen (15), ten (10), and three (3), to the northwest corner of section three (3), township five (5) south, range three (3) east; thence north along the section line to the southwest corner of section twenty-two (22), township two (2) south, range three (3) east; thence west along the section line to the southwest corner of section nineteen (19), township two (2) south, range two (2) east; thence north to the southeast corner of section thirteen (13); thence west to the southwest corner of section thirteen (13); thence north to the northwest corner of section thirteen (13); thence west to the southwest corner of section eleven (11); thence north to the northwest corner of section eleven (11); thence west to the southwest corner of section three (3); thence north to the northwest corner of section three (3); all in township two (2) south, range one (1) east) thence west to the southwest corner of section thirty-three (33); thence north to the northwest corner of section thirty-three (33); thence west to the southwest corner of

section twenty-nine (29; thence north to the northwest corner of section twenty-nine (29); thence west to the southwest corner of section nineteen (19); thence north to the northwest corner of section nineteen (19); all in township one (1) south, range one (1) east; thence west along the section line to the southwest corner of section fifteen (15); thence north along the section line to the northwest corner of section ten (10); thence west along the section line to the southwest corner of section five (5); thence north to the northwest corner of section five (5); thence west along the north line of section six (6) to the northwest corner thereof, all in township one (1) south, range one (1) west; thence west along the south line of section thirty-six (36), township one (1) north, range two (2) west, to the southwest corner thereof; thence north along the west line of said section thirty-six (36) to a point in the center of the main channel of the Jefferson river; thence following the center of the channel of the Jefferson river in a general westerly direction to the site of Parson's bridge on said Jefferson river; thence in a westerly direction on a straight line to the top of Table mountain; thence in a straight line to the right-hand fork of Camp creek; thence in a southwesterly direction down said Camp creek, following the center of the channel to a point in the center of the channel of the Big Hole river opposite the center of the mouth of Camp creek; thence in a southerly direction following the center of the channel of said Big Hole river to its intersection with the west line

of section thirty-two (32), township four (4) south, range seven (7) west; thence southeasterly in a straight line to the southeast corner of section sixteen (16), township five (5) south, range seven (7) west, and place of beginning.

Section 3. The County Seat of Madison County shall be at Virginia City, Montana.

Article II

POWERS OF MADISON COUNTY

Section 1. Madison County shall have self-government powers as are defined in Article XI, Section 6 of the Constitution of Montana: "Article XI, Section 6. Self-government powers. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter."

Section 2. Interpretation of Powers. The powers and authority of this self-government entity shall be liberally construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority.

Section 3. Charter Supremacy. As provided in Article XI, Section 5, subsection 3 of the Montana Constitution: "Article XI, Section 5, subsection 3. Charter provisions establishing

executive, legislative, and administrative structure and organization are superior to statutory provisions."

Section 4. Oath of Office. Before entering upon the duties of office, all elected officials of Madison County shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, protect, and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

Section 5. Intergovernmental Cooperation.

(1) Unless prohibited by law or Charter, a local government unit may:

(a) cooperate in the exercise of any function, power, or responsibility with;

(b) share the services of any officer or facilities with any one or more other local government units, school districts, the state, or the United States;

(c) upon a majority vote of the qualified electors voting on the question, transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

Section 6. The Powers of Madison County are as prescribed and included herein but are not limited to, the power: (1) to Franchise

(a) To grant a franchise to any person for

a term not to exceed twenty-five (25) years: the franchise may be granted, amended, extended, or renewed only by ordinance and such ordinance shall be effective only after a majority vote of the qualified electors voting on the question.

(b) Such ordinance on a franchise shall be submitted to the qualified electors of the county in the same manner as other questions are submitted to the people.

(c) An ordinance granting a franchise shall state the duration of the franchise, the rights of the franchisee and the conditions thereon, and the amount to be paid for the franchise, or the method by which the amount to be paid is to be calculated.

(d) Utilities regulated by the Public Service Commission have the right to use the streets and other public ways of the county, upon payment of a reasonable fee and subject to reasonable terms and conditions as determined by the governing body of the county.

(2) to have a corporate seal.

(3) to sue and be sued.

(4) to buy, sell, lease, hold and dispose of any interest in real and personal property.

(5) to contract with persons, corporations, or any other government entity.

(6) to pay debts and expenses.

(7) to require the attendance of witnesses and production of documents relevant to matters being considered by the County Commission.

