

ADMINISTRATIVE CODE OF ANACONDA-DEER LODGE COUNTY

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ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose

The people of Anaconda-Deer Lodge County having elected to be governed under a Charter and Amended Charter form of consolidated city-county government beginning May 2, 1977, June 8, 1993, and January 1, 1997 respectively, hereby adopt this ordinance to establish the responsibilities and authority of administrative units of the government and to provide rules and procedures for administering the affairs of Anaconda-Deer Lodge County consistent with the provisions of the Charter.

Section 2. Short Title

This Ordinance shall be known and may be cited as the “Anaconda-Deer Lodge County Administrative Code.”

Section 3. Definitions

- (A) The following words, when used in this ordinance, shall mean:
- (1) “Government” shall mean the Anaconda-Deer Lodge County Charter Government;
 - (2) “Charter” shall mean the Anaconda-Deer Lodge County Charter and all amendments;
 - (3) “Administrative Code” and “Code” shall mean this ordinance and all amendments; and
 - (4) “Commission” shall mean the elected Commission of the government which is the legislative body provided for in Article III of the Charter.
 - (5) “Department” shall mean a separate division of local government as set forth in the Anaconda-Deer Lodge County Charter, for which approval of the hiring and termination of the department head requires the concurrence of the Commission.
- (B) Words used in the singular shall extend to and include the plural; words used in the plural shall extend to and include the singular. Words used in the masculine gender shall extend to and include the feminine.

Section 4. Code of Ethics

All Commissioners, the Chief Executive, and all department heads shall, prior to commencing their official duties, affirm by their signatures to the following Code of Ethics:

“As an official of Anaconda-Deer Lodge County, Montana, I believe: That the proper operation of democratic government requires that officials be independent and impartial in their judgments and actions; that government decisions and policies be made in the proper channels of the government structure; that office or position not be used for personal gain; and that the citizens have confidence in the integrity of its government and officials.”

“That the realization of these ends is impaired wherever there exists, or appears to exist, an actual or potential conflict between the public interest of a government official and the duties of office; and that the public interest requires ethical standards with respect to official duties.”

“Therefore, as an official or department head of government, I assert my solemn belief that the primary responsibility for maintaining a high level of ethics among government officials falls upon the elected officials and department heads in the administrative service.”

“Consequently, as an official of Anaconda-Deer Lodge County, I believe it is my duty to:

Respect the rule of law; the concepts of equal treatment for all; human dignity; and ethical conduct in the performance of my duties; and

Represent and work for the common good of all the people of Anaconda-Deer Lodge County and not for private interests.”

The signed affirmations to the above Code of Ethics shall be filed with the Clerk and Recorder.

Section 5. Effective Date.

This ordinance shall take effect no sooner than thirty (30) days after its final passage.

Section 6. Severability.

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

ARTICLE II – LEGISLATIVE BRANCH

Section 1. Legislative Organization and Procedures.

Legislative organization and procedures including the passage, amendment, and repeal of ordinances and resolutions shall be as prescribed in state law.

Section 2. Ordinances.

All ordinances shall be submitted in writing in the form prescribed by resolution of the governing body. A copy of the ordinance shall be distributed to each member of the Commission and to the Chief Executive and a reasonable number of copies shall be posted in such other public places as the Commission may designate.

Section 3. Public Hearing on Ordinances.

No final action shall be taken on any ordinance or amendment thereto without a public hearing as required by state law.

Section 4. Recording Clerk.

The Chief Executive shall appoint a person to record and index all ordinances and resolutions adopted by the Commission. At the end of each calendar year this person, who shall be designated Clerk of the Commission and/or Deputy Clerk of the Commission, shall compile, bind and index all ordinances and resolutions passed during that year.

Section 5. Compensation and Reimbursement.

Members of the Commission shall receive no compensation, directly or indirectly, except as provided herein:

- (A) Members of the Commission shall receive an initial salary established by ordinance approved by the Board of Commission. This salary may be changed by the Commission in accordance with the Charter.
- (B) Members of the Commission shall be provided with accident and liability insurance coverage when on official business or in the performance of their official duties.
- (C) Member of the Commission shall be reimbursed for actual expenses provided that such expenses are incurred in the performance of official duties and verified by itemized receipts. All such expenses shall be authorized by the Commission at a public meeting.

Section 6. Minutes.

The Commission shall provide for the keeping of written minutes which include the final vote on each ordinance or resolution and indicating the vote of each individual member on the question. Copies of the minutes shall be mailed or delivered to each member of the Commission, the Chief Executive, and the County Attorney within five (5) business days of the conclusion of the meeting. Copies of all minutes will be open to public inspection at the Anaconda-Deer Lodge County Courthouse and Public Library during regular business hours. The minutes of each meeting shall be placed in open view of the public until replaced by subsequent minutes.

Section 7. Nepotism.

State law regarding nepotism shall apply to members of the Commission.

