



CITY COUNCIL OPERATIONS AGENDA

February 26, 2024 – 5:00 PM | Council Chamber, City Hall

- 1. Call Meeting to order:**

 - 2. Approval of Minutes – No Meeting October 2023 or January 2024**
 - a. August 14, 2023
 - b. September 11, 2023
 - c. November 13, 2023
 - d. December 11, 2023

 - 3. Public Comment – (Limit to three minutes per person)**

 - 4. Old Business (Public Comment period prior to each topic)**
 - a. None

 - 5. New Business (Public Comment period prior to each topic)**
 - a. Review Last Times of Local Government on Ballot – Jordan
 - b. Park & Rec Committee – Jordan
 - c. Committee Goals - Jordan

 - 6. Staff or Committee Member Concerns or Comments:**

 - 7. Announcement of the Next Meeting**
 - a. Regular Meeting: Monday, March 18, 2024 at 6pm.

 - 8. Adjournment**
-

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chair) | Curt Fjelstad | Rian King-Chavez

CITY OF DEER LODGE

City Council Operations MINUTES

August 14, 2023, - 5:00PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Curt Fjelstad, Dick Bauman
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	Cyndi Thompson
Public:	None

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. Regular Meeting: June 12, 2023
Chairman Kersch motioned to approve as presented. Member Fjelstad seconded the motion.
2 Ayes, 0 Nos, 1 Abstained. Motion passed.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. None

5. New Business

- a. City Council Bylaws and Rules of Procedure Review– Jordan & Rob
Reviewed City Council Bylaws. Recommended some changes related to wording and agenda criteria to City Council.

Chairman Kersch motioned to have CAO make changes as discussed, resubmit changes to Council Ops next meeting for review. Member Bauman seconded the motion. 3 Ayes, 0 Nos. Motion passed.

6. Staff or Committee Comments/Concerns:

- a. Chairman Kersch discussed members bringing up same conversation over and over at meetings and stopping public comment during Staff & Council Comments and Concerns section.

7. Announcement of Next Meeting:

- a. Monday, September 11, 2023, at 5:00PM

8. Adjournment:

- a. The meeting was adjourned at 5:55PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

City Council Operations

MINUTES

September 11, 2023, - 5:00PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Dick Bauman, Curt Fjelstad
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	None
Public:	None

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. Deferred until next meeting

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. Review City Council Bylaws and Rules of Procedure Changes Review and Recommendation – Jordan
Changes to the bylaws that were presented in the last meeting were presented in the packet as a red-lined version. A few small clerical changes were discussed.

Confusion regarding how items moved from committee to committee was discussed as the primary reason for these changes.

Chairman Kersch motioned to recommend the changes to City Council. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

5. New Business

- a. Council Agenda Item Request and Background Form Review – Jordan

City Council Agenda Item Request Form:

The purpose of the Form is to keep a paper trail on each agenda item. This will be used to keep the Agenda clean. The Form can be filled out by a Council Member or any Citizen. The writer needs to request a day the City Council should discuss the Agenda Item. This Form is more informational than anything. All Agenda Requests need to be submitted the Wednesday before the next City Council meeting.

City Council Agenda Item Information:

This Form is going to be used more for the Council; however, the Citizens can also fill this form out. This Form will be used as a record to reference the history of the Agenda item. The Form includes a description of the item, attachments, previous Committee engagement, recommendations, and ends with a recommended motion.

Chairman Kersch suggested that the City Council Agenda Item Information Form be replicated for Committee Agenda Item Information, so that the chair of a committee has something similar to this.

Jordan: Made a recommendation to change the form to read as, "City Council/Committee Agenda Item Information."

Chairman Kersch made a recommendation to change the form from "Recommended Motion" to read as "Recommended Motion/Action" so if the item goes to a committee, it's a recorded action.

No action was taken, but the Committee agreed that the forms would be good to start incorporating.

