

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR THE NOVEMBER 4, 1986
SPECIAL ELECTION

RECEIVED
OCT 9 1986

1986 LOCAL GOVERNMENT SERVICES
HELENA

OFFICIAL BALLOT

Ballot on Alternative Form of Local Government

For the adoption of a Charter establishing the manager/Mayor/Council form of government proposed in the report of the City of Belgrade Local Government Study Commission.

For the existing form of government.

We the Study Commissioners of the City of Belgrade do hereby certify that this is the official ballot approved by the Study Commissioners of the City of Belgrade. In testimony whereof, we set our hands. Done at Belgrade, Mt. this 15th day of July, 1986.

Curtis J. Backlin
Curtis J. Backlin

William Casto
William Casto

William B. Allen Jr.
William Allen Jr.

R. D. Lindburg
Richard Lindburg

Lavon Carter
Lavon Carter

Will A. Remick
Attest City Clerk

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF THE CITY OF BELGRADE.

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Belgrade at the special election on November 4, 1986.

We, the Study Commissioners of the City of Belgrade do hereby certify that this is the election date approved by the Study Commissioners of the City of Belgrade.

In testimony whereof, we set our hands. Done this 15th day of July, 1986

Curtis J Backlin
Curtis J Backlin

William Casto
William Casto

William A. Allen Jr.
William Allen Jr.

R D Lindburg
Richard Lindburg

Layon Carter
Layon Carter

Paul J. Ramey
Attest City Clerk

CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF
GOVERNMENT FOR THE CITY OF BELGRADE

Upon the approval of the majority of voters, the government of the City of Belgrade shall be organized under the provisions of Section 7-3-701: Montana Code Annotated 1983. Charter Government.

- (1) 7-3-701 (i) (ii)
- (2) 7-3-702
- (3) 7-3-703 (i) (ii)
- (4) 7-3-704 (i) (ii) (a)(b)(c)(d)
- (5) 7-3-705 (i) (ii)
- (6) 7-3-706
- (7) 7-3-707 (i) (ii) (iii) (iv)
- (8) 7-3-708 (i) (ii) (iii)
- (9) 7-3-709

We the Study Commissioners of the City of Belgrade do hereby certify that this is the proposed plan of government. In testimony whereof, we set our hands. Done at Belgrade, Mt. this 15th day of July, 1986.

Curtis J. Backlin
Curtis J. Backlin

William Casto
William Casto

William A. Allen Jr.
William Allen Jr.

Richard Lindburg
Richard Lindburg

Lavon Carter
Lavon Carter

Holly J. Rensch
Attest City Clerk

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF
GOVERNMENT FOR THE CITY OF BELGRADE

If retained by the voters, the government of the City of Belgrade shall be organized under the provisions of Section 7-3-113: Montana Code Annotated 1983. Council-Mayor.

(1) (a) We, the Study Commissioners of the City
(1) (b) (i) of Belgrade do hereby certify that this is
(1) (c) the existing plan of government.
(1) (d) (ii) In testimony whereof, we set our hands.
(1) (e) (iii) Done at B lgrade, Mt. this 15th day of July,
(1) (f) (ii) 1986.
(1) (g) (ii)
(1) (h) (ii)
(1) (i) (ii)
(1) (j) (ii)
(1) (k) (ii)
(1) (l) (i)
(1) (m) (iii)
(1) (n) (ii)
(1) (o) (ii)
(2)

Curtis J. Backlin
Curtis J. Backlin

William Casto
William Casto

William B. Allen Jr.
William Allen Jr.

R. D. Lindburg
Richard Lindburg

Lavon Carter
Lavon Carter

Attest City Clerk
Attest City Clerk

CITY OF BELGRADE
FINAL REPORT
BY
BELGRADE STUDY COMMISSION

REPORT SUBMITTED:

TO THE CITIZENS OF BELGRADE;

The Belgrade Study Commission, elected by the voters on November 4, 1984, presents this final report to the citizens of this city.

The responsibility of the Belgrade Study Commission, as outlined in State law, is " To study the form and power of government and existing procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana." After completing these two phases of the study, it is the responsibility of the study commission to submit an alternative form of government to the qualified electors.

