

CITY CHARTER
OF
THE CITY OF DILLON

PREAMBLE

WE, THE PEOPLE OF THE CITY OF DILLON, MONTANA, in accordance with Article XI, Section 5 of the Montana Constitution, in order to modernize our form of local government, increase its efficiency and to provide for local self determination, do hereby adopt this Charter.

ARTICLE 1
POWERS OF THE CITY

Section 1.01 Powers of the City of Dillon

The City of Dillon shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretations of Powers

The powers and authority of this self-governing city shall be liberally constructed. 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 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.
2. No change in any city license fee, user fee, permit fee or utility charge shall be made without a prior public hearing or hearings as prescribed by law.

Section 1.04 Charter Supremacy

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

ARTICLE II
LEGISLATIVE BRANCH

Section 2.01 Legislative Branch

The legislative branch shall consist of the city council which shall be the governing body of the city.

Section 2.02 Composition

The City of Dillon shall have a city council of eight (8) members, two (2) of whom shall be elected from each of four (4) districts.

Section 2.03 Qualifications for Office

Every resident of the City of Dillon who is 18 years of age or older and a citizen of Montana is eligible to hold the office of council member for the district in which he or she resides.

Section 2.04 Term of Office

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

Section 2.05 Election

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

Section 2.06 Apportionment of Districts

Following each federal decennial census, the city council shall cause the city to be divided into four (4) districts, as compact and equal in population as possible.

Section 2.07 President of the 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, and may only vote as other members of the council.

Section 2.08 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of five (5) council members that the office has become vacant as prescribed by law, or by the recall of the council member by the electors of Dillon as prescribed by law.

Section 2.10 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal elections, 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 appoint, by the affirmative vote of five (5) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.11 Powers and Duties

1. The council shall be the legislative and policy determining body of the City of Dillon. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.
2. Neither the council, nor council members shall in any manner dictate the appointment or removal of any city officers or employees whom the mayor or any subordinates are empowered to appoint.
3. Except for the purpose of inquiry or investigation under this title, the council or its members shall deal with the local government employees who are subject to the direction and supervision of the mayor solely through the mayor, and neither the council nor its members may give orders to any such employee, either publicly or privately.

Section 2.12 Council Appointments

The president of council shall nominate council members to committees of council with the advice and consent of the council.

Section 2.13 Restrictions on Council

Except where authorized by law, no council member shall hold any other city office or city employment for compensation.

Section 2.14 Legislative Action

1. The affirmative vote of four (4) council members shall be required for all official actions of the council. A minimum of five (5) council members must be present when official actions are taken by the council.
2. The council may override the mayor's veto with the affirmative vote of six (6) council members.

Section 2.15 Procedure

The council shall establish by resolution its rules of procedure and time and place of meetings.

Section 2.16 Compensation

The compensation of council members shall be set annually by the city council.

**ARTICLE III
EXECUTIVE BRANCH**

Section 3.01 The Mayor

The mayor shall be chief executive officer of the city.

Section 3.02 Qualifications for Office

Every resident of the City of Dillon who is 21 years of age or older and a citizen of Montana for at least three years and a resident of Dillon for at least two years preceding the election to office is eligible to hold the office of mayor.

Section 3.03 Term of Office

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

Section 3.04 Election

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

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of five (5) council members that the office has become vacant as prescribed by law, or by the recall of the mayor by the electors of Dillon as prescribed by law.

Section 3.07 Filling Vacancy of Mayor

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of five (5) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform duties required of him by law, Charter, ordinances or resolution;
3. administer affairs of city 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. prepare the council agenda, 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 3.09 Administrative Duties

The mayor may:

1. prepare the budget in consultation and department heads;
2. appoint one or more administrative assistant to assist in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint and remove with the consent of the council, all department heads and appoint and remove all other employees in consultation with the appropriate department head.
4. Exercise control and supervision of all departments and boards to the degree authorized by ordinance.

Section 3.10 Legislative Authority

1. The mayor shall decide all tie votes of the council, but shall have no other vote.
2. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of six (6) council members.

Section 3.11 Compensation

The compensation of the mayor shall be set annually by the city council.

**ARTICLE IV
JUDICIAL BRANCH**

Section 4.01 City Court

There shall be a city court as provided by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

Section 5.02 Administrative Plan

The complete plan of organization and structure of the city government which shall include department organization, the nature and scope of responsibilities of each department, and all required rules and procedures for department operation and the procedures requiring boards, commissions or any other government activities shall be prescribed by ordinance.

Section 5.03 Personnel Management System

A city personnel management system shall be established which shall include a salary schedule, provision for vacations, sick leaves, insurance and other employee benefits, procedures for employees to be heard upon their request pending discharge, suspension, or any disciplinary action, and which established such other procedures as are appropriate for the conduct of an efficient personnel management system.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by state law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 1997.

Section 6.03 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.

