C H A R T E R

OF

ANACONDA-DEER LODGE COUNTY

EFFECTIVE JANUARY 1, 1977

Original Charter Adopted 1976 – November General Election
Effective May 2, 1977
Amended Charter 1994 – Adopted in Charter Amendment Election in
January 1993, Effective June 8, 1993
Amended Charter 1996 – Adopted in 1996 November General Election
Effective January 1, 1997
Amended Charter 2006 – November General Election
Effective January 1, 2007
Anaconda-Deer Lodge County, Montana

C H A R T E R
PREAMBLE

We, the people of the City of Anaconda and the County of Deer Lodge, State of Montana, in accordance with Article XI, Section 5, of the Constitution of the State of Montana and for the purpose of achieving one community, do adopt this Charter of Anaconda-Deer Lodge County, State of Montana.

ARTICLE I
GENERAL PROVISIONS

Section 1. Name

The name of this local government unit shall be Anaconda-Deer Lodge County.

Section 2. Status

Anaconda-Deer Lodge County shall have the status of an incorporated municipality and a county.

Section 3. Boundaries

The boundaries of Anaconda-Deer Lodge County shall be the same as those of Deer Lodge County as described in the laws of Montana.

Section 4. Charter Supremacy

As provided by Article XI, Section 5, of the Constitutions of the State of Montana, provisions herein establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 5. Oath of Office

Before entering upon the duties of office, all Anaconda-Deer Lodge County elected 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 with fidelity (so help me God)."

ARTICLE II
POWERS

Section 1. Declaration of Powers

1. Anaconda-Deer Lodge County shall have all powers not prohibited by the Constitution of the United States of America, the Constitution of the State of Montana, and laws of the State of Montana, or this Charter.

2. Enumeration of rights, powers, or duties in this Charter shall not be considered exclusive or restrictive.

Section 2. Interpretation of Powers

The powers and authority of Anaconda-Deer Lodge County shall be liberally interpreted. 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.

Section 3. Exercise of Powers

All powers of Anaconda-Deer Lodge County belong to the people of Anaconda-Deer Lodge County. The powers shall be exercised by their elected representatives on the Commission.

Section 4. Existing Obligations

Any bon, debt, contract, obligation, or cause of action already accrued or established by the City of Anaconda or the County of Deer Lodge governments shall be unaffected by this Charter.

ARTICLE III
COMMISSION

Section 1. Powers

The Anaconda-Deer Lodge County Commission shall be the legislative and policy-making body of Anaconda-Deer Lodge County. Except as otherwise provided by this Charter, the Commission shall exercise all powers of Anaconda-Deer Lodge County which include, but are not limited to, the power:

A. To adopt ordinances and resolutions.

B. To raise, borrow, and appropriate money.

C. To provide for an annual audit and written report of that audit.

D. To approve and adopt an annual budget.

E. To adopt and maintain and Administrative Code and a Personnel System.

F. To review and investigate all fiscal and management operations of the local government.

G. To establish and prescribe functions of all administrative departments and agencies.

H. To create, transfer, reorganize, adjust, abolish, or absorb the boundaries of all existing boards, bureaus, commissioners, agencies, special districts, and political subdivisions of the consolidated governments.

I. To appoint all members of boards and commissions.

J. To appoint legal counsel to advise the Commission as necessary.

Section 2. Restrictions on the Powers and Duties of the Commission

1. The Commission may impose no new form of taxation, including but not limited to sales taxes and income taxes, without approval

by the people in a referendum to be held only at a county general election.

2. Neither the Commission nor any of its members may dictate the appointment or removal of any employee whom the Chief Executive or any of his/her subordinates are empowered to appoint.

3. Except for the purpose of inquiry or investigation under this Charter or the Code of local government, the Commission or its members shall deal with the local government employees who are subject to the direction and supervision of the Chief Executive, solely through the Chief Executive, and neither the Commission or its members may give order to any such employee, either publicly nor privately.

Section 3. Composition, Terms, and Election

1. The Commission shall be composed of five (5) members and each Commissioner shall have a designated Commission district. Commission districts shall be of as nearly equal population as possible and shall be reapportioned by the Commission within six (6) months after each official United States census.