6. Staff or Committee Comments/Concerns:

- a. None

7. Announcement of Next Meeting:

- a. Monday, October 9, 2023, at 5:00PM

8. Adjournment:

- a. The meeting was adjourned at 5:15PM by consensus.

Prepared by: City Clerk- Temp.

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Djck Bauman | Curt Fjelstad

City Council Operations

MINUTES

November 13, 2023, - 5:00 PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Dick Bauman, Curt Fjelstad
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	None
Public:	None

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. Deferred until next meeting

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. None

5. New Business

- a. New Council Member Training Planning

The Committee discussed new Councilmember orientation, including the new member checklist found at the end of the bylaws. Scheduling a meeting with the Treasurer and with the Public Works Superintendent were discussed. Committee asked Jordan to send out Committee preference forms and to work on an orientation presentation for the next Committee meeting. It was determined to invite the new Councilmembers and potential appointees to the next meeting.

6. Staff or Committee Comments/Concerns:

- a. None

7. Announcement of Next Meeting:

- a. Monday, December 11, 2023, at 5:00PM

8. Adjournment:

- a. The meeting was adjourned at 5:10PM by consensus.

Prepared by: City Clerk - Temp

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

City Council Operations

MINUTES

December 11, 2023, - 5:00 PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Dick Bauman, Curt Fjelstad
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	None
Public:	Greg Larkins

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. Deferred until next meeting.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. None

5. New Business

- a. New Council Member Training – Jordan
Jordan presented a slideshow that contained information relevant to new Councilmember onboarding. It included information about form of government, councilmember and mayor roles, municipal budgeting, and current issues, goals, and challenges in the City. The slideshow presentation is contained in the agenda packet for this meeting.

6. Staff or Committee Comments/Concerns:

- a. None

7. Announcement of Next Meeting:

a. TBD

8. Adjournment:

a. The meeting was adjourned at 6:21PM by consensus.

Prepared by: City Clerk - Temp

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

Cyndi Thompson

From: Jordan Green
Sent: Monday, January 29, 2024 1:58 PM
To: James Jess; Cyndi Thompson
Subject: 2014 Local Government Study Commission Final Report
Attachments: 2016 City of DL Study Commission Final Report July 25 2016.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all,

As we start to move through the process of the decennial local government review, I wanted to share the final report from the study commission established in 2014. This commission's members were Barbara Smith, Diana Solle, and Caleb Burton.

The report includes an overview of the process, including public meetings held and survey response numbers. It contains findings that highlight 4 areas of concern to the City Council and the public: 1) city/county government consolidation (not recommended), 2) administrative assistance for the Mayor (recommended), 3) city/county law enforcement consolidation (recommended), and 4) adoption of a Charter form of government (recommended). Item 2 resulted in the hiring of Brian Bender as the City's first Chief Administrative Officer. Items 3 and 4 would have had to go before the voters and did not end up passing.

The report then contains a copy of our existing plan of government, which has not changed since the ratification of the 1972 Montana Constitution. Following that, the commission recommended a draft Charter which, if approved by the voters, *would* have established Deer Lodge as a self-governing entity instead of a general powers municipality. If it had passed, the Charter would have provided for the specific organization of the Deer Lodge government. Please note this draft Charter is a sample; many cities in Montana have adopted similar, but slightly different, Charters.

Please review the attached if you are interested in learning more about this process. If you have any questions, let me know – I have a few heavy binders in my office that contain more information such as meeting minutes, surveys, and more, that may be interesting to dive into.

Thanks all and see you next Monday.

Jordan Green, AICP, CFM
Chief Administrative Officer

City of Deer Lodge
300 Main St.
Deer Lodge, MT 59722
Phone: (406) 594-1896



TENTATIVE FINAL REPORT
CITY OF DEER LODGE STUDY COMMISSION

July 25, 2016

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 - Exhibit B: Certificate of the proposed plan of City government
 - Exhibit C: Certificate establishing election date
 - Exhibit D. Certificate establishing form of the ballot

I. LETTER TO THE CITIZENS OF CITY OF DEER LODGE

TO THE CITIZENS OF THE CITY OF DEER LODGE:

In this final report we present our unanimous recommendation for the replacement of the present form of government, changing general government powers to local self-governing Charter.

