

TOWN OF PINESDALE CHARTER

Pinesdale, Montana

(Passed by majority vote at local town election November 1997)

We, the citizens of the Town of Pinesdale, for the purpose of establishing a government based on a just form of fundamental law; one that is responsible to the public for providing equal and adequate services and protections, with efficient use of the community's revenue for all; one that provides for self-governing powers with respect to health, safety, and welfare of every citizen; and one that utilizes the utmost flexibility to represent the citizen's desires and to plan for the future relying upon the spirit of cooperation and voluntarism – do establish this Charter form of government with self-government powers for the Town of Pinesdale, in accordance with the Constitution of the State of Montana, the Constitution of the United States of America and the laws of the Lord God Almighty who created the heavens and the earth and holds the destiny of all peoples, nations, and governments in His hands.

ARTICLE I: *Powers of the Town*

Section 1.01 Powers of the Town. The town shall have all powers possible for a self-government town under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

Section 1.02 Construction. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority. (MCA: 7-1-106)

ARTICLE II: *Town Boundaries*

Section 2.01 The incorporated boundaries of the Town of Pinesdale, Montana shall remain fixed and established as they exist on the date this charter takes effect, provided that the town shall have the power to change its boundaries in the manner provided by law.

ARTICLE III: *Town Meeting and Legislation*

Section 3.01 The legislative powers of the town shall vest in a Town Meeting, an assembly of the qualified electors of the town. A Town Meeting may enact rules, resolutions, and ordinances.

Section 3.02 The annual Town Meeting shall convene on the first Saturday of March. It shall be held in conjunction with a potluck dinner and picnic. (See attached Town Meeting

amendment)

ARTICLE III: *Town Meeting and Legislation* (cont)

Section 3.02.1 Special Town Meetings may be called by the town Selectmen or may be called by the electors upon petition of 10% of the qualified electors of the town, but in no case by less than 10 qualified electors.

Section 3.03 All qualified electors of the town may attend the Town Meeting, take part in the discussion, and vote on all matters coming before the Town Meeting. Others may attend but shall not vote but may take part in the discussion only by the approval of a majority vote of the Town Meeting.

Section 3.04 A quorum shall consist of at least 10% of the qualified electors of the town.

Section 3.05 The selection of town officials shall be nonpartisan and shall be by a plurality of those qualified electors present and voting. All other voting in the Town Meeting shall be by a simple majority of these qualified electors present and voting.

Section 3.06 Selection of town officials shall be by secret ballot. Other voting shall be by secret ballot upon the request of at least five members of the Town Meeting.

Section 3.07 Meeting **Warrant**

A warrant (agenda) of the Town Meeting and a list of all elective and appointive offices to be filled shall be prepared by the town Selectmen, who shall post notice at least 2 weeks prior to the convening of all annual and special Town Meetings. Upon written petition of at least 10% of the qualified electors of the town but not less than 10 qualified electors, the town Selectmen shall insert a particular item or items in the agenda for the next annual or special Town Meeting. The Town Meeting agenda may include an item entitled "Other Business" under which any matter may be considered by the Town Meeting, except no matter dealing with finance or taxation shall be considered "other business".

Section 3.08 Town Meeting **Moderator**

The town annual meeting shall elect a Town Meeting moderator for a term of one year beginning at that annual meeting.

Who shall be the presiding officer of all annual and special Town Meetings but who shall have no other governmental powers.

Who shall have the authority to have the constable remove anyone from the meeting who uses foul or abusive language or is violent in their conduct and have them restrained outside of the meeting place until the meeting is concluded.

ARTICLE III: *Town Meeting and Legislation* (cont)

Section 3.09 Permanent Advisory Board

Two members of the six-member advisory board shall be selected from among the qualified electors at the annual Town Meeting to serve a three year term to fill each expired vacancy on the advisory board. The board may:

Meet each month with the Selectmen to review the progress of the operations of the town in fulfilling the guidelines established at the annual Town Meeting and any special Town Meetings following the annual Town Meeting.

Assist in preparing the annual town budget.

Help each department in an advisory capacity.

Advise the Selectmen.

Make recommendations to the Town Meeting for each year by way of the warrant.

The Advisory Board shall canvas the town for at least two candidates to be voted on to fill the expired office of the Selectmen.

Members of the Advisory committee shall not hold any other political office in the town.

Section 3.10 Town Meeting Chaplain

The Town Meeting shall elect a Town Meeting chaplain who shall:

Open each Town Meeting with prayer or ask someone to pray.

Administer the oath of office to new officers.

Have power to temporarily stop a discussion and ask for comments on the moral and ethical aspects of the issue being discussed.

Have authority to interrupt any and all heated discussions and ask for a moment of silence.

ARTICLE IV: *Executive*

Selectmen: Selection, role and executive duties

Section 4.01 The selection of Selectmen

The Town Meeting shall at each annual meeting select one selectman for a term of three years to fill the expired term of a Selectman.