(8) to punish contempt and disorder in the commission chambers.

(9) to ratify any action of the county or its

officers which could have been approved in advance.

(10) to initiate a civil action to restrain (or enjoin) violation of an ordinance.

(11) to fix penalties for the violation of an ordinance which do not exceed a fine of five hundred dollars (\$500) or six (6) months imprisonment or both such fine and imprisonment.

(12) to borrow money only by means of a bond issue or registration of warrants.

(13) to exercise the powers necessary to provide needed services and facilities within the county.

Article III

INITIATIVE, REFERENDUM, RECALL

Section 1. Initiative and referendum. The people of Madison County have the power of initiative and referendum as guaranteed by Article V, Section 1 and Article XI, Section 8 of the Constitution of the State of Montana: "Article V, Section 1. The people reserve to themselves the power of initiative and referendum." "Article XI, Section 8. Initiative and referendum. The legislature shall extend the initiative and referendum powers reserved to the people by the constitution to the qualified electors of each local government unit." (1) Implementation. Provisions providing initiative and referendum shall be as provided by state law.

Section 2. Recall. (1) Any elective officer is subject to recall as herein provided, and may be removed from office by petition of the electors and an election held thereunder. All recall petitions shall name a committee of three (3) persons as sponsors thereof. No petition shall be circulated, or signatures thereto procured, nor shall any signature thereto be valid, until said sponsors have filed with the Recorder a declaration, under oath, setting forth the day, month, and year when obtaining of signatures to such petition will commence. After receiving such declaration, the Recorder shall record the same in the office of the Recorder of Madison County, State of Montana. The Recorder upon receiving such declaration shall determine the sufficiency of said petition. In the event that the official being recalled is the Recorder, the County Attorney shall fulfill the duties of the Recorder pertaining to the recall procedures of this self-government Charter. Such petition, together with all signatures thereon, or in support thereof, whether the same contains sufficient signatures or not shall be filed with the Recorder not later than ninety (90) days after the filing of such declaration, and the failure to file such petition and signatures thereon, or in support thereof, within said ninety (90) day period shall render said petition and signatures thereon, or in support thereof, void and inoperative for any purpose. Each signer of said petition shall add to his signature, in his own writing, the date of his signing said

petition, and the place of his residence, giving his address. The petition shall name the officer to be removed, and be signed by qualified, registered electors equal in number to at least twenty per cent (20 percent) of the qualified electors of the county and shall contain a statement of the grounds upon which it is sought to remove him. The governing body shall, within thirty (30) days after such petition is so filed, call an election to be held not less than sixty (60) days nor more than ninety (90) days after such petition is so filed, unless a general or special election is held within said ninety (90) days and not less than thirty (30) days after the filing of such petition; in which case the recall shall be submitted at such election. The name of the official sought to be recalled shall be printed as a candidate on the official ballot at such election; unless he declines in writing to the Recorder. Should the incumbent fail to be retained in office or decline to be a candidate, he shall thereby be forthwith removed from office, and the office deemed vacant.

Article IV

LEGISLATIVE BRANCH OF MADISON COUNTY

Section 1. The legislative branch of the government of Madison County shall consist of an elective governing body. Such body shall

be known as the Madison County Commission.

Section 2. The Madison County Commission shall constitute the legislative, appropriating, policy determining and governing body of Madison County.

Section 3. The Madison County Commission shall have and exercise all the functions, powers, and duties not specifically hereinafter set forth or delegated in other parts of this self-government Charter.

Section 4. (1) The Madison County Commission shall consist of five (5) members.

(a) Four (4) of whom shall be nominated by districts and elected at large by the qualified electors of the county and shall hereafter be known as commissioners.

(b) The fifth member of the Madison County Commission shall be nominated and elected at large by the qualified electors of the county. Upon proper election and having been administered the oath of office, he shall be the chairman of the Madison County Commission and shall hereafter be known as the Chief Executive of Madison County and shall preside over the executive branch of Madison County government.

(c) The members of the Madison County Commission, with the exception of the Chief Executive, shall not have administrative powers.

(d) Commissioners shall be part-time and shall, with the exception of the Chief Executive who shall be full-time, receive only their actual and necessary expenses, or the Commission may establish a reasonable per diem for days of actual Commission meetings in lieu of such expenses.

(e) The Madison County Commission, with the exception of the Chief Executive, shall concern themselves with the employees or elected officials of Madison County only in those areas where they have express powers of confirmation, recall, and investigation as set forth in this self-government Charter.