The question of adopting this new form of Charter government will be placed on the ballot November 8, 2016.

The Deer Lodge City Study Commission elected by the voters of November 4, 2014, present this final report to you, the citizens of Deer Lodge.

The purpose of the study commission as defined in the state law, is “to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state.” After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government, or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the City as possible. Opinions and recommendations were solicited from the City’s elected officials and employees, local businesses, and Deer Lodge citizens. These were secured through surveys and three (3) town meetings. On May 24, 2016, a town meeting was held presenting the final Charter, which would be voted on in November. The Study Commission held at least 2 meetings at the City Hall most months since December 2014. All meetings were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present.

The Deer Lodge City Study Commission developed a questionnaire with the assistance of University of Montana Professor Steve Swinsford and Dan Clark from Montana State Extension Local Government Center. We developed measurable questions to be certain of citizens’ opinions. The Close Up kids delivered 1400 surveys to residents’ homes; approximately 40% return. Business surveys were mailed to 180 local businesses; approximately 30% return. Recommendations reflect the thoughts and opinions of those who participated in town meetings, those who attended our regular meetings, and those who responded to the surveys, in addition to the independent efforts of this study commission.

The Deer Lodge Study Commission also determined that two recommendations should be given to the city council. The Deer Lodge City Council accepted these recommendations for review. The council is not mandated to follow the recommendations, but is asked to strongly consider action best serving the citizens of Deer Lodge.

Recommendation #1, presented in January 2016: Hiring a Chief Administrator, who shall work directly under the Mayor; utilizing the Chief Administrator Job Description, attached to the recommendation, as the guidelines for such position; and beginning such position July 1, 2016. (Note: This CAO may be hired as provided in the current form of government.)

Recommendation #2, presented in May 2016: Consolidate law enforcement of the City of Deer Lodge with Powell County; and affirm consolidation with county- wide ballot.

Respectfully submitted, Deer Lodge Study Commission
signed _____

Date

_____ Barbara Smith, Chairman

_____ Diana Solle, Sec-Treas

_____ Caleb Burton, elected commissioner/resigned to City Deer Lodge
Ex-officio upon city council election

II. REPORT SUMMARY

A. Findings of The Study Commission:

The City of Deer Lodge voted at the primary election on June 3, 2014, to have the form of government of City of Deer Lodge reviewed by a study commission. The Montana State Constitution mandates that every ten years voters of all city and county governments be given the choice to have their current government reviewed. In 1984 and 1994, Deer Lodge voted for the study review and no changes were recommended. In 2004, Deer Lodge voted that there be no study commission. In 2014, there was an overwhelming vote to review the City of Deer Lodge current government. On November 4, 2014, three individuals put their names up for vote for the study commission and were elected: Caleb Burton, Barbara Smith, and Diana Solle. This is a voluntary, non-paid position; funded by one mill for the two year process, and must be completed by August 1, 2016, if a differing choice of government form is to be proposed.

The purpose of the study commission, as defined by law, is "to study the existing form and powers of a local government and procedures for the delivery of local government services and compare them with other forms available under the laws of the state." After completing these two phases of the study, it is the responsibility of the study commission to hold one (1) or more town meetings in an informational format to recommend no change, or propose an amendment to the existing form of government, or offer an alternative form of government to the qualified electors.

In every phase of this review, this study commission sought advice and information from as many people in the community as possible. 1,400 residential surveys and 180 business surveys were conducted; opinions and recommendations were solicited from local government officials and citizens. These surveys were conducted in May 2014 and August 2014 with 40% of residential and 30% of business surveys were returned.

