

**CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
CASCADE COUNTY**

Upon the approval of the majority of voters the government of Cascade County shall be organized as provided by this Charter and state law.

**PROPOSED
CHARTER COMMISSION-EXECUTIVE FORM
OF GOVERNMENT
FOR
CASCADE COUNTY**

APPROVED: JULY 26, 1976

By the
CASCADE COUNTY STUDY COMMISSION
MARGARET M. TIERNEY, CHAIRMAN
LEO F. WALSH, VICE-CHAIRMAN
DANIEL S. MORTAG, SECRETARY-TREASURER
JAMES F. DURKIN, COMMISSIONER
ARLYNE REICHERT, COMMISSIONER

PREAMBLE

We, the People of Cascade County, State of Montana, a body corporate and politic, in accordance with Article XI, Section 5 of the 1972 Constitution of Montana and the general laws of the State of Montana do adopt this Charter as our instrument of government.

**ARTICLE I
POWERS OF THE PEOPLE OF CASCADE COUNTY**

Section 1.01 POWERS

1. By adopting this Self-Government Charter, the PEOPLE of Cascade County specifically intend to vest themselves with all powers possible including but not limited to the following:
 - A. Those powers authorized by the 1972 Constitution of Montana.
 - B. Those powers authorized under the general laws of the State of Montana.
 - C. Those law making powers which the legislature (and congress) may heretofore or hereafter transfer to local government.
2. Except as limited by this Charter and specifically Section 1.01 (3), the legislative and executive branches of Cascade County as hereinafter defined, shall be vested with all powers necessary and proper to carry into execution all functions herein authorized including the power to enact local public ordinances or resolutions, and to repeal or amend local laws of the County heretofore enacted or as now in force or hereafter amended.
3. The PEOPLE of Cascade County expressly prohibit:
 - A. The rate of tax on real or personal property from exceeding the maximum levy allowable by state law.

Section 1.02 IMPLEMENTATION OF LOCAL LEVIES, ASSESSMENTS, TAXES, LICENSING FEES OR REVENUE PRODUCING MEASURES

- A. Any permissive local levy, assessment, tax, license fee or revenue producing measure authorized by state law shall only be enacted by the commission in the manner provided by this Charter for the enactment of an ordinance.
- B. Any local levy, assessment, tax, license fee or revenue producing measure enacted by the commission but which is not authorized by state law shall only become effective after it has been submitted to the qualified electors of the county and approved by a simple majority of the total vote cast.
- C. The PEOPLE of Cascade County may propose any local levy, assessment, tax, license fee, or revenue producing measure which is not authorized by state law and which has not been enacted by the commission, in the same manner as is provided for amendment of this Charter by initiative.

Section 1.03 CONFLICTS AND CONSTRUCTION

area such commissioner districts, however, no commissioner district shall at any time be changed to affect the term of office of any county commissioner who has been elected, and provided further, that no change in the boundaries of any commissioner district shall be made within six (6) months next preceding a general election.

Section 2.04 FILING OF DISTRICTS

When such division of commissioner districts has been made there shall be filed in the office of the commission of the county, a certificate designating the metes and bounds of the boundary lines and limits, of each said commissioner district. The certificate shall be dated and signed by the district court judge or judges of the county.

Section 2.05 ORGANIZATION; OFFICERS; CLERK

- A. The county commission shall elect from among its members a chairman and a vice chairman, each of whom shall serve at its pleasure. The chairman shall preside at commission meetings. If at any meeting the chairman is not present or is unable to act, the vice chairman shall preside at that meeting.
- B. The chairman of the commission shall sit as the acting executive in the event that the County Executive vacates his position or is absent from the county under the provisions established in this Charter.
- C. The county commission shall designate a person to serve as clerk of the commission. Under the supervision of the commission, the clerk shall:
 1. Give due notice of the time, place and agenda of commission meetings to the commission members and to the public;
 2. Keep the journal of commission proceedings;
 3. Procure for the commission any required publications of notices, ordinances, resolutions or Charter amendments;
 4. Maintain and make available for public inspection an indexed file containing copies of the Cascade County Code, this Charter, every adopted ordinance; resolution, rule, regulation and code of regulations, and every adopted amendment or modification of any of the foregoing;
 5. Perform the duties assigned him by any of the provisions of this Charter; and
 6. Perform such other duties as the commission may prescribe.