(f) Three (3) members of the Madison County Commission shall constitute a quorum for the transaction of business. The Chief Executive shall not be counted as a member of the Commission in order to constitute a quorum.

(g) The Madison County Commission shall meet at least once during each thirty (30) day period, the first such period beginning on May 2, 1977, but shall not exceed three (3) meetings in each calendar month. All meetings shall be publicized in advance by the Chief Executive and shall be open to the public. The Chief Executive or two other commissioners may call a special meeting and compel the attendance of absent members.

(h) No action of the Madison County Commission shall be valid or binding unless adopted by the affirmative vote of three (3) or more members.

(i) The Madison County Commission shall set by ordinance the salaries of all elected officials of the county. All salary changes shall become effective at the beginning of a fiscal year. No salary of an elected official shall be changed more than once during an official's term of office.

(j) The Madison County Commission has the power to enact ordinances, resolutions, adopt an administrative code, and prescribe a Code of Ethics for county personnel.

(k) The Madison County Commission shall not consolidate any of the elective offices set forth by this self-government Charter.

(l) The Madison County Commission shall review yearly all ordinances and resolutions passed by the Commission since the granting of legislative powers to determine the need and justification for such ordinances and resolutions.

(m) The Madison County Commission shall require all political entities, boards, bureaus, districts, commissions created under and by authority of this same governing body to justify need and existence of such boards, bureaus, districts each year. If existence of such entities cannot be justified, they shall be abolished.

Article V

EXECUTIVE BRANCH

Section 1. Designation of Chief Administrative Officer of Madison County. The Chief Administrative Officer shall be as prescribed

in Article IV, Section 4 (1)(b) of this self-government Charter.

Section 2. Qualifications. No person shall be eligible for the office of Chief Executive of Madison County unless he is twenty-five (25) years of age or older at the time of his election. In addition, he shall be a citizen of Montana who has resided within Madison County two (2) years next preceding his election.

Section 3. Powers and Duties. (1) The Chief Executive of Madison County shall:

(a) enforce laws, ordinances, and resolutions.

(b) perform duties required of this office by this Charter, law, ordinance, or resolution.

(c) report to the Madison County Commission on the affairs and financial condition of the county at least once each month or as often as the governing body shall require.

(d) sign all ordinances and resolutions passed by the Madison County Commission.

(e) administer the affairs of Madison County.

(f) coordinate the work of all offices, institutions, and departments of the county, both elective and appointive, and devise ways and means whereby efficiency and economy may be secured in their operation.

(g) be the budget administrator; supervising and directing, in cooperation with the other elected officials, the preparation of the

annual budget of the county and be responsible for its administration after adoption.

(h) establish a centralized purchasing system for all county offices, departments, and institutions.

(i) have all other administrative powers and duties not expressly vested in other elective officers by this Charter or state law.

(j) prepare the agenda for all Madison County Commission meetings.

(k) cause to be kept accurate records of all Commission proceedings and activities.

(l) execute bonds, notes, contracts, and written obligations of the Commission subject to the approval of the Madison County Commission.

(m) be an ex officio member of all county boards, bureaus, committees, or official county organizations.

(n) provide, upon its request, all necessary staffing requirements for the Madison County Commission.

(o) appoint, with the approval of the Madison County Commission, all members of official boards and department heads. The Chief Executive may appoint all county employees and remove all appointed department heads and county employees. Any full-time county employee having been removed from office by the Chief Executive shall have the right to appeal such removal under the procedures set forth by the Madison County Commission.

(p) make temporary transfers of

employees from one county activity or office to another, when, in his opinion, the work load requires the same.

(q) carry out the reapportionment of Madison County Commissioner nominating districts after every census, or immediately upon presentation of a petition signed by not less than fifteen per cent (15 percent) of the qualified electors of the county requesting him to do the same.

(r) have supervision of the seal of the county.

(s) act as the Public Administrator or may assign such duties with the consent of the Madison County Commission to an assistant or other elected official. All fees due the Public Administrator shall revert to the county general fund.

(t) order the Treasurer to disburse public monies in payment of county claims or obligations.

(2) The Chief Executive of Madison County may:

(a) recommend measures to the Commission.

(b) establish and appoint temporary advisory boards.

(c) issue executive orders to carry out the duties and functions required of this office.

(d) obtain legal advice and services from other than the County Attorney with the consent of the Madison County Commission.