Section 4.01.1 An unexpired term of a Selectman shall be temporarily filled by the appointment of a successor by the Advisory Board until the next annual or special meeting.

Section 4.02 The Chairman of the Board of Selectmen

The Selectmen shall choose one of their members to act as chairman of the board of the Board of Selectmen.

Section 4.03 Duties of the Selectmen

The Selectmen shall:
Enforce laws, ordinances and resolutions.
Perform duties required of them by law, ordinance or resolution.
Administer the affairs of the town.
Prepare the Town Meeting warrant (meeting agenda).
Attend all annual and special Town Meetings.
Recommend measures to the Town Meeting.
Report to the town on the affairs and financial condition of the town.
Execute bonds, notes, contracts, and written obligations of the town,
subject to the approval of the town.
Appoint, with the consent of the Town Meeting, members of departments
and appoint and remove all employees of the town.
Prepare the budget and present it to the Town Meeting for adoption.
Exercise control and supervision of all employees and the administration
of departments and boards.
Carry out policies established by the Town Meeting.

Section 4.04 Compensation of the Selectmen

Compensation of the Town Selectmen shall be \$1.00 per year as established at the annual Town Meeting by ordinance but shall not be reduced during the current term of the Selectmen. Any increase shall be by approval of the electors at the annual Town Meeting.

ARTICLE V: *Administration and Finance*

Section 5.01 Committees

The Selectmen may establish temporary committees to advise them.

Section 5.02 Departments

The Selectmen shall establish departments and shall appoint and may remove department heads (except the Police Department and the Fire Department) to assist them in the supervision and operation of the town government.
All department heads shall be answerable solely to the Board of Selectmen in the operation of their departments.
All department heads shall choose two assistants to assist in the operation of their departments.
Any department by-laws shall not conflict with the provisions of this Charter.

Section 5.03 Law Enforcement: Chief of Police

The Chief of Police shall be elected to a term of four years by the electors at the annual Town Meeting. Any vacancy during the unexpired term of office of Chief of Police shall be filled by a temporary appointment of the

Advisory Board until a special Town Meeting or the annual Town Meeting is held.

Section 5.04 Fire Department

The members of the volunteer fire department shall nominate the fire chief as department head and his two assistants from the roster of the members of the fire department. The Board of Selectmen shall confirm this nomination.

Section 5.05 Town Judges

The town judge or judges shall be elected for a term of 4 years at the annual Town Meeting as prescribed by Montana state law (MCA 3-6-202, 3-1-50, 3-1-1503). The unexpired term of a town judge can be filled at the annual Town Meeting or special Town Meeting.

Section 5.06 Salaries and Financial Administration

The town clerk/treasurer shall be selected at the annual Town Meeting from a recommendation by the Advisory Board.

Compensation for any town employee shall be established annually at the annual Town Meeting.

All financial transactions shall be signed by both the chairman of the Selectmen and the town clerk/treasurer.

Any borrowed money exceeding a \$5000.00 emergency borrowing limit shall be voted on at the annual Town Meeting or a special Town Meeting.

All department finances shall be administered by the Board of Selectmen and an accounting made to the clerk/treasurer.

ARTICLE V: Administration and Finance (cont)

Section 5.07 Local Taxation

All actions on local taxes shall occur only at the annual Town Meeting and are subject to approval by a two thirds majority of the qualified electors.

ARTICLE VI: General Provisions

Section 6.01 Removal of elected & appointed officials

Procedures and grounds of removal (MCA 7-3-705)

The office of an elected or appointed official shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

An elected official shall forfeit his office if he loses his eligibility for election to his office as an elected official.

An elected or appointed official shall forfeit his office if he:
violates any express prohibition of this Charter.

is convicted of a felony or other offense involving moral turpitude without notifying the other members of a board or committee, fails to attend two consecutive regularly scheduled meetings

The Advisory Board shall be the judge of the grounds of forfeiture of the office of an elected or appointed official.

Any official charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.

Section 6.02 Responsibility of Citizens of the Town

The cooperation and assistance of citizens: All citizens are expected to help where needed to assist in town projects where volunteer labor will aid in easing the financial burden of the administration of town government.

Section 6.03 The Town Meeting shall have power to frame, adopt, and revise the provisions of this Charter as provided by Montana state law. (MCA 7-3-103)

Section 6.04 If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Amendments to Town Charter:

Article III

Section 3.02

Amended: that the date for the annual Town Meeting be held on the 2nd Monday after the 2nd Sunday in September. (Amended and passed by unanimous vote at Annual Town Meeting of Aug 2, 2008)

Article III

Section 3.05

Amended: that town officials be nominated at the annual September Town Meeting and that the final vote for election will take place in November at the polls.
(Amended and passed by majority vote at special Town Meeting of June 21, 1999)