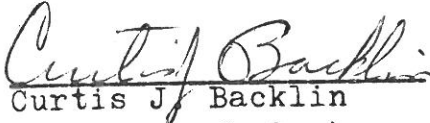
In every phase of this local government review, the Belgrade Study Commission sought advice and information from as many people in the city as possible. The commission conducted interviews with former and present city officials and employees. All meetings of the Study Commission were open to the public. There were also public hearings and public input meetings conducted.

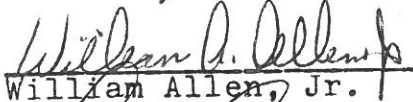
Our recommendations reflect many of the thoughts and opinions of those individuals who participated in the public hearings and those who attended our regularly scheduled meetings, as well as the independent judgement of the Study Commission members.

The question for the adoption of this alternative form will be placed on the ballot on November 4, 1986.

We solicit your support for its adoption.

Respectfully Submitted,
Belgrade Study Commission


Curtis J. Backlin


William Allen, Jr.


Lavon Carter


William Casto


Richard Lindburg

CITY OF BELGRADE
FINAL REPORT

RECOMMENDATION

The Belgrade Local Government Study Commission, having thoroughly studied our present form of government and alternative forms of government available to cities under State law, and having studied the future governmental need of this city recommends the following:

1. The City of Belgrade should adopt, effective July 1, 1987, a charter establishing the Manager/Mayor/Council form of government with self-government powers. A council, or elected legislative body consisting of six (6) members from each of three (3) wards, shall be elected for four (4) years of overlapping terms of office. This council will have legislative and policy making powers. A Mayor elected at large for a term of two years will be the political head of the city and chairman of the council and will have no administrative duties. The Council and the Mayor will be elected on a non-partisan basis, serving without compensation.
2. That a definite separation between legislative and administrative functions be established, while the present relationship between the electorate and their elected officials is retained.
3. A Manager shall be hired by the council on the basis of merit to handle the daily operations and administration of the city. The Manager will be accountable to the council.
4. The question of the form of government shall be submitted to the voters of Belgrade on November 4, 1986.

TO THE COUNCIL

Because no charter is self-implementing the transition from the old form of government to the new form will require the hard work and cooperation of many people, including both old and new officials. Upon passage of this charter, we hope that the present Mayor and Council would take an active part in the process of selecting the first City Manager. Specifically, we recommend that the present Mayor appoint, with the approval of the council, a committee to select a City Manager, made up of three councilmen and four other qualified voters of the city. The chairman of this selection committee will be selected by the committee. This committee would be appointed by and would hold their first meeting on January 5, 1987, and make a recommendation to the council by May 4, 1987. The City would pay the expenses of advertising for applicants for the position and of interviewing and investigating applicants.

THE NEED FOR A CHANGE!

The Belgrade Study Commission is proposing a charter establishing Manager/Mayor/Council form of government with self-governing powers in the belief that such a government will best be able to meet the needs of the citizens of the City. Self-government powers provide for local control of taxation and changes within the charter by a vote of the people.

CITY OF BELGRADE
FINAL REPORT

The findings of the Study Commission resulted in the following goals which the citizens of Belgrade say they felt were important: EFFICIENCY, ACCOUNTABILITY, RESPONSIVENESS and LOCAL CONTROL for LOCAL PROBLEMS. The proposed form of government would fulfill these goals.

The existing government lacks separation between legislative and administrative duties. The council makes the laws and then carries them out. The existing government lacks a person responsible for supervising the functions and services provided by city government. This person must serve on a fulltime basis to see that the policies of the city are carried out as efficiently as possible. At the present time these functions are provided on a parttime basis by the Mayor and the Council, and committees of the council. A competent, trained professional is vitally needed to supervise efficient, well-organized city functions. The manager will answer the need for a greater degree of expertise in administration of local government posed by the growth and complexity of government. He will relieve the city council of its growing burdens, by combining a professional Manager/Mayor/Council provides an opportunity to meet the needs of our community.

CHARTER OF THE CITY OF BELGRADE

PREAMBLE

We, the people of the City of Belgrade, Montana, in accordance with Article XI, Section 5, of the Constitution of the State of Montana, in order to modernize our form of local government, increase its efficiency and to provide for local self-determination, do here-by adopt this charter.