(e) supervise directly from this office any department that is not supervised by an elected official.

Section 4. Treasurer. (1) The office of the Treasurer shall be the Department of Finance.

(2) Powers and Duties. The Treasurer shall:

(a) have custody of public monies. All monies arising from taxes, licenses, fees, fines, penalties and forfeitures, and from any other source whatsoever, which may be collected or received by any officer of the county, or any department thereof, in his official capacity for the performance of any official duty shall be paid into the treasury.

(b) carry out in this office, the official duties of the Superintendent of Schools.

(c) disburse monies on the order of the Chief Executive.

(d) cooperate fully with the Chief Executive as prescribed by Article V, Section 3 (1)(f) of this self-government Charter.

(e) carry out all duties delegated to this office by this Charter, state law, ordinance, or resolution.

Section 5. Sheriff-Coroner. (1) Office. The office of the Sheriff-Coroner shall be the Department of Public Safety.

(2) Powers and Duties. The Sheriff shall:

(a) be the Chief Law Enforcement officer of the county.

(b) act as and carry out the duties of the County Coroner.

(c) cooperate fully with the Chief Executive as prescribed by Article V, section 3 (1)(f) of this self-government Charter.

(d) carry out all duties delegated to this office by this Charter, state law, or ordinance.

(3) Conflict of Interest. In the event of a conflict of interest, the Chief Executive shall carry out the duties of the Sheriff-Coroner.

Section 6. County Attorney. (1) Qualifications. The County Attorney shall be admitted to practice law before the Supreme Court of the State of Montana and possess other qualifications as prescribed by state law.

(2) Powers and Duties. The County Attorney shall:

(a) be the prosecutor for the county.

(b) give his opinion in writing when asked by other county officials.

(c) cooperate fully with the Chief Executive as prescribed by Article V, Section 3 (1)(f) of this self-government Charter.

(d) act as counsel, without fee, for school districts, fire districts, and cemetery districts, or other departments, boards, and bureaus of the county.

(e) when ordered or directed by the Attorney General so to do, to promptly institute and diligently prosecute in the proper court, and in the name of the state of Montana, any criminal action.

(f) act as the legal advisor of the county and represent the county in any civil action unless the Madison County Commission appoints another attorney for any such duty.

(g) perform all other duties charged to this office by this Charter, law, ordinance, or resolution.

Section 7. Recorder. (1) Office. The office of the Recorder shall be the Department of Records.

(2) Powers and Duties. The Recorder shall:

(a) serve as the election administrator.

(b) cooperate fully with the Chief Executive as prescribed by Article V, Section 3 (1)(f) of this self-government Charter.

(c) perform all other duties charged to this office by this Charter, law, ordinance, or resolution.

Section 8. Assessor. (1) Office. The office of the Assessor shall be in the Department of Finance unless allocated elsewhere by state law.

(2) Powers and Duties. The Assessor shall:

(a) perform all other duties charged to this office by this Charter, law, ordinance, or resolution.

(b) cooperate fully with the Chief Executive as prescribed by Article V, Section 3 (1)(f) of this self-government charter.

Section 9. Clerk of the District and Justice of Peace Courts.

(1) Office. The office of the Clerk of Courts shall be in the Department of Records.

(2) Powers and Duties. The Clerk of the District and Justice of Peace Courts shall:

(a) keep accurate and complete records of all court proceedings.

(b) cooperate fully with the Chief Executive as prescribed by Article V, Section

3 (1)(f) of this self-government Charter.

(c) perform all duties charged to this office by this Charter, law, ordinance, or resolution.

Article VI

ADMINISTRATIVE STRUCTURE

— EXECUTIVE BRANCH

Section 1. Department of Finance. (1) the Department of Finance shall be responsible for collection, disbursement, budget, auditing, investment of monies, and all other functions or duties pertaining to county finance charged to it by Charter, law, executive order, ordinance, or resolution.

(2) The functions of County Clerk pertaining to county finance shall be allocated to this department.

(3) The functions of assessment and appraisal not allocated elsewhere by state law shall be in the Department of Finance.

Section 2. Department of Public Safety. (1) The Department of Public Safety shall be responsible for enforcing the laws of the United States, State of Montana, Madison County, and providing for the peace and safety of the general public. This department shall carry out all functions or duties charged to it by this Charter, law, ordinance, and executive order.