Extreme care was given in reviewing and consolidating the results. An extensive report was compiled of this information, which was prepared for the public and is available at Deer Lodge City Hall. Three (3) town meetings were held at the Powell County Senior Center: 1/26/16 Tuesday (12:30 & 5:30), and 2/10/16 Wednesday (7:00pm).

From the surveys, the Study Commission zeroed in on four areas: 1) combine city and county governments, 2) administrative assistance for the mayor, 3) combine city and county law enforcement, and 4) form of government. Other areas also were concerns; however, the Study Commission felt that these would be taken care of through the #2,3,4 items.

1) Combining Deer Lodge City and Powell County governments: This was a hot topic in conversations around our community as a possible determination of the study commissions before and after the 2014 primary elections. Discontent seemed apparent about both governments. However, when reviewing the surveys, the majority of the comments indicated

reluctance as the city residents did not believe the county would hold up their end of a partnership. Many questions were asked such as “What will happen to city hall?” or “Who is going to do what?” After numerous discussions, the study commission determined not to seek such action as combining the two governments.

2) Administrative Assistance for Mayor: The formation of an Administrative Assistance Office (City Administrative Office - CAO) is an available action in the present government. Survey results indicate that the city government was not very responsive to the citizen’s needs, although it had improved since last election (November 2014); a majority of the survey comments stated they believed the city government would listen to their needs and concerns but would not respond in a manner that included action; city services were not being address in a timely and proper manner. Some comments reflected a desire to see small changes such as employing a qualified person to take charge of the financial responsibilities of the city. Overall comments reflected a desire to see improved efficiency and teamwork in the local government.

Much of these complaints fall on the Mayor’s office, a part-time, non-professional government official. The CAO would be someone that can assist the mayor, organize the operations of city, do research on anything that the city council needs information on, and much more. The CAO would be a hired employee, a professional trained in the required knowledge for city government, and who answers to and works under the Mayor. Perhaps money could have been saved and more efficiency seen in the city government during the lack of audit years and the delayed time of the city sewer project, to name just two areas a trained professional would have helped. With investigation of such a position, the Study Commission presented a Recommendation #1 to hiring a Chief Administrator, who shall work directly under the Mayor; utilizing the Chief Administrator Job Description, attached to the recommendation, as the guidelines for such position; and beginning such position July 1, 2016. The recommendation does not require a ballot vote as it is in the current city government constitution. This Recommendation #1 was delivered to Deer Lodge City Council on January 4, 2016.

3) Combining Deer Lodge City Police and the Powell County Sheriff law enforcement offices: These two law enforcement services were combined in 1991. This relationship was terminated at the decision of few individuals, not the public, in December 2012. The community was upset about the change without any information or reasoning given by the city government. A majority of comments (74% of surveys) indicated support for consolidation for the city and county law enforcement. Some concerns include the non-enforcement of city ordinances, a need for better communication and team work in all departments, a need for the city and county to work together for a common goal, coverage too thin, and cost. After looking at all comments and the survey numbers, the Study Commission made Recommendation #2 that the Deer Lodge city council earnestly look at and discuss with the Powell County for a resolution. The recommendation also included that the consolidation be voted upon in a county wide ballot. This Recommendation #2 was delivered to Deer Lodge City Council on May 16, 2016.

4) Form of government: There are 6 (six) alternative forms of local government allowed in Montana: Commission; Commission-Executive (Council-Mayor which is current form for

Deer Lodge); Commission Manager; Commission Presiding Officer; Town Meeting, and Charter.

Our study commission studied and compared each alternate form to Deer Lodge's current form. It was determined that we should retain the Commission-Executive, Council-Mayor form. Deer Lodge is already a non-partisan election, so nothing is in need of change there. The study commission did look at in depth the difference between the current locally elected general governmental powers to a self-governing (home rule) charter.