Section 2.06 PROCEDURE; MEETINGS; RULES AND JOURNAL; VOTING

- A. The county commission shall meet regularly at least twice in every month at such times and places as the commission may prescribe by rule, provided however, that at least one (1) meeting out of every four (4) regular meetings shall be held at night to encourage citizen participation. Special meetings may be held on the call of the County Executive or of three (3) or more members of the commission, and whenever practicable, upon no less than twelve hours effective notice to each member. All meetings shall be public.
- B. The commission shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- C. Voting except on procedural motions, shall be by roll call and the ayes, nays and names shall be recorded in the journal. Three members of the commission shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the commission.

Section 2.07 RESTRICTIONS ON THE COUNTY COMMISSION

- A. Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any county employee who is subject to the direction and supervision of the County Executive or any of his subordinates, except as otherwise provided in this Charter.
- B. Except for the purposes of inquiry or investigation under this Charter or by local ordinance, the commission or its members shall deal with county employees who are subject to the direction and the supervision of the County Executive, solely through the County Executive and neither the commission nor any of its members shall give orders to any such employee or officer either publicly or privately. Any willful violation of the provisions of this subsection by a member of the commission shall be sufficient grounds for an action for his removal from office brought by the County Attorney in a court of competent jurisdiction.

Section 2.08 COMPENSATION AND EXPENSES

CASCADE COUNTY CHARTER

by time be
n elected,
strict shall

6. Sign or cause to be signed on behalf of the county all deeds, contracts and other instruments subject to the approval of at least three (3) members of the commission;
7. Perform such other duties required by the commission, this Charter and local ordinance.

Section 3.05 POWER TO VETO

Any ordinance or resolution by the Commission shall be delivered to the County Executive within three (3) days of enactment, exclusive of Saturday, Sunday or state holidays, and the County Executive shall approve or disapprove of the ordinance or resolution within ten (10) days thereafter. If the County Executive disapproves of such ordinance or resolution he shall return it to the commission with the reasons for his disapproval in writing. The commission may by the affirmative vote of four (4) of the five (5) members enact the ordinance or resolution over the disapproval of the County Executive. Any ordinance or resolution which has neither been approved nor disapproved by the County Executive, shall be considered approved upon the fourteenth (14) day after enactment.

Section 3.06 APPOINTMENT; CONTROL AND TERMINATION OF BOARDS, BUREAUS AND COMMITTEES

- A. The County Executive shall appoint the members of all Boards, Bureaus and Committees subject to the qualifications established by ordinance, state law or this Charter, and further subject to the confirmation of the majority of the commission.
- B. All personnel of any Board, Bureau or Committee who receives a salary shall be considered a county employee and shall be subject to state law, this Charter, local ordinance and the personnel policy.
- C. The budget of any Board, Bureau or Committee which will include funds received from the county or taxpayers, or any expenditure which may be made solely at the discretion of the Board, Bureau or Committee shall be submitted to the County Executive and if approved by him shall be submitted with his annual budget for approval of the commission.
- D. The commission shall adopt an ordinance which will require any Board, Bureau or Committee, which is not required by state law, to report on its affairs, in such manner as the county commission may require at least every four (4) years and if the county commission determines that the Board, Bureau or Committee is no longer performing the function for which it was created then the Board, Bureau or Committee shall be updated or terminated.

Section 3.07 APPOINTMENT AND CONFIRMATION OF CHIEF OFFICERS OF DEPARTMENTS

A non-elected chief officer of any department shall be appointed by the County Executive subject to confirmation by a majority of the commission.

Section 3.08 QUALIFICATIONS

All appointed personnel shall be appointed on the basis of ability, qualifications, integrity and prior experience concerning the duties of the office to which they are a candidate.