Section 8. Regular Meetings.

The Commission shall meet at least twice per month as established by Resolution of the Commission, or at such other time and place as the Commission shall designate.

Section 9. Special Meetings.

Special meetings may be called by the Chairman/Chairwoman of the Commission or upon the written request of a majority of the Commission. Written notice of special meetings shall be received by each member of the Commission and the local news media at least twenty-four (24) hours before the meeting is held. Such notice shall specify the time and place of the special meeting and the business to be conducted. No other business shall be considered at the meeting. Presence at the meeting constitutes waiver of notice.

Section 10. Emergency Meeting.

Emergency meetings may be held in accordance with state law.

Section 11. Attendance of Commission Members.

Commission members shall attend all meetings of the Commission unless excused by the Commission. Failure to attend Commission meetings may result in removal from office as provided by state law.

Section 12. Filling Vacancies.

Vacancies on the Commission shall be filled as provided in the Anaconda-Deer Lodge County Charter.

Section 13. Attendance of Others.

The Chief Executive, all department heads, and other appointive and elective officers of the County shall be entitled to be present at all meetings of the Commission except those conducted under Section 16 of this Article, and shall have the right to state their views relating to their respective offices and departments. Other persons desiring to address the Commission at its regular meetings may do so by providing written notice to the Chief Executive at least seven (7) days prior to the meeting. Such notice shall describe the matter to be discussed provided, however, that any person may address the Commission on any agenda item without written notice subject to time limitations established by the Chairman/Chairwoman of the Commission in which the various persons wishing to speak are given roughly equal time. All such discussions shall occur prior to the vote on the agenda item.

Section 14. Agenda.

Meeting agendas shall be prepared by the Chief Executive. The meeting agenda shall be sent to all members of the Commission and shall be available to the public and posted at the Anaconda-Deer Lodge County Courthouse and sent to the news media at least three (3) days before the regular Commission meetings and work sessions. Agendas for special meetings, and for emergency meetings when possible, shall be posted at the Anaconda-Deer Lodge County Courthouse, and sent to the news media. The title of all ordinances and resolutions to be considered or acted upon shall be included in the agenda. The agenda may be amended by the Commission by a majority vote of those Commissioners present plus one. Only those matters on the agenda, as amended, shall be acted upon by the Commission. Unless the Commission decides otherwise, the order of business for each regular meeting shall be as follows: Roll call, approval of minutes of previous meeting, report of the Chief Executive, reports of government officials, reports of committees and advisory groups, unfinished business and new business.

Section 15. Conduct of Meetings.

At the time appointed for any meeting of the Commission, the Chairman/Chairwoman shall call the meeting to order. If a quorum is present, the Chairman/Chairwoman shall proceed with the meeting. If no quorum is present, the Chairman/Chairwoman shall order a recess for fifteen (15) minutes, during which time the Sergeant-At-Arms shall attempt to obtain a quorum. If no quorum is present following the recess, the Chairman/Chairwoman shall adjourn the meeting. Rules of procedure of Commission meetings shall be simple, effective, and easily understandable by Commissioners and by the public. The Chief Law Enforcement Officer, or his/her representative, shall attend such regular meetings of the Commission and act as Sergeant-At-Arms at the request and under the direction of the Commission Chairman/Chairwoman.

Section 16. Executive Session

The Commission may hold executive sessions which are not open to the public only in accordance with state law. Final action on any matter shall be taken in open session and recorded in the minutes.

Section 17. Vice-Chairman/Chairwoman of the Commission.

The Commission shall elect from its own number a Vice-Chairman/Chairwoman to serve as Chairman/Chairwoman in the absence of the Chairman/Chairwoman.

Section 18. Contracts and Agreements.

Contracts shall be entered into by resolution of the Commission, and shall then be executed by the Chief Executive.

ARTICLE III – Chief Executive

Section 1. Duties.

The Chief Executive shall be the chief administrative officer of the government and shall, in addition to the duties prescribed by law and Charter, perform the following duties:

- (A) The Chief Executive shall act as the representative of the government, with the recorded approval of a majority of the Commission, in all matters affecting and fixing the rights, obligations, and responsibilities of the government.
- (B) The Chief Executive shall be responsible for the negotiations of contracts with employees of the government but such contracts shall be subject to the approval of the Commission.
- (C) The Chief Executive shall account for all funds of the government and shall submit to the Commission monthly reports on the financial condition of the government.
- (D) The Chief Executive shall be responsible for the performance of the written obligations of the government incurred by the Commission.
- (E) In the event of an emergency affecting the life, health or safety of the people of Anaconda-Deer Lodge County, the Chief Executive, except as otherwise provided by law, shall declare an emergency and perform all acts necessary for the protection of the people.
- (F) The Chief Executive may assign any employee of the government to any department which requires the services of that employee, provided that such assignment does not conflict with the provisions of the personnel system or the Charter.
- (G) The Chief Executive may prescribe rules and regulations for the conduct and operation of administrative departments and he/she may revoke, suspend, or amend any rule or regulation, by whomever prescribed, unless provided for by Charter, ordinance or resolution of the Commission.
- (H) The Chief Executive may appoint committees of government employees for considering and resolving administrative problems.