Section 3. Department of Records. (1) The

Department of Records shall maintain all records, serve as registrar of voters, and administer elections as prescribed by this Charter, state law, and ordinance. This department shall carry out all other functions and duties charged to it by this Charter, law, ordinance, executive order, or resolution.

Section 4. Department of Public Works. (1) The Department of Public Works shall be under the supervision of the Chief Executive or his assistants. It shall be responsible for the construction and maintenance of all roads, bridges, buildings, and other major physical properties of the county.

(2) There shall be one (1) road district in the county.

Section 5. Department of Planning. (1) There shall exist a Department of Planning in Madison County, the head of which shall be the Madison County Planning Board.

(2) The size of said board shall be determined by the governing body of the county. Appointments of board members shall be made as provided in Article V, Section 3 (1)(o) of this self-government Charter.

(3) This board has the responsibility to advise the Chief Executive, County Commission, and other departments and officials of the county with respect to any matter relating to the development or redevelopment of the county.

(4) This board shall propose regulations

and ordinances to the Commission regarding county planning, development, and zoning.

(5) The Madison County Planning Board shall carry out all duties, functions, or responsibilities charged to it or the Department of Planning by this Charter, law, ordinance, or executive order.

Section 6. General Services Department.

(1) The General Services Department shall be under the jurisdiction of the Chief Executive Officer of the county. It shall contain administration for all other services, functions, boards, and districts not allocated to another administrative department by this Charter, law, ordinance, executive order, or resolution.

(2) County Rural Fire Districts. All rural fire districts existing and operating in Madison County as of July 1, 1976, shall continue to exist under this self-government Charter. All rural fire districts shall be administered by an elected five (5) member board of trustees. The Madison County Commission shall pass ordinances governing the organization of new districts and the operation of all fire districts within Madison County.

(a) There shall exist in Madison County a Madison County Fire Board who shall provide the county with a Mutual Aid Agreement. The Madison County Fire Board shall consist of the Chairman of the Board of Trustees in each rural fire district. This Board shall elect from its own membership a Fire Warden whose duties shall be to carry out the Mutual Aid

Agreement as set forth by the Madison County Fire Board. The Chief Executive shall be an ex officio member of the Madison County Fire Board and shall call the first organizational meeting. Members of the Madison County Fire Board shall keep the members of their respective volunteer fire departments informed of the operation of the Mutual Aid Agreement. The Madison County Fire Board may cooperate with other local governments in establishing a Mutual Aid Agreement.

Article VII

TERMS OF OFFICE, NOMINATIONS, ELECTIONS, QUALIFICATIONS, VACANCIES

Section 1. General Provisions. (1) Madison County elections shall be governed by the elections laws of the state as now existing or hereafter amended or modified except as otherwise provided by this self-government Charter.

Section 2. Nominations and Elections. (1) All elected officials of Madison County shall hereafter be nominated and elected at large by the qualified electors of the county except as otherwise provided by this self-government Charter.

(2) Elections for officials of Madison County under this self-government Charter

shall be partisan.

Section 3. Terms of Office. (1) Each elected official of Madison County shall be elected for a term of four (4) years.

Section 4. Qualifications for Office. (1) To qualify for an elective office of Madison County, a person shall have those qualifications set forth elsewhere in this Charter and shall:

(a) be a legal voter of the State of Montana.

(b) be a resident of Madison County.

(c) have resided in Madison County two (2) years next preceding his election.

(d) Madison County Commissioners shall reside in the districts from which they were nominated for their full term of office.

Section 5. Vacancies. (1) An elective office shall become vacant upon the incumbent's:

(a) death.

(b) recall.

(c) resignation.

(d) conviction of a felony or a crime involving moral turpitude.

(e) unlawful destruction of public records.

(f) ceasing to possess the qualifications or to fulfill the duties and requirements of office. In the event of such an occurrence the Chief Executive and-or the County Attorney shall immediately bring action to instigate the removal of the official from office.

(g) adjudicated incompetence, mental illness, or insanity.

(2) Upon failure of the person elected or appointed to the office to qualify therefor within ten (10) days after the time for his term of office to begin.

(3) Upon his absence from the county for thirty (30) days without the consent of the governing body.

(4) With reference to a Madison County Commissioner:

(a) upon his absence from meetings of the Madison County Commission for sixty (60) days without majority consent of that whole body and then

(b) upon a declaration by the Madison County Commission of the vacancy.