Section 3.09 COMPENSATION OF THE COUNTY EXECUTIVE

The commission by ordinance, shall set the compensation for the County Executive provided however, that the person elected to the position of County Executive shall receive as a minimum compensation no less than twenty thousand (\$20,000.00) dollars per annum.

ARTICLE IV OFFICE OF THE SHERIFF

Section 4.01 COUNTY SHERIFF

There shall be a County Sheriff who shall be the chief law enforcement officer of the county and who shall be elected and perform the duties required and have such powers as are authorized by the Montana Constitution, state law, this Charter or any ordinance or resolution.

ARTICLE V COUNTY ATTORNEY

Section 5.01 COUNTY ATTORNEY

There shall be a County Attorney who shall be the chief legal officer of the county and who shall be elected and perform the duties required and have such powers as are authorized by the Montana Constitution, state law, this Charter or any ordinance or

Section 7.05 COMMUNITY COUNCILS

Community Councils may be established by ordinance.

Section 7.06 EFFECTIVE DATE

This Charter is effective May 2, 1977.

ARTICLE VIII AMENDMENT PROCEDURE

Section 8.01 AMENDMENT BY REFERENDUM

Any member of the commission may propose amendments to this Charter. If the proposal is adopted by an affirmative roll call vote of four (4) of the members of the commission, the proposed amendment shall be submitted to the qualified electors at the next general election. If the proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter on the first day of July after certification of the election returns unless the amendment provides otherwise.

Section 8.02 AMENDMENT BY INITIATIVE

The People of Cascade County may propose amendments to this Charter by initiative. A petition containing the full text of the proposed amendment which has been signed by at least ten (10%) percent of the qualified electors of the county shall be filed with the clerk of the commission. If the petition has been found to be signed by the required number of electors, the clerk shall cause the proposed amendment to be published twice each month for two (2) months prior to the next general election in a newspaper of general circulation in the county. If the proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter on the first day of July after certification of the election returns unless the amendment provides otherwise.

ARTICLE IX TRANSITION

Section 9.01 COUNTY COMMISSION

- A. The County Commissioner whose term of office commenced on the first Monday in January, 1973, shall be one of the commissioners at-large required by this Charter and shall serve until the first Monday in January, 1979, and shall receive the compensation he received prior to the effective date of this Charter.
- B. The County Commissioner whose term of office commenced on the first Monday in January, 1975, shall be considered an at-large commissioner and his term of office shall expire on the first Monday in January, 1979. He shall receive the compensation he received prior to the effective date of this Charter.
- C. The term of office for the three (3) commissioners elected from the districts shall commence on May 2, 1977, and shall expire on the first Monday of January, 1981.

Section 9.02 COUNTY EXECUTIVE

The term of office of the County Executive shall commence on May 2, 1977, and shall expire on the first Monday of January, 1981.

Section 9.03 COUNTY SHERIFF AND COUNTY ATTORNEY

The term of office of the persons elected to the office of Sheriff and County Attorney whose terms commenced on the First Monday of January, 1975, shall expire on the first Monday of January, 1979.

Section 9.04 ALL OTHER ELECTED OFFICIALS

Terms of all other elected county officials holding office on the effective date of this Charter which would have expired in 1979, shall be entitled to remain in the employment of the county and receive the same compensation and employment benefits that they were entitled to prior to the effective date of this Charter, until the expiration of their present term in office, provided however, they shall be subject to the administrative supervision as provided by this Charter, and shall perform such duties as are assigned to them.

Section 9.05 PERSONNEL POLICY

There shall be a personnel policy for all non-elective county employees established by the commission by January 1, 1979, and any person employed by the county prior to the effective date of this Charter may not be terminated without cause prior to that date.

Section 9.06 COMPENSATION FOR THE COUNTY COMMISSION

led in the
bounds of
e shall be

nd a vice
reside at
to act, the

t that the
provisions

mmission.

gs to the

s, resolu-

copies of
ion, rule,
ication of

id

uch times
least one
ncourage
ecutive or
on no less
c.
rovide for

nd names
nstitute a
mpel the
cribed by
ng unless
on.

appoint-
pervision
ed in this

by local
who are
ough the
orders to
n of the
grounds
i court of

receive as a minimum compensation no less than twenty thousand (\$20,000.00) dollars per annum.