Article XI, section 6 of the Montana constitution provides that a local government unit adopting a self-government (home rule) charter may exercise any power not prohibited by the U.S. constitution, Montana state law or the local charter itself. Montana statute elaborates self-governing powers somewhat by extending to a local government unit with self-governing powers the authority to "...provide any service or perform any function not expressly prohibited by the constitution or state law "(7-1-102 MCA). In turn, 7-1-111 MCA enumerates those powers which are expressly denied to a local government endowed with self-governing powers. It would be erroneous to assume that a unit of government endowed with self-governing powers is, in any sense of the word, a "sovereign" unit of government armed with powers akin to those of a state within the American federal system. U.S. Supreme Court decisions, notable *Community Communications Co. v. City of Boulder, Colorado* (455 US 40) and *Garcia v. San Antonio Metropolitan Transit Authority* (469 US 528) make it clear that, as Mr. Justice Brennan observed, Our is 'dual system of government' which has no place for sovereign cities. In Montana there are three counties and forty-two municipalities exercising self-governing powers. Of these forty five units of local government, thirty eight gained self-governing powers by adopting a charter and the remaining seven by simply amending their non-charter form of government during the Local Government Review process. (*Montana's Local Government Review 2014-2016 Study Commission Handbook, page 52*)

B. Recommendation of The Study Commission:

The City of Deer Lodge Study Commission recommends that the citizens of Deer Lodge elect the self-governing Charter form of government. It is determined that the Charter will give local control to the City Council and Mayor, and will allow the flexibility of serving what is best for Deer Lodge.

C. Key Provision of the Proposal:

The term charter refers to a written document defining the powers, structures, privileges, rights and duties of the local government and the limitations placed upon it. Under the Montana

constitution (Article XI, Section 5 (1) and the state law (7-3-102 MCA) the “charter form” is a permitted form of local government for both counties and municipalities. The provisions of a charter must establish the local governments’ legislative, executive and administrative structures and organization and, upon adoption by the voters, the charter’s provisions concerning these structures are superior to statutory provisions (7-3-701 MCA). A charter automatically confers self-government powers on the local government.

D. Comparison of the Present and Proposed Forms of Government:

Description	Present Form of Government	Proposed Form of Government	Comparison
Form of Government	Commission-Executive (Council-Mayor)	Commission-Executive (Council-Mayor)	Same
Powers	General Powers. Statutory government laws define what and how a local government shall operate. Limited choices.	Charter Powers. Self-rule laws, which are superior to statutory provisions, allowing any power which is not statutorily denied.	<ul style="list-style-type: none"> • Flexibility in local rules to enhance the future of Deer Lodge. • Citizens have more control of local government. • Improved responsiveness to needs of citizens.
Duties of Elected Officials	Spelled out specifically by state law.	Duties to be spelled out in the local charter.	Flexibility.
Elected Officials Powers	General – not explicit.	Defines: <ul style="list-style-type: none"> • Legislative Branch • Executive Branch • Judicial Branch 	Clarity in rolls of officials.
Cost			Same

APPENDIX A
CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF DEER LODGE

If retained by the voters, the government of the City of Deer Lodge shall be organized under the following provisions of 7-3-113, MCA which authorized the municipal council-mayor form of government.

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF
GOVERNMENT FOR THE
CITY OF DEER LODGE, MONTANA

If retained by the voters, the government of Deer Lodge shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113.. Statutory basis for municipal council-mayor government.

(I) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);

- (g) 7-3-215(2);
- (h) 7-3-216(2);

APPENDIX A (Continued)

- (i) 7-3-217(3);
- (j) 7-3-218(2);
- (k) 7-3-219(2);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

These sections establish the following form of government which shall be called the COMMISSION- EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202 (1). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of the executive. The executive 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 commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212 (2). Administrative assistants. The executive may 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 executive.

