

CHARTER OF THE CITY OF BILLINGS

Editor's note: Printed herein is the Billings Charter adopted by the electorate of the City on September 14, 1976 with an effective date of May 2, 1977. Amendments are indicated by a history note following in parentheses following the amended section. Obvious misspellings have been corrected. Other changes made for clarity are indicated by brackets. Article VII, Transition, and the Intent Statement have been deleted from this printing.

*State law references: Self-government Charter, Const. of MT. Art. XI, § 5; nature of self-government local governments, MCA 7-1-101 et seq.

- Art. I.** Powers of the City
- Art. II.** City Boundaries
- Art. III.** Legislation
- Art. IV.** Executive
- Art. V.** Board, Commissions or Committees
- Art. VI.** General Provisions

We, the citizens of the City of Billings, for the purpose of establishing a just form of fundamental law -- one that is responsible to the public for **providing equal and adequate services and protections**, with efficient use of the community's revenue for all; one that provides for self-governing powers with respect to the **health, safety, and welfare of every citizen**, and one that utilizes the **utmost flexibility to plan for the future--** do establish this Charter for the City of Billings of the State of Montana.

ARTICLE I. POWERS OF THE CITY*

*State law references: Nature of self-government local governments, MCA 7-1-101 et seq.

Section 1.01. Powers of the City.

The City shall have all powers possible for a self-government city to have under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

Section 1.02. Mill Levy Limit.

The **Council shall not levy more than 74 mills on real and personal property** for all purposes, except as specifically authorized by this Charter. The mill levy on real and personal property may be increased above the 74 mills for general purposes as provided in this Section 1.02 only by an affirmative vote of a simple majority of the votes cast in an election on this question.

(Ord. No. 4278, § 1, 3-10-80)

*State law references: Mill levy limit is not applicable to self-governing local government units, MCA 7-1-114(1)(g).

Section 1.03. Mill Levy for Transit.

In addition to the mill levy authorized by subsection 1.02 of Article I, the City Council may levy not more than ten (10) mills for transit purposes only. (Ord. No. 4278, § 1, 3-10-80)

Section 1.04. Mill Levy for Library.

In addition to the mill levies authorized by subsections 1.02 and 1.03 of Article I, the City Council may levy not more than five (5) mills for the purpose of providing funds for the operation, maintenance and capital needs of the Parnly Billings Library only. (Ord. No. 94-4948, § 1, 1-3-94)

Section 1.05. Mill Levy to Maintain Level of Fire and Police Services.

In addition to the mill levies authorized by subsections 1.02, 1.03 and 1.04 of Article I, the City Council may levy not to exceed the amount of mills set out hereafter for the purpose of providing funds to maintain the operation, maintenance and capital needs of the fire department and police department of the City. The increase shall be phased in over the next four fiscal years. The mill levies authorized by this subsection are intended to be permanent, are imposed solely to maintain the 1998--1999 level of service funded at \$15,443,284.00, and may only be imposed to pay the additional costs of these services, which exceed \$15,443,284.00.

- 1999/2000--5 mills
- 2000/2001--10 mills
- 2001/2002--15 mills
- 2002/2003--20 mills

This Ordinance will be repealed and void if Ordinance Number 98-5063 (to maintain and increase current levels of service and funding) passes. (Ord. No. 98-5062, § 1, 8-10-98)

Editor's note: Ord. No. 98-5062, §§ 1--3, adopted by the City Council on July 28, 1998, amended the Charter by renumbering former section 1.05 as section 1.06 and adding new provisions as section 1.05. Ord. No. 98-5062 was approved by the voters on Nov. 3, 1998. Ord. No. 98-5063, which would have superseded Ord. No. 98-5062, was not approved by the voters.

Sec. 1.05.1. Mill Levy to Fund Fire, Police and Related Public Safety Expenses.

For the purpose of funding the operation, maintenance and capital needs of the fire department, police department, and related public safety expenses, the City Council shall raise the following amounts of money by levying the required number of mills:

- | | | |
|-----------|-------------|------------------------|
| 2005/2006 | \$2,600,000 | approximately 20 mills |
| 2006/2007 | \$1,400,000 | approximately 10 mills |
| 2007/2008 | \$1,400,000 | approximately 10 mills |
| 2008/2009 | \$1,400,000 | approximately 10 mills |
| 2009/2010 | \$1,400,000 | approximately 10 mills |

The foregoing mill levies are cumulative, permanent, and in addition to any other mill levies authorized by Charter or law.