**ARTICLE IV
OFFICE OF THE SHERIFF**

Section 4.01 COUNTY SHERIFF

There shall be a County Sheriff who shall be the chief law enforcement officer of the county and who shall be elected and perform the duties required and have such powers as are authorized by the Montana Constitution, state law, this Charter or any ordinance or resolution.

**ARTICLE V
COUNTY ATTORNEY**

Section 5.01 COUNTY ATTORNEY

There shall be a County Attorney who shall be the chief legal officer of the county and who shall be elected and perform the duties required and have such powers as are authorized by the Montana Constitution, state law, this Charter or any ordinance or resolution.

**ARTICLE VI
JUDICIAL BRANCH**

Section 6.01 JUDICIAL BRANCH

The judicial branch shall be a branch of county government for budgetary purposes only and shall be independent from control by either the legislative or executive branch of county government.

Section 6.02 POWERS OF THE JUDICIAL BRANCH

The judicial branch shall have all the powers and jurisdictions authorized by the Montana Constitution and state law, for the various levels of court therein provided. The judicial branch shall be under the direction and management of the district court judges. The district court judges may appoint an administrator for the judicial branch and may also provide for departments in the area of juveniles, indigent defense counsel, domestic relations, record keeping, service of process, and such additional areas as they may deem necessary to carry on the functions of the court and the duties and responsibilities required by the Constitution, state law, this Charter, or local ordinance. Although there will be an elected Justice of the Peace, he and all other Justices of the Peace shall be under the supervision of the district judges or an administrator appointed by the district judges.

**ARTICLE VII
GENERAL PROVISIONS**

Section 7.01 VACANCY

The commission shall by ordinance determine the requirements necessary for there to be a vacancy created in any elected office and the method of filling such unexpired term until the next general election.

Section 7.02 RECALL

Any commissioner or County Executive may be removed from office without cause by the filing of a petition in the form established by ordinance which shall be signed by twenty (20%) percent of the registered voters who would have been entitled to vote for that position as of the last general election and upon receipt of a petition meeting these requirements the commission shall immediately call for a special election within ninety (90) days of the receipt of the petition. If a majority of those voting approve the removal of said commissioner or executive the commissioner or executive shall be removed.

Section 7.03 PARTISAN OR NON-PARTISAN ELECTIONS

Nothing in this Charter shall be interpreted as preventing or requiring partisan or non-partisan elections.

Section 7.04 PUBLICATION OF PROPOSED ORDINANCES AND RESOLUTIONS

In addition to any publication requirements for proposed ordinances and resolutions established by state law, a summary of all proposed ordinances and resolutions, except emergency ordinances and resolutions, shall be published in a newspaper of general circulation in the county in the manner prescribed by the commission prior to final enactment. A final draft of the complete text of any proposed ordinance and resolution shall be furnished without charge to any resident of the county who may request it from the clerk of the commission.

whose terms commenced on the first Monday of January, 1975, shall expire on the first Monday of January, 1979.

Section 9.04 ALL OTHER ELECTED OFFICIALS

Terms of all other elected county officials holding office on the effective date of this Charter which would have expired in 1979, shall be entitled to remain in the employment of the county and receive the same compensation and employment benefits that they were entitled to prior to the effective date of this Charter, until the expiration of their present term in office, provided however, they shall be subject to the administrative supervision as provided by this Charter, and shall perform such duties as are assigned to them.

Section 9.05 PERSONNEL POLICY

There shall be a personnel policy for all non-elective county employees established by the commission by January 1, 1979, and any person employed by the county prior to the effective date of this Charter may not be terminated without cause prior to that date.

Section 9.06 COMPENSATION FOR THE COUNTY COMMISSION

Compensation for members of the commission, other than the two defined by Article IX, Section 9.01 A and B, shall be \$300.00 per month during the transition period.