APPENDIX A (Continued)

7-3-213(3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214 (2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215 (2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216 (2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217 (3). Financial officer. A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-218 (2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219 (2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220 (1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221 (3). Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223 (2). Size of commission and community councils. The size of the commission shall be eight (8), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

APPENDIX A (Continued)

We, the Study Commissioners of the City of Deer Lodge do hereby certify that this is the date of the general election approved by the Study Commissioners of City of Deer Lodge.

In testimony whereof, we set our hands.

Done at City of Deer Lodge City Hall this ____ day of ____, 2016.

City of Deer Lodge Study Commission

SEAL

ATTEST: _____

APPENDIX B
CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE
CITY OF DEER LODGE

If approved by the voters, the government of the City of Deer Lodge shall be organized in accordance with Article XI, Section 5, which authorizes Charter Government:

CHARTER
OF THE
CITY OF DEER LODGE

Preamble

We, the people of the City of Deer Lodge, Powell County, Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter to establish our self-determination as a city.

Article I
Powers of the City

1.01 Powers of City Government

The City of Deer Lodge shall have all the powers of a self-governing charter city not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

1.02 Interpretation of Powers

The powers of the City of Deer Lodge shall be liberally construed. Every reasonable doubt as to the existence of that power or authority of the City of Deer Lodge shall be resolved in favor of the existence of that power or authority.

1.03 Restrictions

(a) 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.

(b) No change in any city license fee, user fee, permit fee, or utility charge shall be made without prior public hearings, as prescribed by Montana state law.

1.04 Exercise of Powers

All powers of the City of Deer Lodge are vested in and derived from the people of Deer Lodge. These powers shall be exercised by the City Council unless otherwise provided for by this Charter or by Montana law. Enumeration of powers, rights, or duties in this Charter shall not be considered exclusive or restrictive.

1.05 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
The City Council

2.01 Legislative Branch

The legislative branch shall consist of the City Council, which shall be the governing body of the city.

2.02 Composition

The City Council shall be composed of eight members. The City Council shall be the legislative and policy making body of the City of Deer Lodge.

2.03 Qualifications for Office

As prescribed by Montana law.

2.04 Term of Office

Members of the City Council shall be elected for a four year, overlapping term of office.

2.05 Election

- (a) City Council elections shall be conducted on a nonpartisan basis.
- (b) The City of Deer Lodge shall be divided into four (4) electoral districts called Wards with two City Council Members elected from each Ward. One (1) City Council Member from each Ward shall be elected every two (2) years.

2.06 President of the Council

The City Council shall have a President who shall be elected by the Members of the City Council from among their own number for a term established by resolution. The President of the City Council shall preside at City Council meetings when the Mayor is absent, and shall vote as other members of the City Council.

2.07 Vacancy in Office

The office of a Member of the City Council becomes vacant as prescribed by law.

2.08 Removal from Office

A City Council Member may be removed from office by a finding, adopted by the affirmative vote of two-thirds (2/3) of full City Council, that the office has become vacant as prescribed by law, or by a recall by the electors of the City Council Member's Ward in the City of Deer Lodge, as prescribed by law.

2.09 Filling a Vacancy on the City Council

- (a) When a vacancy occurs in the office of the City Council Member, 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 who originally created the vacancy.
- (b) Pending such an election and qualification the City Council shall appoint, by the affirmative vote of majority of the remaining City Council Members, a person possessing the qualifications for the office required by law and by this Charter, within thirty (30) days of the vacancy. This appointed City Council Member will hold the office until the qualified successor is elected.

2.10 Powers and Duties

The City Council shall be the legislative and policy determining body of the City of Deer Lodge. All powers of the city shall be vested in the City Council except otherwise provided by law or this Charter; the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

The City Council shall:

- (a) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.

APPENDIX B (Continued)

- (b) Neither the city 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.
- (c) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law.
- (d) Adopt as necessary an administrative and personnel code and/or policies.
- (e) Adopt procedures for contracting with private and public agencies.
- (f) Set the salary of the City Council Members and Mayor as prescribed by Montana law.