2. Candidates for each Commission district seat shall reside in that Commission district.

3. Each Commission district nominee shall be selected in the primary election by the voters in that district.

4. Commissioners shall be elected in the general election for a term of four (4) years and shall be elected by the district in which candidates must reside and which are apportioned by populations. At least two (2) Commissioners shall be elected every two (2) years.

5. The office of Commissioner shall be part-time.

6. Elections for the Commission shall be non-partisan.

Section 4. Qualifications, Removal and Vacancy

1. All qualified electors of Anaconda-Deer Lodge County are eligible for election of the Commission.

2. No Commission member shall hold any other elective public office or be employed by Anaconda-Deer Lodge County.
3. The office of Commissioner shall become vacant upon the member's:
    A. Death
    B. Resignation
    C. Loss of eligibility for election
    D. Violation of any express prohibition of this Charter
    E. Conviction of a felony by court of competent jurisdiction

4. In the event of a vacancy on the County Commission, the candidate for the vacant commission district receiving the second highest total of votes in the previous election for that district shall assume the office of County Commissioner. In the event that candidate is ineligible, unable or unwilling to assume the office of County commissioner, the remaining commission shall advertise the vacancy, accept applications from eligible citizens, and chose an eligible citizen to fill the vacancy.

5. The Commission shall be the judge of the election and qualifications of its members and of the grounds for removal from office. A member charged with conduct constituting grounds for loss of 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 5. Compensation

1. The Commission shall set the annual salary of its members by ordinance. The ordinance shall be adopted at least six (6) months prior to the next Commission election and shall not become effective until the date for qualification set by state law, following the next Commission election.

2. In addition to salary, Commission members shall receive actual and necessary expenses incurred in the performance of their duties of office, as approved by the Commission.

Section 6. Organization and Procedures

1. There shall be a Chairman of the Commission elected by the Commission. The Chairman shall be the official representative of Anaconda-Deer Lodge County and shall have those powers and duties delegated by the Commission.

2. The Commission shall adopt by ordinance a set of written rules to govern its organization and procedures consistent with state law.

3. The Commission shall provide for the keeping of a journal of its proceedings.

4. All meetings shall be open to the public except in such circumstances as are prescribed by state law.

5. All documents and records of the Commission shall be public records and shall be made available for examining and copying.

6. A majority vote of the entire Commission shall be required for all official actions of the Commission. A minimum of four (4) Commission members must be present when official actions are taken by the Commission.

Section 7. County Board, Commissions, and Committees

1. All County Boards, Commissions, and Committees appointed by the county commission shall be established by a separate ordinance. The establishing ordinance for each board shall comply with the following requirements:

    A. The purpose, powers and duties, membership, and term of office of the board, commission or committee shall be clearly defined.

    B. The frequency of meetings of the board shall be set forth.

    C. The duration of existence of the board shall be set forth.

    D. If the board is required for any purpose by State law, the law shall be referenced on the ordinance.

E. The ordinance shall specify how often the board, commission, or committee shall be required to report back to the commission.

F. The ordinance shall specify whether any staff, employees, or commissioners may serve on the board, commission, or committee and whether any commissioner may chair that board or committee.

2. The Anaconda-Deer Lodge County Commission shall post and advertise all board openings, vacancies and expired terms within 30 days of such vacancies. The Anaconda-Deer Lodge County Commission shall wait 30 days after advertising or posting begins prior to filling such vacancy.

3. All existing boards must comply with this section by January 1, 1999.

ARTICLE IV
CHIEF EXECUTIVE

Section 1. Qualifications, Appointments, Removal and Vacancy

1. The Anaconda-Deer Lodge County Chief Executive shall be elected by a plurality vote on a non-partisan ballot for a four (4) year term.

2. All qualified electors of Anaconda-Deer Lodge County are eligible for election to the position of Chief Executive.

3. The Chief Executive shall not hold any other elective public office or be employed by anyone other than Anaconda-Deer Lodge County.

4. The office of Chief Executive shall become vacant upon the Chief Executive's:
   A. Death
   B. Resignation
   C. Loss of eligibility for election
   D. Violation of any express prohibition of this Charter
   E. Conviction of a felony by a court of competent jurisdiction

5. A vacancy in the office of Chief Executive shall be filled by appointment by the County Commission within 120 days of the announcement of a pending vacancy.

6. In the event of a vacancy, the Commission shall by majority vote of its members, appoint a Chief Executive to fill the vacancy until the next regular election, at which time the remainder of the term of office shall be completed as provided by law.

7. The Commission shall be the judge of the election and qualifications of the Chief Executive and of the grounds for removal from office. A Chief Executive charged with conduct constituting grounds for loss of 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.

8. By letter filed with the Commission, the Chief Executive shall designate an acting Chief Executive to perform the duties of the Chief Executive during his/her temporary absence or disability.

During such absence or disability, the Commission may revoke such designation at any time, and appoint another officer of the local government to serve until the Chief Executive shall return or his/her disability shall cease.

Section 2. Compensation

The Commission shall set the salary and other conditions of employment of the Chief Executive.

Section 3. Duties

1. The Anaconda-Deer Lodge County Chief Executive shall be the chief administrative officer of the local government and shall be responsible for all administrative functions of Anaconda-Deer Lodge County, unless otherwise provided by this Charter.

2. The Chief Executive's responsibilities shall be to:

   A. Enforce laws, ordinances and resolutions.

   B. Direct, supervise, and administer all departments and agencies of Anaconda-Deer Lodge County.

   C. Appoint and remove department heads with the approval of the Commission.

   D. Appoint, remove and supervise employees in consultation with the department heads.

   E. Prepare the Commission agenda.

   F. Attend Commission meetings unless excused by the Commission and may participate in discussions.

   G. Execute bonds, notes, contracts, and written obligations of the local government, subject to Commission approval.

   H. Prepare and present the budget to the Commission for its approval and execute the budget adopted by the Commission.

   I. Recommend measures to the Commission.

J. Report, as the Commission may require, on the affairs and financial condition of the local government and prepare and resent written annual report.

K. Recommend revisions of the Administrative Code and Personnel System.

L. Carry out policies established by the Commission and perform other assignments as required by the Commission.

ARTICLE V
ADMINISTRATION

Section 1. General

The activities under the direction and supervision of the Chief Executive shall be distributed among such departments and agencies as are established by this Charter or may be established there under by ordinance of the Commission in order to executive and enforce policies as determined by the Commission and to carry out obligations imposed on Anaconda-Deer Lodge County by state law.

Section 2. Administrative Code

1. The Administrative Code shall provide the complete plan of organization and structure of Anaconda-Deer Lodge County.

2. The Administrative Code shall include:

   A. The departmental organization of the government, the nature and scope of each department, and rules and procedures for department operation;

   B. Comprehensive budget procedures for the government in accordance with state law;

   C. Procedures regarding boards, commission, advisors, studies and any other government activities.

Section 3. Personnel System

1. The Anaconda-Deer Lodge County Personnel System shall provide for hiring on the basis of merit and shall include a salary schedule, provisions for vacations, sick leaves, insurance and other benefits for all employees in accordance with provisions of this Charter; procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action and shall provide for such other procedures as necessary for an equitable Personnel System including honoring of all collective bargaining agreements.

2. State laws with regard to nepotism shall apply.

ARTICLE VI
COUNTY ATTORNEY

Section 1. Duties

The County Attorney shall be the prosecuting attorney and the legal counsel to Anaconda-Deer Lodge County and shall have those duties set by state law.

Section 2. Election, Qualifications, Removal and Vacancy

1. The County Attorney shall be elected for a four (4) year term on a non-partisan ballot, shall have qualifications set by state law, and may be removed from office as provided by state law.

2. In the event of a vacancy, the Commissioners shall appoint a qualified person to fill the vacancy until the next regular Anaconda-Deer Lodge County election at which time the remainder of the term shall be completed as required by law.

Section 3. Compensation

The County Attorney shall be compensated according to state law.

ARTICLE VII
POPULAR CONTROLS

Section 1. Initiative, Referendum, and Recall

The people of Anaconda-Deer Lodge County may exercise initiative, referendum, and recall as provided by state law.

Section 2. Open Government

All meetings and records of Anaconda-Deer Lodge County shall be open to the public as provided by state law.

ARTICLE VIII
SERVICE DISTRICTS

Section 1. General Service Districts

1. The total area of Anaconda-Deer Lodge County shall consist of a General Service District in which all property shall be taxed at a rate based on the level of services actually provided.
2. The Commission shall determine by ordinance the rates of taxation except that no differential tax for new services or increased levels of service can be imposed until provision has been made for delivery of the service.
3. Any ordinance establishing differential tax rates shall be subject to complete public hearing procedures as provided by law.

Section 2. Special or Local Improvement Districts

The Commission may create Special or Local Improvement Districts as provided by law.

ARTICLE IX
Miscellaneous Provisions

Section 1. Charter Amendment

This Charter may be amended as provided by state law.

Section 2. Effective Date

This Charter shall become effective on May 2, 1977 with the Amended Charter becoming effective on June 8, 1993, January 1, 1997 and January 1, 2007 respectively.

Section 3. Judicial

The offices of Police Judge, Justice of the Peace and Constable shall be as provided by state law.

Section 4. Separability

If any section, sub-section, paragraph, sentence, clause, or phrase of this Charter, or the application thereof to any person or circumstance, should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions or other applications of this Charter.

ARTICLE X
Consolidation/Transitional Provisions

Section 1. General Provisions

1. Each provision of this Transition Article (Article X) shall be published as a part of this Charter until it has been implemented.

2. Transition to this Charter government shall be as prescribed by this Charter and state law. The Commission may provide for such transition by ordinance, rule, or resolution not inconsistent with law.

3. During the period of the transition, the Commission may appoint a temporary advisory committee consisting of former mayors, aldermen, and county commissioners.

Section 2. Continuity

1. Each rule, ordinance, or resolution of the Anaconda and Deer Lodge County governments shall remain in full force within those former geographic jurisdictions until superseded by action of the Commission. The Commission shall revise, repeal, or reaffirm all such rules, ordinances, and resolutions by May 2, 1979.

2. Anaconda-Deer Lodge County shall be vested with and shall hold, own and control all rights and property of every kind and nature including claims and franchises, owned or controlled by the former city and county governments on the effective date of this Charter. It shall be subject to all debts, obligations, contracts and liabilities of the former city and county governments on the effective date of this Charter.

3. All general obligation bonded indebtedness of the former city and county governments shall remain payable from the jurisdiction subject to indebtedness.

4. Revenue bond or special fund indebtedness not involving a general obligation of the former city and county governments shall continue in effect and be payable according to the terms of such indebtedness.

5. All Anaconda and Deer Lodge County officials or employees, except the Mayor, City Council members, and County Commissioners, may continue in the performance of their duties according to existing personnel procedures or until their positions are terminated by the Administrative Code. Employees whose positions are terminated by provisions of the Administrative Code shall be given first consideration for other Anaconda-Deer Lodge County employment.

6. City and county employees initially will be assigned duties based on seniority except that seniority will not necessarily determine department heads or foreman. Department heads and foremen shall be chosen by the Chief Executive on the basis of merit including knowledge and experience in the former city and county governments.

7. All rights and benefits of city and county employees shall be recognized by this Charter.

Section 3. Initial Procedures

1. The Commission shall meet on May 2, 1977, to elect its chairman/chairwoman, establish regular meeting dates, provide for appointment of the Manager, and set the agenda for the next meeting. At this first meeting, the Commissioners shall draw lots to establish three (3) terms of office of four (4) years each and two (2) terms of office of two (2) years each.

2. The Commission, at its first meeting shall adopt ordinances and resolutions necessary to effect the transition of government under this Charter and to maintain effective county government during the transition.

3. Each newly elected Commissioner shall receive an initial salary of $200.00 per month.

4. Until modified in accordance with the provision of this Charter, Commission districts shall be as follows:

Commissioner District	Enumeration District Number
#1	11
	12

	15
	16
#2	7
	9
	10
	13
	14
#3	4
	5
	6
	8
#4	1
	2
#5	3
	17
	18
	19
	20

Section 4. Manager, Administrative Code, and Personnel System

1. The Commission shall appoint the Manager on or before August 1, 1977.

2. Within nine (9) months of the appointment of the Manager, the Manager shall prepare and submit an Administrative Code and Personnel System to the Commission for review, amendment and adoption by ordinance. The Code and Personnel System shall not be in violation of any union collective bargaining contract in force at the time of adoption of said Code and System.

3. The Commission shall adopt the Administrative Code and Personnel System by ordinance as submitted or amended within three (3) months of the date of submission by the Manager.

4. The method and schedule for implementation of the Administrative Code and Personnel System shall be provided in the ordinances adopting them.

5. No later than March 1, 1979, the Manager shall submit a codification of ordinances and resolutions to the Commission for review, amendment, and adoption by ordinance.

Section 5. Service Districts

The Service Districts now established within the City of Anaconda and within the County of Deer Lodge shall remain in effect until they are changed as provided in this Charter.

ARTICLE XI
Chief of Law Enforcement

Section 1. Qualifications, Election, Removal and Vacancy

1. The Anaconda-Deer Lodge County Chief of Law Enforcement shall be elected by a plurality vote on a non-partisan ballot for a four (4) year term.

2. All qualified electors of Anaconda-Deer Lodge County who submit an Affidavit stating that they have at least five (5) years experience in law enforcement are eligible for election to the position of Chief of Law Enforcement.

3. The Chief of Law Enforcement shall not hold any other public office or be employed by anyone other than Anaconda-Deer Lodge county, and shall not be the department head of, or supervise, any other department of local government.

4. The office of Chief of Law Enforcement shall become vacant upon the Chief of Law Enforcement's:
   A. Death
   B. Resignation
   C. Loss of eligibility for election
   D. Violation of any express prohibition of this Charter
   E. Conviction of a felony by a court of competent jurisdiction.

5. In the event of a vacancy, the Commission shall, by majority vote of its members, appoint a Chief of Law Enforcement to fill the vacancy until the next regular election, at which time the remainder of the term of office shall be completed as provided by law.

6. The Commission shall be the judge of the election and qualifications of the Chief of Law Enforcement and of the grounds for removal from office. A Chief of Law Enforcement charged with conduct constituting grounds for loss of 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.

7. By letter filed with the Commission, the Chief of Law Enforcement shall designate an acting Chief of Law Enforcement to perform the duties of the Chief of Law Enforcement during

his/her temporary absence or disability. During such absence or disability, the Commission may revoke such designation at any time, and appoint another officer of the local government to serve until the Chief of Law Enforcement shall return or his/her disability shall cease.

Section 2. Compensation

The Commission shall set the salary and other benefits of employment of the Chief of Law Enforcement.

Section 3. Duties

The Chief of Law Enforcement's responsibilities shall be to:

1. Preserve the peace;

2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit or have committed a public offense;

3. Prevent and suppress all affrays, breaches of the peace, riots, and insurrections which may come to his/her knowledge;

4. Perform the duties of a humane officer within the County with reference to the protection of animals;

5. Attend all courts, except municipal, justices' and city courts, at their respective terms or sessions held within the County and obey their lawful orders and directions;

6. Take charge of, maintains and manages the detention center and the inmates therein;

7. Serve all process or notices in the manner prescribed by law;

8. Take charge of and supervise search and rescue units and their officers whenever search and rescue units are called into services;

9. Directs and supervises all enforcement officers, conducts criminal investigations;

10. Enforces all laws, ordinances, and resolutions, manages traffic control and parking;

11. Complies with personnel procedures and the budget established by the Commission;

12. Directs and supervises the operation of the 911 center;

13. Performs such other duties as are required by law or ordinances, at the direction of the Chief Executive.

Adopted for the people of Anaconda-Deer Lodge County, Montana, as approved by the people at the November 7, 2006 Charter Amendment Election, this 23RD day of SEPTEMBER, 2010.

Marie Hatcher

Marie Hatcher, Election Administrator

Approved for Legal Content

Joan Borneman

Joan Borneman
Anaconda-Deer Lodge County Attorney

Attest:

Heather J. Edwards

Heather J. Edwards

(County Seal)