Section 9.07 REORGANIZATION

The County Executive shall submit to the commission his proposed reorganization schedule by January 1, 1978. The commission shall adopt appropriate policies to implement reorganization by July 1, 1978. All reorganization shall be complete by January 1, 1979.

Section 9.08 RESTRICTIONS ON STUDY COMMISSION

No member of the Cascade County Study Commission nor its employees or agents shall run for the position of commissioner or county executive for a term of office which commences prior to January 1, 1979.

Section 9.09 ADVISORY COMMITTEE FOR TRANSITION

An advisory committee for transition shall be established consisting of the following members: The county Executive, and such members of the community and such holdover officials as may be designated by the County Executive. The County Executive shall be the chairman of this temporary advisory committee. This advisory committee shall be in effect only during the transition period and shall give advisory opinions and recommendations as sought by the County Executive in any area of reorganization.

We, the Study Commissioners of Cascade County, do hereby certify that this is the Proposed Plan of Government approved by the Study Commissioners of Cascade County.

SEAL

In testimony whereof, we set our hands.

Done at Great Falls, Montana, this 30th day of July, 1976

ATTEST:
J. L. LENNON
CLERK AND RECORDER OF
CASCADE COUNTY

Margaret M. Tierney
MARGARET M. TIERNEY

Leo F. Walsh
LEO F. WALSH

Daniel S. Mortag
DANIEL S. MORTAG

James F. Durkin
JAMES F. DURKIN

Arlyne Reichert
ARLYNE REICHERT

CASCADE COUNTY STUDY COMMISSION

Section 1.02 IMPLEMENTATION OF LOCAL LEVIES, ASSESSMENTS, TAXES, LICENSING FEES OR REVENUE PRODUCING MEASURES

- A. Any permissive local levy, assessment, tax, license fee or revenue producing measure authorized by state law shall only be enacted by the commission in the manner provided by this Charter for the enactment of an ordinance.
- B. Any local levy, assessment, tax, license fee or revenue producing measure enacted by the commission but which is not authorized by state law shall only become effective after it has been submitted to the qualified electors of the county and approved by a simple majority of the total vote cast.
- C. The PEOPLE of Cascade County may propose any local levy, assessment, tax, license fee, or revenue producing measure which is not authorized by state law and which has not been enacted by the commission, in the same manner as is provided for amendment of this Charter by initiative.

Section 1.03 CONFLICTS AND CONSTRUCTION

- A. To the fullest extent authorized by Article XI, Section 5(3) of the 1972 Montana Constitution, the provisions of the Charter which establish executive, legislative and administrative structure and organization shall be superior to any state or county statutory provisions heretofore or hereafter enacted.
- B. Nothing herein contained shall be construed to authorize or empower the governing body to enact laws or regulations for any incorporated town, village, or municipality by the act incorporating it or any subsequent act or acts amendatory thereto.
- C. All laws relating to or affecting this Charter, the Commission, the County Executive, this county, or its agencies, officials or employees and all county ordinances, resolutions, orders and regulations which are in force when this Charter becomes effective are repealed to the extent that they are inconsistent with the effective operation of this Charter or of ordinances or resolutions adopted by the governing body under the provisions of this Charter.
- D. This Charter is to be liberally construed and interpreted with the purpose of reserving unto the PEOPLE of Cascade County all the rights, privileges and power authorized by a Self-Government Charter.
- E. 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 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 II
THE LEGISLATIVE BRANCH**

Section 2.01 THE BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners hereinafter referred to as "the commission", shall be the legislative branch of this county and shall exercise all legislative powers of the county granted by this Charter.

Section 2.02 COMPOSITION; TERMS; QUALIFICATIONS OF MEMBERS OF THE COMMISSION

- A. COMPOSITION AND TERM OF OFFICE
The Board of County Commissioners shall be composed of five (5) members, each of whose term of office is four (4) years.
- B. ELECTION
Election for the Office of County Commissioner shall be conducted in accordance with state law, this Charter and local ordinance.
The Board of County Commissioners shall consist of the following members:
 - 1. There shall be one (1) member from each of the three (3) commission districts defined herein below who shall reside in the district and who shall be elected from that district.
 - 2. There shall be two (2) members who shall be elected from within the county at-large.
- C. QUALIFICATIONS
Candidates for the position of County Commissioner shall be citizens of the state and electors of the county.

