

CERTIFICATE
ESTABLISHING THE RATIFIED PLAN OF GOVERNMENT
FOR THE TOWN OF ENNIS

As ratified by the voters on November 2, 1976 the government of the Town of Ennis shall be organized under this plan of government (Charter) in accordance with Section 47A-3-208, Revised Codes of Montana:

Article I

General Provisions

Section 1.01 Powers of the City

(1) The City of Ennis, Montana, shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

(2) The City of Ennis, may levy an amount not to exceed the maximum amount, including the general mill levy and all special levies, allowable to a general power local government unit by the State of Montana.

(3) There shall be no new kinds of taxes levied without affirmative vote of the people.

Section 1.02 Interpretation of Power

The powers and authority of this self-government unit 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 Intergovernmental Relations

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

Section 1.04 Oath of Office

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as follows: "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, this Charter, and that I will discharge the duties of my office, so help me God."

Article II

City Commission

Section 2.01 Composition, terms, election, qualifications, compensation, removal, filling of vacancies, meetings.

- (1) The City of Ennis shall have a commission composed of five (5) members.
- (2) Members of the commission shall be elected for terms of four (4) years. These terms shall be overlapping. (Election, November 1980)
- (3) Elections for the commission shall be non-partisan.
- (4) Commissioners shall be elected at large, as provided by state law.
- (5) Only qualified voters of the city shall be eligible to hold the office of Commissioner.
- (6) The commission shall determine the annual salary of commission members, and the mayor, by ordinance. No ordinance increasing such salary shall become effective until the date of commencement of the terms of commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.
- (7)
 - (a) The office of commissioner shall become vacant upon his/her death, resignation, removal from office by any method authorized by law, or forfeiture of his/her office.
 - (b) A commissioner shall forfeit his/her office if he/she:
 - (i) loses his/her eligibility for election to his/her commission seat.
 - (ii) violates any expressed prohibition of this charter.
 - (iii) without commission approval, fails to attend two (2) consecutive, regularly scheduled meetings or absences himself/herself from the city continuously for thirty (30) days without consent of the commission.
 - (iv) is convicted of a felony or other offence involving moral turpitude,
- (8) In the event of a vacancy, the commission shall by majority vote of the remaining members, appoint a person, eligible to hold such commission seat,

to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled as provided by law.

(9) The commission shall meet regularly at least once a month at such times and places as the commission may prescribe. Special meetings may be held on the call of the mayor or four (4) members of the commission, or by ten percent (10%) of the eligible voters. Such meetings shall be public and, whenever practicable, upon twenty-four (24) hours notice. The commission may recess for the purpose of discussing in a closed session, limited to its own membership, any matter which would tend to defame or prejudice the character or reputation of any person, provided the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the commission until the matter is placed on the agenda.

Section 2.02 Powers and Duties

The city commission shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the commission, except as otherwise provided by law or this charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Section 2.03 Ordinances

In addition to other acts required by law or by this charter to be done by ordinance, those acts of the commission shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes, except as otherwise provided by law or this charter;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the city;

(8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VI with respect to repeal of ordinances reconsidered under the referendum power.

Section 2.04 Prohibitions

(1) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the mayor or any of his/her subordinates are empowered to appoint.

(2) Except for the purpose of inquiry or investigation under this charter or city ordinances, the commission or its members shall deal with city employees who are subject to the direction and supervision of the mayor solely through the mayor.

Article III

City Mayor

Section 3.01 Qualifications, Term, Election, Removal, Filling Vacancies, Meetings

(1) Only qualified voters of the city shall be eligible for the position of mayor.

(2) The mayor shall be elected for a term of four (4) years.

(3) Election of the mayor shall be non-partisan.

(4) The mayor shall be elected at large, as provided by state law.

(5) (a) The office of mayor shall become vacant upon his/her death, resignation, removal from office by any method authorized by law, or forfeiture of his/her office.

(b) The mayor shall forfeit his/her office if he/she:

(i) loses his/her eligibility for election to his/her position;

(ii) violates any expressed prohibition of this charter;

(iii) without commission approval, fails to attend two (2) consecutive regularly scheduled meetings or absences himself/herself from the city continuously for thirty (30) days without consent of the commission;

(iv) is convicted of a felony or other offence involving moral turpitude.