(Ord. No. 04-5288, § 1, 7-12-04)

Section 1.06. Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

(Ord. No. 94-4948, § 1, 1-3-94; Ord. No. 98-5062, § 1, 8-10-98)

ARTICLE II. CITY BOUNDARIES*

*State law references: A local government with self-government powers is subject to state laws on annexation, MCA 7-1-114(1)(a); annexation procedures, MCA 7-2-4201 et seq.

Section 2.01.

The corporate boundaries of the City of Billings, Montana shall remain fixed and established as they exist on the date this Charter takes effect, provided that the City shall have the power to change its boundaries in the manner provided by law.

ARTICLE III. LEGISLATION*

*State law references: A local government with self-government powers is subject to state laws establishing legislative procedures or requirements, MCA 7-1-114(1)(c); local government ordinances, resolutions, and initiatives and referendum, MCA 7-5-101 et seq.; conduct of municipal government, MCA 7-5-4101 et seq.

Section 3.01. Legislative Branch.

- A. The legislative branch shall consist of the City Council and the Mayor.
- B. All powers of the City shall be vested in the legislative branch, except otherwise provided by law or this Charter, and the legislative branch shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- C. The legislative branch shall conduct an annual performance review of the City Administrator.

(Local Gov't. Review Comm., approved at election, June 4, 1996)

Section 3.02. City Council: Composition and Powers.

- A. There shall be a City Council of the City of Billings composed of ten (10) Councilmembers.

B. Reserved.

Section 3.03. City Council: Election, Terms and Qualifications.

- A. Councilmembers shall be elected from wards. Two (2) Councilmembers shall be elected from each ward. One (1) Councilmember from each ward shall be elected every two (2) years.
- B. Councilmembers shall serve for terms of four (4) years and shall be limited to two (2) consecutive terms.
- C. Councilmembers shall reside within the ward from which they are elected and shall be qualified voters of the City of Billings.

(Local Gov't. Review Comm., approved at election, June 4, 1996)

Section 3.04. Mayor: Election, Powers and Duties.

- A. The Mayor shall be a resident and qualified voter of the City of Billings and shall be elected at large for a term of four (4) years and shall be limited to two (2) consecutive terms.
- B. The Mayor shall be the presiding officer of the City Council and shall vote on all issues.
- C. The Mayor shall be recognized as the head of City government for all ceremonial purposes and by the Governor for purposes of military law, and shall execute contracts, deeds and other documents.
- D. The Mayor shall have no administrative duties except as required to carry out the responsibilities heretofore set forth.

(Local Gov't. Review Comm., approved at election, June 4, 1996)

Section 3.05. Deputy Mayor.

The City Council shall elect at its first meeting following each general election from the Councilmembers a Deputy Mayor, who shall act as Mayor during the absence or disability of the mayor.

Section 3.06. Election.

The procedure for the nomination and election of all City officials shall be as prescribed by state law for non-partisan elections.

*State law references: A local government with self-government powers is subject to all state laws regulating the election of local officials, MCA 7-1-114(1)(d); elections, MCA 13-1-101 et seq.

Section 3.07. Prohibition, Appointments and Removals.

Neither the City Council, its members, nor the Mayor shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Administrator or any of his or her subordinates are empowered to appoint.

Section 3.08. Interference with Administration.

Except for the purposes of inquiries and investigations, the Council, its members and the Mayor shall deal with the City officers and employees who are subject to the direction and supervision of the City Administrator solely through the City Administrator.

Neither the Council, its members, nor the Mayor shall give orders to any City officer or employee either publicly or privately.

Section 3.09. Vacancies, Forfeiture of the Office, Filling of Vacancies.