2.11 Legislative Action

- (a) Unless otherwise required by law or this Charter, the affirmative vote of a majority of the City Council Members present at a lawful meeting of the City Council shall be required for all official actions of the City Council.
- (b) A quorum, defined as a majority of constituent members, of the voting City Council Members must be present to convene a lawful meeting of the City Council.

2.12 Procedure

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

2.13 Administrative Review

On a majority vote of the whole number of the City Council, the City Council may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the City of Deer Lodge. The City Council may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Article III

Executive Branch

The Mayor

3.01 The Office of the Mayor

The Mayor shall be the chief executive officer and chief administrative officer of the city.

3.02 Qualifications for Office

As prescribed by Montana law.

3.03 Term of Office

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

3.04 Election

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

3.05 Vacancy in Office

As prescribed by Montana law.

3.06 Removal from Office

The Mayor may be removed from office by a finding, adopted by the two-thirds (2/3) vote of the full City Council Members that the office has become vacant as prescribed by Montana law, or by recall by the electors of the City of Deer Lodge.

3.07 Filling Vacancy in the Office of Mayor

The President of the City Council shall act as Mayor Pro-Tempore in the absence of the Mayor or in the vacancy in the office of the 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. Pending such an election, , the City Council shall appoint, by the affirmative vote of majority of the full City Council, a person possessing

APPENDIX B (Continued)

the qualifications for the office required by law and by this Charter, within thirty (30) days of the vacancy. This appointed Mayor will hold the office until the qualified successor is elected.

3.08 Powers and Duties

The Mayor shall be recognized as the official head and representative of the City of Deer Lodge for the purpose of presiding at City Council meetings and the performance of any ceremonial functions. The Mayor of City of Deer Lodge shall:

- (a) Act as Chief Executive;
- (b) Enforce laws, this Charter, ordinances, and resolutions established by the City Council and all laws of the State of Montana;
- (c) Perform the duties required by law, this Charter, ordinance or resolution of the City Council;
- (d) Provide direction, supervision, oversight and accountability to all heads of departments and staff, as provided by policy of the City of Deer Lodge;
- (e) Administer the affairs of the city government not expressly designated by law or this Charter;
- (f) Carry out policies established by the City Council;
- (g) Recommend measures to the City Council;
- (h) Report to the council on the affairs and financial condition of the city government;
- (i) Execute bonds, notes, contracts, and written obligations of the City Council, subject to the approval of the City Council;
- (j) Report to the City Council as the City Council may require;
- (k) Prepare the City Council agenda, preside at City Council meetings and may take part in City Council discussions and make tie breaking votes on the City Council;
- (l) Prepare and present a budget to the City Council;
- (m) Execute the budget adopted by the City Council;
- (n) Appoint with the consent of the City Council, all members of boards, except the Mayor may appoint without consent of the council temporary advisory committees established by the Mayor.

3.09 Administrative Authority

The Mayor shall:

- (a) Appoint, with consent of the City Council, a Chief Administrative Officer to assist in the supervision and operation of the city government. The Chief Administrator shall be answerable solely to the Mayor.
- (b) Appoint, with the consent of the majority of the council, all department heads
- (c) May remove all employees, as prescribed by City of Deer Lodge policy.
- (d) Prepare the budget in consultation with the City Council, the Chief Administrative Officer, and other department heads;
- (e) Appoint, with consent of the City Council, citizens to boards, councils, commissions, committees or any other body or group pursuant to law.

3.10 Legislative Authority

The Mayor of the City of Deer Lodge may vote in the event of a tie vote, and shall possess veto power, as prescribed by Montana law

3.11 Compensation

The compensation of the Mayor shall be set by resolution of the City Council.

3.13 City Attorney

There shall be a city attorney, as prescribed by Montana law.

Article IV

The Judicial Branch

4.01 City Court

There shall be a city court as prescribed by Montana law.

Article V

Department Structure

5.01 Organization of Departments

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

Article VI

General Provisions

6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

6.02 Effective Date

This Charter shall become effective on January 1, 2017.