Section 2. Salary.

The salary of the Chief Executive shall be fixed by the Commission.

ARTICLE IV – ORGANIZATION

Section 1. Departments of Government.

The government shall have the following departments under the supervision of the Chief Executive:

1. Clerk and Recorder's Department
2. Treasurer's Department
3. Clerk of the District Court
4. Public Works Department
 - A. Road and Shop
 - B. Parks and Recreation
 - C. Cemetery
 - D. Maintenance/Wastewater Treatment
 - E. Water
 - F. Other Programs
5. Planning and Land Use Department
6. Sanitarian and Health Department
7. Fire Department
8. Ambulance Department
9. Superintendent of Schools
10. County Extension Office
11. Disaster and Emergency Services Department
12. Coroner's Department
13. Alcohol and Drug Treatment Services

Section 2. Department Heads

Each department shall be headed by a department head appointed by the Chief Executive on the basis of training and qualifications and subject to the approval of the Commission. Each department head shall be appointed and/or removed by the Chief Executive upon approval of the Commission. Department heads may, with the approval of the Chief Executive, appoint or suspend/remove subordinate employees within his/her department. Department heads may, with the approval of the Chief Executive, divide their departments into divisions based on function.

Section 3. Nature and Scope of Departments

1. Clerk and Recorder's Department
 - A. This department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.

2. Treasurer's Department
 - A. This department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.
3. Clerk of the District Court
 - A. This Department shall have the powers, duties and responsibilities prescribed by state law.
4. Public Works Department
 - A. This Department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.
 - B. This Department shall provide direct supervision to the following programs:
 1. Road and Shop
 2. Parks and Recreation
 3. Cemetery
 4. Maintenance/Wastewater Treatment
 5. Water
 6. Other Programs; Weed Control, Street Lights, Airport, Communications, Solid Waste and County Property Management
 - C. Appointment or removal of the supervisor of each program listed above at 1 through 5 shall be the duty of the Public Works Director, in consultation with the Chief Executive, with the approval of the Commission.
5. Planning and Land Use Department
 - A. This department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.

6. Sanitarian and Health Department
 - A. This department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.
7. Fire Department
 - A. This department shall have the duties and responsibilities prescribed by state law.
8. Ambulance Department
 - A. This Department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.
9. Superintendent of Schools
 - A. This Department shall have the powers, duties and responsibilities prescribed by state law.
10. County Extension Office
 - A. This Department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of Montana State University and the Commission.
11. Disaster and Emergency Services Department
 - A. This Department shall have the powers, duties and responsibilities prescribed by state law.
12. Coroner's Department
 - A. This Department shall have the powers, duties and responsibilities prescribed by state law.

13. Alcohol and Drug Treatment Services

- A. This Department shall have the powers, duties, and responsibilities prescribed by the job description of the Department Head. Said job description shall be prepared by the Chief Executive, and shall be effective upon approval of the Commission.

Section 4. Other Departments and Functions of the City-County.

All governmental functions and activities of the City-County not assigned to this article shall be organized into departments or other organizational units as directed by the Chief Executive. However, the Commission may provide by ordinance for the creation or abolition of specific departments and other organizational units and assign functions thereto, transfer functions therefrom, or discontinue functions and activities.

Section 5. Rules and Procedure for Department Operation

Each department head may, with approval of the Chief Executive, prescribe such rules and procedures as are necessary or proper for the operation of their department. Any such rules and procedures shall be available to the public, other employees, the Commission, and shall be kept on file in the Chief Executive's Office.

ARTICLE V. BOARDS

Section 1. Procedures for Boards, Committees, and Councils

Each board, committee, or council shall have authority to adopt internal procedures and by-laws so long as they are consistent with the Charter, that body's enabling ordinance and with state law. A current copy of all such procedures or by-laws shall be kept on file with the Clerk of the Commission.

Section 2. Open Meeting Law

Each board, committee, and council shall comply with state open meeting laws.

Section 3. Appointments to Boards

Unless otherwise provided by law, Charter or this code, appointments to administrative and advisory boards shall be subject to the approval of a majority of the Commission.

Section 4. Compensation of Board Members

Compensation, if any, and reimbursement of administrative and advisory board members shall be determined by the Commission unless set by State Law.

ARTICLE VI. BUDGETARY PROCEDURES

Section 1. Compliance with State Law

All budgetary procedures and policies of Anaconda-Deer Lodge County shall be consistent with State Law.

Approved by the Anaconda-Deer Lodge County Commission on Nov. 18, 2003.