Section 6.04 Recall

The elected officers of city government may be recalled by the qualified electors of Dillon as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.05 Public Participation in Government

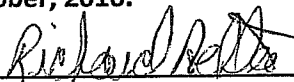
1. All meetings of the city council must be open unless otherwise provided by law.
2. Citizens are entitled to inspect and copy public writings of the City of Dillon as provided by law.

Section 6.06 Severability

If any provision of the Charter is held invalid, the other provision 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.


APPROVED AND ADOPTED by the electors of the City of Dillon November 5, 1996.

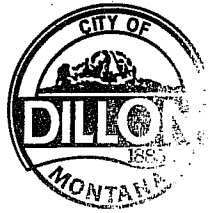
CERTIFIED by the President of the City Council this 20 day of October, 2010.



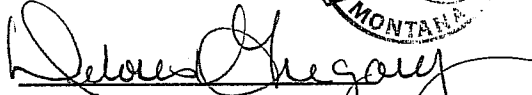
Richard Achter

CERTIFIED by the Mayor of the City of Dillon this 20th day of October, 2010.


Martin R. Malesich



ATTEST:


Delores Gregory, City Clerk

CITY OF DILLON CHARTER FILING CERTIFICATE
CERTIFICATE OF AUTHENTICITY AND AFFIDAVIT

STATE OF MONTANA)
)ss.
County of Beaverhead)

Delores Gregory, City Clerk of the City of Dillon, being first duly sworn, deposes and says that:

I am the City Clerk of the City of Dillon and that this affidavit is made for the purpose of proving the authenticity of certain records and documents of the City of Dillon to enable the documents, together with other documents to be filed as the form of government and City Charter adopted by the Electors of the City of Dillon, November 5, 1996 as required by Section 7-3-153, M.C.A. That this certificate is prepared for tender to the State of Montana Department of Administration and the Clerk and Recorder of Beaverhead County as part of a package of documents.

I, Delores Gregory, City Clerk of the City of Dillon, do hereby certify that I am the keeper of the records for the City of Dillon and that the attached copy of City of Dillon Ordinance No. 395 enacted July 1, 1998, adopting the City Charter of the City of Dillon and amending Titles 1, 2, and 13 of the Dillon Municipal Code to conform to the City Charter is a true and correct copy of Ordinance No. 395 passed on the 1st day of July, 1998, and which is contained in the records of the City of Dillon.

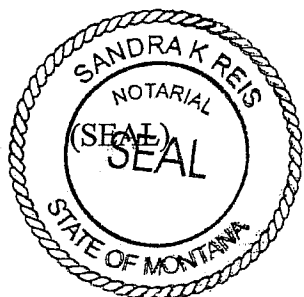
I do hereby further certify that as the keeper of the records for the City of Dillon that the attached copy of City of Dillon Municipal Code Chapter 1.00, including Section 1.00.010 Adoption of Charter

adopting the City Charter of the City of Dillon is a true and correct copy of the Dillon Municipal Chapter 1.00, which is contained in the records of the City of Dillon.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Dillon this 20th day of October 2010.

City of Dillon
By: Delores Gregory
Delores Gregory, City Clerk

SUBSCRIBED, sworn to and acknowledged before me by Delores Gregory, City Clerk of the City of Dillon, this 20th day of October 2010.



Sandra K Reis
Notary Public for the State of Montana
Residing at Dillon, Montana
My commission expires: 4-4-2011

ORDINANCE NO. 395

AN ORDINANCE AMENDING DILLON MUNICIPAL CODE TITLES 1, 2, AND 13; CODIFYING THE PROVISIONS OF THE VOTER APPROVED CHARTER; AMENDING THE PROVISIONS OF THE CODE TO COMPLY WITH THE CHARTER; GENERALLY AMENDING AND CLARIFYING THE LANGUAGE OF TITLES 1, 2, AND 13;

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF DILLON, MONTANA, THAT;

SECTION I:

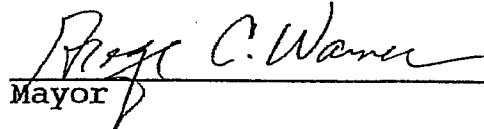
Titles of the Dillon Municipal Code and all underlying sections are hereby amended to read as follows:

SEE ATTACHED.

SECTION II: Repealer.

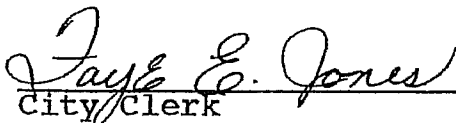
All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Approved and passed on second reading this 1ST day of July, 1998.