(6) In the event of a vacancy, the commission shall by majority vote, appoint a person, eligible to hold the mayor position, to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled as provided by law.

(7) The mayor shall preside at all meetings of the commission.

Section 3.02 Powers and Duties of the Mayor

(1) The mayor shall be the chief executive officer of the city; he/she shall be responsible to the electors for the administration of all city affairs placed in his/her charge by this charter, law, ordinance or resolution.

(2) The mayor shall:

(a) enforce laws, ordinances, and resolutions;

(b) perform other duties required of him/her by law, ordinance or resolution;

(c) direct, supervise and administer all departments, agencies, and offices of the city except as otherwise provided by law or this charter;

(d) carry out policies established by the commission;

(e) prepare the commission agenda;

(f) preside at all meetings of the commission;

(g) make recommendations to the commission;

(h) call a general town meeting during the second quarter of the Fiscal Year to report on the affairs and financial condition of the city;

(i) execute bonds, notes, contracts and written obligations of the commission subject to the approval of the commission;

(j) report to the commission as the commission may require;

(k) attend, preside over, and take part in commission meetings, but may not vote;

(l) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

(m) appoint a City Clerk-Treasurer with the approval (Majority plus one) of the commission;

(n) appoint, suspend, and remove all employees of the city except as otherwise provided by law, this charter, or ordinance. Employees appointed by the mayor and his subordinates shall be administratively responsible to the mayor;

(o) have the power to veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission;

(p) have the power to form Advisory Councils and appoint members to Advisory Councils and appoint members to Advisory Councils whom from and after June 1, 1997, all such members of the local Advisory Councils shall be bona fide residents within the jurisdictional boundaries of the Town of Ennis during the period of their service on said Advisory Councils. (Election, November 1996)

Article IV

Elections and Nominations

Section 4.01 Elected City Officials

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

Section 4.02 Date of Holding Elections

The procedure for holding regular elections and special elections shall be as prescribed by state law. Publication of notice of election shall be had in a newspaper of general circulation in the Town of Ennis by the Town Clerk, according to the laws regulating the election of local officials according to the provisions of the Montana Code Annotated. (Election, November 1996)

Article V

Initiative, Referendum and Recall

Section 5.01 Initiative and Referendum

The people of Ennis shall retain the right to exercise initiative and referendum powers according to provisions of state law.

Section 5.02 Recall Provision

Any or all of the elected officials provided for in this charter may be removed from office by the electors. The procedure to effect such removal shall be as prescribed by state law.

Article VI

Employees

Section 6.01 Residency

From and after June 1, 1997, all employees of the local government of the Town of Ennis shall be bona fide residents within the boundaries of Ennis during the period of their employment by the Town of Ennis.

This requirement shall not apply to any employee: who has been recommended by his or her supervisor as having particular or special qualifications for employment; and whose employment has been approved by a super majority of the full council of the Town Commissioners. A super majority shall equal four (4) out of five (5) Town Commissioners. (Election, November 1966)

Article VII

Amendment of Charter, Effective Date and Separability

Section 7.01 Amendment of Charter

The people of Ennis retain the right to amend this charter as prescribed by state law.

Section 7.02 Effective Date

This charter shall become effective on May 2, 1977.

Section 7.03 Separability

If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Article VIII

Transitional Provisions

Section 8.01 General Transition

The present city commissioners shall provide for transition to this charter by ordinance.

Section 8.02 Election Transition

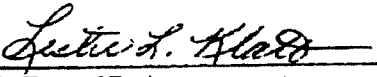
On April 5, 1977 a general election shall be held to elect one (1) Mayor and five (5) Commissioners. Terms of office for the city commission shall be determined by drawing lots as prescribed by state law, The three (3) Commissioners drawing the largest lots shall serve a two (2) year term and the two (2) commissioners drawing the smallest lots shall serve a one (1) year term. These terms are for the first election only.

I, James D. Kelly, Chairman of the Ennis Local Government Study Commission, do hereby certify that this is the Plan of Government as by the voters of the Town of Ennis.

In testimony whereof, I set my hand this 5th day of November, 1976, at Ennis, Montana:---

SEAL


Chairman


Clerk, Town of Ennis