ARTICLE I
General Provisions

SECTION 1.01 POWERS OF THE CITY

The City of Belgrade shall have all the powers not prohibited by the Constitution of the United States, the laws of Montana of this charter.

SECTION 1.02 INTERPRETATION OF POWERS

The powers and authority of the City of Belgrade shall be liberally construed. Every reasonable doubt as to the existence of a power shall be resolved in favor of the existence of that power or authority.

SECTION 1.03 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 State law.

SECTION 1.04 INTER-GOVERNMENTAL COOPERATION

As provided by Article X, Section 7, of the Constitution of Montana, the City of Belgrade, unless prohibited by law or this charter, may

- A. Cooperate in the exercise of any function, powers or responsibility with,
- B. Share the services of any officer or facilities with,
- C. Transfer or delegate any function, power, responsibility or duty of any officer to one or more other local government units, school districts, the State of Montana or the United States.

SECTION 1.05 TAXATION AUTHORITY

1. All limits concerning property tax mill levies imposed by State law on general government municipalities shall apply to the City of Belgrade.

2. There shall be no new kinds of taxes levied without an affirmative vote of a majority of the electors voting on the question at a special election called for the purpose or at a general election in which the question may be referred to the people. Taxes allowed under any ordinance or resolution existing at the effective date of this charter are not to be considered new kinds of taxes.

3. The council shall make no changes in any ordinance or resolution of the City of Belgrade regarding license fees, user fees, permit fees or utility charges without a prior public hearing on the matter.

4. State code is in effect until self-government powers superceeds State code.

SECTION 1.06 OATH OF OFFICE

1. Before beginning the duties of office, all elected city 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 the State of Montana, the Charter of the City of Belgrade and that I will discharge the duties of my office with fidelity, so help me God ".

2. The oath of office shall be sworn by the City Judge.

ARTICLE II

SECTION 2.01 COMPOSITION, ELECTION, QUALIFICATIONS, COMPENSATION, REMOVAL, FILLING OF VACANCIES

1. There shall be a city council of six (6) members, three (3) of which shall be elected every two (2) years.

2. Two (2) council members shall be elected from each of three (3) wards which are of substantially equal population. Nominees for council from each ward must reside in that ward and be a qualified voter of the City of Belgrade.

3. Members of the council shall be elected for terms of four years on a non-partisan basis.

4. The Mayor and members of the council shall receive no salary. As provided by ordinance or resolution, the Mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office, or the council may establish per diem and mileage allowances in lieu of such expences.

5. The office of a council member shall become vacant upon his/her death, resignation/ removal from office in any manner authorized by law, or forfeiture of his/her office:

A. A council member shall forfeit his/her office if he or she:

I. Loses his/her eligibility for election to his or her seat,

II. Violates any expressed prohibition of this charter,

III. Is convicted of a felony,

IV. Without a council approval, fails to attend consecutive three regularly scheduled council meetings.

6. A Mayor shall be elected every two (2) years, at large, on a non-partisan basis.

A. Nominees for the office of Mayor shall reside in Belgrade and shall be a qualified voter of the City of Belgrade.

SECTION 2.02 POWERS AND DUTIES OF THE COUNCIL

1. The City Council shall be the legislative and policy determining body of the City of Belgrade. Except as otherwise provided by this charter, the council shall provide for the exercise of all powers of the City of Belgrade and for performance of all duties and obligations imposed upon the City by law.
2. The council shall appoint and remove the City Manager by majority vote of the whole number of the council.
3. The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. If the State makes such an audit, the council may accept it as satisfying the requirements of this section.
5. The council shall adopt by ordinance or resolution, and maintain an administrative code and a personnel system as provided in Article IV.
6. The council may make investigations into the affairs of the City and the conduct of any city department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.
7. In the event of a vacancy, the council shall, within sixty (60) days, by majority vote of the remaining members, appoint a person eligible to hold a council seat, to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled as required by law.
8. The council shall be the judge of the qualifications of its members and of their grounds of forfeiture of their office, as provided for in Article II section 2.01 of this charter, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his or her 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.
9. A quorum of the council shall consist of fifty (50) percent of the council members plus one (1).

SECTION 2.03 POWERS AND DUTIES OF THE MAYOR

1. The Mayor shall preside at meetings of the council, shall be recognized as the head of the city government for all ceremonial purposes and public statements, or may delegate this duty, and by the Governor for the purpose of military law. The Mayor shall vote in the case of tie votes on the council.

2. The Mayor shall appoint, with the consent of the council, all members of boards and committees.

3. The council shall elect from among its members a deputy Mayor who shall act as Mayor during the absence or disability of the Mayor; and who shall retain his or her power to vote.

4. In the event of vacancy in the Mayor's office, the council, by majority vote, shall fill the vacancy within sixty (60) days, with a qualified voter, until the next regular city election.

SECTION 2.04 RESTRICTIONS OF THE MAYOR AND COUNCIL

1. Except where authorized by law, the Mayor or any council person shall not hold any other city office or employment within the city.

2. Neither the Mayor, the Council or council members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his/her subordinates are empowered to appoint.

3. Except for the purpose of inquiries and investigations under Section 2.02, Article II, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council or its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 2.05 COUNCIL PROCEDURE, PUBLIC PARTICIPATION

1. Council procedure shall be prescribed under state law.

2. The council shall meet at least once per month in regular session.

3. The council shall determine its own rules and order of business and shall provide for the keeping of the minutes of its proceedings.

4. All meetings shall be open to the public except in such circumstances as prescribed by state law.

5. All documents and records of the council shall be public records and shall be made available for examining or copying.

ARTICLE III
City Manager

SECTION 3.01 APPOINTMENT AND REMOVAL, QUALIFICATIONS, COMPENSATION

1. The City Manager shall be appointed by the Council for an indefinite term on the basis of merit only. The Council shall fix his or her compensation.

2. The Council may remove the City Manager from office at any regularly scheduled or special meeting.

SECTION 3.01 ACTING CITY MANAGER

By letter filed with the Mayor, the Manager shall designate, subject to council approval, a qualified city administrative officer to exercise the powers and perform the duties of a Manager during the Manager's absence or disability. During such absence or disability the council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his or her disability shall cease.

SECTION 3.03 DUTIES OF THE CITY MANAGER

1. The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the council for the administration of all city affairs:

2. The City Manager shall:

- A. Direct, supervise and administer all departments, agencies and offices of the local government unit except as otherwise provided by this charter, law, ordinance or resolution,
- B. Carry out policies established by the council,
- C. Prepare council agendas,
- D. Report to the Council and recommend measures on the affairs and financial condition of the local government as the council may require,
- E. Execute bonds, notes, contracts and written obligations of the council, subject to the approval of the council.
- F. Attend council meetings and may take part in the discussion, but may not vote,
- G. Prepare and present the budget to the council for approval and execute the budget adopted by the council,
- H. Appoint, suspend, supervise and remove all employees of the city except as otherwise provided by law, ordinance or resolution. Employees appointed by the Manager and his subordinates shall be administratively responsible to the Manager,
- I. Submit recommended changes in the administrative code or the personnel system to the council.

3. The City Manager shall not delegate any of the duties and responsibilities in this section without the consent of the council.

ARTICLE IV Administrative Departments

SECTION 4.01 GENERAL

1. The Council may establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices or agencies.

2. All departments, offices or agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the council the Manager may serve as head of one or more such departments, offices or agencies, or may appoint one person as the head of two or more of them.

SECTION 4.02 LEGAL OFFICER

There shall be a legal officer of the city, appointed by the Manager, and approved by the council, who shall serve as chief legal advisor to the council, the Manager and all city departments, offices and agencies, shall represent the City in all legal proceedings and shall perform all other duties as prescribed by ordinance or resolution.

SECTION 4.03 CITY ADMINISTRATIVE CODE

The administrative code shall provide the complete plan of organization and structure of the city government and shall include:

1. The departmental organization of the government, the nature and scope of each department, and all required rules and procedures for department operation;
2. Comprehensive budget procedures for the government;
3. Procedures regarding boards, commissions, or any other government activity.

SECTION 4.04 PERSONNEL SYSTEM

The council shall adopt a personnel system which shall include a salary schedule, provisions for vacation, sick leave, insurance and other benefits for all persons in accordance with provisions of this charter, procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action and shall provide for such procedures as necessary for an efficient personnel system.

ARTICLE V

Nominations and Elections, Initiative and Referendum

SECTION 5.01 ELECTED OFFICES

The procedure for the nomination and election of all elected city officials shall be prescribed by law for non-partisan elections. The procedure for recall for all elected city officials shall be as provided by state law.

SECTION 5.02 INITIATIVE AND REFERENDUM

The procedure for initiative and referendum shall be as provided by state law.

SECTION 5.03 REAPPORTIONMENT OF WARDS

It shall be the responsibility of the council after each decennial census to equalize ward boundaries as to approximate equal population, as provided by state law.

SECTION 5.04 REDISTRICTING

Ward boundaries may be changed by ordinance or resolution, provided that any such revised ward boundaries must comply with the population standards prescribed in this charter. In the event of a judicial challenge to the ordinance or resolution the burden of proving compliance shall rest upon the city.

ARTICLE VI

Miscellaneous Provisions

SECTION 6.01 AMENDMENT OF CHARTER

This charter may be amended only as prescribed by state statute.

SECTION 6.02 EFFECTIVE DATE

This charter shall become effective on July 1, 1987.

SECTION 6.03

If any section in this charter is held invalid, the other provisions of this charter shall not be affected thereby. If any application of this 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.

ARTICLE VII
Transitional Provisions

SECTION 7.01 GENERAL TRANSITION

Transition to this charter form of government shall be as prescribed by state statute. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state statutes. The provisions of this transition article shall not be published as part of the charter after January 1, 1990.

SECTION 7.02 WARDS

Until modified in accordance with the provisions of this charter, the existing council shall establish new wards and boundaries, in accordance with the charter, by July 1, 1987.

SECTION 7.03

The existing city council shall appoint two (2) additional council members to serve from July 1, 1987. They shall be appointed one (1) from each of the existing wards, and shall serve until the new council is sworn in that will be elected on November 3, 1987.

SECTION 7.04 COUNCIL

1. The first meeting of the Belgrade City Council shall be held at 7:00p.m. on July 6, 1987, at which time the members shall take the oath of office prior to assuming the duties of office.

2. The council at its first meeting shall adopt ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective city government during that transition.

3. On September 1, 1987, a primary election will be held to nominate no more two (2) mayoral candidates, and no more than four (4) candidates for council from each ward. The general election shall be held on November 3, 1987, for the purpose of electing one (1) Mayor, and two (2) council members from each ward. The members receiving the highest number of votes in each ward shall serve an initial term of four years and the remaining members shall serve two years. These terms are for this election only.

SECTION 7.05 EMPLOYEES

1. All Belgrade city employees may continue in the performance of their duties according to the existing personnel system, unless and until their positions are terminated by the city's administrative code. Employees whose employment is terminated by the city's administrative code shall be given first consideration for other city employment, if qualified.

2. Salaries of all city employees shall not be less than their present level until a change in salary of such officials and employees is made in accordance with the provisions of the personnel system

3. Pension and retirement rights of city employees shall be unaffected by this charter.

SECTION 7.06 CITY MANAGER

1. Prior to the effective date of this charter, the city council shall employ a qualified City Manager to start July 1, 1987. The expenses of advertising for applicants for the position and of interviewing and investigating such applicants shall be paid by the city.

2. Within nine months of the appointment of the City Manager, the city administrative code and personnel system shall be prepared and submitted to the council for review, amendment and adoption by ordinance or resolution. The council shall adopt the city administrative code and personnel system by ordinance or resolution as submitted or amended with three months.

3. Within two years of the effective date of this charter, the manager will submit a codification of ordinances and resolutions to the council for review, amendment and adoption, by ordinance or resolution.

4. To aid in the implementation of this charter the City Council may levy the following additional mills:

A. In the fiscal year of 1987 five (5) mills,

B. In the fiscal year of 1988 the five mills will be reduced to four (4) mills,

C. In the fiscal year of 1989 the four mills will be reduced to three (3) mills.

D. After the fiscal year of 1989, July 1, 1990, these additional mills will be null and void.

These additional mills are for the express purpose of aiding and funding the position of City Manager during this transition period.

SECTION 7.07 SELF-GOVERNMENT POWERS

All existing ordinances and resolutions of the City of Belgrade, except those in conflict with provisions in this charter, shall remain in effect unless and until suspended by action of the council.