Mayor

Attest:



City Clerk

Title 1

GENERAL PROVISIONS

Chapters:

- 1.00 Charter Adoption
- 1.01 Powers of the City
- 1.02 Code Adoption
- 1.04 General Provisions
- 1.08 Corporate Seal
- 1.12 Corporate Limits
- 1.16 Wards
- 1.24 General Penalty

Chapter 1.00

Charter Adoption

Sections:

- 1.00.010 Adoption of Charter
- 1.00.020 Organizations of Departments
- 1.00.025 Departments - Administration
- 1.00.030 Departments - Responsibilities
- 1.00.032 Departments - Rules and Procedures
- 1.00.035 Departments - Library Board
- 1.00.040 Personnel Management System
- 1.00.050 Amendment of Charter
- 1.00.060 Effective date
- 1.00.070 Oath of Office
- 1.00.080 Recall
- 1.00.090 Public Participation in Government
- 1.00.100 Severability

1.00.010 Adoption of Charter. There is adopted a Charter for the City of Dillon as approved by the voters in the November 1996 general election.

1.00.020 Organization of Departments. The organization of city departments shall be prescribed by ordinance. The City of Dillon shall be organized into the following four departments: (1) Police Department; (2) Fire Department; (3) Library; and (4) Public Works. The Public Works Department shall include the

following agencies: water and sewer utility; street and alley; animal control; cemetery and parks. (Charter 5.01)

1.00.025 Departments - Administration. The departments of the City shall have the following administrators:

- (1) Police Department - Police Chief
- (2) Fire Department - Fire Chief
- (3) Library - Library Director
- (4) Public Works - Director of Operations

Each administrator shall supervise, direct, and plan the daily work activities and schedules of the department he is responsible for and generally assist the Mayor in the management of the affairs of the City. Each Administrator shall perform such other duties as may be requested by the Mayor or by state statute; city ordinance; or city resolution. (Charter 5.01)

1.00.030 Departments - Responsibilities. The nature and scope of responsibilities of each department of the City shall be established from time to time by the City Council by either resolution or ordinance. (Charter 5.01)

1.00.032 Departments - Rules and Procedures. The required rules and procedures for each department's operation shall be established from time to time by the City Council by either resolution or ordinance. (Charter 5.01)

1.00.035 Departments - Library Board. The Library Board shall be the governing body for the operation of the public library subject to the statutes of the State of Montana and the ordinances of the City of Dillon. (Charter 5.01)

1.00.040 Personnel Management System. The City of Dillon shall recognize the Dillon Police Officers' Association and the City of Dillon Employees' Association as the exclusive representatives for the employees of the City for the purpose of collective bargaining. There shall be annual agreements between these two associations and the City which shall include a salary schedule; provisions for vacations; sick leaves; health insurance; other employee benefits; and a grievance procedure for employees to be heard upon their request on such matters as discipline; discharge; and/or suspension. These agreements, which must be approved annually by the membership of the associations and the City Council shall be, along with the written standard operating procedures of the City, the personnel management system of the City. (Charter 5.03)

1.00.050 Amendment of Charter. The charter may be amended only as prescribed by state law. (Charter 6.01)

1.00.060 Effective date. The charter shall become effective on July 1, 1997. (Charter 6.02)

1.00.070 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. (Charter 6.03)

1.00.080 Recall. The elected officers of city government may be recalled by the qualified electors of Dillon as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct. (Charter 6.04)

1.00.090 Public Participation in Government. (1) All meetings of the City Council must be open unless otherwise provided by law; and (2) citizens are entitled to inspect and copy public writings of the City of Dillon as provided by law. (Charter 6.05)

1.00.100 Severability. If any provision of the 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. (Charter 6.06)

Chapter 1.01

Powers of the City

Sections:

- 1.01.010 Powers of the City
- 1.01.020 Interpretation of Powers
- 1.01.030 Restrictions

1.01.010 Powers of the City. The City of Dillon shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, the ordinances of the City of Dillon, or the charter of the City of Dillon, ordinance of the City of Dillon. (Charter 1.01)

1.01.020 Interpretation of Powers. The powers and authority of this self-governing 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. (Charter 1.02)

1.01.030 Restrictions. (1) 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; and (2) no change in any city license fee, user fee, permit fee or utility charge shall be made without a prior public hearing or hearings as prescribed by law. (Charter 1.03)

Chapter 1.02

Code Adoption

Sections:

- 1.02.010 Adoption.
- 1.02.020 Title--Citation--Reference.
- 1.02.030 General content of code.
- 1.02.050 Reference applies to all amendments.
- 1.02.060 Title, chapter and section headings.
- 1.02.070 Reference to specific ordinances.
- 1.02.080 Effect of code on past actions and obligations.
- 1.02.090 Effective date.
- 1.02.100 Constitutionality.

1.02.010 Adoption. There is adopted the "Dillon Municipal Code".

1.02.020 Title--Citation--Reference. This code shall be known as the "Dillon Municipal Code" in any prosecution for the violation of any provision thereof or any proceeding at law or equity. Prosecutions for violations of Dillon, Montana's ordinances and actions based therein shall refer to the "Dillon Municipal Code" sections. Amendments to any ordinance or portions thereof, of the City of Dillon, Montana, shall refer to the "Dillon Municipal Code" sections under which such ordinances are codified.

1.02.030 General content of code. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Dillon, Montana.

1.02.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Dillon Municipal Code" or to any portion thereof or to any ordinance of the City, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.