

**CERTIFICATE**  
**ESTABLISHING THE PROPOSED CHARTER**  
**FOR**  
**THE TOWN OF SUPERIOR**

**PREAMBLE**

WE, THE PEOPLE OF THE TOWN OF SUPERIOR, COUNTY OF MINERAL, STATE OF MONTANA, in accordance with the Constitution of the United States of America and the Constitution of the State of Montana, do adopt this Charter to provide us with greater control over the internal affairs of our Town, increased freedom to act in solving our own problems and for the protection of our rights. We embrace the Constitution of the United States of America, the Constitution of the State of Montana and the powers thereby granted to Charters under the laws of the State of Montana. We assert that this Charter is the embodiment of the contract between the citizens of the Town of Superior and themselves.

**ARTICLE I**  
**GENERAL PROVISIONS**

Section 1.01 Powers of the Town of Superior

Under this Charter the Town of Superior shall have self-governing powers as provided by the Constitution of the State of Montana and laws of the State of Montana. This government may exercise any power, or provide any service, or perform any function not prohibited by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana, or this Charter.

Section 1.02 Interpretation of Powers

As provided by Article XI of the Constitution of the State of Montana the powers and authority of the Town of Superior under this Charter shall be liberally construed. Every reasonable doubt as to the existence of a town power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Form of Government

As provided by the Constitution of the State of Montana and the laws of the State of Montana the form of government for the Town of Superior is a Charter with self-governing powers.

Section 1.04 Rights of the People

As provided by Constitution of the United States of America and by Article II of the Constitution of the State of Montana concerning rights of the people, all rights shall be reserved to each person.



## Section 1.05 Restrictions

The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

## Section 1.06 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 statutory provisions.

## Section 1.07 Oath of Office

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

# ARTICLE II TOWN COUNCIL

## Section 2.01 Legislative Branch

The legislative branch shall consist of the Town Council that will be the governing body of the town.

## Section 2.02 Responsibility

The primary role of the governing body shall be to protect the rights and to represent the interests of the citizens of the Town of Superior.

## Section 2.03 Composition

The Town of Superior shall have a Town Council of six (6) members; two (2) elected from each of three (3) wards.

## Section 2.04 Powers and Duties

The Council shall be the legislative and policy determining body of the Town. All legislative powers not reserved to or denied by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana, or this Charter shall be vested in the Town Council. The Town Council shall provide for the exercise of powers and for the performance of all duties and obligations imposed on the town by this Charter. The council may override the mayor's veto with four (4) affirmative council votes.



Section 2.05 Term of Office

Members of the Town Council shall be elected for four (4) year overlapping terms of office.

Section 2.06 Election

Local government elections shall be conducted on a nonpartisan basis. Town Council members shall be elected by wards in which candidates and council members must reside and which are apportioned by population. One council member from each ward shall be elected every two years.

Section 2.07 President of the Town Council

The council shall have a president who shall be elected by the members of the council from their own number for a term established by ordinance. The president of the council shall preside when the mayor is absent. In the absence of the president, the council may appoint one of its members to act in his or her place.

Section 2.08 Procedure

The Town Council shall establish by ordinance its rules of procedure and time and place of meetings.

ARTICLE III  
MAYOR

Section 3.01 The Executive Branch

The mayor shall be the chief executive officer of the town.

Section 3.02 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.03 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.



### Section 3.04 Powers and Duties

The mayor 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 council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the local government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

### Section 3.05 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint all department heads with the consent of a majority of the council;
4. remove department heads;
5. appoint and remove all other department employees;
6. exercise control and supervision of all departments and boards, unless delegated.

### Section 3.06 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by four (4) affirmative council votes.

## ARTICLE IV CITY COURT

### Section 4.01 Judicial Branch

The judicial branch shall be a city court as provided by the laws of the State of Montana.



**ARTICLE V  
DEPARTMENT STRUCTURE**

**Section 5.01    Organization of Departments**

The organization of town departments shall be prescribed by resolution or ordinance.

**ARTICLE VI  
MISCELLANEOUS PROVISIONS**

**Section 6.01    Amendment of Charter**

This Charter may be amended only as prescribed in the laws of the State of Montana.

**Section 6.02    Effective Date**

This Charter shall become effective on January 1, 1996.

**Section 6.03    Qualification for Office**

All elected officials of the Town of Superior shall meet and retain the eligibility requirements as required by Article IV, of the Constitution of the State of Montana. All elected officials of the Town of Superior must be a resident of the Town of Superior and the council members must be a resident of the ward they represent.

**Section 6.04    Vacancy in Office**

An elected office under this Charter becomes vacant as prescribed by the laws of the State of Montana. 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 other person holding the same office, except the term of office 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.

**Section 6.05    Recall, Initiative and Referendum**

As provided by the Constitution of the State of Montana and the laws of the State of Montana, the qualified electors may recall elected officials; and may revise, repeal, or enact any resolution, ordinance or rule of the Town of Superior.

**Section 6.06    Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby.



Section 6.07 Power and Authority of Resolutions and Ordinances

All resolutions and ordinances created by the Town Council before the adoption of this Charter shall be reviewed in accordance with Section 7.03 of this Charter and after review shall carry the same authority and power as if they had been written under this Charter.

ARTICLE VII  
TRANSITIONAL PROVISIONS

Section 7.01 General Transition

Transition to this Charter form of government shall be as prescribed by the laws of the State of Montana. The council may provide for such transition by resolution, ordinance or rule not inconsistent with the laws of the State of Montana.

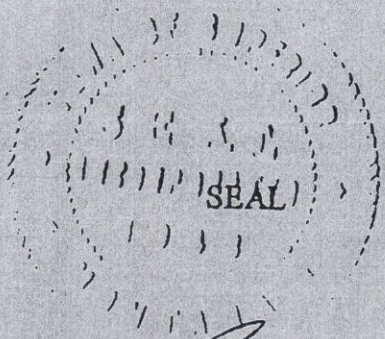
Section 7.02 Continuation in Office

No town employee or elected official currently holding a town office will lose employment or elected position solely because of the adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All resolutions, ordinances and rules of the Town of Superior shall remain in effect until reviewed, revised or repealed by the Town Council. The Town Council shall review and, where necessary, revise or repeal all town resolutions, ordinances and rules to provide for compliance and consistency with this Charter no later than March 30, 1996.





We, the Study Commission of the Town of Superior do hereby certify that this is the proposed plan of government approved by the Study Commission of the Town of Superior.

In testimony whereof, we set our hands.

Done at Superior this 23 day of August 1995.

ATTEST  
Brenda Schneider, Superior Town Clerk

Handwritten signature of Brenda Schneider in cursive script.

Handwritten signature of Dennis Hildebrand in cursive script.  
Dennis HildebrandHandwritten signature of John A. Anderson in cursive script.  
John A. AndersonHandwritten signature of Lawrence D. Price in cursive script.  
Lawrence D. Price