Section 2.03 COMMISSIONER DISTRICTS

The commission, following each federal decennial census, shall divide the county into three (3) commissioner districts as compact and equal in population and area as possible. The district judge or judges of said county shall review the action of the commission to determine whether or not said action meets the requirements of this section. Such apportionment may take place at any time for the purpose of equalizing in population and

Section 2.07 RESTRICTIONS ON THE COUNTY COMMISSION

- A. Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any county employee who is subject to the direction and supervision of the County Executive or any of his subordinates, except as otherwise provided in this Charter.
- B. Except for the purposes of inquiry or investigation under this Charter or by local ordinance, the commission or its members shall deal with county employees who are subject to the direction and the supervision of the County Executive, solely through the County Executive and neither the commission nor any of its members shall give orders to any such employee or officer either publicly or privately. Any willful violation of the provisions of this subsection by a member of the commission shall be sufficient grounds for an action for his removal from office brought by the County Attorney in a court of competent jurisdiction.

Section 2.08 COMPENSATION AND EXPENSES

- A. The commission shall prescribe by ordinance, the compensation for its members.
- B. No change in the compensation for members of the commission shall become effective during that term of office which any member of the commission is serving at the time of the enactment of the change in compensation.
- C. Members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of the duties of the office of commissioner.

**ARTICLE III
THE EXECUTIVE BRANCH**

Section 3.01 COUNTY EXECUTIVE

The County Executive shall be the chief executive and administrative officer of the county.

Section 3.02 ELECTION OF THE COUNTY EXECUTIVE

Election for the office of the County Executive shall be conducted in accordance with state law, this Charter and local ordinance.

Section 3.03 TERM AND QUALIFICATIONS OF THE COUNTY EXECUTIVE

The term of office of the County Executive is four (4) years. Candidates for the position of County Executive shall be citizens of the state and electors of the county.

Section 3.04 POWERS AND DUTIES OF THE COUNTY EXECUTIVE

The County Executive shall be the chief executive officer of the county and shall have all the executive power of the county including but not limited to the following:

1. To attend commission meetings and participate in the discussion but shall not have a vote;
2. To assign duties to administrative offices and departments which have not been specifically designated by this Charter or by ordinance;
3. To appoint, suspend or remove all employees of the local government except as otherwise provided;
4. To appoint members to temporary committees as directed by the commission;
5. To have the authority to appoint a professional or experienced administrative assistant.

The County Executive shall perform the following duties:

1. Supervise all administrative offices and executive departments established by the Charter or created by the commission with the exception of the office of the Sheriff and the office of the County Attorney;
2. Serve on all boards or commissions on which the county commissioner was required to serve prior to the adoption of this Charter; but if more than one county commissioner was required to serve, the commission shall appoint a member to serve on the board or commission with him;
3. Present to the commission at the time established by ordinance an annual statement of the financial affairs of the county. The annual statement may be audited by an independent Certified Public Accountant if requested by the commission. The County Executive shall report on the governmental affairs of the county and submit any other report which he may deem necessary or any other information concerning the executive branch that the commission may require for the exercise of its powers;
4. Prepare and present to the commission a budget and budget message in the form established by ordinance which shall set forth the programs which he proposes for the county for the next fiscal year;
5. Implement the policies established by the commission and present comprehensive plans to the commission for present and future development of the county;

receive per ann

Section 4.0
There s
county
as are
or resol

Section 5.0
There sh
who sh
authoriz
resolutio

Section 6.0
The judic
and sha
county

Section 6.0
The judic
Constitu
branch
district
provide
relations
deem ne
required
will be
under th
judges.

Section 7.0
The com
a vacan
until the

Section 7.0:
Any com
filing of
(20%) p
position
requirem
(90) day
of said c

Section 7.0:
Nothing
non-part

Section 7.0:
In additi
establish
emergen
circulati
enactme
shall be
the clerk