Section 6. Filling of Vacancies. (1) A vacancy in an elective office of the county shall be filled by temporary appointment of a person selected by a majority of the whole governing body who shall serve until his successor is elected and qualified at the next general election.

(a) if the vacancy occurs in the governing body then the vacancy shall be filled temporarily by a majority vote of the remaining commissioners.

Article VIII

REVENUE AND FINANCES

Section 1. Taxation. No forms of taxation

other than a property, net proceeds, and license tax shall be imposed without an affirmative vote of a majority of qualified electors of the county.

Section 2. Bonds. Bond issues shall require approval by a majority of the qualified electors of the county or district voting on the question at an election.

Section 3. Mill levies. Shall be set by the governing body of the county.

Section 4. Mill Levy Limits. (1) Through the process of initiative and referendum the people may vote to increase or decrease, by specific amount, those mill levy limits provided for in this Charter.

(2) All fixed and declared levies named and contained in this Charter are hereby declared to be the maximum levies that may be made for purposes for which they were created and adopted. The Madison County Commission shall be authorized to make and establish the tax levy for any and all purposes as in the judgment of said commission they may determine shall be necessary, but in no event shall any levy exceed the fixed and declared rate; and in every such levy the Madison County Commission shall have discretionary power to fix a minimum or less rate.

(3) The Madison County Commission may annually establish tax levies for the following purposes:

PURPOSE OF TAX LEVY	MILL LEVY LIMIT
AIRPORT	2 Mills
AMBULANCE SERVICE	1 Mill in Each District
CEMETERY	2 Mills in Each District
COUNTY FAIR	1½ Mills
COUNTY FIRE BOARD	1 Mill
COUNTY ROAD	15 Mills
COUNTY BRIDGE	15 Mills
ADDITIONAL TAX FOR ROAD AND BRIDGE CONSTRUCTION THAT REQUIRES VOTER APPROVAL	10 Mills
DISTRICT FAIR	2½ Mills
EMERGENCY LEVIES	2 Mills
GENERAL FUND	27 Mills
LIBRARY	3 Mills
LOCAL BOARD OF HEALTH	1 Mill
MUSEUM CONSTRUCTION and-or MAINTENANCE	1 Mill
POOR FUND	13½ Mills
PREDATOR AND RODENT CONTROL	2 Mills on Taxable Valuation of Agriculture Industry.
PUBLIC HOSPITAL DISTRICTS	3 Mills in Each District Plus an Additional 3 Mills with Voter Approval within the Hospital Districts.
PUREBRED LIVESTOCK SHOW	¼ Mill
RECREATIONAL ACTIVITIES FOR ELDERLY	1 Mill
RURAL FIRE CONTROL	3 Mills in Each District plus an Additional 3 Mills with Voter Approval within the Rural Fire District.
WEED CONTROL	2 Mills

(4) The Madison County Commission may establish tax levies sufficient to meet county appropriations for retirement funds, bond interest and sinking funds, special improvement and service districts, judgment payments, insurance, planning and zoning, and extension work in agriculture and home economics.

Section 5. Budget. The Chief Executive Officer of the county shall not expend the county funds in excess of the approved budget. Should the Chief Executive expend the county funds in excess of the approved budget in any fiscal year, he shall be

immediately removed from office. Only in the event of an emergency, a natural disaster, or the immediate preservation of the public health and-or safety shall the governing body make an emergency appropriation above the budget in a fiscal year. The governing body shall determine by resolution when such an event has occurred prior to making the emergency appropriation. Such resolution shall only be passed by a unanimous vote of the whole Madison County Commission. Such resolution may be challenged in court by a citizen of the county.

Section 6. Post-audit. The governing body of the county shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the county and of every county department office and agency. The audit shall be made by an accountant, designated by the Chief Executive and approved by the governing body, who has no personal interest, direct or indirect, in the fiscal affairs of the county or of any of its departments, offices, or agencies. The designated accountant shall be thoroughly qualified by training and experience to perform the audit. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

Section 7. Public Involvement in Budgeting.
 (1) The Chief Executive shall make available to the public a document detailing the proposed budget in comparison with es-

timated and actual expenditures for the last two (2) fiscal years.

(2) Prior to adoption of the annual budget and to allow for testimony by the electorate, the whole Madison County Commission shall attend and hold at least one well publicized hearing in each commissioner nominating district in the county with a final public hearing being held at the county seat.