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.

6.04 Severability

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 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.

Article VII

Transition Provisions

7.01 General Transition

Transition to this Charter form of government shall be as prescribed by Montana law. The City Council shall provide for such transition with an advisory plan consistent with the Montana law. This transition article shall not be published as a regular part of this Charter after the transition provisions have been implemented.

7.02 Compliance of Ordinances

The City Council shall review and where necessary revise or repeal all City ordinances to provide for their compliance and consistency with this Charter by no later than December 31, 2017.

7.03 Election Transition

The eight members of the City Council and the Mayor elected under the previous form of government, shall serve in their offices in the Charter form of government until the expiration of the term of office to which they were elected in the previous form of government.

We, the Government Review Commission of the City of Deer Lodge, do hereby certify that this is the date of the General Election, November 8, 2016.

In testimony whereof, we set our hands.

Done at City of Deer Lodge City Hall this ____ day of ____, 2016.

City of Deer Lodge Study Commission

SEAL

ATTEST: _____

CERTIFICATE C
ESTABLISHING THE DATE OF THE GENERAL ELECTION
AT WHICH THE PROPOSED PLAN OF GOVERNMENT SHALL BE PRESENTED
TO THE ELECTORS OF THE
CITY OF DEER LODGE

The Charter plan of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Deer Lodge at a special election to be held **with the general election on November 8, 2016.**

We, the Study Commissioners of the City of Deer Lodge do hereby certify that this is the date of the special election approved by the Study Commissioners of City of Deer Lodge.

In testimony whereof, we set our hands.

Done at City of Deer Lodge City Hall this _____ day of _____, 2016.

City of Deer Lodge Study Commission

SEAL

ATTEST: _____

CERTIFICATE D
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 8, 2016 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

**BALLOT ON THE PROPOSED CHARTER GOVERNMENT OF CITY OF DEER
LODGE**

Vote for One.

FOR adoption of the self-rule Charter form of government in the City of Deer Lodge and thereby adopting the proposed Charter. (Commission-Executive / Council-Mayor remain the same.)

FOR keeping existing form (general government powers) of government in City of Deer Lodge. (Commission-Executive / Council-Mayor remain the same.)

In testimony whereof, we set our hands.

Done at City of Deer Lodge City Hall this _____ day of _____, 2016.

City of Deer Lodge Study Commission

SEAL

ATTEST: _____

Comparison of the Present and Proposed Forms of Government:

Description	Present Form of Government	Proposed Form of Government	Comparison
Form of Government	Commission-Executive (Council-Mayor)	Commission-Executive (Council-Mayor)	Same
Powers	General Powers. Statutory government laws define what and how a local government shall operate. Limited choices.	Charter Powers. Self-rule laws, which are superior to statutory provisions, allowing any power which is not statutorily denied.	<ul style="list-style-type: none"> • Flexibility in local rules to enhance the future of Deer Lodge. • Citizens have more control of local government. • Improved responsiveness to needs of citizens.
Duties of Elected Officials	Spelled out specifically by state law.	Duties to be spelled out in the local charter.	Flexibility.
Elected Officials Powers	General – not explicit.	Defines: <ul style="list-style-type: none"> • Legislative Branch • Executive Branch • Judicial Branch 	Clarity in rolls of officials.
Cost			Same

Council Operations

PREVIOUS-5-Year Committee Goals

1. Review City Code of Ordinance for any updates or changes.
2. Review employee applications and planning applications for updates and changes.
3. Reviewing all applications used within City Hall.
4. Goals for Training.
 1. Article 3, Section 5: Time control during the meetings (no rabbit holes)
 2. Section 7: Presentation to Council
 3. Article 3, Section 17: General Rules of Council DebateSuggestion to make up some training materials for Council Members and a quick presentation at the meetings would be beneficial.
5. Having MSU come out and do training on specific areas we need training on.

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad