

As Amended 01/2001

**CHARTER
CITY OF HELENA, MONTANA**

PREAMBLE

Helena, Montana, is the proud seat of our state government. It is a community with a colorful past and a vibrant future. There is an openness and basic decency that beckons each of our citizens to contribute to its unique identity.

For these reasons, we, the people of Helena, Montana, in accordance with Article XI, Section 5, of the Constitution of the State of Montana, have established this Charter. It is to be an enduring document which inspires our citizens to improve their lives and the lives of future generations and which empowers them to participate fully in the process of governing themselves, while balancing individual rights with the needs of all of the people.

**ARTICLE I
General Provisions**

Section 1.01 - Powers of the City

1. The City of Helena, Montana, shall have all powers not prohibited by the constitution of Montana, the laws of Montana, or this charter.
2. The City of Helena may not levy an all-purpose property tax in excess of that allowed by the laws of the State of Montana.
3. There shall be no new kinds of taxes levied without an affirmative vote of a majority of the electors voting on the question at a special election called for the purpose or at a general election in which the question may be referred to the people. Taxes allowed under any ordinance existing at the effective date of this charter are not to be considered new kinds of taxes.
4. There shall be no changes made in any ordinance or resolution of the City of Helena regarding license fees, user fees, service fees, permit fees or utility charges without a prior public hearing on the matter.

Section 1.02 - Oath of Office

1. Before beginning the duties of office, all elected city officials shall take and subscribe to the following oath of office: "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, the charter of the City of Helena and that I will discharge the duties of my office with fidelity (so help me God)."

ARTICLE II
City Commission

Section 2.01 - Composition, Terms, Election, Qualifications, Compensation, Removal, Filling of Vacancies

1. The City of Helena shall have a commission of five (5) voting members, including the mayor.
2. Members of the commission shall be elected for terms of four (4) years; two positions being filled at each general election.
3. Elections for the commission shall be non-partisan.
4. Members of the commission shall be residents of the City of Helena and qualified electors.
5. Members of the commission shall be nominated and elected at large.
6. The commission shall, by ordinance, determine the annual salary of commission members, including the mayor, but no ordinance increasing such salary shall become effective until the commencement of terms of commission members elected at the next regular election, provided that adoption of such ordinance precedes that regular election by six (6) months.
7. The office of commissioner shall become vacant upon death, resignation, recall, or forfeiture of office. A member of the commission shall forfeit office if the member:
 - a) loses eligibility for election to commission seat;
 - b) violates any express prohibition of this charter;
 - c) is convicted of a felony.
8. The commission shall be the judge of the election and qualifications of its members and the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand.
9. In the event of 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 through the election procedure described in this charter.

Section 2.02 - Powers and Duties

1. 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 other duties and obligations imposed on the city by law.
2. In case the city manager becomes incapacitated and is unable to perform required duties, the city commission shall designate a substitute.

Section 2.03 - Prohibitions

1. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the city manager or the manager's 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 city manager solely through the manager.

Section 2.04 - Designation, Powers and Duties of the Mayor

1. The mayor shall be elected for a term of four (4) years.
2. The mayor shall be recognized as the official head of the municipality for the purpose of presiding at city commission meetings, service of civil process, and performing ceremonial functions.
3. The mayor shall exercise such powers conferred, and perform all duties imposed by this charter, the ordinances of the municipality and the laws of Montana or the United States.
4. The mayor shall appoint, with the consent of the commission, all members of boards and committees.
5. The mayor shall communicate to the city commission and to the general public, a statement of the affairs and management of the city, each January, and may make recommendations regarding these matters.
6. In the event of vacancy in the office of mayor, the commission shall, by majority vote

of the remaining members, appoint a person eligible to hold such seat to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled through the election procedure described in this charter.

**ARTICLE III
City Manager**

Section 3.01 - Appointment, Removal and Compensation

1. The commission shall appoint and remove the city manager by a majority vote of the whole number of the commission.
2. The appointment shall be based on merit only and shall be for an indefinite term.
3. The commission shall set the salary of the city manager.

Section 3.02 - Duties and Responsibilities

1. The city manager shall be the chief administrative officer of the city and shall be responsible to the commission for the administration of all city affairs required by this charter, law, ordinance or resolution.
2. The manager shall:
 - a) cause the enforcement of laws, ordinances, and resolutions;
 - b) perform other duties required 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 ordinance;
 - d) carry out policies established by the commission;
 - e) prepare commission agenda;
 - f) make recommendations to the commission;
 - g) report to the commission on the affairs and financial conditions of the city;
 - h) execute bonds, notes, contracts, and written obligations of the commission subject to the approval of the commission;
 - i) report to the commission as the commission may require;
 - j) attend commission meetings with the right to take part in the discussion, but

may not vote;

- k) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- l) appoint, and be administratively responsible for all city employees, including their suspension or removal, except as otherwise provided by ordinance;
- m) be responsible for the administration of an employee appeals procedure as adopted by the commission.

ARTICLE IV Neighborhood Councils

Section 4.01 - Purpose

There shall be seven (7) Neighborhood Councils, collectively comprising a Helena Citizens' Council. Operating independently from the city commission or city officials, the Helena Citizens' Council shall review and recommend actions relating to the annual budget, and make recommendations relating to future development of the city.

For federal and state programs requiring citizen participation, the Helena Citizens' Council may contract with the city for the pro-vision of citizen participation.

Section 4.02 - Composition, Boundaries, Election, Terms, Quali fications

1. The city commission shall, by ordinance, divide the City of Helena into seven (7) Neighborhood Council Districts.
2. Each Neighborhood District shall have a council composed of four (4) members elected to two (2) year terms at an election held with the city general election.
3. Members of a Neighborhood Council must be residents of the designated Neighborhood Council District.
4. In the event of a vacancy on the Neighborhood Council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next city general election. If there are no remaining members of a Neighborhood Council, the Helen Citizens' Council may appoint a person to fill the vacancy. A member's position is deemed to be vacant before the expiration of the term if so declared by the Helena Citizens' Council on the occurrence of either of the following:
 1. The member fails to attend three (3) consecutive meetings of the Helena

Citizens' Council without good cause; or

2. The member ceases to be qualified to hold the position as prescribed in the rules adopted by a majority of the members of the Helena Citizens' Council.
5. All of the elected Neighborhood Council members shall together comprise a Helena Citizens' Council
6. Within thirty (30) days after election each Neighborhood Council shall meet to organize, and within sixty (60) days after election, the mayor shall convene the Neighborhood Councils for a meeting of the Helena Citizens' Council. At that meeting the Helena Citizens' Council shall elect a chairman, vice-chairman, and secretary who shall take office immediately and proceed with business.
7. The Helena Citizens' Council shall cause a representative to attend each City Commission meeting and report back to the council.

ARTICLE V Nominations and Elections

Section 5.01 - Procedures

The procedure for the nomination and election of all members of the city commission and the Helena Citizens' Council shall be as required by Montana law for non-partisan elections.

Section 5.02 - Date of Holding Elections

The dates of holding regular and special elections shall be as required by Montana law.

ARTICLE VI Initiative, Referendum, and Recall

Section 6.01 - Initiative and Referendum

Procedures for initiative and referendum shall be as required by Montana law.

Section 6.02 - Recall Provision

Any member of the commission may be removed from office by the electors of Helena. Procedure for removal shall be as required by Montana law.

ARTICLE VII
Amendment of Charter, Effective Date, and Severability

Section 7.01 - Amendment of Charter

This charter may be amended only as provided by Montana law. A majority of those voting on the question shall be required for passage of a charter amendment.

Section 7.02 - Effective Date

This charter shall become effective on May 2, 1977, as required by Montana law.

Section 7.03 - 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 circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

CITY OF HELENA, MONTANA

By _____
COLLEEN MCCARTHY, Mayor

ATTEST:

By _____
DEBBIE HAVENS
Clerk of the Commission