- A. Vacancies. The office of Councilmember or Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.
- B. Forfeiture of Office. A Councilmember or Mayor shall forfeit his or her office if he or she: (1) lacks at any time during his or her term of office any qualification for the office prescribed by the Charter or by law, (2) or violates any express prohibition of this Charter, (3) or is convicted of a felony.
- C. Fillings of Vacancies of City Council. Vacancies of less than five (5) in number on the City Council shall be filled by appointment by the Mayor with the advice and consent of the majority of the remaining City Council. The appointed Councilmember shall be a resident of the ward in which the vacancy occurs and a qualified voter of the City of Billings. A vacancy shall be filled within thirty (30) days after it occurs. If not filled within thirty (30) days, a special election shall be called in that ward. At the next general election, an appointed Councilmember shall stand for election for any remaining portion of the term of the office to which he or she has been appointed. If five (5) or more Council positions are vacant, a special election shall be held within ninety (90) days for the unexpired terms of the vacant positions. In the event that all members of the City Council are removed by death, disability, forfeiture of office, or other cause, the Governor shall appoint an interim Council which shall hold office until a special election can be held within ninety (90) days.
- D. Filling of Vacancy in the Office of Mayor. If a vacancy in the office of Mayor, the Deputy Mayor shall become Mayor for the remainder of the unexpired term of the Mayor. Upon assuming the office of Mayor, the Deputy Mayor vacates his or her Council position.

Section 3.10. Procedure.

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

Section 3.11. Compensation.

The Council shall establish by ordinance the compensation of its members including the Mayor, but no Councilmember or Mayor's compensation may be increased during his or her term of office.

ARTICLE IV. EXECUTIVE

Section 4.01. City Administrator: Employment, Compensation, Qualifications.

The Council shall employ a City Administrator on the basis of merit for an indefinite term. The Administrator shall not be the Mayor or a Councilmember at the time of

employment and need not be a resident of the City or state at the time of employment. The Council shall conduct an annual performance review of the City Administrator. (Local Gov't. Review Comm., approved at election, June 4, 1996)

Section 4.02. City Administrator: Removal.

The Council may remove the Administrator with or without cause by an affirmative vote of a majority of all its members.

Section 4.03. City Administrator: Powers and Duties.

The Administrator shall:

- A. carry out policies established by the City Council;
- B. perform the duties required by law, ordinance, resolution, or this Charter;
- C. enforce laws, ordinances, and resolutions;
- D. administer the affairs of the City;
- E. direct, organize, establish, supervise, and administer all departments, agencies, and offices of the City;
- F. appoint, suspend, and remove all employees of the local government;
- G. prepare and present the City budget to the Council for its approval and administer the budget adopted by the Council;
- H. Report publicly to the Council at least quarterly on the financial conditions of the City;
- I. recommend measures to the Council;
- J. report to the Council as the Council may require;
- K. attend Council meetings and take part in the discussion, but shall have no vote;
- L. appoint with the approval of the City Council a qualified acting administrator to exercise the powers and perform the duties of the Administrator during temporary absences.

ARTICLE V. BOARDS, COMMISSIONS, OR COMMITTEES

Section 5.01. Powers.

Boards, commissions, or committees of City government shall be advisory only. They shall have no administrative authority unless specifically required by federal or state law, or interlocal agreement.

Section 5.02. Appointment, Compensation, Terms and Qualifications.

- A. Boards, commissions, or committees shall be appointed by the Mayor with consent of the Council, unless otherwise provided by federal or state law, or interlocal agreement.
 - (1) Notice of a vacancy shall be published thirty (30) days prior to appointment.
 - (2) Members of boards, commissions, or committees shall hold no other elected City office unless required by federal or state law, or interlocal agreement.
 - (3) Terms shall be limited to two (2) consecutive four (4) year terms.

B. Board, commission, or committee members shall serve without compensation.

ARTICLE VI. GENERAL PROVISIONS

Section 6.01. Effective Date.

The effective date of this Charter shall be May 2, 1977.

Section 6.02. Amendment Procedure.

The Charter shall be amended only as provided by state law.

*State law references: Amendment of self-government Charter, MCA 7-3-103.

Section 6.03. Recall.

An elected City official may be recalled as provided by state law.

*State law references: Montana Recall Act, MCA 2-16-01 et seq.

Section 6.04. Severability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any 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.