

RESOLUTION NO. R07-69

**A RESOLUTION ADOPTING CERTIFICATES NO. 1, 2, 3, AND 4
RELATED TO THE PROPOSED SELF-GOVERNMENT CHARTER WITH THE
COUNCIL-MAYOR PLAN OF GOVERNMENT FOR THE CITY OF LAUREL.**

WHEREAS, the City of Laurel approved an ordinance proposing to amend the form of Municipal Government in the City of Laurel, County of Yellowstone, Montana, through Ordinance No. O07-08; and

WHEREAS, said proposal affords the citizens of Laurel the opportunity to make an informed decision regarding local government; and

WHEREAS, the attached Certificates No. 1, 2, 3, and 4 are required by Montana Law for adoption by the City Council for distribution to the voters for their consideration and use in the upcoming election;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby approves the attached Certificates No. 1, 2, 3, and 4 as related to the proposed amendment to the form of Municipal Government in the City of Laurel.

Introduced at a regular meeting of the City Council on September 4, 2007, by Council Member Poehls.

PASSED and APPROVED by the City Council of the City of Laurel this 4th day of September, 2007.

APPROVED BY THE MAYOR this 4th day of September, 2007.

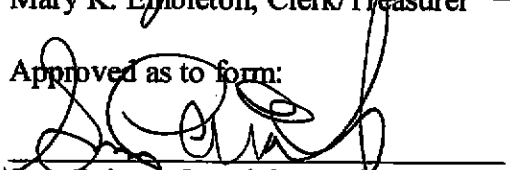
CITY OF LAUREL


Kenneth E. Olson, Jr., Mayor

ATTEST:


Mary K. Embleton, Clerk/Treasurer

Approved as to form:


Sam Painter, Legal Counsel
Elk River Law Office, P.L.L.P.

**A PROPOSAL
TO THE VOTERS OF LAUREL**

**BY
THE MAYOR AND CITY COUNCIL
OF THE CITY OF LAUREL**

**TO ADOPT
A SELF-GOVERNMENT CHARTER
WITH THE COUNCIL-MAYOR PLAN OF
GOVERNMENT**

To be submitted to the Voters of Laurel for their consideration and decision at a regularly scheduled, election to be conducted by mail ballot on November 6, 2007.

A MESSAGE FROM THE LAUREL MAYOR AND CITY COUNCIL

Dear Citizens of Laurel,

The Mayor and the members of the City Council are unanimous in proposing the attached city charter to the Voters of Laurel for your consideration.

We unanimously agree that the advantages of adopting a self-government charter include:

! Clarification of the responsibilities of the mayor and council.

! Greater management efficiency with an appointed chief administrative officer while maintaining direct voter accountability of an elected mayor and city council.

! Specific limits on the taxing powers of city government.

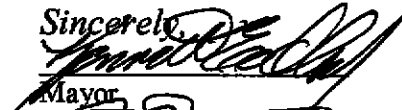
! Required public hearings before any increase in city fees.

! Self-government powers for the City of Laurel.

*After careful consideration, we have also concluded that the adoption of a city charter by the Voters poses **no disadvantages** for the citizens, taxpayers and residents of Laurel. A comparison of the important characteristics of the existing and proposed plans of government is included for your consideration on page 12.*

*We urge all Laurel Voters to study the proposed charter included on pages 6-11 and to discuss its provisions with your City Council members or with the Mayor. If you have any questions, please do not be reluctant to contact any or all of your city officials, and **Please Vote on November 6.***

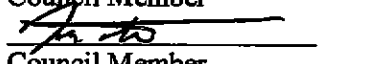
Sincerely,

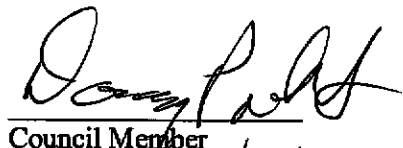

Mayor

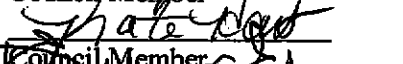

Council President


Council Member

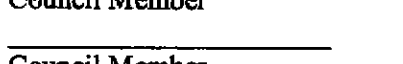

Council Member


Council Member


Council Member


Council Member


Council Member


Council Member

CERTIFICATE No. 1

**PROPOSED
CHARTER
CITY OF LAUREL,
YELLOWSTONE COUNTY, MONTANA**

PREAMBLE

WE, THE PEOPLE OF THE CITY OF LAUREL, COUNTY OF YELLOWSTONE, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City

The City of Laurel 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 city 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

1. The property tax mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of the electors voting on the question in a general or special municipal election.
2. No change in any city license fee, user fee, permit fee or utility charge shall be made without prior public hearings, as prescribed by law.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, charter provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.05 Oath of Office

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II LEGISLATIVE BRANCH

Section 2.01 Legislative Branch

The legislative branch and governing body of the City of Laurel shall be the city council.

Section 2.02 Composition

1. The City of Laurel shall have a city council of eight (8) members, four (4) of whom shall be elected every two years.
2. The council shall set the compensation of council members annually.

Section 2.03 Powers and Duties

The council shall be the legislative and policy determining body of the city. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the entire council.

Section 2.04 Term of Office

Members of the council shall be elected to four (4) year, overlapping terms of office.

Section 2.05 Election

1. The election of council members shall be conducted on a non-partisan basis.
2. There shall be four wards apportioned by population following every federal decennial census, each of which shall be represented by two council members. One council member from each of the four wards shall be elected every two years.
3. Candidates for the city council must reside in the ward they seek to represent at the time of their election and during their entire term of office.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from among their own number for a term established by resolution. The chairman of the council, who may be called the president of the council, shall preside when the mayor is absent.

Section 2.07 Council Procedures

The council shall, by resolution, adopt its own rules of procedure. A quorum of the council shall consist of five (5) council members physically present at a meeting of the city council.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Executive Branch

The mayor shall be the chief executive officer of the City of Laurel.

Section 3.02 Term of Office

The mayor shall be elected for a four-year term of office.

Section 3.03 Election

The mayor, who must reside within the city limits of Laurel at the time of election and throughout the term of office, shall be nominated and elected at large on a non-partisan basis.

Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, charter, 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 city 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 consent of the council temporary 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, with the consent of a majority of the council, all department heads and may remove department heads without the consent of the council and may appoint and remove all other city employees;
3. exercise control and supervision of all departments and boards to the degree authorized by resolution of the council.

Section 3.06 Legislative Authority of the Mayor

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the entire council.

Section 3.07 Compensation of the Mayor

The council shall set the compensation of the mayor annually.

Section 3.08 Absence of the Mayor

The mayor must receive the consent of the council for an absence from the city for ten (10) or more consecutive days.

Section 3.09 Grounds for Removal of the Mayor

The mayor may be removed from office by a finding, by an affirmative vote of six (6) of eight (8) council members that, pursuant to law, there is a vacancy in the office of mayor.

Section 3.10 Chief Administrative Officer

1. There may be a chief administrative officer appointed by written contract the terms of which shall be negotiated by the mayor for approval by the city council. The term of the contract shall not exceed two years unless specifically extended or renewed by majority vote of the council.
2. The chief administrative officer shall serve under the direct supervision of the mayor and shall perform those duties delegated to the officer by the mayor.
3. The chief administrative officer may exercise such supervisory authority as may be delegated in writing by the mayor and approved by resolution of the council.
4. The chief administrative officer shall not have the authority to terminate any city employee, that authority being reserved to the mayor.

Section 3.11 City Attorney

1. There shall be a chief legal officer of the city, who may be called the city attorney, appointed by the mayor with the consent of the council, who shall serve as legal advisor to the city council, the mayor, and all city departments, offices and agencies.
2. The chief legal officer shall be appointed by written contract which shall specify the duties and responsibilities, conditions of employment and compensation of the chief legal officer. Said contract shall not exceed duration of two years unless specifically extended or renewed by majority vote of the city council.
3. The chief legal officer shall represent the city in all legal proceedings unless otherwise determined by the council and shall perform other duties prescribed by ordinance. The council may engage such additional legal counsel as may be required to meet exigent circumstances.
4. The chief legal officer shall be supervised by the mayor and shall have the status of a department head, except that he or she may not be removed or suspended by the mayor without the consent of the city council.

Section 3.12 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court or a municipal court as provided by law.

ARTICLE V GENERAL PROVISIONS

Section 5.01 Amendment of Charter

This Charter may be amended only with the approval of the voters, as prescribed by state law.

Section 5.02 Effective Date

This Charter shall become effective on January 1, 2008.

Section 5.03 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any person holding the same office, except the term shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification, the council shall, by majority vote of the members, appoint a qualified person within 30 days of the vacancy to hold the office until the successor is elected and qualified. A person appointed to fill a vacant city council position must reside in the ward wherein the vacancy occurred.

Section 5.04 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 circumstance is held invalid the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VI
TRANSITION PROVISIONS**

Section 6.01 General Transition

1. Transition to this charter form of government shall be as prescribed by state law. The council may provide for such transition by ordinance or resolution not inconsistent with state law.
2. The provisions of this transition article shall not be published as part of the Charter after January 1, 2009.

Section 6.02 City Employees

1. No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter.
2. Existing elected officials may continue in office until the end of the term for which elected.

Section 6.03 Review of Existing Ordinances

1. All city ordinances and resolutions of the City of Laurel shall remain in effect until reviewed, revised or repealed by the city council.
2. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than January 1, 2009.

We, the Mayor and City Council of the City of Laurel do hereby certify that this is the Charter proposed by the Mayor and City Council for adoption by the voters of Laurel. In testimony whereof, we set our hands.

Done at Laurel, Montana this 4th day of September, 2007.

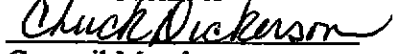


Mayor

Council President




Council Member



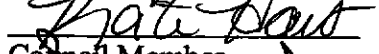
Chuck Nickerson
Council Member



Council Member




Council Member



Council Member



Council Member



Council Member

ATTEST:


City Clerk

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF LAUREL, MONTANA**

If retained by the voters, the government of Laurel shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal commission-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(2); Established by council resolution.
- (j) 7-3-218(2);
- (k) 7-3-219(2); Established by council resolution.
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be eight members.

These sections establish the following form of government which shall be called the MUNICIPAL COUNCIL-MAYOR FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the commission-executive, the council-mayor, or the commission-mayor form) consists of an elected council (which may be referred to as the commission) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202 (1). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;

- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212 (2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213 (3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove departments heads and may appoint and remove all other department employees.

7-3-214 (2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215 (2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216 (2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217 (2). Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the commission.

7-3-218 (2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219 (2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220 (1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221 (3). Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but

shall have no other vote (the chairman of the commission shall preside if the executive is absent).


7-3-222 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223 (2). Size of commission and community commissions. The size of the commission shall be eight (8), and community commissions to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

We, the Mayor and City Council of the City of Laurel do hereby certify that this is the present plan of government of the City of Laurel. In testimony whereof, we set our hands.

Done at Laurel, Montana this 4th day of September, 2007.



Mayor



Council President



Council Member



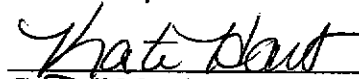
Council Member



Council Member



Council Member



Council Member



Council Member

Council Member

ATTEST:


City Clerk

CERTIFICATE No. 3

**COMPARISON OF CHARACTERISTICS OF THE
COUNCIL-MAYOR FORM AND CHARTER FORM WITH COUNCIL-MAYOR
CITY OF LAUREL**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	<i>Council – Mayor</i> Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	<i>Charter with Council – Mayor</i> Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council	Charter maintains council-mayor plan of government and adds a chief administrative officer to assist mayor.
POWERS	General government powers	Self-government powers	The charter limits the City's taxing authority to that of the present general powers government of Laurel and will require public hearings to be held for any increase in fees and utility rates.
GOVERNING BODY	City council is responsible for legislative and policy-making functions that will be carried out by the mayor..	City council is responsible for legislative and policy-making functions that will be carried out by the mayor with the assistance of a chief administrative officer.	No change. The elected city council continues as the governing body of the City.
Size	8 council members elected by ward in non-partisan elections.	8 council members elected by ward in non-partisan elections	No change.
Term	Four year overlapping terms.	Four year overlapping terms.	No change.
Presiding Officer	Chair (president) of the council selected by the council from among their own number.	Chair (president) of the council selected by the council from among their own number.	No change.
CHIEF EXECUTIVE AND CHIEF ADMINISTRATIVE OFFICER	The elected mayor serves as the City's chief executive officer and chief administrative officer.	The elected mayor serves as the chief executive officer and supervises the chief administrative officer who is appointed by written contract approved by city council.	Greater management accountability, problem solving capacity and administrative efficiency in dealing with growth related issues.
Powers and Duties	The mayor carries out the policies of the council, advises council, executes budget, supervises all City departments and enforces laws and ordinances.	No change in the powers of the mayor who will, under the charter, be provided with the expert assistance of an appointed chief administrative officer whose duties and supervisory responsibility will be defined in writing by the mayor with the consent of the city council.	Greater management and service delivery efficiency while maintaining direct voter accountability of an elected mayor.
Appointment Powers	The mayor appoints department heads and members of boards and councils with consent of the council.	The mayor appoints department heads and members of boards and councils with consent of the council.	No change.
Budget Preparation	Mayor is responsible for the preparation of the budget in cooperation with department heads. Budget is then modified and approved by the city council.	Mayor is responsible for the preparation of the budget in cooperation with department heads. Budget is then modified and approved by the city council.	No change.

CERTIFICATE No. 4

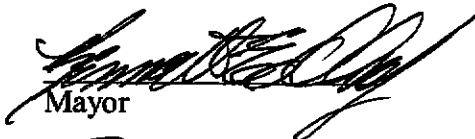
PLAN OF APPORTIONMENT OF COUNCIL MEMBER DISTRICTS (WARDS)

The present plan of apportionment of council member districts (wards) was updated by the City Council following the 2000 federal decennial census and shall be retained if the new plan of government set forth in the proposed Charter is adopted by the voters.

We, the Mayor and City Council of the City of Laurel, do hereby certify that this is the plan of apportionment of City Council districts under the proposed charter, if approved by the Voters of Laurel.

In testimony whereof, we set our hands.

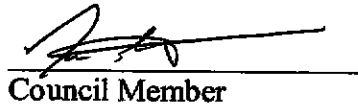
Done at Laurel, Montana this 4th day of September, 2007.


Mayor


Council President


Council Member


Council Member


Council Member


Council Member


Council Member


Council Member

Council Member

ATTEST:

City Clerk