Article IX

GENERAL PROVISIONS

Section 1. Separability. If any provision of this Charter is held invalid, the other provisions of the 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 2. Effective Date. This Charter shall become effective on May 2, 1977.

Section 3. Amendment of Charter. (1) An amendment to this Charter may be proposed by

(a) a study commission making a recommendation; or

(b) a resolution of the governing body; or

(c) a petition signed by 15 percent of the qualified electors of the county.

(2) The resolution or petition shall set out fully the section or sections sought to be amended and the proposed amendment.

(3) An election on an amendment proposed by resolution or petition shall be held at the next general election of the county government unless the petition or resolution calls for a special election. If a special election is called for, the governing body shall set a date for election no sooner than sixty (60) days or later than ninety (90) days after passage of the resolution or filing of the petition.

(4) An amendment shall require the affirmative vote of a majority of the qualified electors of the county voting on the question.

(5) An amendment shall become effective at the beginning of the local government's fiscal year after the election results are officially declared.

(6) Following the adoption of an amendment the Chief Executive shall file a copy of the amendment with the County Recorder and the Department of Community Affairs in Helena, Montana.

Article X

TRANSITIONAL PROVISIONS

Section 1. 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, resolution, or executive

order not inconsistent with state law or this Charter. The provisions of this transition article shall not be published as part of this Charter after October 1, 1984.

Section 2. Commissioner Nominating Districts. Until modified in accordance with the provisions of this Charter, commissioner nominating districts shall be as shown on the certificate and on the following maps.

Section 3. Salaries and Expenses. (1) The commission shall be a part-time legislative body, the members of which shall receive a salary as follows: commissioners shall receive thirty dollars (\$30) per regular meeting; not to exceed an annual salary of fifteen hundred dollars (\$1500). The Chief Executive shall receive an annual salary of not less than fifteen thousand dollars (\$15,000). This salary for commissioners shall continue until changed by ordinance as provided for in Article IV, Section 4 (1)(d) of this self-government Charter. Salaries of elected row officers of Madison County shall be determined immediately by the Madison County Commission, and shall not at this time be less than those prescribed by state law on July 1, 1976.

(2) All elected county officials, whose elective status is discontinued by this Charter, shall continue at their present employment and salary until and unless such employment or salary are changed in accordance with the provisions of this self-

government Charter.

(3) All other county employees shall continue at their present employment and salary until and unless such employment or salary are changed in accordance with the provisions of this self-government Charter.

(4) The initial expenses of the Madison County Commission shall be paid by the county on claims signed by the Chief Executive of the county.

Section 4. Commission Terms. (1) The county commissioner elected on November 7, 1972, shall continue to hold office as a commissioner until his successor is elected in 1978 and qualified in 1979. Such commissioner shall be designated commissioner from the district in which he resides.

(2) The remaining three (3) commissioners elected and qualified in 1977 shall draw lots to establish their respective terms of office at the first meeting of the commission. One (1) of the three (3) commissioners shall serve a term of one (1) year, two (2) commissioners shall serve terms of three (3) years. In 1978, two (2) commissioners shall then run for a four (4) year term of office. In 1980, two (2) commissioners shall run for a four (4) year term of office.

(3) The Madison County Chief Executive elected and qualified in 1977 shall hold office until his successor is elected and qualified in

1982 for a four (4) year term of office.

(4) The elected row officials elected and qualified in 1977 shall serve three (3) year terms of office. Their successors upon being qualified for office shall draw lots to establish their respective terms of office. Three (3) of the six (6) shall serve two (2) year terms of office and the remaining three (3) shall serve four (4) year terms of office. In 1982, three (3) elected row officers shall then run for a four (4) year term of office. In 1984, three (3) elected row officers shall run for a four (4) year term of office.

Section 5. Administrative Structure. (1) The Madison County Commission under this self-government Charter shall immediately by ordinance, resolution, or executive order, make the necessary changes to implement the administrative structure as prescribed by Article VI of this self-government Charter.

We, the Study Commissioners of Madison County, do hereby certify that this is the Proposed Plan of Government for our final report approved by the Study Commissioners of Madison County.

In testimony whereof, we set our hands.

Done at Virginia City, Montana, this 28th day of July, 1976.

(County Seal)

Attest: Lucine P. Malter
CLERK & RECORDER OF
MADISON COUNTY

Juanita Stalove
Mary B. Tallman
Matthew J. Lutz
Richard O. Dale
LOCAL GOVERNMENT STUDY COMMISSIONERS